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Testimony to the Maryland Commission on Capital Punishment August 19, 2008

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Chairman of the Conference's Board of Governors**

Mr. Chairman and members of the Commission, I am Edwin O'Brien, since last October, the Archbishop of Baltimore. The Archdiocese of Baltimore runs east from the Appalachians across 9 counties and the City of Baltimore to the Chesapeake Bay. It numbers more than a half million Roman Catholics in more than 150 parishes. Its institutions include four colleges and universities, two of them seminaries; four Catholic hospitals; 86 elementary and secondary schools; and a good many social-service programs. I speak here today on behalf of this community and, in the matter of capital punishment, our Church's teaching. I am joined by Mrs. Mary Sullivan, a valued member of the staff of our Maryland Catholic Conference.

I am pleased to be here also with Bishop Sutton and Bishop Schol representing the Episcopal and United Methodist Churches in Maryland. I appreciate your accommodating me today, Mr. Chairman. Recognizing that this afternoon's agenda is full enough without me, I shall be brief.

I acknowledge at the outset that I am something of a late-comer to the position I espouse here today. Until relatively recently, like many I suppose, my view about capital punishment was the view of most Americans: I thought it served a purpose. If it did nothing else, I thought, it was a deterrent -- the prospect of its imposition would prevent the wrongful taking of human life. But that was then.

In 1995, the year the Holy Father visited Baltimore, Pope John Paul II published an encyclical letter he titled *Evangelium Vitae*, the "Gospel of Life." In it, he called upon Roman Catholics, other people of faith, and all people of good will to respect life, God's great gift, and to defend it at all of its stages, from conception to natural death. Woven into the fabric of that exhortation was an appeal to end capital punishment -- to stand against the killing of even those who have committed murder and, in doing so, have affronted God's dominion and denied their own and their victims' God-given humanity. If other bloodless means of punishment is available to protect society from murderous violence, the Pope said, then these should be employed as being more in keeping with the common good. In contemporary society, he said, such means are at our disposal.

The Holy Father's appeal subsequently was reflected in our Church's official *Catechism*, in homilies and other statements delivered during his visits to the United States, and in the teaching of Church leaders and bishops' conferences, national and local. I had the privilege of hearing this appeal from Pope John Paul in person during his 1999 visit to St. Louis, when he declared that: "The dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." This was a real moment of conversion for me, a turning point, so to speak.

The Maryland bishops' conference published its own pastoral letter on capital punishment in late 2000. I've brought copies for each of you. I've also brought several copies of a publication released by our state conference in 2005. Entitled *Re-Examining the Death Penalty*, it focuses not only on our Catholic Church's teaching, but also on the practical arguments for ending government's reliance on lethal punishment for its response to lethal societal violence. [This has been a popular item. These few copies are all we have left.]

One can't expect that papal guidance will have the same effect on secular society as it does upon the Catholic community, particularly upon those of us who are joined to the Holy Father in priesthood. I certainly felt its impact; so did our community. In the years since *Evangelium Vitae*, Catholic opposition to the death penalty and support for a "bloodless" alternative to executions each has grown precipitously.

Several years ago, with the help of the Mason-Dixon polling organization, our state conference undertook to measure statewide sentiment in the matter of capital punishment, asking first whether the death penalty is supported or opposed, and then whether the sentence of life without parole is an acceptable substitute for executions. I've provided copies of the results of that poll. They show that while statewide support for the death penalty is at 56 percent, Catholic support is at 53 percent, and while statewide preference for life without parole as an acceptable substitute for the death penalty is at 63 percent, Catholic support is at 71 percent.

While the Holy Father's persistence in the cause of death-penalty repeal might have affected general popular opinion in the matter – at least marginally, perhaps significantly -- one recognizes that other factors are contributing to a dramatically changed popular regard for capital punishment. This surely is true in the case of the Catholic community, as well. I know such factors as the increasing evidence of error in death-penalty proceedings, the demonstrable biases which infect so many death-penalty proceedings, and the inequities which too often mark defense efforts in death-penalty cases have weighed heavily in the formation of my own conscience. I expect that this is true in a good many other cases, as well.

These factors are the principal focuses of others you will hear from in the course of these proceedings, individuals far more qualified than I to make clear their relevance to the important work entrusted to you by the General Assembly. I should like to make only one additional point. It has to do with those who most directly suffer the consequences of murderous violence.

I know something of the pain that untimely death causes. It is often inconsolable, and though it diminishes with time, it endures. The sense of loss lasts, too, never diminished, a void

that cannot be filled. There is a difference between those who lose a loved one in war, and those whose loss is an outcome of wanton violence. In the former case, the risk of death is assumed with the putting on of a uniform. There is pain, to be sure, and a lasting sense of loss, but these are somehow rendered explainable by a lost loved one's involvement in national purpose. In the latter case, there is no such assumption, no explanation. The families and loved ones of murder victims have a special claim on our prayers, a special need for the caress of our helping hands, a special need for our encouragement to seek solace, understanding and ultimate judgment in a loving God.