

NEBRASKA'S DEATH PENALTY



**CATHOLIC
MOBILIZING
NETWORK**

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

The Facts

- 12 people currently on death row
- 4 executions since 1976
- 34 executions before 1976
- Sentence is determined by jury unanimously determining aggravators, or by a 3-judge panel
- Life without parole is a sentencing option
- Method of execution is lethal injection
- 1 person released from death row based on evidence of innocence
- 0 people have been granted clemency

Notable Exonerations

William Marion was executed in Gage County in 1887. He was convicted on circumstantial evidence of murdering his business partner, John Cameron, after a man dressed in Cameron's clothes was found dead. His "victim" was seen alive in 1891 and a posthumous pardon was granted in 1987, 100 years after Marion was executed.

Nebraska's Commutation

In 1999, Jerry Simpson and Clarence Victor were taken off of Nebraska's death row. Their IQs were less than 70, and it is now unconstitutional to execute people with developmental disabilities.

Milestones in Abolition

In 1979 and 2015, the Nebraska Unicameral Legislature passed bills abolishing the death penalty. They were vetoed by Governors Charley Thone and Pete Ricketts, respectively. The second time, the 49-member legislature overrode the veto. In 2016, Nebraska voters approved a ballot question, reversing the legislature's repeal of the death penalty, and restoring capital punishment in the state.

Nebraska's Bishops Stand Against Capital Punishment

During the 2015 legislative session, the Bishops of Nebraska issued a statement about the death penalty repeal bill. In short, they said, "the Roman Catholic Church has long called for a culture of life, promoting and supporting the fundamental good of human life in all areas of civil government for the sake of the common good.

Catholic teaching allows the use of the death penalty under certain clear and specific conditions. We do not believe that those conditions currently exist in Nebraska at this time. Our position is rooted in the teachings of our faith. We ask those who disagree with us to reflect prayerfully on the words of Jesus Christ himself: "love your enemies, and pray for those who persecute you, that you may be children of your heavenly Father."

THE BEATRICE SIX

The 1985 case of the rape and murder of a 68-year-old woman in Beatrice resulted in the arrest of six people, even though the original FBI investigation concluded that the killer had acted alone. Even though there was no evidence of their having committed the crime, the 6 were tried and only one, Joseph White, who in 2008 became the first post-conviction DNA exoneration in Nebraska's history, maintained his innocence. Five of the six people charged in this case pleaded to lesser charges, when they were in no way involved in the crime, in order to avoid the death penalty. Six innocent people feared being convicted and sentenced to death, and the only person to maintain his innocence in court was convicted and sentenced to life in prison.

ABOLITION EFFORTS

In every session of the legislature since 1981, senators have introduced a bill to abolish the DP. While there have been years in which the abolition bill has advanced out of committee and even one year in which it initially had 25 sponsors (out of 49 senators), Nebraska did not repeal its death penalty until 2015.

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

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 required 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



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