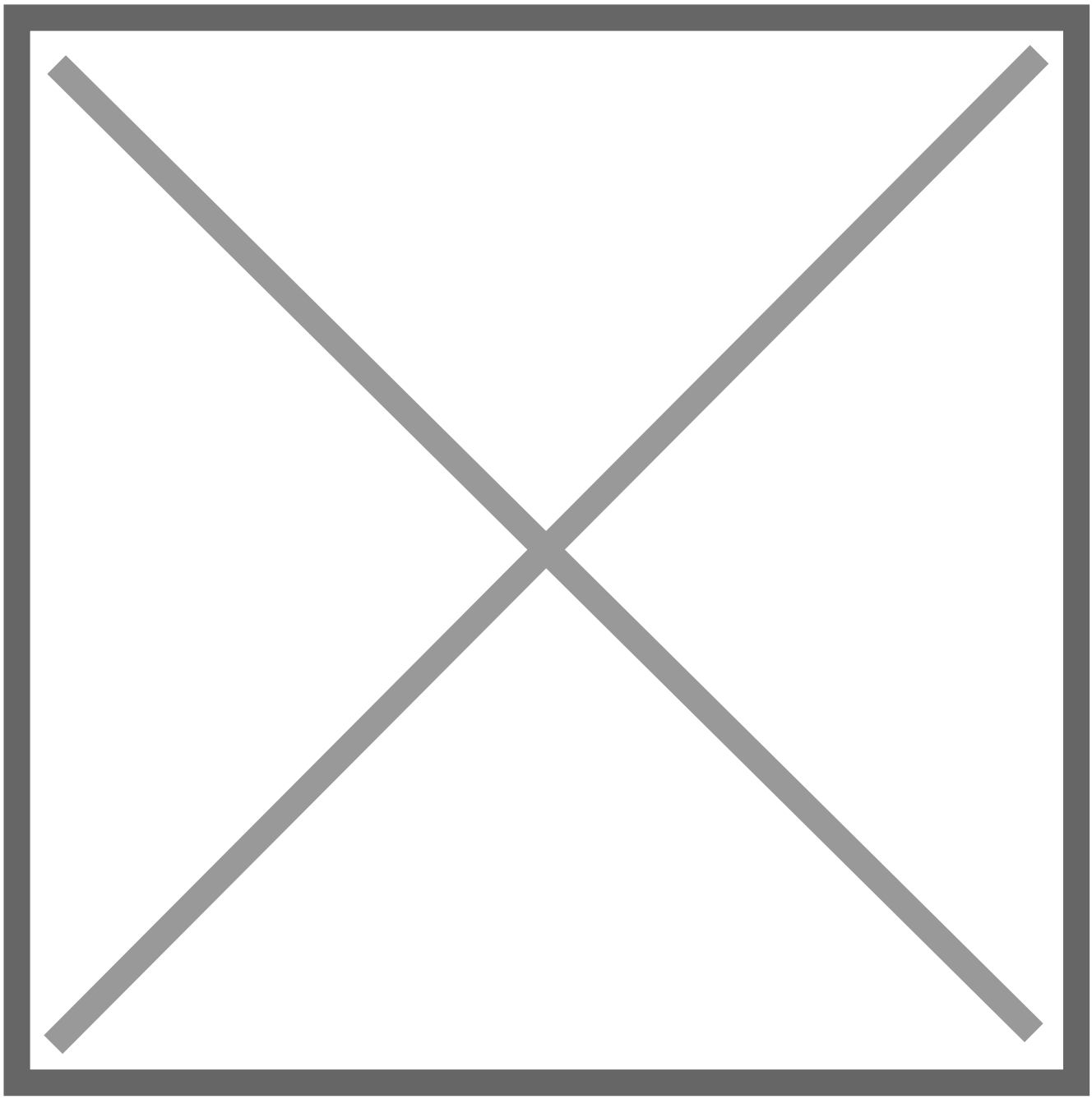
News



Tennessee Gov. Bill Lee speaks to the media at Great Smoky Mountains National Park in Gatlinburg Oct. 30, 2020. (CNS/News Sentinel/USA TODAY NETWORK via Reuters/Caitie McMekin)



Carol Zimmermann

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Tennessee's bishops have urged the state's Republican governor, Bill Lee, to stop the upcoming execution of a man on death row, saying: "Carrying out this execution does not serve the cause of justice."

"Stop another needless execution," the state's three Catholic bishops urged the governor in an Oct. 27 letter, referring to the execution of Pervis Payne scheduled for Dec. 3.

Payne, who is 53, has been on death row since 1988. He is a Black man with an intellectual disability who has claimed his innocence in the murder of a mother and daughter, for which he was convicted and sentenced to death.

He is appealing for DNA testing in his case, which is supported by the Innocence Project, a national organization that works to exonerate the innocent, primarily through DNA testing.

The bishops of the dioceses of Nashville, Knoxville and Memphis did not weigh in on Payne's guilt or innocence but instead emphasized their opposition in general to the death penalty, noting this execution "bucks the national trend of moving away from capital punishment."

"Nationally, we have seen more than 165 people released from death row after they have been found to have been innocent of the crime for which they were convicted. Based on a human system as it is, there is always the chance that the state executes an innocent person. But even when guilt is certain, execution is not necessary to protect society," the bishops wrote.

The bishops said Pope Francis and St. John Paul II described the death penalty as cruel and unnecessary.

They also said the use of capital punishment does not serve as a "path to justice," but instead "contributes to the growing disrespect for human life and continues a cycle of violence in society."

"We pray for the people of Tennessee, that through our elected government, we might turn to the path that respects and defends human life from its beginning at conception to its end at a natural death," said the letter signed by Bishops J. Mark Spalding of Nashville, Richard F. Stika of Knoxville and David P. Talley of Memphis.

The bishops also offered their prayers for victims of crime and their families and friends, and particularly for Charisse Christopher, 28, and her 2-year-old daughter, Lacie Jo, who were stabbed to death in 1987. Payne was found guilty of the murders.

Sr. Helen Prejean, a Sister of St. Joseph of Medaille, speaks at a 2016 protest in Anaheim, Cali

Sr. Helen Prejean, a Sister of St. Joseph of Medaille, speaks at a 2016 protest in Anaheim, California. (CNS/The Tidings/J.D. Long-Garcia)

"We pray also for Mr. Payne that he, like all sinners, might find mercy in God's eternal judgment," the bishops wrote.

The Tennessee Catholic Public Policy Commission, the public policy arm of the state's bishops, sent out an alert to diocesan Catholics Oct. 18 calling attention to some of the problems with Payne's case, including the lack of DNA testing.

The alert said DNA evidence from the crime scene had not been tested and a recent judge's order to do this, which hasn't been completed, "could well help prove Mr. Payne's innocence."

It also pointed out that Payne's documented intellectual disabilities call into question "the very notion of justice in the way that we treat the mentally disabled. His prosecution and sentencing echoed the all too often refrain of bias in the death penalty process."

Earlier this year, Sr. Helen Prejean, an advocate of abolishing the death penalty, tweeted: "Payne has an IQ of 72 and there is additional evidence that he is intellectually disabled. The Tennessee Supreme Court has previously said that the state has no interest in executing intellectually disabled people, but denied Pervis an opportunity to prove his disability."

"Tennesseans deserve so much better than this reckless effort to execute disabled death row prisoners in violation of the Constitution," she added.

In 2002, the Supreme Court ruled in Atkins v. Virginia that executing people with intellectual disabilities violates the Eighth Amendment's ban on cruel and unusual punishment, but it left it up to the states to implement this decision. And just last year, the Supreme Court reversed an inmate's death penalty sentence because of his intellectual disability.

An Oct. 2 column in the Tennessean, Nashville's daily newspaper, said: "Before any execution takes place, Payne must have the opportunity for a full and fair hearing on both his intellectual disability and innocence claims."

The column, written by Katie Powers, a leader and advocate for people with disabilities for the last 35 years, said: "Tennessee must do everything it can to avoid an irreversible and tragic mistake."

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