

February 27, 2023

To: Montana Senate Judiciary Committee

From: Matthew Brower, Executive Director of the Montana Catholic Conference

Re: Testimony in opposition to SB 439

Mr. Chairman and members of the committee, my name is Matt Brower and I currently serve as the Executive Director of the Montana Catholic Conference. I speak today on behalf of the Roman Catholic bishops of Montana.

I am here today to voice our strong opposition to Senate Bill 439.

The Roman Catholic Church consistently affirms the dignity of the human person and the sacredness of every human life from the moment of conception through natural death. Once again, we repeat that this foundational principle must serve as the bedrock of every just and moral society.

When addressing the question of the death penalty, we must not lose sight of the victims of crime and their families. We seek to stand with them in solidarity, minister among them, pray for them and accompany them seeking authentic justice. We draw strength from the loving example of so many victims' families who have rejected capital punishment as a system that denies the goodness and beauty of their loved ones and perpetuates an unending cycle of violence.

In recent years, the Catholic Church has been quite vocal in its opposition to the death penalty. In his 2020 papal encyclical *Fratelli Tutti*, Pope Francis stated, "Today we state clearly that 'the death penalty is inadmissible' and the Church is firmly committed to calling for its abolition worldwide."

But the Catholic Church's opposition to the death penalty is not some novel shift in course ushered in only during the current pope's pontificate. We should recall that both Saint John Paul II and Pope Benedict called for an end to the death penalty, Saint John Paul II once proclaiming, "May the death penalty, an unworthy punishment still used in some countries, be abolished throughout the world."

And beyond recent popes, the Church from the earliest centuries has had voices urging society to move in favor of life and against capital punishment. St. Augustine in the year 412 wrote the following during the trial of the murderers of two priests:

"We do not object to your depriving these wicked men of the freedom to commit further crimes. Our desire is rather that justice be satisfied without the taking of their lives or the maiming of their bodies in any part. And, at the same time, that by the coercive measures provided by the law, they be turned from their irrational fury to the calmness of men of sound mind, and from their evil deeds to some useful employment. This too is considered a condemnation, but who does not see that, when savage violence is restrained and remedies meant to produce repentance are provided, it should be considered a benefit rather than a mere punitive measure... Do not let the atrocity of their sins feed a desire for vengeance, but desire instead to heal the wounds which those deeds have inflicted on their souls"

And so, in some sense, the questions we consider today are not new but they are persistent, pricking our conscience once again and inviting us to ask, “What does the commandment ‘Thou shalt not kill’ mean for us today?” as we are presented an opportunity to respond to acts of violence with mercy—a mercy that does not compromise the demands of justice but rather serves and reflects the true ends of justice—love.

We need to ask ourselves, will executing those convicted of violent crime truly make our communities and families safer, more peaceful and loving, more just? When the headline in the local paper reads, “State executes. . .” how will that impact our kids? Us? Will we come to have a greater respect for the value of every human life and the sacredness of that gift?

Jesus commanded his disciples to “love one another as I love you.” And in Jesus we see that love conditions justice and bears the fruit of mercy.

One could rightfully argue that there isn’t enough justice in our world. But as hungry as we are to see justice exacted, we, as a people, are starving for true mercy. It has become unfamiliar to far too many of us and it is all too often perverted and offered with contingencies or qualifications attached, if it is offered at all. Mercy has, in a sense, been cast out of reach and comfortably reserved to God alone. But mercy and justice are not opposed as if polar opposites pulling against each other. They are wrapped up together in that requirement that binds all of us—to love.

We understand that people of goodwill disagree about the death penalty but we believe that SB 439 moves us further away from embracing a vision of mercy and justice that will allow us to see beyond the brokenness of this world and more fully embrace the priceless gift of life we have been given and the one to whom we belong.

Mr. Chairman and members of the committee, on behalf of the Montana Catholic Conference, we urge a “do not pass” and I thank you for your time.