

Ban on Executions of the Mentally Retarded

For us this is not about ideology, but respect for life. We cannot teach that killing is wrong by killing. We cannot defend life by taking life. In his encyclical *The Gospel of Life*, the Holy Father challenges followers of Christ to be “unconditionally pro life.” He reminds us that “the dignity of human life must never be taken away, even in the case of someone who has done great evil. (Cardinal Theodore McCarrick, Archbishop of Washington)

Church teaching

- ★ The fundamental starting point for all of Catholic social teaching is the defense of human life and dignity: every human person is created in the image and likeness of God and has an inviolable dignity, value, and worth, regardless of race, gender, class, or other human characteristics. Therefore, both the most wounded victim and the most callous criminal retain their humanity. (*USCCB, Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*)
- ★ Regulations contrary to the dignity and fundamental rights of the human person should be definitively abolished from national legislation, as should laws which deny prisoners religious freedom. There will also have to be a review of prison regulations where they give insufficient attention to those who have serious or terminal illnesses. Likewise, institutions offering legal protection to the poor must be further developed. (*Pope John Paul II, Jubilee in Prisons*)
- ★ Our witness to respect for life shines most brightly when we demand respect for each and every human life, including the lives of those who fail to show that respect for others. The antidote to violence is love, not more violence. (*Living the Gospel of Life: A Challenge to American Catholics, Washington, DC: USCCB, 1998, no. 22, USCCB*)
- ★ We believe that both victims and offenders are children of God. Despite their very different claims on society, their lives and dignity should be protected and respected. We seek justice, not vengeance. We believe punishment must have clear purposes: protecting society and rehabilitating those who violate the law. (*USCCB, Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*)

Resources

- ★ **Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice** (USCCB) (www.usccb.org/sdwp/criminal.shtml)
- ★ **Restore Justice** offers a place of compassion and assistance, resources and services and educational information for anyone who is affected by crime (www.RestoreJustice.com)
- ★ **Catholic Campaign for Human Development** (USCCB) (www.PovertyUSA.org)
- ★ **Texas Department of Criminal Justice** (www.tdcj.state.tx.us)
(Last updated August 5, 2008)

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The United States Supreme Court has stated that the execution of people with mental retardation is a violation of the Eighth Amendment ban on cruel and unusual punishment. The Texas Catholic Conference seeks to codify this decision into Texas law.

Mental Health

People who suffer from disabilities or mental disorders have difficulty finding employment. Sixty percent of the people with disabilities are not employed. People with disabilities may rely upon family members or public assistance. When the disabled can find work, it is often part time – leaving these people at high risk of living below the poverty line.

Mental and physical disabilities appear in families across social and ethnic lines. Children who live in poverty, however, suffer the highest risk of physical and mental disability. The consequences of poverty such as poor nutrition, abuse and neglect make it harder for children to break the cycle from one generation to another (*Catholic Campaign for Human Development, 2006*).

In the 2002 ruling of *Atkins v. Virginia*, the Supreme Court prohibited the execution of people with mental retardation, declaring the act a violation of the Eighth Amendment ban on cruel and unusual punishment. Justice Stevens, delivering the opinion of the Court, stated:

Those mentally retarded persons who meet the law's requirements for criminal responsibility should be tried and punished when they commit crimes. Because of their disabilities in areas of reasoning, judgment, and control of their impulses, however, they do not act with the level of moral culpability that characterizes the most serious adult criminal conduct. Moreover, their impairments can jeopardize the reliability and fairness of capital proceedings against mentally retarded defendants.

Given the well-known fact that anti-crime legislation is far more popular than legislation providing protections for persons guilty of violent crime, the large number of States prohibiting the execution of mentally retarded persons (and the complete absence of States passing legislation reinstating the power to conduct such executions) provides powerful evidence that today our society views mentally retarded offenders as categorically less culpable than the average criminal.

Prior to this decision, the federal government as well as multiple states including Arizona, Colorado, Florida, Georgia, Maryland, Kentucky, Tennessee, South Dakota, and Washington, already had bans on executing people with mental retardation. (*Atkins v. Virginia*)

Ban on Execution of Mentally Retarded in Texas

In Texas, a bill to ban the execution of retardation in Texas passed in the Texas House (HB 236) on April 24, 2001, and in the Texas Senate (SB 236) on May 16, 2001. Governor Perry vetoed the legislation on June 17, 2001.