

KANSAS' DEATH PENALTY



**CATHOLIC
MOBILIZING
NETWORK**

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

The Facts

- 9 people are currently on death row
- 0 executions since 1976
- 24 executions before 1976
- Last execution took place in 1965
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution is lethal injection

Truman Capote

The murders of Herbert Clutter, his wife, and two of his children in Holcomb became one of Kansas' most famous cases when Truman Capote chronicled the murders and the trial in his 1966 book, *In Cold Blood*. The convicted defendants, Richard "Dick" Hickok and Perry Smith, two parolees were convicted of the murders. They were both executed by hanging on April 14, 1965.

Notable Commutations/Clemencies

Before his term ended, Governor George Docking commuted the sentences of two of the five inmates on death row, Earl Wilson and Bobbie Joe Spencer. Governor Docking was also responsible for a hiatus in executions between 1954 and 1960. The only executions that took place in Kansas during those years were at the US Army and Air Force Disciplinary Barracks.

Kansas Bishops Stand Against Capital Punishment

In Kansas' 2009 legislative session, the Bishops of Kansas weighed in on the policy matter with a jointly signed statement. In part, the statement reads, "[we], the Catholic bishops of the state of Kansas, wish to register our strong support for Senate Bill 208, which would abolish the death penalty in our state... We should not kill our prisoners for the same reason that we do not torture them. Despite whatever it is that they have done — and make no mistake, we recognize the horrific crimes that have been committed by those on death row — we should not kill for vengeance's sake... for our own sake. We do not want to be the kind of people who kill human beings out of anger, revenge, hate, blood lust — the same dark emotions that animated the original crimes we seek to punish. We should not have our ethics shaped by the crimes we seek to punish. We should not have our ethics shaped by the crimes of those who demonstrated none. We should take no action to reflect theirs, but instead we should make bright the distinction between our ways and their ways. Ours should be a higher standard."

Attempts at Abolition & Reinstatement

-The death penalty in Kansas has been abolished and reinstated three times. The state's death penalty was first abolished on January 30, 1907 by Governor Hoch. For that reason, January 30 is celebrated by KCADP as "Abolition Day" in Kansas.

-In 1935, the death penalty was reinstated but no executions took place under the law until 1944. Kansas had this death penalty statute in effect until the 1972 U.S. Supreme Court ruling that struck down the death penalty.

-After the 1976 U.S. Supreme Court ruling that reinstated the constitutionality of the death penalty, many attempts were made to reinstate the death penalty in Kansas. Governor Carlin vetoed reinstatement legislation in 1979, 1980, and 1985. The current death penalty statute was signed into law in 1994, when Governor Finney allowed it to become law without her signature.

-In 2010, the Kansas Senate was one vote short of voting to replace the death penalty with life without the possibility of parole for the crime of aggravated murder.

The Church and State Speak

The Church Speaks

Catechism of the Catholic Church

"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' and she works with determination for its abolition worldwide." (CCC 2267)

Evangelium Vitae

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "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)

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



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The States Speak

Innocence

- Nationally, over 160 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.

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.

Overrepresentation of 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 require for death penalty cases.

Costly Public Policy

- 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 Basis

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