

Oral Remarks of Ed Saunders, MA Catholic Conference, in submitting written testimony to the Joint Committee on the Judiciary, Oct. 23, 2007, on House 1511 concerning the death penalty.

Chairman Creedon, Chairman O’Flaherty, Members of the Committee & Staff, my name is Ed Saunders. I am the Executive Director of the Massachusetts Catholic Conference, which is the public policy office of the Roman Catholic Church in the Commonwealth, representing the Archdiocese of Boston, and the Dioceses of Fall River, Springfield and Worcester.

The Conference has submitted a written statement to the Committee in opposition to House 1511. The Roman Catholic Bishops in Massachusetts have spoken out against the death penalty since 1980, when its reinstatement was first proposed. I repeat what the Conference shared with the Legislature in 1999 – “the death penalty is simply wrong. It solves no problem. It renders us even more callous as a society to human life. It is true that no person and no family should feel unprotected. All of us have the right to live with a sense of peace and security in our own homes and neighborhoods. Criminals should be quickly apprehended and swiftly punished ... capital punishment, however must be rejected as unworthy of us as a civilized people and unnecessary for us as a society protected by adequate judicial means.”

Studies have shown that the death penalty does not have significant deterrent efforts. It would seem that the best deterrence is crime prevention and dealing with causes and situations—such as poverty, drug addiction, guns on the street, and gangs—that lead to crime and violence.

For any punishment to be an effective deterrence it must be administered fairly and swiftly. Experience has shown how difficult it is to administer capital punishment “fairly and swiftly.”

The Conference submits that it would be better to invest the Commonwealth’s limited resources in programs for crime prevention, drug rehabilitation and maintaining well-equipped police forces.

Our Commonwealth and our country should be characterized by justice, not revenge; by safety, not violence; by life, not death.

Thank you.

Written Testimony Attached

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LEGISLATIVE TESTIMONY

To: Joint Committee on the Judiciary
From: Edward F. Saunders, Jr., Esq., Executive Director
Re: House 1511, "An Act Reinstating the Death Penalty in the Commonwealth"
Date: October 23, 2007

The Massachusetts Catholic Conference ("Conference") respectfully submits this testimony in opposition to House 1511, "An Act Reinstating the Death Penalty in the Commonwealth." The Catholic Church opposes the death penalty when other interventions are available to protect the public, and is convinced that in today's society its use is unnecessary.

As the United States Conference of Catholic Bishops explained in 2005 in "A Culture of Life and the Penalty of Death" ("U.S. Bishops' 2005 Statement"), the Catholic Church recognizes the state's legitimate "recourse to impose the death penalty upon criminals convicted of heinous crimes if this ultimate sanction is the only available means to protect society from a grave threat to human life. However, this right should not be exercised when other ways are available to punish criminals and to protect society that are more respectful of human life."

House 1511 seeks to restore the penal imposition of death in Massachusetts by limiting its application to cases involving particularly egregious circumstances. Nonetheless, the bill fails to qualify for the Bishops' support. According to the U.S. Bishops' 2005 Statement, "the existence of a 'rare' occasion when the death penalty may be used is not determined by the gravity of the crime but by whether 'it would be possible to otherwise defend society.' No matter how heinous the crime, if society can protect itself without ending a human life, it should do so."

In opposing the death penalty as unnecessary and cruel in a society with sufficiently advanced alternative means to protect the public, the Catholic Church joins a broad alliance that includes prosecutors, security officials and criminologists, other faiths, victims' families, and a growing segment of the general public. As then-Archbishop Seán O'Malley observed when the approach to reinstating the death penalty found in House 1511 was first proposed in Massachusetts, there is no "compelling reason to return to a barbaric practice that actually needs to disappear. Our efforts should be to encourage other states to ban capital punishment and not try to breathe new life into an institution that should end." Statement of Boston Archbishop Seán P. O'Malley, responding to a Report by the Governor's Council on Capital Punishment (May 7, 2004).

For these reasons, the Conference urges the Judiciary Committee to report House 1511 with a "do not pass" recommendation.

The Conference represents the Roman Catholic Bishops of the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.