

Judge questions ethics of using capital punishment

NEW YORK (CNS) — A U.S. appeals court judge, writing in the Jesuit magazine *America*, questioned the ethics of the death penalty when demand for it is based on vengeance.

Judge Richard L. Nygaard, a member of the 3rd U.S. Circuit Court of Appeals in Philadelphia since 1988, said in the magazine's Oct. 8 issue that "although our government knows enough to do better, it is now ruled by the tides of public opinion and has deigned to respond politically to the base passions of society rather than act as a statesman upon the sociological necessities of civilization."

Nygaard, who acknowledged in the article that he was on a court panel that recently rejected a final appeal of a death penalty, said that "by exacting revenge upon criminals, society drops to the social stratum of its dregs."

"We are then playing on their terms, by their rules; and we cannot win."

Of the common justifications for punishment — rehabilitation, deterrence, containment and retribution — only retribution is served by executing criminals, he noted. Killing a criminal clearly is no attempt at rehabilitation, he said.

Saying deterrence justifies carrying out such a punishment is difficult to ar-

gue, the judge wrote.

Most convicted killers say they gave no thought to the possibility of facing the death penalty, and there has never been an effective way of gauging whether others are deterred from crimes by the prospect of execution, he said. And preventing future crimes can be achieved as easily and less expensively by imprisoning, rather than executing criminals, he added.

He described a newspaper's extensive coverage of an impending execution, including a full-color, front-page picture of the stretcher upon which the man was to die. He also quoted a television anchorman as saying "this is just the kind of break we needed for our ratings" in reference to his station winning a drawing to witness the execution.

"It is difficult to feel pride in a culture that has become so inured to violence that death is an acceptable element of commercial value," Nygaard wrote.

Although the death penalty is constitutional and the execution he mentioned was conducted in a fair and legal manner, the judge said people need to scrutinize what capital punishment means to society.



AP/Wide World Photos

Haiti clash

Pro-Aristide supporters Oct. 6 push suspected 'attache' Rochelais Sidney (left), 29, in his Port-au-Prince home. Sidney claimed his father was the 'attache,' a pro-military thug.

Doctor: Slow recovery frustrates pope

By John Thavis
Catholic News Service

ROME — Pope John Paul II's slow recovery from a broken thigh and his canceled trip to Sarajevo have left him upset and deeply disappointed, one of his doctors said.

But there is no question that the pope remains mentally sound and capable of carrying out his job, Dr. Corrado Manni, the pope's anesthesiologist at Rome's Gemelli hospital, said Oct. 6.

Earlier that day the London-based newspaper *The European* quoted Manni as saying the pope was "psychologically unwell" after suffering a series of setbacks ranging from an assassination attempt in 1981 to recent health problems.

Manni told Catholic News Service that he thought the pope was frustrated, not unbalanced. He said the quotation resulted either from the reporter's bad translation of his Italian or his own less-than-perfect command of English.

"A man who is under the stress of an enormous amount of work is psychologically stressed, but this doesn't mean his mind is disordered. From a mental point of view, we should have more po-

ple like the pope!" he said.

Manni said that although he had not personally seen the pope since early June, it was his own impression that Pope John Paul was "disturbed and saddened both by his post-operative recovery and his canceled trip to Sarajevo, which he wanted very much to make."

Manni said the pope's recovery, while gradual, is within the normal time frame for such surgery. The pope had a prosthesis inserted into his upper thigh after falling and breaking the bone in April. He has walked tentatively in recent weeks and, on his doctors' advice, canceled a planned October trip to the United States to favor a more complete recovery.

While the doctors have said the pope is not in significant physical pain, he has appeared at times to be suffering during public appearances. Manni attributed this in large part to anguish over the last-minute decision to call off the Sept. 8 papal trip to Sarajevo, the war-torn capital of Bosnia-Herzegovina, because of security concerns.

"The pope wanted to go there at all costs," Manni said. "I think this may have left him upset and deeply bitter."

Sung Requiem Mass set to honor late Fr. Collins

WEST IRONDEQUOIT — A sung High Requiem Mass in the Tridentine Rite will be celebrated at St. Thomas the Apostle Church, 4536 St. Paul Boulevard, Wednesday, Oct. 19, at 7:30 p.m.

Sponsored by the Traditional Latin Mass Committee, the Mass will be sung in honor of the late Father James P. Collins. Father Collins assisted regularly with the group's weekly Tridentine Latin Mass until his death this summer, according to Jean Lloyd.

"This will be the first sung High Requiem Mass in the diocese since Vatican II," Lloyd said.

The Mass will be celebrated by Father Dennis M. Bonsignore. Father L. James Callan, pastor of St. Thomas the Apostle and a classmate of Father Collins, will give the sermon.

The Mass is open to the public. Call 716/787-2410 or 342-9072.

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Dear Scott, Mark, Chip, Frank & Ken,

We wanted to express our sincere appreciation to all of you for the care extended to us when we tragically lost our son Josh, two weeks ago. Dealing with the death was heart-wrenching enough and the thought of having to make arrangements for his funeral was something we were ill-prepared for and so concerned that all our wishes be respected. We can imagine that this must take a great deal of understanding on your part as you, yourselves, must have your own ideas about death.

In particular, we want to tell you about the expressions we heard about our decisions to have an unfinished casket that friends could write on as well as family (a fine suggestion you had Scott). Not only was it comforting for young ones to be able to leave some final thought about Josh, but it also gave all of us a chance to read what touched someone else about our son. We heard nothing offensive about the casket at all. Thank you Chip, for your labor in recording and typing all the notes for us to be able to keep as a fine memory. Thanks to you, Frank, for keeping my father busy during the funeral. It helped more than you know! Ken, you really did make Josh look as he slept many times in his own bed! Mark, thank you for your genuine concern and words of encouragement!

Certainly, yours is a difficult profession at best, but we tell you in all sincerity that your caring shows through far more than this being a mere job for all of you. We will not soon forget the compassion you showed us, strangers, during this difficult period of our lives. Stu and I are touched by the treatment we received.

Thank you, again.

Sincerely,
Kathy Williams
Kathy Williams

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