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House Standing Committee on Corrections and Juvenile Justice

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Informational Hearing on the Death Penalty

Madame Chair and Members of the Committee:

The Kansas Catholic Conference supports legislation to end the use of the death penalty in Kansas.

The Catholic Church takes a nuanced position with regard to capital punishment. The Catechism of the Catholic Church speaks to the issue as follows:

The traditional teaching of the Church does not exclude, presupposing full ascertainment of the identity and responsibility of the offender, recourse to the death penalty, when this is the only practicable way to defend the lives of human beings effectively against the aggressor. If, instead, bloodless means are sufficient to defend against the aggressor and to protect the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person. Today, in fact, given the means at the State's disposal to effectively repress crime by rendering inoffensive the one who has committed it, without depriving him definitively of the possibility of redeeming himself, cases of absolute necessity for suppression of the offender today ... are very rare, if not practically non-existent. (CC 2267)

In recent years, the Church has cast a substantially more negative eye upon the use of the death penalty than it has in the past. Capital punishment should not be used when its negative effects outweigh whatever positive effects it might have, and recent popes and bishops have reached the conclusion that this is indeed the situation today.

Let us examine some of the factors that lead people to support use of the death penalty. The

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deterrent value of the death penalty is very much in dispute. Some have suggested that a prisoner on death row is more likely to confront his evil deeds and experience a change of heart given the prospect of "meeting his Maker." However, capital punishment also denies a person time on earth when just such a conversion could also take place. Some assert that the execution of those who have committed unspeakable wrongs "sends a message" that society cannot and will not tolerate such evil. However, it is just as likely that the message that is sent by use of the death penalty in contemporary society is one of vengeance, not justice. Finally, because of modern prisons and other advanced law enforcement technologies, it is not necessary to resort to the death penalty to keep society safe from someone who has already been incarcerated.

In terms of the harm to society, the awful possibility of executing an innocent man looms especially large. It is likely that innocent people have been executed in the United States, even in recent decades. Advances in DNA technology make such errors less likely with each passing year, however we are not yet at the point of being able to absolutely guarantee that no innocent person could ever be sent to death row. It should be noted that the alternative is not to let everyone on death row free, rather the alternative is to keep them in prison for the rest of their natural lives....itself no small penalty.

There is also the sentiment that after the bloodiest century in history -- and a new century when society continues to permit on a mass scale the always unjustifiable, intrinsic evil of abortion -- we should "send a message" by choosing options that do not involve unnecessary bloodshed when we can. This is not at all to say that abortion and capital punishment are similar issues; they manifestly are not. Put simply and briefly, there is a difference between the innocent and the guilty. However, there is something to be said for the proposition that if we can protect society and punish the guilty without resort to bloodshed, perhaps we should when we can with the hope that this will have an effect on a culture increasingly inured to assaults on human dignity.

Finally, let it be perfectly understood that the Catholic Church's support for alternatives to the death penalty does not in any way derive from any sort of idea that the heinous crimes in question are somehow "not bad enough" to justify the severest punishment. These crimes are unspeakable abominations, the worst of sins against man and God, and deserving of society's harshest judgment. Our concern today is with encouraging our society to do what is best when faced with acts of evil like those with which we are all, sadly, too familiar.

Thank you for your consideration.