

# DELAWARE'S DEATH PENALTY



**CATHOLIC  
MOBILIZING  
NETWORK**

ENDING THE DEATH PENALTY.  
PROMOTING RESTORATIVE JUSTICE.

## The Facts

- The Delaware Supreme Court struck down the death sentencing statute in 2016.
- The first clemency in state history was granted in 2012.
- Delaware was the first state to abolish the death penalty in 1958, but in 1961 the legislature overrode the governor's veto and reinstated the death penalty.
- In 1974, the Delaware legislature passed a law declaring the death penalty the mandatory sentencing for cases of first degree murder.
- In 1986, the method of execution changed from hanging to lethal injection and the gallows were disassembled in 2003, eliminating the possibility of death by hanging.

## Delaware's Bishop Stands Against the Reinstatement of Death Penalty

Bishop Francis Malooly of the Diocese of Wilmington, Delaware wrote the following in response to a legislative movement to reinstate the death penalty: "The true question at the heart of this issue is whether or not the death penalty is a just and necessary method of punishment. Pope Francis has called for the worldwide abolition of the death penalty, saying 'It is impossible to imagine that states today cannot make use of another means than capital punishment to defend people's lives from an unjust aggressor.' Prison provides an effective alternative to the death penalty by removing the serious offender from society and allowing an opportunity for repentance, reformation, and reconciliation." (2017)

**For more resources:** Delaware Citizens Opposed to the Death Penalty: <https://enddeathpenaltyde.org/>

## EXECUTIONS DESPITE CLAIMS OF INNOCENCE

Robert Jackson was executed for murder in 2011, while his accomplice Anthony Lachette was released from prison in 1996 after serving his sentence after pleading guilty to burglary and conspiracy. Directly before his execution, Jackson implied that Lachette was the one responsible for the murder.

## LETHAL INJECTION

Billy Bailey, sentenced to death in 1980, chose to be executed by hanging rather than lethal injection because he did not want to be treated "like a dog put to sleep."

# 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",[1] 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.
- African-Americans are overrepresented on death row. They makeup 13% of the US population but constitute 42% of death row.

### 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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