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The forgotten victims of capital punishment

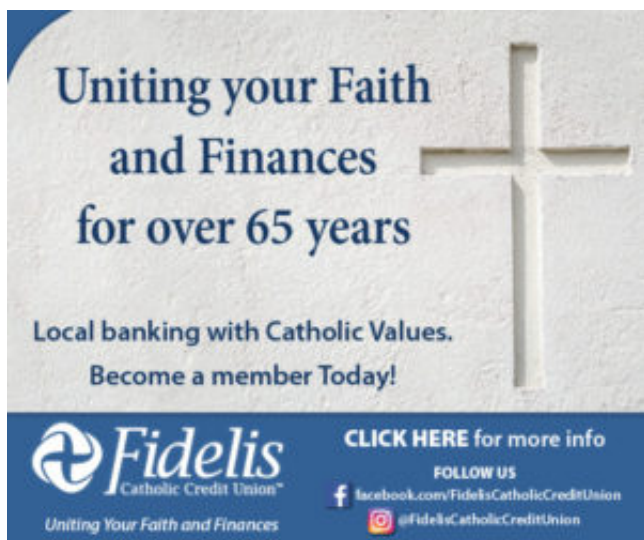
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James Castle is a criminal defense attorney in Colorado.

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For decades the Catholic Church has called for the abolition of the death penalty. Despite the Church's position, various polls still show U.S. Catholics split 50/50 on whether the death penalty is morally acceptable. The U.S. Supreme Court has ruled that jurors who would not vote for a death sentence because of their beliefs are excluded from jury service in capital cases. As a result, half of all U.S. Catholics are ineligible to serve on capital juries.

I am an attorney and for the vast majority of the last 28 years I have been called upon to represent men facing the death penalty. It is my hope that by sharing my experiences it provokes thought in Catholics who still believe in the death penalty and might someday be called upon to sit as a capital juror or vote on abolition.

In capital cases, the overwhelming emotion that is felt by all is the suffering of the victims. The anguish, the loss, the enduring sadness and the deep, deep pain these good people suffer is palpable and ever so real. In my experience, in every capital case each defendant either endured unspeakable neglect as a child, was a victim of physical or sexual assault, had brain injuries or abnormalities, or suffered from a toxic mix of untreated mental health disorders. Absolutely all of them could have led productive lives if family or society had stepped in and sufficiently helped them.

Despite the horrible crimes they committed, all of these capital defendants also had good qualities and you could find in each one of them their humanity and the

opportunity for redemption. As a capital defense attorney there are very few rewards but having the opportunity to see the light of God and humanity in those that are called “the worst of the worst” is a wonderful experience.

It is this portrayal of the contrast in suffering, that of the defendant and that of his victims, which plays out in the courtroom and from which jurors form their ultimate opinions on capital punishment. But there are several other groups who suffer from capital punishment that you never hear about.

There are the family members of defendants who have done nothing wrong but who are indirectly sentenced to years of agony waiting to find out when their loved one will be put to death. It is torturous and cruel to ask a parent or any person to wait and plan for the day when the state puts their child or loved one to death. There are the school teachers, coaches and neighbors who knew the defendant before he did anything wrong and who are pained by the death penalty drama, the goal of which is to end the life of someone they fondly remember.

I have seen judges and their staff literally age decades because of the great weight and responsibility placed on them to preside over capital cases. I have seen prosecutors, defense attorneys, investigators and staff suffer significant medical and psychological injuries and seen marriages crumble as a result of the stress of the capital punishment process. Years and years shaved off lives of people who were called upon to play a role in the death penalty process.

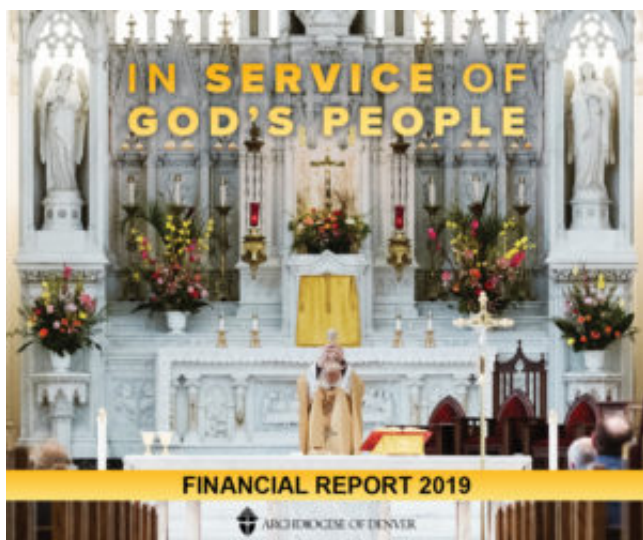
Jurors also suffer. After a death verdict many jurors have nightmares, experience regret and have deep sorrow for what they were asked to do and all are indelibly changed forever.

Some victims of the crimes for which a death sentence is sought also later suffer when a death sentence is executed. Some may think this is a small minority but the national group, Murder Victims Family for Reconciliation, which opposes the death penalty, has thrived for more than 35 years and has members throughout the country.

The rest of the citizens also suffer due to millions being spent pursuing the death penalty which could be used for worthy causes which can actually reduce violent crime such as mental health screening and treatment or providing assistance to families in crisis.

Since the death penalty was renewed in 1976, Colorado has spent millions and has executed one person. Any other state program that had a single result in 39 years at such a cost would be quickly scuttled by a bipartisan legislative initiative? Why is the death penalty an exception to fiscal sanity? Hopefully these are additional matters that all Catholics will think about if they are called upon to cast a vote on capital punishment either on a ballot or a verdict form.

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James Castle received the St. Thomas More Award from the Catholic Lawyer's Guild Jan. 29.

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