

Researchers claim that 23 people later found innocent were executed

Michael L. Radelet, a professor of sociology at the University of Florida, and Hugo Adam Bedau, a professor of philosophy at Tufts University, over three decades conducted studies in which they examined thousands of capital or potentially capital cases — cases for which people were or could have been sentenced to death.

In conjunction with Constance Putnam, the researchers published results of their studies in the 1992 book, "In Spite of Innocence."

According to their studies, in the United States from 1900-91:

- More than 400 people were erroneously convicted of capital crimes (33 in New York state);

- Twenty three of those people later found innocent were executed (seven in New York state);

- and 27 other innocent people (two in New York state) came within 72 hours of being executed.

The authors noted that there are cases they did not study, thus their figures are probably low.

Death penalty

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serious questions raised by the death-penalty debate."

The diocesan Public Policy Committee targeted the death penalty as a key issue for action in 1995, and prepared the packets that went out to parishes for the Jan. 14-15 effort.

Father Michael J. Bausch, chairman of the committee and pastor of Henrietta's Good Shepherd Church, noted that diocesan officials are aware that the legislature may still approve the death penalty, but wanted "to make sure that our voice is heard in Albany."

"We are proponents of respect for the preciousness of life," Father Bausch added. "We need to speak out even if our position — in terms of the legislature — is a losing battle."

At the same time, Father Bausch acknowledged that many Catholics do not fully understand the church's opposition to the death penalty — a position the Rochester diocese has reiterated every year. Thus the Jan. 14-15 effort is intended not only to produce petitions to send to Albany, but also to help educate diocesan Catholics.

Catholic teaching against the death penalty is clear.

The "Catechism of the Catholic Church," for example, states that while executions may be permitted under certain circumstances, "If bloodless means are sufficient to defend human lives against the aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person."

Death-penalty opponents argue that such "bloodless means" are available in New York through prisons and such options as life in prison — and life in prison without parole. Moreover, as Bishop Clark noted in his Dec. 13 letter, the diocesan — and Catholic — opposition to the death penalty is rooted within the Consistent Life Ethic, one of the goals of the pastoral plan developed for the diocese during the Synod. That goal links together life issues such as the death penalty, abortion, euthanasia, and war.

But beyond the ethical and moral considerations, death-penalty opponents argue against it on practical grounds.

The information included in the diocesan packet contends:

- Innocent people have been executed (see related story);

- Studies show the death penalty is not a deterrent;

- The death penalty costs more than life imprisonment;

- The death penalty has been administered inequitably, with the poor and nonwhites being executed disproportionately.

Monroe County District Attorney Howard Relin — a death-penalty proponent who took part in the Jan. 8 panel discussion — is familiar with these arguments.

Relin acknowledged that innocent people have died with the carrying out of capital punishment. But he pointed out that these deaths took place long ago or in other states where investigative practices, laws and the safeguards built into the judicial system differ from those currently in effect in New York state and Monroe County.

Although he believes capital punishment is cheaper and that it does serve as a deterrent in some cases, the district attorney acknowledged that the comparison of cost between life imprisonment and the death penalty, and the issue of whether the death penalty can serve as a deterrent, are subject to debate.

But Relin supports the death penalty for a different reason.

"I've been in the (district attorney's office) for 27 years, and we've seen the violence rising to levels we have never seen," Relin said. "We're seeing crimes that are the most violent, depraved crimes that anyone could see."

Relin cited cases involving serial killers, murder for hire, and rape and torture as instances where he believed the death penalty is warranted.

"Look at the kinds of crimes they commit," Relin observed. "The only penalty that I see as an appropriate penalty is the death penalty. A life sentence is not a moral equivalent of what they have done to the victim."

However, the state's bishops argued in their February, 1994, statement against the death penalty that capital punishment is "an affront to the human dignity on whom it is inflicted and those in whose name it is employed."

"Capital punishment is an easy way of addressing the complex, pervasive and expensive problems which surround us," the bishops continued. "The death penalty is no more the answer to violent crime than abortion is the answer to unplanned pregnancies."

"I don't think you teach criminals or anyone else that human life is sacred by putting people to death," Tabak contended.

Tabak acknowledged that people are

"legitimately concerned about crime and violent crime." But, he suggested, this concern is being used by politicians for their own ends — especially to get elected.

"(People) have in effect been preyed upon by criminals and politicians who play upon their fears," Tabak argued.

But Democratic Assemblyman Joseph Robach, who represents the 134th district in Greece and who may become the principal sponsor of death-penalty legislation in the state assembly this year, sees his support in terms of serving the people he represents.

"I think it's very important that we do everything we can to get violent offenders and heinous criminals off the street so they don't prey on vulnerable people," noted Robach, a member of Greece's St. John the Evangelist Parish. "I believe I must do what I can to protect my constituents and society as a whole."

In addition, the assemblyman observed, the death penalty would give families of victims a sense that justice has been served.

"I don't look at it as revenge," Robach cautioned. "There is some degree of retribution, of consequences that the families could see. I don't think it should be vicious or mean-spirited."

Robach reported that current legislation is under study, and it's being modified to provide greater protection, for example, for the mentally retarded. There is also talk of switching from the electric chair to lethal injection as the method of execution. He expected the bill to come up for a vote relatively soon in the current legislative session.

"I think the senate wants to pass it quickly," noted Kathleen Gallagher, associate director of the New York State Catholic Conference. "My hope is that the assembly will not be quite as fast. We are working with other faith groups to ask the assembly to slow down the process to read it over and to think about what they are passing."

Consequently, the New York State Catholic Conference is asking legislators to put a moratorium of one year on death-penalty legislation so that the issue can be given careful study.

"People are not really thinking about it, so we're trying to say, 'Slow down, think about this,'" Gallagher said.

Robach, for one, does not believe that the decision will be delayed.

"This has been going on for 20 years," Robach said. "I don't think anybody can show me anything different that I haven't heard."

But Clare Regan, a member of the Judicial Process Commission in Rochester, a longtime death penalty opponent, and one of the panel members at the Jan. 8 program in Rochester, is convinced that slowing down the process would give people across the state a chance to state their positions and that this could have an impact.

"I think if we have a lot of petitions it will be an indication to (the legislators) that not everyone favors the death penalty," noted Regan, a member of Rochester's Corpus Christi Parish. "I think as many people as possible should be writing letters to the editor and to politicians."

Regan is also optimistic about attempts to educate people about the death penalty.

She noted that when she has given presentations to groups and in schools, she has polled her audience about their death-penalty positions at the beginning of the session, then again after they hear her presentation.

In most cases, she said, there is a noticeable swing from supporting the death penalty to opposing it and supporting such alternatives as life without parole.

"When you get the facts to people, their opinions change," Regan concluded.

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