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## DEATH PENALTY

### Public Opinion Flies in Face Of Church Teachings in U.S.

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Though most of the major religious denominations in the United States have called for total abolition of the death penalty, strong public support for capital punishment appears to be growing, swept along by a wave of concern about mounting violent crime in the streets of America.

That concern, bolstered by the assassination attempt on President Reagan, led to approval by the Senate

Judiciary Committee of a bill designed to overcome legal obstacles to the imposition of the death penalty for federal crimes such as treason, espionage, and kidnapping or assassination of a president.

And in 35 states that have enacted new death penalty statutes to meet constitutional requirements laid down by the Supreme Court in 1972, 1976 and 1978, the death row population has reached an all-time high of 792.

A Gallup Poll published

in early March showed that public support for the death penalty had reached the highest point in 28 years, with 86 percent of all Americans favoring execution for murder. A similar opinion sampling by Gallup in 1966 found only 49 percent public approval.

Mounting frustration over "the nation's inability to stem the tide of violent crime" is reflected in the rising rate of public support for capital punishment, George Gallup observed.

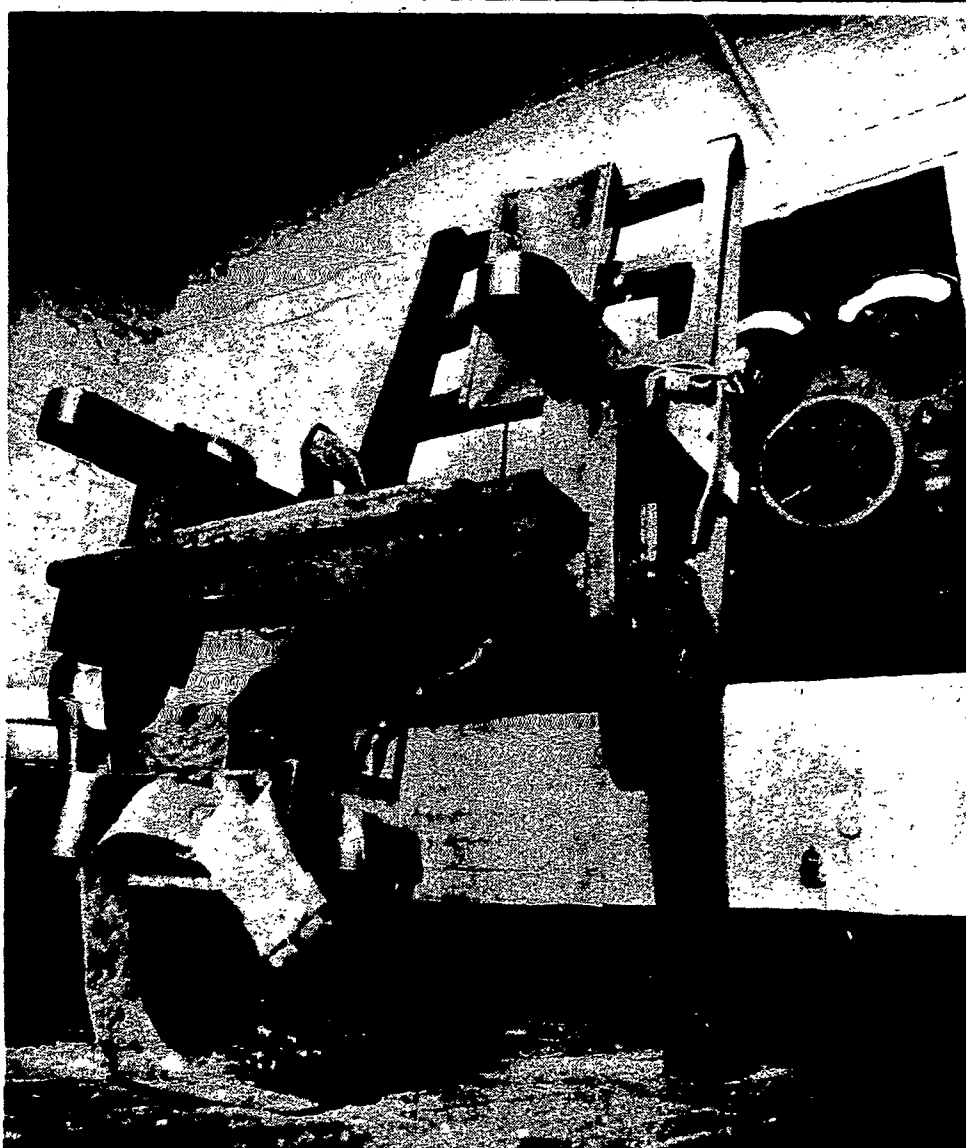
From 1967 to 1979, there were no executions in the United States. Since 1967, there have been only four executions.

The slow pace of executions has drawn criticism from death penalty boosters, such as Supreme Court Justice William H. Rehnquist.

In April, Justice Rehnquist assailed his colleagues for allegedly helping to make the death penalty in the United States "virtually an illusion," by providing capital defendants "numerous procedural protections unheard of for other crimes" and allowing "endlessly drawn-out legal proceedings" in capital cases.

Arguing that failure to impose the death penalty "lessens the deterrent effect" of capital punishment and "undermines the integrity of the entire criminal justice system," Justice Rehnquist declared that "delay in the enforcement of capital punishment frustrates the purpose of retribution."

In a sharp response, Justice John Paul Stevens said that "the (death) penalty



New Jersey's electric chair and the control panel which operates it at the Trenton State Prison. (RSN Photo)

once imposed, is irrevocable . . . The Court wisely declines to select (capital) cases in which to experiment with accelerated procedures."

The Supreme Court has never ruled that capital punishment, in itself, is unconstitutional. In its 1972 decision, the high court ruled that the death penalty, as then applied in the states, was unconstitutional because it was applied in such an arbitrary and discriminatory way, bearing disproportionately on poor blacks and other minorities, that it constituted "cruel and unusual punishment" in

violation of the Eighth Amendment.

Many states responded to the court's ruling by enacting new laws making the death penalty mandatory for certain crimes. In 1976, the Supreme Court struck down new mandatory death penalty statutes in a number of states, but upheld those in Florida, Georgia and Texas, which provided for a two-step judicial proceeding: one to decide guilt and one to determine sentence after consideration of "aggravating" or "mitigating" circumstances.

Then, in July 1978, the

Supreme Court held that capital punishment could not be automatically imposed for a particular crime and that a defendant must be allowed to present to the sentencing judge the widest possible range of mitigating factors about his or her character, record, and circumstances of the crime.

Still, opponents of the death penalty argue that the sentencing under the new state laws has displayed the same pattern of arbitrariness and racial discrimination that led the Supreme Court to hand down its original decision in 1972.

A study based on statistics

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Study in four states showed that blacks convicted of murdering whites were executed at 18 times the frequency of whites murdering whites. (RSN Photo)

## Carmelites Named To Elmira Parish

The Carmelite Fathers will take over the administration of Ss. Peter and Paul parish in Elmira, it has been announced by Bishop Matthew H. Clark.

The Carmelites have been serving the Southern Tier since 1961 when their monastery at Waverly was opened. When they decided to close the monastery, they approached Bishop Clark and sought a way of continuing to serve the Southern Tier.

A diocesan spokesman stressed that the order "is not taking over" the buildings but merely will administer the parish, much as is the case at Ss. Peter and Paul in Rochester.

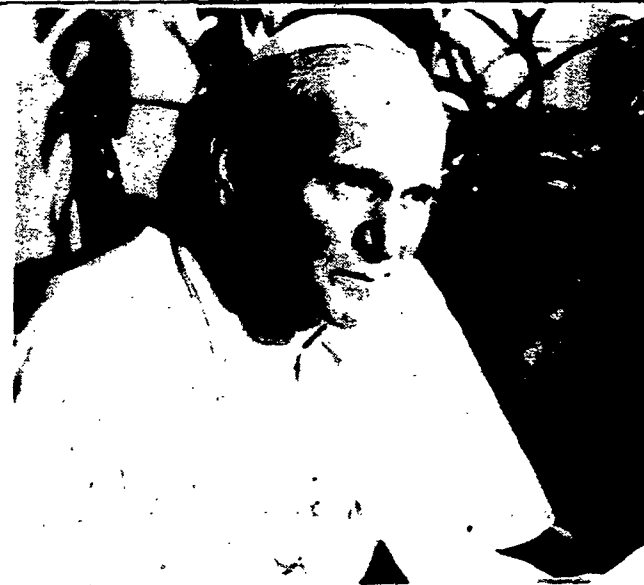
Father Fidelis Fosselman, OCD, will be the pastor of the Elmira church. Two other Carmelites will live in the rectory and work as chaplains at nearby St. Joseph's

Hospital. Another priest will work with the parish congregation and Brother Edward is head of the Theology Department at Notre Dame High School.

A bit of unusual historical coincidence is attached to the development and it involves Father Bartholomew J. O'Brien, now pastor of St. Mary Our Mother in Horseheads.

Some 20 years when the Carmelites were considering establishing a monastery in this diocese, Father O'Brien spoke to his brothers, J. Edwin and William of Waverly, and they donated 93 acres for the site.

At that time, Father O'Brien was stationed at Ss. Peter and Paul.



## Father Hill to Be Industry Chaplain

Father George H. Hill Jr., a priest of the Worcester, Mass. diocese and former director of counseling at St. Bernard's Seminary, has been named chaplain at Industry School, it was announced by Bishop Matthew H. Clark.

The job will be expanded to include work at group homes outside Industry and service at the Monroe County Children's Detention Center on Westfall Road.

Holy Cross College and received his Master of Divinity degree from St. Bernard's. He did graduate work at Assumption College, where he received an MA in psychology and counseling.

He was ordained to the priesthood in 1968.

He replaces Father Edward B. Zenkel who was named pastor of St. Thomas in Leicester and St. Lucy's in Reiso.

## Papal Message

Pope John Paul II, sitting in a room in Rome's Gemelli Hospital where he is recuperating from a virus infection, tapes a televised message heard at the International Eucharistic Congress held in Lourdes, France. SIXTY on Page 8.