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NEVADA CATHOLIC CONFERENCE

DIOCESE OF LAS VEGAS
DIOCESE OF RENO

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Senate Judiciary Committee:

Re: SB217. Abolishment of Death Sentence

Mr. Chair and Members of the Committee

My name is Robert Payant and I appear today as the Executive Director of the Nevada Catholic Conference. The Conference is the public policy voice of the two Roman Catholic Diocese in Nevada. Bishop Phillip F. Straling of Reno and Bishop Joseph A. Pepe of Las Vegas along with the United States Conference of Catholic Bishops express their full support for the abolition of the death penalty in America.

The Catholic Church in Nevada has joined the effort of other religious groups in urging you to end the use of state sanctioned death in its justice system. In addition to the move for abolition by many Christian denominations, the National Jewish/Catholic Consultation co-sponsored by the National Council of synagogues and the United States Conference of Catholic Bishops in 1999 declared:

After an exhaustive study of the collective wisdom and moral insights of Judaism and Roman Catholicism, we have committed ourselves to work together, and each within our own communities toward ending the death penalty.

In emphasizing the sanctity of human life, the statement quotes Pope John Paul II from the final speech on his last visit to the United States in 1999 when he said:

A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself without definitively denying criminals the chance to reform. I renew the appeal for a consensus to end the death penalty which is both cruel and unnecessary.

The position of the Catholic Church is that society has the right to protect itself against those who violate its laws. Removal from society for years up to and including life without right of parole may be justified in some cases, but that since today there is a bloodless way to protect society, we should no longer use executions.

On a personal note, I had the great privilege of serving for 23 years as a trial and appeals court judge in the State of Michigan before beginning my nine years of service as dean and President of the National Judicial College.

In hearing capital murder cases and teaching judges from across the nation and around the world, no issue was more discussed than the purpose and value of various sentencing options. The traditional motives have always been listed as:

Punishment—Retribution

Deterrence—specific and general

Incapacitation—protection of society

Rehabilitation

In the context of the death penalty, deterrence is sometimes cited as a valuable purpose of sentencing and we must acknowledge that executing a convict, so-called specific deterrence, does indeed deter him or her from further crimes. But the real argument is that executing some people deters others, so-called general deterrence. This presupposes that those people who are on death row carefully considered the likely consequences of their acts. Nothing is further from the truth and it is the reason that no reputable studies show that executions deter others.

In the sentencing courses at the Judicial College, many hardened prisoners, in the past including those on death row, have been invited to meet with the judges and discuss their cases and sentences. "Didn't you know what would happen to you if you were convicted?" is the first question the judges pose. The answer is always the same, "I never gave it a thought."

The classic Hogarth engraving called "Hanging the Thief" demonstrates the true value of executions for deterrence sake. It shows a huge throng of people in a public square and in the distance, a gallows with a thief being hung. The foreground shows all the good citizens being edified and doubtless deterred. While they are being edified, three pickpockets are shown swiftly lifting purses and watches from all the good citizens.

I have distributed a chart showing the five states with the highest homicide rates and indicating that all five use the death penalty. The five states with the lowest homicide rates include three with no death penalty while the other two have the penalty on the books, but have not used it since the death penalty was restored in 1976. In the country as a whole, the homicide rates in states with the death penalty are double those in the twelve states without the death penalty.

Some people including victims and survivors who, despite improvements still do not get the care and concern that they should in our justice system or in our society, fear that the alternative to a death sentence—life without parole—will let people out of prison to kill again. During my years as a judge, I sentenced 13 people to life without parole.

Michigan has never had the death penalty. I checked recently with the Michigan court administrator and now, a minimum of 20 years later, they are all in prison except for two who have died. Clearly, society can be protected from vicious people in a bloodless fashion and it is our hope that you will adopt such a plan for our state.

States Without the Death Penalty

| | |
|---------------|---------------|
| Alaska | Minnesota |
| Hawaii | North Dakota |
| Iowa | Rhode Island |
| Maine | Vermont |
| Massachusetts | West Virginia |
| Michigan | Wisconsin |

The Death Penalty and Homicide Rates

(per 100,000 1998)

| <u>Highest Homicide rates</u> | <u>Lowest Homicide Rates</u> |
|-------------------------------|------------------------------|
| Louisiana 12.8 | *Massachusetts 2.0 |
| Mississippi 11.4 | *Iowa 1.9 |
| New Mexico 10.9 | New Hampshire 1.5 |
| Maryland 10.0 | South Dakota 1.4 |
| Nevada 9.7 | *North Dakota 1.1 |

*Non-Death Penalty state

| <u>Average</u> | <u>Average</u> |
|----------------|-------------------|
| DP states 6.2 | non-DP states 3.3 |

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