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Repealing New Mexico's death penalty

John Dear S.J. | Feb. 17, 2009 On the Road to Peace

Last week, over three hundred people from all over New Mexico gathered in Santa Fe at the Roundhouse, our gorgeous adobe capitol building. There we rallied and lobbied the legislature as it prepares to consider abolishing the death penalty. Maryland, Nebraska and Montana have come close recently. New Mexico may be close too. But once again the decision centers on Governor Bill Richardson. Will he support or veto abolition? This time he may do the right thing. Hope is in the desert air.

We flooded the capitol rotunda -- people gathered from the four corners of the state, young folks and old, activists and church people, lawyers and relatives of people on death row. Plus relatives of victims. The room crackled with energy and optimism.

On hand to welcome us was Viki Elkey, executive director of the New Mexico Coalition to Repeal the Death Penalty. ?The time has come to end the death penalty in New Mexico,? she proclaimed. A cheer arose and echoed throughout the hall and, above, in the dome. And as she went on, she reminded us of a thing or two: the death penalty is not a deterrent. It is too expensive. Its application is racist. The sentence falls disproportionately to the poor. It is unjust, immoral and unChristian.

But then, to our delight, she set out on a fresh path. The death penalty, she said, diverts attention and funds away from victims? families. Resources instead land in the murderers? laps. Appeals, petitions, wrangling, arguments reopened. Procedural back-and-forth can limp along for decades. And it keeps the gruesome reminders before the families? eyes. How will the families ever heal? The system grinds their wounded hearts, and all but forbids them peace until at last the murderer dies. Here is peace meted out by the state -- peace not really worthy of the name.

A poll conducted by Research and Polling shows that support for the death penalty in New Mexico has declined steadily over the past six years. A majority -- 64 percent -- are willing to replace the death penalty with a sentence of life in prison without parole.

This would bring the state great savings, Viki said, a boon especially now, during this financial crisis. The State Public Defenders Department alone could save as much 2.5 million dollars a year.

After Viki finished, others took the podium. First were representatives from Murder Victims Families for Reconciliation, a heroic organization of families of murder victims who advocate forgiveness and reformation of the justice system. Death row money, they said, should go to victims? families in the form of long-term counseling and financial assistance.

Then came testimony from three death-row prisoners, each of them wrongly convicted, then exonerated after a lengthy fight. Such cases are mounting. Capital sentences have been overturned 130 times since 1973, the innocent escaping by a hairsbreadth. Others have fared more poorly. Since 1900 there are 23 known cases in which the innocent have died.

Juan Melendez spoke first, a New Mexico resident and a veteran fighter against the death penalty. He spent 17 years, 8 months and 1 day on Florida?s death row -- this despite the lack of physical evidence and the dubious reliability of the witnesses against him. Three times the Florida Supreme Court denied his appeal. Then after 16 years a misplaced transcript came to light. In it was the confession of the one who did the crime.

Now Juan travels the country and tells his story. Of his suffering, his frustration. Of his anguished mother saving her meager income for his burial even as she prayed for his release. Now Juan prays. "I pray to see the death penalty abolished," he said. "It causes nothing but more pain and suffering." Juan is full of life and hope, and has been our Pax Christi friend for years, but you can still see the suffering in his eyes.

Randy Steidl spoke next. He was on death row 12 years, then spent five more years in prison after his sentence was commuted to life without parole. There was no forensic evident against Steidl. The Illinois State Police uncovered evidence of a mishandled investigation with suggestions of witness tampering and interference from ?political connections.? (See *Chicago Tribune* editorial: **Pardon Randy Steidl** [1].)

?The system is broken,? Steidl told the gathering. ?The error rate is too high. The death penalty isn?t about justice but revenge.?

Finally, we heard from Ray Krone, an athlete in his early days in high school, a Boy Scout as a child. When a woman died violently in an Arizona bar, Ray landed in jail based on a bite mark compatible with his teeth. It was enough, in the eyes of the law, to sentence him to death. Some 10 years later he was exonerated based on his DNA. He was the 100th person, since 1973, when record-keeping began, to be exonerated from death row.

"I do not trust the state to execute a person for committing a crime," he said. "I know how the system works. I know what prison is like. I know what judges are like. I know what prosecutors are like. The system has little to do with justice or fairness or equality. If this happened to me, it can happen to anyone.?

Hearing these brave people moved me deeply. And I rejoiced with them to hear later that the House of Representatives voted our way. The bill is now before the state Senate, which we believe will vote our way too. The outcome, then, in the governor?s hands, teeters in the balance. And all of us are praying that he does the right thing.

Our gathering unleashed moral forces. And our hopes are very much alive. In part, they find confidence in the eloquence of exonerated Ray Krone. ?Just as segregation ended,? he said, ?so too one day will the death penalty.?

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For details on this information, plus updates on the executions that happen nearly every week across the nation, visit the National Coalition to Abolish the Death Penalty at www.ncadp.org. To keep abreast of our struggle in New Mexico, see: www.nmrepeal.org.

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This week, a new book, *John Dear On Peace: An Introduction to His Life and Work* by Patricia Normile was published by St. Anthony Messenger Press. John also has two new books, *A Persistent Peace* (his autobiography, from Loyola Press), and *Put Down Your Sword*, (Eerdmans) a collection of essays on nonviolence and peacemakers such as Cesar Chavez, Joan Baez, Dr. King, Sophie Scholl, Thomas Merton, and Franziska and Franz Jagerstatter. Both books are available from Amazaon.com. On April 24-26, he will lead a weekend retreat on the lives and lessons of Gandhi, King, Dorothy Day, and Thomas Merton at the Kirkridge

retreat center in Stroudsburg, PA; see: www.kirkridge.org. For info, see: www.johndear.org.

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[1] http://www.law.northwestern.edu/wrongfulconvictions/exonerations/ilSteidlTribEditorial.html