

Standing Up for the Dignity of all **HUMAN LIFE**

A Pastoral Letter on Capital Punishment in Florida



by Bishop Felipe J. Estévez, S.T.D.
for the faithful of the Diocese of St. Augustine

ACKNOWLEDGMENTS



I am considerably indebted to Dale S. Recinella for this pastoral letter on the death penalty. Dale has served as a volunteer lay chaplain for more than 20 years in the Diocese of St. Augustine ministering to death row prisoners. I have used his outstanding research in his three books extensively: *When We Visit Jesus in Prison: A Guide for Catholic Ministry* (Chicago: Acta Publications, 2016); *Now I Walk on Death Row: A Wall Street Finance Lawyer Stumbles into the Arms of a Loving God* (Bloomington, MN: Chosen Books, 2011); and *The Biblical Truth about America's Death Penalty* (Boston: Northeastern University Press, 2004). I must also credit our multiple conferences and dialogues and

personal visits together with his lovely wife, Dr. Susan Recinella, who collaborates closely with him in his ministry as a chaplain.

I am also grateful to Michael Sheedy, executive director of the Florida Catholic Conference, for his contribution to the section on the Florida Catholic bishop's remarkable foresight in advocating on behalf of death row prisoners in the last 50 years.

I also thank Father John Gillespie, pastor of San Sebastian Parish in St. Augustine, for sharing his notes on Father René Robert's ministry to prisoners in the Diocese of St. Augustine, which led to his brutal death. And his death has led to an incredible national and international impact on the culture of non-violence.

I am in awe for the witness of many bishops especially, St. John Paul II and John J. Snyder, religious, priests, deacons, and laity whose lives inspired me greatly in my pastoral care to inmates and prophetic advocacy.

+ v. r. Estévez

Bishop Felipe J. Estévez, S.T.D.
Tenth bishop of the Diocese of St. Augustine



Then the LORD God formed the man out of the dust of the ground and blew into his nostrils the breath of life, and the man became a living being. – Genesis 2:7



We are living in a time when the God-given gift of human life is under assault. We are immersed in a culture of death that seeks to use death as a solution to social, personal and financial issues. As a diocese and through our beautiful parishes, we are responding to this challenge on many fronts, especially the taking of innocent human life. The horrors of abortion, infanticide, euthanasia and assisted suicide, for example, are consistently and energetically confronted and resisted by the faithful, religious and clergy of our diocese.

And now, we face a more profound challenge in the battle to protect the dignity of the human person. We are called to stand for the inviolability and dignity of all human life, even when a person whose life is in the balance has made great mistakes, such as taking another's life. Not even a murderer loses his dignity.¹

My hope for this pastoral letter is to share with you my understanding of the teachings of our church about the intrinsic value and God-given dignity of every human life from conception until natural death. We believe that God – and only God – is the author of every human being, and only God should determine the end of that life.

Let us begin by looking at the life of Franciscan friar St. Maximilian Maria Kolbe. St. Kolbe is usually pictured in a prison uniform with a carbolic acid lethal injection needle stuck into his arm. He is the patron saint of drug addicts, prisoners and families.

In 1941, Kolbe was incarcerated by the Nazis at Auschwitz. After a concentration camp prisoner escaped from Auschwitz-Birkenau, the notoriously vicious and cynical camp Kommandant Karl Fritzsche selected ten prisoners at random to be starved to death in a cell as retribution. St. Kolbe asked Fritzsche to allow him to replace one of the condemned inmates, a stranger to Kolbe. And Kommandant Fritzsche consented.

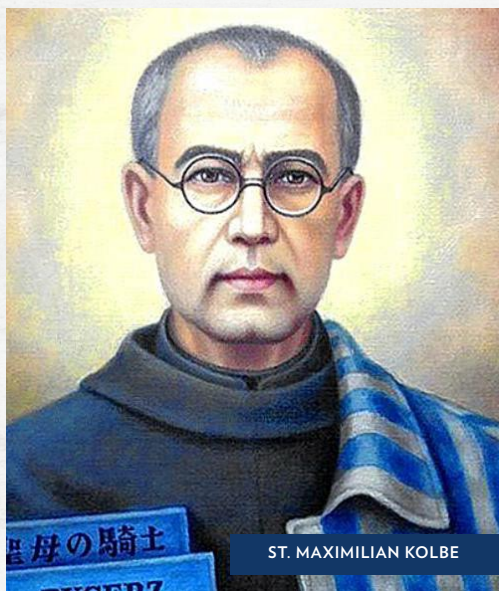
In the Polish film of St. Kolbe's life and martyrdom, *Life for Life: Maximilian Kolbe* (1991), director Krzysztof Zanussi shows an exchange between Fritzsche and his lieutenant:

Lt: "Can I ask you something?"

Fritzsche: "I am listening."

Lt.: "You reprieved one prisoner. You replaced one of the convicts with a volunteer?"

Fritzsche: "Do you want to know why? They all die anyway. But I decide the order of their deaths."



With no fanfare, this brief dialogue depicts a fundamental evil propagated by the Nazi regime – human flesh usurping the power of God to decide who lives and who dies. Only God may determine the date and time of death.

The life of St. Kolbe and his execution by lethal injection in an Auschwitz cell speak loudly to us as we stand before the assault on the dignity of human life through capital punishment. This is especially true in the state of Florida, which has been severely criticized for an execution process that lacks transparency in its clemency.² No death row inmate in Florida has been granted clemency since 1983.

St. Kolbe had a deep, lifelong devotion to Our Blessed Virgin Mary, and he is known as the Apostle of Consecration to Mary. In that spirit, let us consecrate this effort to end Florida’s capital punishment to Our Lady of La Leche, who is honored with the first shrine

dedicated to the Blessed Virgin Mary in the United States. It is located at Mission Nombre de Dios, which traces its origins to the founding of St. Augustine – America’s oldest city.

The Teachings of our Church

Pope Francis has revised the *Catechism of the Catholic Church*, paragraph 2267, to declare that the death penalty is inadmissible in all circumstances.³ But to truly understand this development of teaching, we need to be familiar with the teaching of the church on capital punishment as a life issue before Pope Benedict XVI and Pope Francis. This development has been eloquently stated by a major Catholic figure in the worldwide Right to Life movement, Charles E. Rice, professor emeritus at Notre Dame Law School.⁴

Professor Rice readily acknowledged that before St. John Paul II issued the encyclical *Evangelium Vitae* (*The Gospel of Life*), he and others “argued for the use of the death penalty on grounds consistent with the position taken by St. Thomas Aquinas.” In *The Winning Side: Questions on Living the Culture of Life*, the professor does an excellent job of summarizing where the church has been and where St. Pope John Paul II has led it, and what that means for faithful Catholics.⁵

Church teaching has traditionally regarded the decision whether to exercise the authority of the state to impose the death penalty as, in effect, a prudential judgment subject to a strong presumption against the use of that penalty.

Has the church changed its affirmation of the authority of the state to impose the death penalty? Or has it restricted the conditions under which that authority may rightly be exercised? The answer is: No on the first, yes, on the second.

... In short, *Evangelium Vitae's* allowance of the death penalty only "in cases of absolute necessity... when it would not be possible to defend society" refers not to some generalized protection of society by imposing retribution or by deterring other potential offenders. Instead, it refers only to the protection of society from this convicted criminal. The final text of the catechism makes it explicitly clear that a Catholic can no longer argue for the death penalty from an undifferentiated need to protect society or to promote the common good.

Professor Rice, thus, recognized an authentic development of the church's thinking on capital punishment based on our growing acceptance of the sanctity of life doctrine while accepting the traditional affirmation of its practice in theory.

St. John Paul II

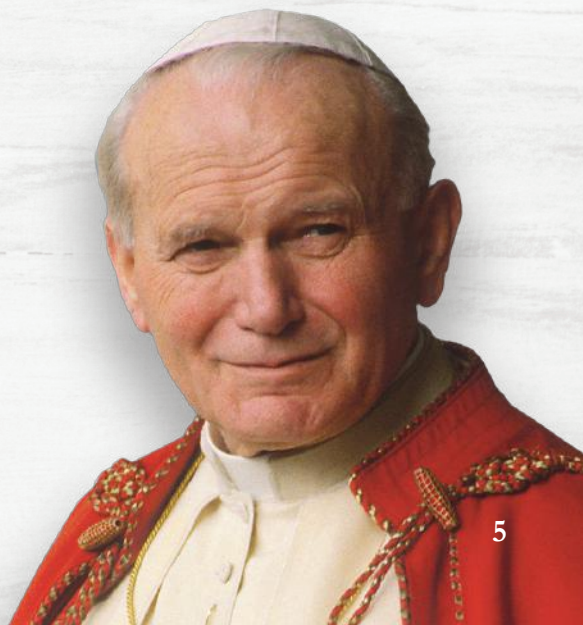
When visiting our country, St. John Paul II continued to challenge us to discard capital punishment. For example, at his papal Mass in St. Louis, Mo., on January 27, 1999, he said:

The new evangelization calls for followers of Christ who are unconditionally pro-life: who will

proclaim, celebrate and serve the Gospel of life in every situation. *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 I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.

This is a very natural conclusion from paragraph 56 of *Evangelium Vitae* (*The Gospel of Life*):

This is the context in which to place the problem of the death penalty. On this matter, there is a growing tendency, both in the church and in society, to demand that it be applied in a minimal way or even that it be abolished altogether. The problem must be viewed in the context of a system of penal justice ever more in line with *human dignity* and thus, in the end, with God's plan.





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It is clear that for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. Today, however, as a result of steady improvements in the penal system, such cases are very rare if not practically nonexistent.

In any event, the principle outlined in the previous paragraph 2267 of the *Catechism of the Catholic Church* remains valid: “*If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must 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.”

Even more direct is the following statement of St. Pope John Paul II in paragraph 9 of the encyclical after he recounts the willful murder by Cain of his brother Abel as related in the Book of Genesis in the Bible:

God, who is always merciful even when he punishes, “put a mark on Cain, lest any who came upon him should kill him” (Genesis 4:15). He thus gave him a distinctive sign, not to condemn him to the hatred of others, but to protect and defend him from those wishing to kill him, even out of a desire to avenge Abel’s

death. Not even a murderer loses his personal dignity, and God himself pledges to guarantee this.

Pope Benedict XVI

Pope Benedict XVI continued to support the limitation and eradication of the death penalty during his pontificate.

I greet the distinguished delegations from various countries taking part in the meeting promoted by the Community of Sant’Egidio on the theme: *No Justice without Life*. I express my hope that your deliberations will encourage the political and legislative initiatives being promoted in a growing number of countries to eliminate the death penalty and to continue the substantive progress made in conforming penal law both to the human dignity of prisoners and the effective maintenance of public order. Upon all the English-speaking pilgrims present, including those from the United States, I invoke God’s blessings of joy and peace!⁶

Pope Francis

Continuing with this church teaching, Pope Francis has revised paragraph 2267 of the *Catechism of the Catholic Church*. His thinking is that capital punishment today is unacceptable, however serious the condemned’s crime may have been. The death penalty, regardless of the means of execution, entails cruel, inhumane, and degrading treatment. It should be rejected due to the defective selectivity of the criminal justice system and in the face of the possibility of judicial error.

The actual revision to *the catechism* reads as follows⁷:

2267. Recourse to the death penalty on the part of legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good.

Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have been developed, which ensure the due protection of citizens but, at the same time, do not definitively deprive the guilty of the possibility of redemption.

Consequently, the Church teaches, in the light of the Gospel, that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person,” and she works with determination for its abolition worldwide.

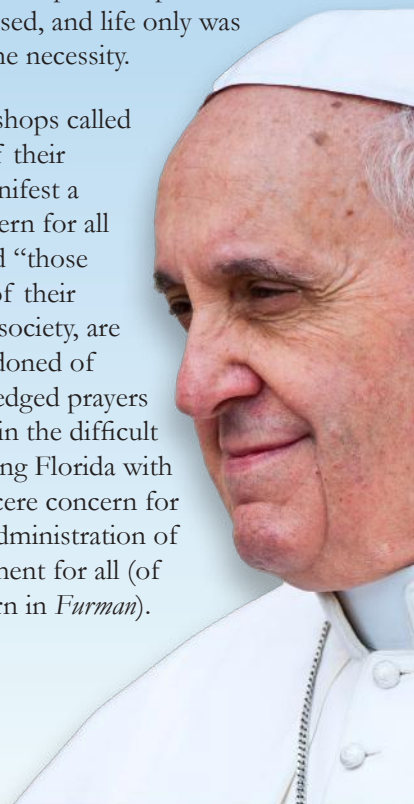
In the U.S., the Catholic bishops have voted to accept and implement this revision. On June 13, 2019, the U.S. Conference of Catholic Bishops (USCCB) approved the revised passage on the death penalty for the U.S. Catholic Catechism for Adults.

Florida Bishops: Statements and Actions on the Death Penalty

Anticipating efforts to re-establish the death penalty in Florida after the United States Supreme Court ruling in *Furman v. Georgia*, the Catholic bishops of Florida issued their first *Statement on Capital Punishment* in 1972. They cited the growing awareness of the dignity of the human person in the face of attacks on human life in all forms. For the first time, they expressed together with the hope that capital punishment would be “abolished altogether.”

There was awareness even at that time that those who could afford a skilled defense and pay for appeals would avoid capital punishment. Circumstantial evidence and discrimination in jury selection would inordinately affect the poor and minorities. They emphasized the need for redemptive and rehabilitative aspects of punishment should be stressed, and life only was taken in extreme necessity.

The Florida bishops called upon priests of their dioceses to manifest a scriptural concern for all human life, and “those who, because of their crimes against society, are the most abandoned of men.” They pledged prayers for lawmakers in the difficult task of providing Florida with mercy, and sincere concern for the equitable administration of capital punishment for all (of primary concern in *Furman*).



Florida's bishops issued additional statements in 1979 and 1983, as more executions were scheduled. They joined other Christian leaders in "Letters to Christians" on this topic in 1984 and 1994. In 1990, they issued the pastoral statement, *Protection, Punishment, But Not Death*. They issued public pleas for stays of execution and mercy and began to release them in every case of a scheduled execution in the 2000s. (The U.S. bishops began a campaign to end the use of the death penalty in 2005).

As executions were scheduled, the bishops established prayer vigils in the diocese in which the murders took place to pray for victims, the condemned and an end to using the death penalty. These prayer vigils have grown and expanded, and now they are held in each diocese in Florida on the evening of the execution. At the last execution (Gary Ray Bowles on August 22, 2019, for the murder of Walter Hinton), the faithful had opportunities to join in more than 30 prayer vigils (some at public settings). Members of the Florida Conference of Catholic Bishops' Advocacy Network regularly send more than 1,000 messages asking the governor to issue stays of executions.

Let me clarify two points on Scripture to legitimize capital punishment.

There is a great deal of research and scholarly work available to us about the understanding of capital punishment in the holy Scriptures. As the faithful in our diocese delve into such sources, we must be particularly mindful of the Catholic approach to Scripture, which discourages the fundamentalist or literal interpretation approach. Our diocese is in a region of the country where one often finds a literalist interpretation of the Bible.

As regards capital punishment, Dr. James J. Megivern has provided us with a comprehensive scholarly treatise on integrating Scripture and Catholic history in *The Death Penalty: An Historical & Theological Survey*. He explains that the historical attempts to legitimize the death penalty as God's will, Genesis 9:6 has probably been cited more frequently than any other text as a basic proof of the propriety of humans executing fellow human malefactors: "If anyone sheds the blood of man, by man shall his blood be shed; for in the image of God has man been made."

And this appears to be true today in Florida.⁸ Megivern cautions that:

Such a reading of Genesis 9:6 was always faced with manifold difficulties, including the problem of explaining why, five chapters earlier, the primeval murderer (Cain) did not have his blood shed, but rather 'the Lord put a mark on Cain, lest anyone who came upon him should kill him' (Genesis 4:15).

Megivern further warns us that:

Another objection provoked by a critical reading of this verse is that no distinction is made between accidental, negligent, and willful homicide.

Within willful homicide, no distinction is made between crimes of passion and those which are planned with scheming malice.⁹

In the 2018 Annual Fall McGinley Lecture at Fordham University, Jesuit Patrick J. Ryan reminds us that the Ancient Hebrews, for whom these Scriptures were the Bible, did not treat Genesis 9:6 as a command from God to be carried out or else. Specifically, after recalling that God made humankind in God's image and likeness (Genesis 1:26), Father Ryan explains that:

Rabbi Akiva, the prince of scholars in the late first century and early second century CE, declared that 'he who sheds blood is regarded as though he had impaired (God's) likeness.' ... An attack on the human likeness of God – the only image of God possible for adherents to the faith of Israel – is construed in some sense as an attack on God.

The famous “eye for eye ... life for life” quotes from the Hebrew Scriptures offered by some Christians today as *supposed proof* of God's command for us to use the death penalty, ignores that “this law of retaliation was not interpreted literally in ancient Israel but was understood metaphorically, designating monetary compensation to be paid to a victim by a perpetrator.”¹⁰

The Unfairness of the Death Penalty

When we apply the previous principles to our situation in Florida and the U.S., many surprising things become clear. As noted by the Rev. Shane Claiborne, a prominent evangelical pastor:

Even as the number of executions in the U.S. decreases nearly every year, and death sentences are the lowest they have been in 40 years, some states are still trying to keep the death penalty alive. ...

Eighty-five percent of executions in the past 40 years have taken place in the Bible Belt. This means the Bible Belt is the death belt in America.

Wherever Christians are most concentrated in America is where most executions have taken place. The death penalty has survived not despite Christians but because of them.

He then noted, referring to the August 2018 revision to the *Catechism of the Catholic Church*:

This revision of *the catechism* makes it clear that the Catholic Church no longer has ethical room for the death penalty. Killing is the problem, not the solution. We cannot kill to show that killing is wrong. And we have ways of protecting innocent people from someone who is dangerous without killing dangerous people.

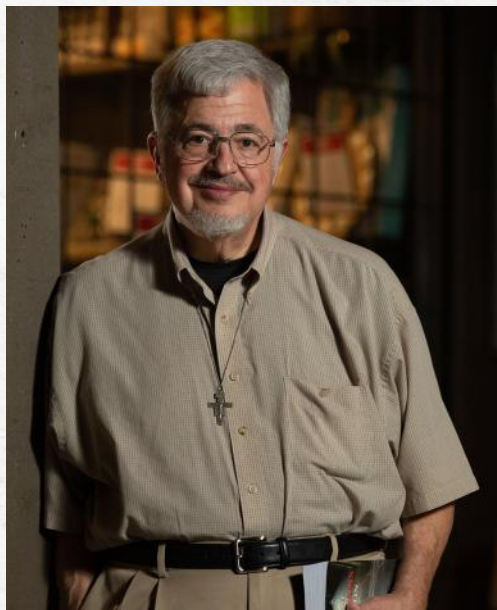
This is good news to millennial Christians, about 80 percent of whom oppose the death penalty.¹¹

Dale Recinella, who is both a lawyer and a Catholic death row chaplain, has published an extensive in-depth analysis of how the U.S. death penalty stacks up against the requirements of Scripture as understood by the Jewish people at that time.¹² He identified 44 substantive (who can be given the death penalty) and procedural (how it is applied) requirements of the Biblical death penalty when it was the law of the land in Israel. Our death penalty, in Florida and the U.S., is zero for 44 on the requirements of the biblical death penalty. He concludes: “The American death penalty fails miserably in every possible respect to meet any of the most minimal biblical standards.”

A Fervent Call for Reform

While humbly recognizing there is still much work to do in promoting our belief in the sanctity of life, there seems to be a growing consensus everywhere that capital punishment is unnecessary to protect society from the worst offenders. There is even a sense of urgency that the death penalty is strictly limited or abolished, as our Holy Father has advocated.

Prisons, like courts, are human systems and, therefore, fallible. Those in charge of public policy must provide for public safety, so unsecured prisons will not result in renewed calls for retribution and for capital punishment after it has been abolished.



DALE RECINELLA, J.D., M.T.S.

Scripture and Catholic tradition are clear about the fundamental right of self-defense, both for individuals and for societies (*Catechism*, 2263-2267). Thus, there is a great need for vigilance toward the effectiveness of prison security, even in well-developed societies, so these systems do not deteriorate or become corrupt and endanger their citizens. This fervent call for prison reform and maintenance applies to all societies.

The words of St. John Paul II cited above (*Evangelium Vitae*, 56) also have a personal and prophetic ring to them. He points to a deep need for reform in the mindset of both public officials and individual citizens about the fundamental human dignity of the incarcerated (Matthew 25:39). Notice the prisoners confined in inhumane conditions of solitary confinement, causing harmful side effects leading to depression, anxiety and suicidal thoughts. Let us remember the

exhortation of the author of the Letter to the Hebrews: “Be as mindful of prisoners as if you were sharing their imprisonment, and of the ill-treated as of yourselves, for you may suffer as they do” (Hebrews 13:3).

Such a reform calls for nothing less than the ongoing renewal of values (Romans 12:2 and Ephesians 4:23) demanded by the Gospel of life in the hearts of all people. I pray that the ethic of human dignity will infuse every element of society with respect for persons – from the most innocent unborn child to convicted felons – through people of faith transformed by the Gospel message of Christ’s love and life.

Prison Ministry in the Diocese of St. Augustine

Our state of Florida, with 350 death row inmates, has the largest active death row in the United States. California’s death row is larger in numbers, but that state’s death penalty is under moratorium. We are in the state that is the heartbeat of the U.S. death penalty. Florida has

the largest active death row in the Americas.¹³ And Florida’s death row and the death house are located in our diocese. This is our challenge, and this is our time.

St. Maximillian Kolbe did not plan to put his life on the line to save the life of a condemned prisoner in a concentration camp, but when God put that need in front of him, he unflinchingly stepped forward and stepped out. In faith! God has put us here. We must do the same regarding this need and this attack on the inviolability of human life.

The term *Florida Death Row* is used for the actual location of the prison cells that house Florida inmates under a sentence of death. For many years death row for men has been housed at the Florida State Prison in Starke and Union Correctional Institution in Raiford. For women, Florida’s death row is housed at Lowell Correctional Institution Annex near Ocala in the Diocese of Orlando. When a woman’s death warrant is signed, she is moved to the death house in Starke.



The faithful gather in front of the Duval County Courthouse in Jacksonville for a prayer vigil before the execution of Patrick Hannon in 2017.

The death house refers to the location of the execution chamber and the prison cells that house Florida inmates under an active death warrant with a date set by the state for them to be killed. There is only one death house for the state of Florida, and it is at Florida State Prison, Starke.

In the early 1970s, the U.S. Supreme Court struck down Florida's death penalty (and those of other capital punishment states) because of intractable constitutional problems.

Florida introduced its modern death penalty in 1976, and the Diocese of St. Augustine has been present on death row ever since. Executions under the current Florida death penalty started May 25, 1979, with John Spenkelink. The next Florida execution occurred

on November 30, 1983, with Catholic inmate, Robert Sullivan. My predecessor Bishop John J. Snyder, was a spiritual advisor to Robert Sullivan and appeared on network television voicing his concerns about the possibilities of his innocence.

The Catholic presence through pastoral ministry has been consistent at Florida death row, even at the time of execution. Each condemned man or woman is held on death row until a death warrant is signed by the governor setting a date for his or her execution. They are then pulled from death row and moved to the death house to a cell within 20

feet of the execution chamber. This begins the process called "death watch," which typically lasts about four to six weeks and involves intensive spiritual counseling and pastoral services to the condemned inmate and their family. The services include participation in family visits up to the final visit on the day of execution, cell-front sacramental and pastoral ministry to the condemned inmate in the death house on the day of execution and a presence at the execution on behalf of the condemned.



DEACON LOWELL "CORKY" HECHT

BRANDON DUNCAN

Since 1976, the pastor of St. Mary, Mother of Mercy Parish, in Macclenny, Fla. has had the primary responsibility for the church's ministry at death row. We are blessed that the Mercedarian friars have taken charge of the two parishes

(St. Edward's in Starke and St. Mary's in Macclenny) caring for inmates on death row.

In 1998, Dale and his wife, Dr. Susan Recinella, moved from Rome, Italy, to St. Mary, Mother of Mercy Parish in Macclenny, and joined the death row pastoral team. While Dale is still a licensed lawyer in Florida, he agreed to stipulations by the Florida Department of Corrections to refrain from the practice of law as a condition of having access to the men on death row for pastoral counseling and deathwatch. After 18 years, Dale's cell-front ministry has passed to Deacon Lowell "Corky" Hecht, but Dale is still actively involved

in pastoral counseling and deathwatch for the church. Dr. Susan makes herself available for the accompaniment of the families of the condemned during the goodbyes and the execution. The couple has been on deathwatch almost 40 times, and Dale is preparing to witness his 20th execution.

Because the condemned's family must leave the prison six hours before the execution, St. Mary's accommodates the needs of the family by making the church, the pastor, the resident deacon, Kenneth Cochran, and the death row coordinator, Deacon Corky Hecht, available to them for a quiet and holy vigil during the execution. When the family requests it, the pastor will celebrate Mass at the church immediately following the execution.

Pastoral services on death row include weekly cell-front ministry through cell-to-cell rounds, which maintains a Catholic presence for all the men on death row, provision of sacramental services at cell-front for Catholics, and pastoral counseling which is available one-on-one in interview rooms upon the request of the inmate.

Mercedarian Fathers Richard Rasch and Michael Donovan, and Deacon Hecht, make regular cell-front rounds on Florida's death row, offering support and solidarity to all death row inmates regardless of their faith. Laity from the Knights of Malta, the Knights

of Columbus, Cursillo, Legatus, and parishes throughout our diocese participate in this death row apostolate.

About 50 men on Florida's death row are Catholic. According to the Department of Corrections procedures, one-on-one pastoral counseling by Catholic priests, deacons and certified chaplains is available to all who are Christian or seeking to become Christian. About 45 men are in on-going Catholic pastoral counseling. In the last 21 years, more than 30 men on death row have received the sacraments of initiation (baptism, reconciliation, and Eucharist), including those in the death house.

Prayer, Advocacy and Care

Above and beyond the pastoral outreach maintained, members of our diocese are called to witness to the inherent dignity and value of every human life, even of those who have done great wrong. One way we perform this duty of our Catholic faith is to participate in prayer vigils in our parishes and city centers for each execution. We do not side against the parties involved. Still, we do stand in opposition to the state's taking of human life, which is unnecessary to preserve public safety and shows no evidence to protect innocent life in society. This we oppose, in faith and with voice. And, we work to end the use of the death penalty in our state and our country. In June 1999, St. Mary, Mother



of Mercy Parish, with the unanimous vote of its parish council, became one of the first two Catholic parishes in the U.S. to formally pass a moratorium resolution on the death penalty.¹⁴ The resolution opened with the following public letter from our dearly beloved and recently deceased shepherd, Bishop John J. Snyder, published on Good Friday, April 2, 1999, in the *Florida Times-Union*:

“Today, I join my brother bishops in a Good Friday appeal to end the death penalty. On the day when we recall the execution of Jesus Christ, the administrative board of the bishops’ conference has released a statement calling for an end to the death penalty in the United States. As we approach the next millennium, we are challenged by the evolution in Catholic teaching on this subject and encouraged by new and growing efforts to stop executions around the world.

In January 1999, our Holy Father brought his prophetic appeal to end the death penalty to the United States, clearly challenging us to “end the death penalty, which is both cruel and unnecessary.” Our Holy Father has called us with new urgency to stand against capital punishment.

We oppose capital punishment not just for what it does to those

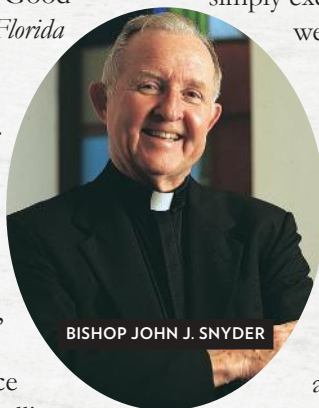
guilty of horrible crimes, but for what it does to all of us as a society. Increasing reliance on the death penalty diminishes all of us, and it is a sign of growing disrespect for human life.

We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.

We strongly encourage all within the Catholic community to support victims of crime and their families. This can be a compassionate response to the terrible pain and anger associated with the serious injury or murder of a loved one. Our family of faith must stand with them as they struggle to overcome their terrible loss and find some sense of peace.

This is not an easy issue. All of us need to consider how we will stand up for life, stand with the victims of crime and work for a society that does not solve its problems with violence.”

— John J. Snyder, Bishop, Diocese of St. Augustine, Jacksonville, Fla., USA



BISHOP JOHN J. SNYDER



Our Florida bishops and our staffs, both in our dioceses and in Tallahassee at the Florida Catholic Conference, continue to work diligently to make these prophetic words a reality. Among the many actions taken to bring about an end to executions and to inform and educate our people about the truth of capital punishment is our participation in the International Day for Cities for Life with our partners, the Community of Sant'Egidio in Rome.

Since 2002, Sant'Egidio has organized this gathering of cities against the death penalty, which takes place every year on November 30 – the anniversary of the first abolition of the death penalty by a state, the Grand Duchy of Tuscany in 1786. The dioceses of Florida began observing this event several years ago, and our diocese continues to participate in several locations, including programs with speakers in Jacksonville, St. Augustine, and Gainesville.

The Cities for Life event is in addition to prayer vigils that are scheduled on the evening of executions, which began in 2012. The last execution in Florida had 30 Catholic-sponsored vigils, with every diocese in Florida represented. This does not include others sponsored by other community organizations.

At these vigils, participants are called to pray for the victims of violent crime and, for those affected by their deaths, for the condemned and their loved ones, and for the governor to end executions.

A vital dimension in our prayer and our advocacy remembers the victims of heinous crimes that prompted the proposed execution in the first place. They must never be forgotten. The families must receive our care and support.

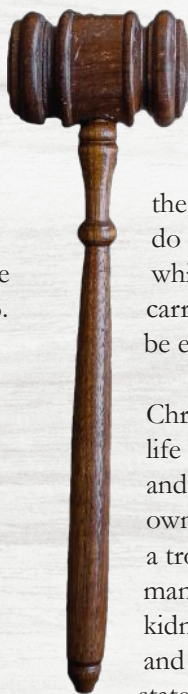
Bishop Victor Galeone, a great defender of human life at all stages, asked every priest in the Diocese of St. Augustine

to gather petitions from parishioners over the age of 16 at church services for a moratorium. I quote him, “While these petitions do not call for the abolition of the death penalty at this time, they do call for a moratorium during which the need for and equity in the carrying out of the death penalty can be evaluated.”

Christian witness to the dignity of all life is costly, sometimes dangerous, and always courageous. When our own Father René Robert, 71, helped a troubled, drug-addicted young man, his car was hijacked, he was kidnapped and locked in the trunk, and finally, senselessly, during a tri-state flight was murdered on April 11, 2016, in Georgia.

For a week, authorities couldn't find his body, but we kept prayerful vigil and found deeper evidence of René's Christ-like love and defense of human dignity instead.

Twenty-one years earlier, Father René had left a written and notarized document in his official file at the diocese. The document, *a Declaration of*



Life, was dated May 23, 1995. It states, “I hereby declare that should I die as a result of a violent crime; I request that the person or persons found guilty of homicide for my killing not be subject to or put in jeopardy of the death penalty under any circumstances, no matter how heinous their crime or how much I may have suffered.”

At a press conference on January 31, 2017, outside the Richmond County Courthouse in Augusta, Ga., we, his family and friends (Catholic bishops, priests, deacons, nuns, and laity), committed ourselves to his will and urged the District Attorney in Augusta to do the same. Witnessing from beyond the grave, as the judge himself observed, René made the crucial difference, and eventually, the court agreed. His murderer is serving a life sentence without a chance of parole. Now, it’s up to us to be true to his courage, and the call of Pope Francis, despite the danger and the cost.

As citizens of one of the most populated states of the union, protecting human rights and the inviolable dignity of each human made in the image of God motivates me to publish this pastoral letter on this controversial social issue.

Our system of incarceration needs to change from inhumane punishment to hopeful rehabilitation. Everyone must be concerned that not a single innocent human is condemned to deadly execution.

Our pastoral experience in caring for inmates has revealed that many of them have experienced a conversion of heart, and society can benefit from a reunion with their families and re-entry to society.

As we have accompanied inmates to their execution, our experiences confirm Pope Francis’ statement that the death penalty “entails cruel, inhumane and degrading treatment, as is the anguish before the moment of execution and the



terrible suspense between the issuing of the sentence and the execution of the penalty, a form of ‘torture’ which, in the name of correct procedure, tends to last many years, and which often leads to illness or insanity on death row.”

– *Letter to the President of the International Commission Against the Death Penalty*,
March 20, 2015.

As a Floridian, I love this state, where I have lived the American dream. I wish for a 21st-century humane prison system in Florida where no person is killed by the state, and society is fully protected. Where inmates are given the opportunity to reform their lives in a more compassionate environment. This dream is realistic and possible for most of them. Let us make a difference enacting a coherent culture of life for the benefit of all.¹⁵

Given in St. Augustine, Fla.
January 1, 2020
Solemnity of Mary, Mother of God

Endnotes

1. *Evangelium Vitae (The Gospel of Life)*, March 25, 1995, paragraph 9.
2. Lack of Transparency in the Clemency Process – Full and proper use of the clemency process is essential to guaranteeing fairness in the administration of the death penalty. Given the ambiguities and confidentiality surrounding Florida’s clemency decision-making process and the fact that clemency has not been granted to a death-sentenced inmate since 1983, it is difficult to conclude that Florida’s clemency process is adequate. For example, the factors considered by the Board of Executive Clemency are largely undefined and the board is not required to provide its reasons for denying clemency. In fact, the governor can deny clemency at any time, for any reason, even without holding a public hearing on the death-sentenced inmate’s eligibility for clemency.

See Executive Summary, evaluating fairness and accuracy in state death penalty systems: The Florida Death Penalty Assessment Report: An Analysis of Florida’s Death Penalty Laws, Procedures, and Practices, American Bar Association (September 2006), vi.
3. *Catechism of the Catholic Church* (2019), 2267. Pope Francis has taken a principled stance toward a modern practice that largely runs counter to Gospel values. There is no indication that this revision was made ex cathedra. It avoids calling the death penalty intrinsically evil or assigning it the moral equivalency of the direct and intentional killing of the innocent, as in abortion and euthanasia.
4. Professor Emeritus Charles E. Rice (d. February 26, 2015) was a faculty member at Notre Dame Law School for more than 45 years. His areas of specialization were constitutional law and jurisprudence. He was also a noted expert in natural law.
5. Charles E. Rice, *The Winning Side: Questions on Living the Culture of Life* (St. Brendan’s Institute: Mishawaka, IN, 1999), 281.
6. Pope Benedict XVI, general audience, addressing the Community of Sant’Egidio on the occasion of the annual gathering for *Cities for Life*, Rome (November 30, 2011).
7. Letter to the Bishops regarding the new revision of number 2267 of the *Catechism of the Catholic Church* on the death penalty, “*Bollettino della Sala Stampa*,” August 2, 2018, 6.

8. "As a person who lives in the Deep South Bible Belt, in the state called the belt buckle of the death penalty belt, I have seen numerous Christian billboards, placards, and pamphlets supporting the death penalty. Almost all of them feature the verse from Genesis 9:6," Dale S. Recinella, *The Biblical Truth about America's Death Penalty* (Northeastern University Press: Lebanon, NH, 2004) 52.
9. James J. Megivern, *The Death Penalty: An Historical & Theological Survey* (Paulist Press: New York, 1997).
10. Father Patrick J. Ryan, S.J., *Capital Punishment: Changes in Jewish, Christian, and Muslim Attitudes*, The Annual Fall McGinley Lecture (Fordham University: New York, 2019).
11. The Rev. Shane Claiborne, "Christians are why the death penalty lives on," Religion News Service (August 6, 2018); for a book-length discussion of the modern American death penalty from an evangelical pastor's point of view, see, Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (Harper Collins: NY, NY, 2016).
12. Recinella, *The Biblical Truth about America's Death Penalty*.
13. Death Penalty Information Center Policy Issues: Innocence, available at <https://deathpenaltyinfo.org/policy-issues/innocence?did=412&scid=6>, Death Penalty Information Center, Washington, DC, last visited August 18, 2019.
14. Parish Resolution on Death Penalty: St. Mary, Mother of Mercy, Macclenny, Fla.: Following is a resolution calling for a moratorium on the death penalty, passed June 1, 1999 by the parish council of St. Mary, Mother of Mercy, Macclenny, Fla. St. Mary's, situated three miles from the Georgia border, is the parish in which Florida's death row is located. Available at <http://www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/parish-resolution-on-death-penalty-macclenny-florida-1999-06-01.cfm>.
15. Bishop Estévez' column in the July/August 2019 issue of the *St. Augustine Catholic* magazine.



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