

TEXAS' DEATH PENALTY

- 234 people currently on death row
- 543 executions since 1976
- 755 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution: lethal injection
- 13 innocent persons released from death row
- 2 clemencies have been granted

Constitutionality

In its Fall 2016 term, the U.S. Supreme Court evaluated the constitutionality of Texas death penalty practices. In the *Buck v. Stephens* case, the Supreme Court addressed the dramatic racial bias in the Texas justice system, and the role that racial identity plays in defendants being considered 'dangers to society'. In the *Moore v. Texas* case, the Court addressed Texas's unscientific standards for determining whether a person is intellectually disabled and therefore exempt from execution. Texas' "Briseño factors" assessed intellectual disabilities based on the fictional character of Lennie Smalls from Steinbeck's novel, *Of Mice and Men*. The Court ruled that the state of Texas must use current medical standards in making these determinations.

No Moratorium

In many states, governors have brought about a de facto death penalty abolition during their term by imposing a moratorium on executions. Texas's Constitution forbids this practice. An amendment would need to be passed to overturn this restriction.

Texas Bishops Stand Against Capital Punishment

On October 10th, 2016, the Bishops of Texas issued a statement regarding the death penalty and uninformed juries. In short, they said, "[c]apital punishment vitiates our hearts' capacity for mercy and love...the death penalty not only does not correspond to the common good, it actually does great harm to it...Our call to abolish the death penalty is not a call to deny justice...On the contrary, it is a call to the whole community to recognize that the death penalty does not fulfill justice, nor does it console the inconsolable."

The **Texas Mercy Project**, an initiative of the Texas Catholic Conference, actively works on death penalty legislation as part of their mission to uphold the dignity of life.



Visit their website to learn more: <http://www.txcatholicmercyproject.org>

Execution of Innocents

Three of the most widely publicized cases of wrongful execution occurred in Texas.

- Carlos DeLuna was executed for murder in 1989 in Texas. Years later it was uncovered that the crime was actually committed by Carlos Hernandez, a man who looked like DeLuna and confessed to the murder many times. This fatal error occurred because of shoddy investigative work, as prosecutors and police had ignored tips pointing to Hernandez and disregarded physical evidence that would have exonerated DeLuna.
- Cameron Todd Willingham was convicted in Texas in 1994 for an arson murder that killed his three children. After his conviction, four national arson experts argued that the evidence used against him was highly unscientific, and that the fire was an accident, just as Willingham had claimed. Their protests were ignored, and he was put to death in 2004.
- Ruben Cantu was executed in 1993 for a murder he allegedly committed at the age of 17. After the death of the Texas teenager, the only eyewitness in the case recanted his testimony, claiming coercion by police. Additionally, Cantu's co-defendant, David Garza admitted that Cantu wasn't there the night of the murder, and that he let Cantu take the fall for his actions.

THE CHURCH AND STATES SPEAK

The Church Speaks

Evangelium Vitae

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life." "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." (*Evangelium Vitae*, 27)

Catechism of the Catholic Church

"If...non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity to the dignity of the person." (CCC #2267)

United States Conference of Catholic Bishops

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

Words of the Popes

Pope Francis: "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

Pope Emeritus Benedict XVI: "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011

The States Speak

Innocence

- Over 155 people have been exonerated from death row
- For every nine executions carried out in the United States, one person has been found to be innocent.

Racial Bias

- 76% of death row defendants have been executed for killing white victims, even though African-Americans make up about half of all homicide victims.
- African-Americans are overrepresented on death row. They make up 13% of the US population but constitute 42% of death row.

Criminalization of Mental Illness and Intellectual Disabilities

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

Representing the Poor

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

Costly Public Policy

- The death penalty is more expensive than life without parole. Multiple studies have shown the cost of trial, sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

Geographic Bias

- 2% of all U.S. counties have produced 56% of the U.S. death row population