

New York State takes center stage in death penalty debate

by Marianna Wertz

With the Nov. 8 election of Republican Gov. George E. Pataki, New York State has become a focal point of the nationwide debate over capital punishment. The death penalty was a major issue in the election, since former Democratic Gov. Mario M. Cuomo had opposed all efforts to impose the death penalty in his 12-year tenure. Pataki's election virtually assures the enactment of death penalty legislation this year, and the opposition is gearing up a mass resistance movement.

The context for the New York battle is the growing use and abuse of the death penalty in the United States, which came to worldwide attention on Jan. 4, when Jesse Dewayne Jacobs, 44, known to be innocent of the murder for which he was convicted, was executed in Texas (see p. 62). In a Jan. 5 editorial in *L'Osservatore Romano*, the semi-official Vatican newspaper, moral theologian Gino Concetti called the execution "not only incredible but monstrous and absurd," and likened the U.S. Supreme Court's failure to stop the execution to Pontius Pilate's allowing the execution of Jesus Christ.

Death penalty legislation has passed the New York legislature every year since 1977, only to be vetoed by Democratic governors. Proponents are now drafting legislation that they hope will stand up to a legal challenge, already in preparation by the American Civil Liberties Union.

While that fight is being waged in the legislature and the courts, a full-scale public lobbying campaign has begun, led largely by the New York State Catholic Conference and the National Association for the Advancement of Colored People Legal Defense and Educational Fund. Plans are in the works for rallies, sermons, and mass mailings, which began on the weekend of the national Martin Luther King birthday celebration on Jan. 14-15.

In a letter to New York's African-American pastors on Jan. 5, the NAACP Legal Defense and Educational Fund, headquartered in New York, urged them to take part in "A Day for Humanity" on Jan. 15, King's birthday. "The idea behind this concept," the letter states, "is for you to devote your sermon to a discussion of how antithetical the death penalty is to the teachings" of Dr. King.

"When addressing the issue of violence, Dr. King reminded us constantly that it served to create only more violence and more social problems. As he succinctly stated, 'To

meet hate with retaliatory hate would do nothing but intensify the existence of evil in the universe. Hate begets hate, violence begets violence, toughness begets a greater toughness. We must meet the forces of hate with the power of love, we must meet physical force with soul force.' "

'Death is not the answer'

The New York State Catholic Conference plans to distribute anti-death penalty brochures to 50,000 parishioners beginning on Jan. 15, and has compiled a packet of sample homilies and scriptural references for its priests. The brochure's content is a reprint of the Feb. 15, 1994 statement by the New York State Catholic bishops, "Death Is Not the Answer: A Reaffirmation of Opposition to Capital Punishment."

The bishops' statement begins, "Violent crime has reached unprecedented levels in our state and our nation. It tears at the social fabric and threatens the soul of our society. . . . While there is no simple and comprehensive solution to the problem of violent crime, as Christians, we believe in and observe the Natural Law of God which leads us toward appropriate and effective means of addressing the problem.

"As teachers and pastors, we are called to proclaim a set of moral principles known as Catholic social teaching. At the heart of this teaching is the knowledge that the human person is central, the clearest reflection of God among us. Every person possesses a basic dignity that comes from God, not from any human quality or accomplishment, not from race or gender or age or economic status. Human life is inherently precious. Those who commit crimes do not give up their dignity, and those who administer justice must not deny this God-given dignity. . . . No person is beyond God's redemptive mercy. . . . We reject capital punishment as a negation of human dignity."



Dr. Martin Luther King, Jr., on April 3, 1968. Death penalty is "antithetical to his teachings," says the NAACP.