

Ban on Executions of Persons with Mental Retardation

The Texas Catholic Conference *supports a ban on executions of people who were mentally retarded at the time of the offense.*

For us this is not about ideology, but respect for life. We cannot teach that killing is wrong by killing. We cannot defend life by taking life. In his encyclical *The Gospel of Life*, the Holy Father challenges followers of Christ to be “unconditionally pro life.” He reminds us that “the dignity of human life must never be taken away, even in the case of someone who has done great evil. (Cardinal Theodore McCarrick, Archbishop of Washington)

A Texas Bishop Speaks:

“Although the U.S. Supreme Court has ruled that execution of people with mental retardation is unconstitutional, Texas has yet to place this ban into statute. I am deeply concerned that our state shows so little respect for human life that Texas has not yet taken the step to protect even those suffering with mental retardation from execution.”



-Cardinal Daniel DiNardo, Archdiocese of Galveston-Houston

Church Teaching

- ★ Crimes are sometimes committed by individuals suffering from serious mental illness. While government has an obligation to protect the community from those who become aggressive or violent because of mental illness, it also has a responsibility to see that the offender receives the proper treatment for his or her illness. Far too often mental illness goes undiagnosed, and many in our prison system would do better in other settings more equipped to handle their particular needs. (*USCCB, Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*)
- ★ The fundamental starting point for all of Catholic social teaching is the defense of human life and dignity: every human person is created in the image and likeness of God and has an inviolable dignity, value, and worth, regardless of race, gender, class, or other human characteristics. Therefore, both the most wounded victim and the most callous criminal retain their humanity. (*USCCB, Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*)
- ★ Regulations contrary to the dignity and fundamental rights of the human person should be definitively abolished from national legislation, as should laws which deny prisoners religious freedom. There will also have to be a review of prison regulations where they give insufficient attention to those who have serious or terminal illnesses. Likewise, institutions offering legal protection to the poor must be further developed. (*Pope John Paul II, Jubilee in Prisons*)

Resources

- ★ **Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice** (USCCB) (www.usccb.org/sdwp/criminal.shtml)
- ★ **Catholics Mobilizing** proclaims the Church's unconditional pro-life teaching and its application to capital punishment and restorative justice (www.CatholicsMobilizing.org)
- ★ **Restore Justice** offers a place of compassion and assistance, resources and services and educational information for anyone who is affected by crime (www.RestoreJustice.com)
- ★ **Texas Department of Criminal Justice** (www.tdcj.state.tx.us)

The Texas Catholic Conference (TCC) is the association of the 15 Roman Catholic dioceses of the State of Texas and is the official public policy voice of the Catholic Bishops of Texas.

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The United States Supreme Court has ruled that the execution of people with mental retardation is a violation of the Eighth Amendment ban on cruel and unusual punishment. The Texas Catholic Conference seeks to codify this decision into Texas law.

In the 2002 ruling of *Atkins v. Virginia*, the Supreme Court prohibited the execution of people with mental retardation, declaring the act a violation of the Eighth Amendment ban on cruel and unusual punishment. Justice Stevens, delivering the opinion of the Court, stated:

Those mentally retarded persons who meet the law's requirements for criminal responsibility should be tried and punished when they commit crimes. Because of their disabilities in areas of reasoning, judgment, and control of their impulses, however, they do not act with the level of moral culpability that characterizes the most serious adult criminal conduct. Moreover, their impairments can jeopardize the reliability and fairness of capital proceedings against mentally retarded defendants.

Given the well-known fact that anti-crime legislation is far more popular than legislation providing protections for persons guilty of violent crime, the large number of States prohibiting the execution of mentally retarded persons (and the complete absence of States passing legislation reinstating the power to conduct such executions) provides powerful evidence that today our society views mentally retarded offenders as categorically less culpable than the average criminal.

Prior to this decision, the federal government, as well as multiple states including Arizona, Colorado, Florida, Georgia, Maryland, Kentucky, Tennessee, South Dakota, and Washington, already had bans on executing people with mental retardation (*Atkins v. Virginia*).

Definition of Mental Retardation:

According to the *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition (DSM-IV), Mental retardation (MR) is characterized "by significantly subaverage intellectual functioning (an IQ of approximately 70 or below) with onset before age 18 years and concurrent deficits or impairments in adaptive functioning."ⁱ

Ban on Execution of People with Mental Retardation in Texas

In Texas, a bill to ban the execution of people with mental retardation in Texas passed in the Texas House (HB 236) on April 24, 2001, and in the Texas Senate (SB 236) on May 16, 2001. Governor Perry vetoed the legislation on June 17, 2001.

(Last updated July 26, 2010, 82nd Legislative Session)

ⁱ Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition. (American Psychiatric Association, 1994, p. 37).