

WORLD & NATION

Capital prisoner's fate stirs church concern

INDIANAPOLIS (CNS) — Pope John Paul II has been asked to add his voice to clemency pleas to Indiana Gov. Frank O'Bannon on behalf of Indiana death-row inmate D.H. Fleenor. The inmate, who death penalty opponents say is mentally incompetent, was scheduled to be executed Dec. 9 at the Indiana State Prison in Michigan City.

Responding to a letter from Carol Heise of the Midwest Center for Justice in Chicago, the papal nuncio to the United States, Archbishop Gabriel Montalvo, acknowledged receipt of the request for papal assistance on Nov. 27 and noted, "Please be assured that appropriate steps have been duly taken in this regard."

The pope has appealed to governors in other states to grant clemency to death-row inmates scheduled for execution and to order life imprisonment instead. A petition has been filed on Fleenor's behalf with the Indiana Supreme Court questioning his mental competency. The governor said he would not intervene until the court makes its decision.

Several lawyers associated with the Midwest Center for Justice filed the petition, which argues Fleenor suffers from psychosis, paranoia and depression. It asked the court to establish a process to evaluate the inmate and establish a standard for mental competency, then grant a hearing to see if Fleenor meets the criteria.

In a Nov. 30 letter to the governor, Archbishop Daniel M. Buechlein of Indianapolis requested clemency for Fleenor and noted that he is praying "to God that He will guide you in your decision."

Archbishop Buechlein met with Gov. O'Bannon earlier this year to discuss life issues and other justice topics.

"The Roman Catholic Church believes that the use of capital punishment is not justified when other means of protecting society are available," the archbishop noted in the letter. "Today, life imprisonment without the possibility of parole is a viable option for the protection of society. We also believe that capital punishment is yet another form of violence, and violence just begets more violence."

The archbishop said, "Mr. Fleenor's situation is especially troubling in that current Indiana state law, which forbids the execution of the mentally retarded, is not being applied in this case, unless you make the law apply retroactively."

M. Desmond Ryan, executive director of the Indiana Catholic Conference, noted that earlier in the year the Indiana Legislature passed a law saying the state cannot execute a person who is mentally retarded or emotionally ill.

"However, the law is not retroactive unless the governor decides to make it retroactive," Ryan noted.

"The state law just passed would have excluded Mr. Fleenor from the death penalty had he committed the act last year," he continued. "Members of the victims' family have stated they are opposed to the death penalty."

Fleenor has spent 15 years on death row awaiting execution for the murders of his estranged wife's parents, William and Nyla Harlow, during a domestic dispute in their Madison home on Dec. 12, 1982.



Reuters/CNS

Feast day

Young Catholics, preparing to mark the feast of the Immaculate Conception, wait in line to enter the Basilica of the Virgin Mary Dec. 7 in Chinandega, Nicaragua. The feast day celebrates the doctrine affirming Mary was preserved from original sin from the moment of her conception.

Death

continued from page 1

1970s.

"In them we found a growing conviction that the arguments offered in defense of the death penalty are less than persuasive in the face of the overwhelming mandate in both Jewish and Catholic traditions to respect the sanctity of human life," the statement said.

In a press release with the statement, Baltimore's Cardinal William H. Keeler, episcopal moderator for Catholic-Jewish relations for the bishops' committee, said "it is extremely important that the Catholic and Jewish traditions have come together to speak with one voice on the sanctity of life as it relates to this crucial issue."

He said the participants in its creation "hope it will be studied, prayed over and used as an occasion for dialogue leading toward joint interreligious witness to society as a whole."

Rabbi Joel Zaiman, also of Baltimore, said in the same press release that the leaders of both religious groups are committed to educating their own communities and working together on policy goals agreed upon by the consultation.

The 1,100-word statement addresses five specific arguments.

— That it is a necessary means of retributive justice, to balance the crime with the punishment. "We believe that we are

called to seek a higher road even while punishing the guilty ... so that the healing of all can ultimately take place."

— That it serves as a crime deterrent. Studies "have yet to reveal any objective evidence to justify this conclusion," it said. "Criminals tend to believe they will escape any consequences for their behavior, or simply do not think of consequences at all, so an escalation of consequences is usually irrelevant to their state of mind at the time of the crime."

— That it teaches society the seriousness of crime. "We say that teaching people to respond to violence with violence will, again, only breed more violence."

— That the U.S. justice system ensures capital punishment is meted out equitably. "This is the least persuasive argument of all," the statement said, citing data about errors in judgment and convictions and the disproportionate number of people on death row who are poor or of racial minorities.

"Even a small percentage of irreversible errors is increasingly seen as intolerable. God alone is the author of life."

— That families of victims are entitled to see the maximum penalty for those who caused their grief. "It is the clear teaching of our traditions that this pain and suffering cannot be healed simply through the retribution of capital punishment or by vengeance," it said. "... We agree that much more must be done by the religious community and by society at large to solace and care for the grieving families of the victims of violent crime."

In particular, Deacon McNulty said he valued the statement's emphasis on helping victims.

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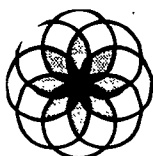
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