



# Choose Life: Oppose the Death Penalty

## Questions and Answers on Wisconsin's Advisory Referendum to Reinstatement the Death Penalty

On November 7<sup>th</sup>, Wisconsin voters will be asked to vote on an advisory referendum to reinstate the death penalty in Wisconsin. The results of the vote are non-binding and will be used by the Legislature as it debates whether or not to restore capital punishment in our state.

### What does the referendum say?

The referendum question reads as follows:

“Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?”

### Is this referendum part of a national trend to reinstate the death penalty?

No, quite the opposite. Increasingly, state governments have repealed, considered repealing, or declared moratoria on executions because they recognize the judicial system is highly compromised. Worldwide, the human community is moving away from capital punishment, not toward it. Indeed, the Wisconsin legislature was ahead of its time in 1853 when it abolished the death penalty.

### Wouldn't Wisconsin be safer if the death penalty were reinstated?

Our state's rejection of the death penalty has not compromised public safety. Wisconsin's homicide rate is far lower than many states that have the death penalty. In fact, our homicide rate has been declining more rapidly here than states that do have capital punishment.

### But doesn't the ultimate crime of murder deserve the ultimate punishment?

While it is natural to desire a punishment that is proportional to the crime, proportionality requires fairness. Yet our judicial system simply cannot ensure that capital punishment is imposed equally on all who are convicted. For example, the system is not colorblind. Nationwide data show that a black person convicted of murder is far more likely to receive the death penalty if the victim is a white person and less likely to receive the death penalty if the victim is a black person.

Beyond issues of race or class, the judicial process is also fraught with too many other possibilities for error or bias: overeager or unscrupulous police and prosecutors; unreliable eyewitness accounts; incompetent defense lawyers; biased judges and juries. Indeed, since the 1970s, more than 120 death row inmates have been exonerated nationwide. No one knows how many more were wrongfully executed. The ultimate punishment is also irreversible.

## **Doesn't DNA evidence now ensure that an innocent person will never be executed?**

No. Though DNA provides one of the most accurate types of evidence, it is not foolproof. State crime labs have very little regulation. To date, there are still no federal guidelines that crime labs must follow in handling DNA evidence. Studies of several crime labs across the nation have found numerous examples of human error, from contaminated DNA tests, to false-positive matches and falsified results.

## **But hasn't the Church supported the death penalty in the past?**

Yes, the Church has traditionally taught that states have the right to impose the death penalty in order to protect their citizens, but this right has been carefully circumscribed. The *Catechism of the Catholic Church* now states that 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 with the dignity of the human person.” (# 2267)

As the U.S. Bishops have written recently in their 2005 statement, *A Culture of Life and the Penalty of Death*, “Catholic teaching on the common good commits each of us to pursue the good of everyone and of society as a whole. When the state, in our names and with our taxes, ends a human life despite having non-lethal alternatives, it suggests that society can overcome violence with violence. The use of the death penalty ought to be abandoned not only for what it does to those who are executed, but for what it does to all of society.”

## **Besides voting against the amendment, what else can I do?**

- **Pray** for the victims of crime and their families, and those who have been wrongly convicted.
- **Learn** about Catholic social teaching and Wisconsin’s criminal justice policies.
- **Educate** people in your parish about the Church’s teaching on the death penalty.
- **Advocate** by taking part openly in the public conversation on the death penalty, writing to the editor of your local paper, and encouraging others to vote NO on November 7<sup>th</sup>.