



ARCHDIOCESE OF BALTIMORE + ARCHDIOCESE OF WASHINGTON + DIOCESE OF WILMINGTON

STATEMENT IN SUPPORT OF SENATE BILL 645 REGARDING DEATH-PENALTY REPEAL

**Presented to the Senate Judicial Proceedings Committee
Thursday, March 6, 2008**

by
Richard J. Dowling

This statement, **offered in support of Senate Bill 645**, is presented on behalf of the Roman Catholic bishops who serve Maryland in the Archdioceses of Baltimore and Washington and the Diocese of Wilmington.

The teaching of our Church recognizes the right of legitimate government to resort to the death penalty, but it directly challenges the appropriateness of government's doing so in a society that is capable of defending the public order and ensuring the public's safety. If non-lethal means are sufficient to protect people's safety from an aggressor, we believe that public authority should limit itself to such means, because they are more in keeping with the concrete conditions of the common good, and with the dignity of the human person. Today, as a consequence of government's capabilities to prevent crime by rendering an offender incapable of doing harm (without taking away the possibility of his redeeming himself), the cases in which the execution of the offender is an absolute necessity are virtually non-existent. Since 1987, non-lethal means sufficient to protect the people's safety has been available in Maryland capital cases in the form of life-without-parole sentences.

Other witnesses who share our position on Senate Bill 349 are likely to focus their presentations on the prospect of error in capital-punishment proceedings, on the increasing number of U.S. public officials who have

abandoned positions in support of the death penalty, on civil society's growing skepticism about the death penalty, and on the biases that inevitably infect death-penalty proceedings.

In our view, efforts that focus exclusively on the legal problems associated with capital punishment – efforts that seek merely to “fix” the death-penalty system by rendering it free from bias, or inequality, or human error – are insufficient to the need. For when all the legalistic overhauling is done, the fundamental moral question remains: Are we permitted to take the life of another human being? The teachings of our Church tell us that when other punishment options are available to government, we should not resort to the death penalty, not even in the case of one who takes the life of another human being and, by doing so, denies not only his own and his victim's human dignity, but God's dominion, as well.

Maryland was among the first states to prohibit the execution of minors. It did so in 1987, the same year it added the life-without-parole sentence to the then extant sentences of “life” and “death.” Several years ago, the U.S. Supreme Court followed our state's lead, declaring that the execution of juveniles violates the U.S. Constitution. Maryland also was among the first states to prohibit the execution of persons with mental retardation. It did so in 1989. Only recently, the U.S. Supreme Court followed suit, ruling that the execution of persons with mental retardation violates our national Constitution.

We believe that Maryland should be in the vanguard of states that make the logical next move. What's more, we believe that Marylanders are prepared to do so, and will support your doing so in their name. According to the results conducted for us two years ago by Mason-Dixon Polling & Research, Inc., 63 percent of voting-age Marylanders said they viewed the life-without-parole sentence as “an acceptable substitute for the death penalty.” [Only 21 percent disagreed. Sixteen percent were “not sure.” The poll's margin for error was plus or minus four percent.]