

TENNESSEE'S DEATH PENALTY



The Facts

- 52 people currently on death row
- 13 executions since 1976
- 335 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution: lethal injection for crimes committed after 12/31/98; others may choose electrocution
- 3 people released from death row based on evidence of innocence
- 3 clemencies granted

Innocent Man Sentenced to Death

Paul House spent almost 23 years on death row for a crime he did not commit. DNA evidence proving his innocence had been discovered but was not presented at trial. The case eventually made it all the way to the U.S. Supreme Court and all charges against Paul House were dropped.

Executions Halted

Executions have been halted in Tennessee as a result of challenges to the constitutionality of lethal injection and electrocution. They argue both methods are unconstitutional because they create the potential of cruel and unusual punishment and lingering death.

Tennessee Bishops Stand Against Capital Punishment

In conjunction with the Tennessee Catholic Public Policy Commission, Tennessee Bishops Richard Stika, Mark Spalding, and David Talley released a statement August 15, 2019 condemning the scheduled execution for the same day of Stephen Michael West. The three bishops, representing the state's three dioceses of Knoxville, Nashville, and Memphis, said the death penalty "contributes to the growing disrespect for human life and continues a cycle of violence in society." The **Tennessee Catholic Public Policy Commission** actively works on death penalty legislation as part of their mission to uphold the dignity of life.

Visit their website to learn more:

www.tncppc.org

RACIAL BIAS

-A Tennessee study from 1981 found death row defendants are 3 times more likely to receive the death penalty for cases in which the victim was white.

-African-Americans make up 17% of Tennessee's total population but constitute 44% of the state's death row.

-People of color are systematically denied from jury service. Even in counties in which African-Americans represent the majority of the population, defendants are still tried by all white juries

UNFAIR SYSTEM

-A majority of Tennessee's death row inmates could not afford their own defense at trial, relying on an often overworked public defense system.

-40% of Tennessee's death row comes from just one county V Shelby. Half of Tennessee's counties never seek the death penalty.

COSTLY SYSTEM

A 2004 study by the Tennessee Comptroller of the Treasury found:

-Capital trials are longer and more expensive at every step compared to other murder trials.

-Death penalty trials cost 48% more on average than trials where the prosecution seeks life imprisonment.

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' (Francis) 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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ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

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.