

Proud defends change on death-penalty vote

By Lee Strong
Staff writer

ROCHESTER — State Assemblyman Gary Proud is puzzled by a recent storm of criticism aimed at him.

"Most people complain that politicians don't do what they say they will do," complained Proud, who represents the 131st District in Rochester. "I'm being criticized for doing what I said I would do."

What Proud did was to declare April 19 that he will switch his vote on death-penalty legislation — voting to override Governor Mario Cuomo's veto of a bill passed by the state Legislature earlier this year.

Proud's switch would give death-penalty supporters in the Legislature the 100 votes needed to override the governor's veto.

Before the override can be voted on by the Legislature, however, it must be approved by the Senate, where the death-penalty legislation was initiated. Senate proponents of the death penalty are not sure they have enough votes for a successful override, leaving the bill's fate uncertain.

Proud — who had originally voted against the death-penalty bill — said he decided to vote for the override because of a proposed amendment he believes would prevent the execution of innocent people. He previously had stated that he would support death-penalty legislation if that legislation protected innocent people who were wrongly convicted.

Yet opponents of the death penalty charged that the amendment accomplishes nothing, since New York's constitution already requires the Court of Appeals to review the cases of all individuals sentenced to death and set aside those in which a possibility of innocence exists.

Opponents further cited studies indicating that despite this process of judicial review — which, they claimed, would not be improved by the proposed amendment — innocent people had been condemned to death, and in some cases, executed, in New York before the state abolished its death

penalty in 1965.

Even the death penalty bill's two main sponsors — Senator Dale Volker and Assemblyman Vincent Graber — have indicated that they are unsure whether the amendment will do anything to change the bill or the review procedure stipulated in the state constitution. In addition, they expressed doubts about the constitutionality of the bill if the amendment is added.

After Proud announced his switch last Thursday, he was sharply challenged by local opponents of the death penalty, including the Rochester Area Coalition Against the Death Penalty, which held a press conference April 23 to denounce his decision. Members of the group suggested that Proud decided to switch his vote because he faces a tough re-election battle this year.

Since being elected to the state Legislature in 1976, Proud had consistently voted against the death penalty and against attempts to override gubernatorial vetoes of that legislation by Cuomo and his predecessor Hugh Carey.

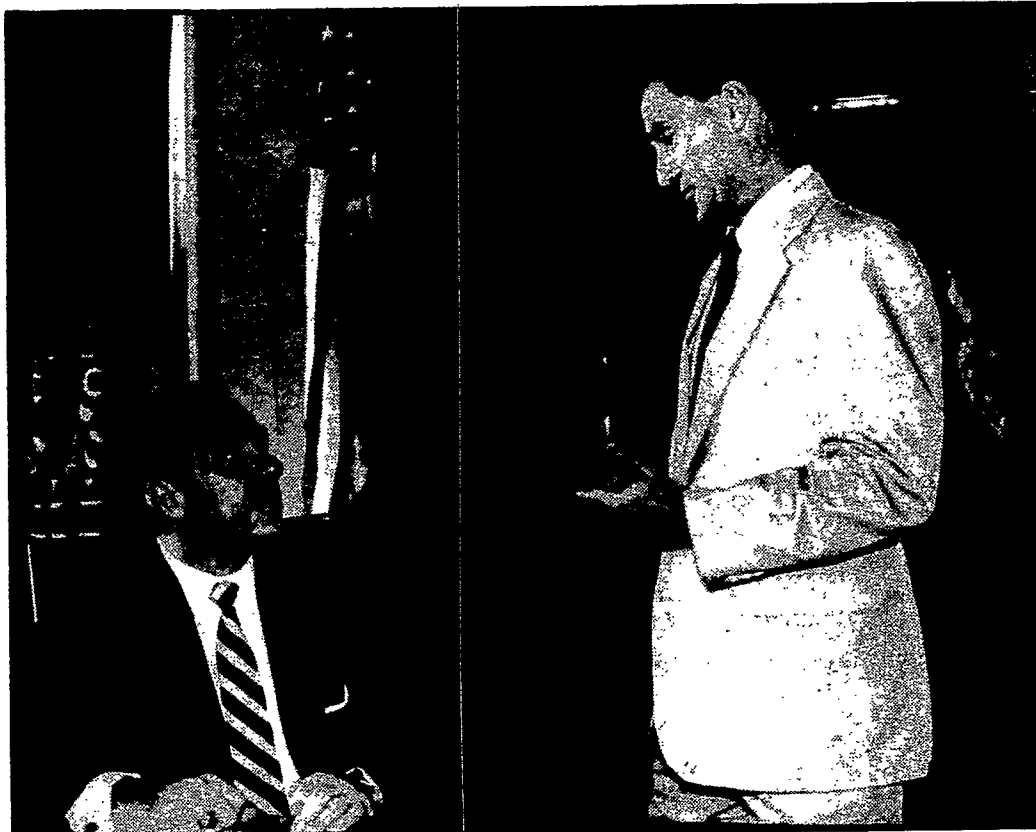
Proud said that after years of listening to arguments both for and against the death penalty, however, he had gradually changed his mind, coming to believe that in some cases it is "justified." Despite the change in his views, he said he had not supported previous bills out of concern that innocent people might be executed.

Proud said the proposed amendment to the current death-penalty legislation would make it unlikely that an innocent person could be executed. "I can't conceive of an innocent person being convicted under (the) legislation as amended," he said.

In addition, Proud contends that the election has nothing to do with his decision.

"I was involved in a tougher race in 1982, and I didn't change my position then," Proud said, referring to his battle that year against current Monroe County Legislature Democratic leader Kevin Murray.

The key to his decision, Proud said, was a proposed change in the wording of the



New York State Assemblyman Gary Proud confers with Governor Mario Cuomo, who disagrees with Proud's death penalty stance.

legislation. As it was originally proposed, one section of the bill read, "... the authority of the (appeals) court to review the validity of a sentence of death shall not be construed to give the court the discretion, in the interest of justice, to set aside, reduce or change a sentence of death as being unduly harsh or severe."

In the proposed amendment to the bill, this section would read, "The authority of the court to review the validity of a sentence of death shall be construed to give the court the discretion, in the interest of justice, to set aside, reduce or change a sentence of death as being unjustified based on the quality of the evidence."

Proud said it is not surprising that opponents to the death penalty, including Gov. Cuomo, are arguing that the amendment will have no effect. As for Volker and Graber, Proud suggested that they "don't want to admit any shortcomings in the legislation."

A Catholic, Proud said he is aware of the U.S. Catholic bishops' opposition to the death penalty. He was also aware that Bishop Matthew H. Clark was outspoken in his opposition to the death penalty, last year joining other religious leaders in the Rochester community in denouncing capital punishment.

Yet Proud said, "I don't know of any

teaching in Catholic theology that is anti-death penalty."

He noted that he had spoken with Bishop Clark about the issue in April, 1989, during a breakfast between legislators and local religious leaders. At the time, Proud recalled, he had told the bishop that he was not opposed to capital punishment, but that he had voted against death-penalty legislation because of concerns about the possible execution of innocent people.

Such executions have, indeed, taken place in the United States. A study conducted in 1987 by the Stanford Law Review concluded that between the years 1900 and 1985, 326 people had been convicted of murder, only to be found innocent later. Sixteen of those cases took place in New York state and six of the 16 were executed.

Ronald Tabak, special counsel with the New York City law firm of Skadden Arps and president of the 1,200-member New York Lawyers Against the Death Penalty, pointed out that the death penalty bill — even with the proposed revision — would still fail to protect such innocent people.

According to Tabak, studies such as that published in the Stanford Law Review have shown that the chief reasons for the conviction of innocent people are false

Continued on page 21

Press associations cite Courier

The *Catholic Courier* received seven awards recently during the annual conventions of the Catholic Press Association and New York Press Association.

Meeting in Nashville, Tenn., April 18-21, the Catholic Press Association awarded second-place honors to the *Catholic Courier* for General Excellence among diocesan newspapers with circulations of 40,001 or more (the association's largest circulation division).

First place for General Excellence among large diocesan papers went to *The Catholic Sun*, newspaper of the Diocese of Syracuse. Third place and an honorable mention went to *The Catholic Sun* of Phoenix, Ariz., and *The Catholic Review* of Baltimore, Md., respectively.

In recognizing the *Catholic Courier*, CPA judges observed: "This paper is especially strong in local news. The editors serve their readers well with news stories of significance to them, localized national stories, features of interest, and opinion pieces and columns that provide insight and thought."

CPA judges presented first-place honors to former *Courier* photographer Linda Dow Hayes for her photo story on the installation of a pipe organ at Auburn's Holy Family Parish. Hayes also received an honorable mention in this category for photographic coverage of Bishop Kearney High School's victory in the Section V Class-BB football championship.

Rounding out the *Courier's* CPA awards was a second-place citation for Best Front Page. "Each issue is different in appearance, reflecting the flexibility of the editors and their ability to adjust layout to contents for maximum effect," the judges remarked of the front-page layouts by graphics manager Lorraine Hennessey.

Meanwhile, the New York Press Association met April 19-21 in Kiamesha Lake, N.Y. The association — which represents 294 weekly newspapers (primarily secular, community publications) throughout New York state — presented three awards to the *Catholic Courier*.

Staff writer Rob Cullivan's extensive reporting on diocesan school reorganization was recognized with a third-place award for best overall education coverage in the state. Judges cited Cullivan for "good coverage of a difficult subject" and noted that his "interviews with students illustrate the personal effects" of school closings.

Staff writer Lee Strong's article "Schemes leave parish officials feeling empty" received an honorable mention for best news story. The judges observed that "humanizing a scam alerts others, (but) more importantly it gets word out without readers skimming past it."

Contributing artist John Kastner won second place in the category of best graphic illustration for his drawing of a pre-kindergarten classroom.

— Karen M. Franz

Catholic Courier (USPS 135-580)

Vol. 102 No. 17 May 3, 1990

Published weekly except week after July 4 and Christmas.

Subscription rates: single copy, 50¢; one-year subscription in U.S., \$15; Canada and foreign \$15 plus postage.

Offices: 1150 Buffalo Road, Rochester, N.Y. 14624, 716/328-4340.

Second-class postage paid at Rochester, N.Y.

POSTMASTER: Send address changes to Catholic Courier, 1150 Buffalo Road, Rochester, N.Y. 14624.

PHOTOGRAPHIC ASSOCIATES

423-0364

CALL NOW FOR FIRST HOLY COMMUNION AND GRADUATION!

SATISFACTION GUARANTEED
CALL FOR DETAILS
ENDS 6/30/90

SPECIAL PORTRAIT OFFER

■ Buy 1 Get 1 Free on Print Orders

■ No Sitting Fees

■ Studio or Location

■ Families, Couples or Individuals

INTRODUCING

BALES

377-4105

BUILDING & REMODELING

Division of Bales Heating & Cooling

REMODELING SALE

SAVE \$200 Per \$1000

on purchase of: All New Construction, Garages, Basement Finishing, Additions, Roofing, Siding, Kitchens, Baths, Decks, Replacement Windows and Doors

CALL FOR FREE ESTIMATES 377-4105