

# Messenger

A quarterly publication by the Missouri Catholic Conference



February 2022

## *A Tragic Illusion*

Few issues are as morally challenging for Catholics as the death penalty. Since capital punishment was re-instated in 1976, the United States has executed 1,536 individuals. Missouri, with 91 executions, is in the top five states resorting to capital punishment. While support for the death penalty has steadily decreased over the years, the majority of Americans favor it. But what does the Catholic Church teach about capital punishment? That is the focus of this *Messenger*.

### **Catholic Teaching and the Death Penalty**

The Catholic response to the death penalty is shaped by an understanding of good and evil, sin and redemption, justice and mercy. Catholic teaching is built on the foundation that we are created in the image of our Creator and that every life is a precious gift from God. Each of us is called to respect the life and dignity of every human being. Even when people deny the dignity of others, we must recognize their dignity is God-given and not something that is earned or lost by their actions. Catholic tradition also holds that those harmed by violence deserve both justice and compassion. Those who inflict such harm must be held accountable. Yet punishment should be consistent with the demands of justice and with respect for human life and dignity.

For many years, the Catholic Church taught that the use of the death penalty by legitimate authority was an appropriate response in extreme cases. Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of serious crimes. In addition, new prison systems have been developed that do not definitively deprive the guilty of the possibility of redemption. Consequently, the Church teaches, in the light of the Gospel, that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person” (*Catechism of the Catholic Church*, No. 2267).

Pope Francis reiterated the Catholic Church’s stance against the death penalty in his 2020 encyclical *Fratelli Tutti*, and called upon all Catholics to advocate for the abolition of the death penalty. Pope Francis wrote, “There can be no stepping back from this position. Today we state clearly that the death penalty is inadmissible and the Church is firmly committed to calling for its abolition worldwide.” In the encyclical, Pope Francis does more than state the Church’s stance on the death penalty. He offers a vision for what justice in its broadest sense can look like: a way of being in relationship with one another that unconditionally upholds human dignity and offers opportunities for healing and transformation.

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Exonerated Death Row Prisoner Joe Amrine and one of the members of the jury that convicted him, Deacon Larry Hildebrand, share their incredible stories of faith and forgiveness.

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***“We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.”***

## ***U.S. Catholic Bishops, A Good Friday Appeal to End the Death Penalty, 1999***

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### **An eye for an eye?**

Many use the Old Testament as a justification for the death penalty. The most commonly cited phrase is “an eye for an eye, a tooth for a tooth” from Leviticus 24:20. But in reality, this reference is a plea for less violence, urging people not to avenge one offense with a larger one. Catholic teaching does not support vengeance as a way to achieve justice. In the Gospels, Jesus said that retaliation was an incorrect response to violence. Rather Jesus tells us to offer the other cheek and extend our hand in blessing and healing (Matthew 5:38-48).

### **A tragic illusion**

The U.S. Catholic Bishops have often addressed the culture of violence we live in and see the death penalty as perpetuating a cycle of violence. The bishops stated in their 1994 publication *Confronting a Culture of Violence: A Catholic Framework for Action*, “We cannot teach that killing is wrong by killing.” Catholic teaching increasingly sees the death penalty as a false promise. In *A Good Friday Appeal to End the Death Penalty* published in 1999, the U.S. Bishops stated, “Increasing reliance on the death penalty diminishes all of us...We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.”

As Catholics, we believe in a consistent ethic of life, from conception to natural death where the sanctity of the human person cannot be diminished. Saint Pope John Paul II stated in *Evangelium Vitae*, “Where life is involved, the service of charity must be profoundly inviolable at every stage and in every situation; it is an indivisible good. We need then to show care for all life and for the life of everyone.” The death penalty violates this consistent ethic and does not conform to our pro-life teaching.

### **Reasons to oppose the death penalty**

When the U.S. Supreme Court re-instated the death penalty in 1976, the justices believed it could be administered fairly and justly. Over the years, evidence has shown that the influence of race in the death penalty is pervasive. More than half of the people on death row in this country are people of color. Black or Latino defendants are significantly more likely to get the death penalty than their white counterparts.

Defendants who have intellectual disabilities or severe mental illness not only have to overcome societal barriers to daily living, but are also much more likely to become victims of crime and are at special risk for wrongful conviction. In 2002, the death penalty for

people with Intellectual Disability was deemed unconstitutional by the U.S. Supreme Court, yet those with severe mental illness can still be executed. Even individuals with severe disabilities are still sentenced to death and executed. In 2017 alone, at least 20 of the 23 people executed nationally had evidence of mental illness, intellectual disability, brain damage or severe trauma.

Almost all death row inmates were unable to afford their own attorney at trial. Court-appointed attorneys often lack the experience necessary for capital trials, and are overworked and underpaid. This often results in poorly handled cases where mitigating factors and tools such as DNA evidence, severe mental illness, or intellectual disability may not be brought up.

According to a 2014 study, at least 4% of those sentenced to death in the United States are innocent. The 186 people and counting who have been exonerated due to their innocence since 1973 exemplify that fact. For every nine people who have been executed since the death penalty was reinstated in 1976, one person has been exonerated after proven innocent.

How do innocent people get convicted and sentenced to die? While each case is unique, common causes include eyewitness misidentification, forensic science problems, false confessions, snitch testimony, poor lawyering and misconduct by law enforcement or prosecutors.

### **Care for the victim’s family**

Murder often leaves a gaping wound in the victim’s family that can result in years of trauma, pain and grief. While some still cling to the belief that the death penalty sentence will bring “closure,” many victim families reject that idea. To them, too much time, energy and resources are diverted to a very few cases that ever result in a death sentence. With ongoing legal challenges and delays, the death penalty often adds to a family’s frustration and slows the healing process.

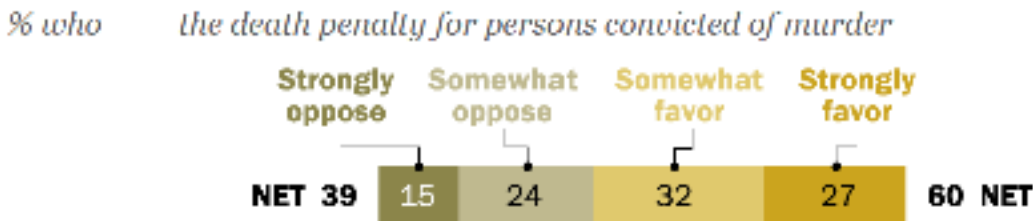
Without a costly death penalty system, resources could be available to help families with funeral costs, daily needs while grieving, counseling services, education for the victim’s children and community resources to help make everyone safer.

As Catholics, we are called to reach out to victims of violence and their families. As individuals and communities of faith, we need to show compassion and care, ministering to the spiritual, physical, and emotional needs of these individuals. Our efforts, no matter how small, are appreciated. As a victim once remarked, “Sometimes a hug, a prayer, and a friendly ear can achieve wonders.”

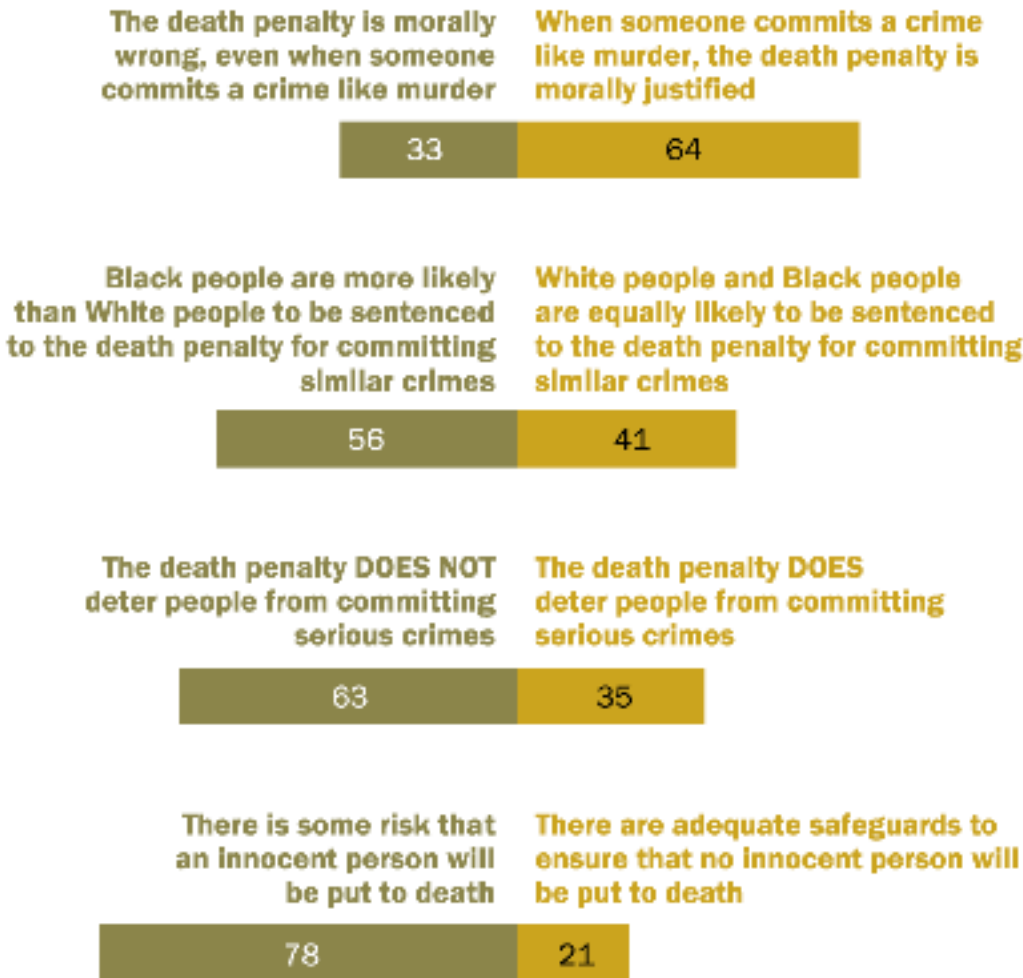


***Pope Francis called on all Catholics to oppose capital punishment in his 2020 Encyclical, Fratelli Tutti***

Majority of Americans favor death penalty, but nearly eight-in-ten see 'some risk' of executing the innocent



% who say ...



Note: No answer responses not shown.  
Source: Survey of U.S. adults conducted April 5-11, 2021.

PEW RESEARCH CENTER

91

Missouri has executed 91 people since reinstating the death penalty in 1976

22 years ~

the average time a death row inmate serves before execution



# Still Children of God

## Deacon Ministers to Death Row Inmates



***“What these men are convicted of, no matter what they did, no matter how horrendous, by the time they are executed, they are not the same men.” – Deacon Andy Daus***

Left: Deacon Andy Daus listens to Troy Steele, a retired warden from the Potosi Correctional Center, during the 2018 screening of “An American Tragedy.” The film focused on the execution of Jeffrey Ferguson, convicted of murdering Kelli Hall. Ferguson was forgiven by Hall’s father, Jim Hall, before the execution. Photo Credit: Lisa Johnston, *The St. Louis Review*

The light of Christ shines in even the darkest of places, and St. Louis Deacon Andy Daus brings that light to the Potosi Correctional Center every week. Daus, 75, was ordained a deacon in 2000, after retiring from a career with 3M. Assigned to St. Margaret Mary Alacoque in South St. Louis County, he began prison ministry in 2007 at Potosi when he volunteered to teach a class there. Deacon Andy, as he is affectionately known, has been ministering there ever since. He sees Jesus in every prisoner he encounters. “My hope is maybe they see Jesus looking back at them when I am with them,” Daus said.

During his 14 years of prison ministry, he has counseled prisoners sentenced to life in prison, as well as those on death row. Most of the men are repentant for their crimes and trying to live a good life, even establishing a hospice program for dying inmates. Daus shared a story of “Rod,” an inmate serving life without parole, who took it upon himself to care for a fellow prisoner in hospice, even taking him outdoors on nice days and pushing him around in his wheelchair. “A lot of these guys feel like they have been warehoused and forgotten and they’re not,” Daus noted. Regardless of what crimes they may have committed, “they are still children of God.”

The first time Daus met Jeff Ferguson at the Potosi Correctional Center, Ferguson impressed him as someone who really had it together. But Ferguson, who was set to be executed in 2014, was quick to correct him. “He said everyone in this room is broken,” Daus remembers. Ferguson attended all of the deacon’s scripture classes at the prison and RCIA. The two men formed a bond, and Ferguson asked Daus to be at his execution. Daus even helped cover the cost of his burial.

The death penalty is given to only the most heinous crimes, but doesn’t define the person, and Daus questions what was gained from Ferguson’s execution. “What did we gain by executing him? Jeff was funny, a leader, a positive force in prison. He was more about trying to help other guys be good citizens.” Most recently, Daus ministered to Ernest Johnson, who was executed in October. Johnson was engaged in some of Daus’ programs and was happy to serve others. “He was just a good guy,” Daus remembered, “A gentle giant.” Daus was among many, including Pope Francis and the U.S. Conference of Catholic Bishops, to request Johnson get a stay of execution.

Daus hopes people in support of capital punishment will reconsider their position, noting that it is not man’s job to judge the life of a person. “What these men are convicted of, no matter what they did, no matter how horrendous, by the time they are executed, they are not the same men.”



Deacon Andy’s perspective on capital punishment has shifted during his 14 years of prison ministry. “When you come to understand the human being, execution seems very extreme.”



Potosi Correctional Center