

Senate Judiciary Committee
Ohio Senate Bill 101 — Proponent Testimony
Written-Only Testimony
M. Catherine Smythe Zajc
November 13, 2023

Dear Chairman Manning, Vice Chairman Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee:

My name is M. Catherine Smythe Zajc and I am a resident of Cleveland, Ohio. Thank you for the opportunity to submit written proponent testimony on Ohio Senate Bill 101.

Abolishing the death penalty is important to me for the following reasons:

- (1) Capital punishment – state-sanctioned execution – is the antithesis to mercy, redemption and restorative justice.
- (2) It is ineffective as a deterrent to violent crime.
- (3) It has detrimental effects on many in the prison industrial complex who are required to participate in executions, including those that are botched.
- (4) It is fallible. According to ACLU Ohio, my state is home to 11 death row exonerees who collectively spent 216 years incarcerated for crimes they did not commit. I happen to live in a county that holds the dubious distinction of wrongly convicting and sentencing six of those exonerees to death for murders they did not commit. As of this writing, Elwood Jones, whose conviction was overturned in 2022, is now facing a new trial in 2024. It is highly likely that Mr. Jones, who has spent nearly 30 years to prove his innocence, will be the 12th Ohioan to be exonerated.
- (5) It has been established that the death penalty is disproportionately used against Black people and people of color, low-income individuals, people with mental and physical disabilities, and LGBTQIA+.
- (6) The death penalty perpetuates a cycle of violence; it notably prolongs healing and closure to murder victim families and ignores the economic & psychic burdens placed on them. It has the potential to strain and fray family cohesion.
- (7) In the [2022 Capital Crimes Annual Report](#), Ohio Attorney General Dave Yost acknowledged that Ohio's death penalty system is “a broken system,” “enormously expensive,” and recommended that the Ohio Legislature either “overhaul the capital punishment system to make it effective, or end it.”

In short, it is a flawed instrument, it is beyond fixing and has no place in a just and humane society. Recent polling shows that the majority of Ohioans agree that the death penalty has no place in Ohio, with 59% of Ohioans in favor of repealing it. Moreover, the two bills introduced this year by the Senate and the House respectively, S.B. 101 and H.B.259, evidence significant bipartisan support in the 135th Assembly.

Abolishing the death penalty is important to me for the following **personal** reasons:

- (1) Most of my life I chose to remain neutral on the issue of capital punishment. My stint as a VISTA volunteer working with the South Carolina Department of Youth Services (juvenile justice system)

in the early 1970's, brought home to me at a tender age the reality of different justice meted out to youth offenders depending on their race and class. It was a wake-up call for me then. And it eventually occurred to me that the same disparity is as true today for adult offenders in Ohio's capital punishment system.

- (2) I am a nearly 20-year member of Trinity Episcopal Cathedral in the Episcopal Diocese of Ohio, and a member since 2019 of the [Episcopal Peace Fellowship](#), founded in 1939. These entities have historical ties to the death penalty abolition movement and have specifically been supportive of Ohioans to Stop Executions for more than two decades. The Episcopal Church opposes the death penalty and has supported its repeal since 1958. I have been inspired in my 2019 decision to actively seek to end the death penalty in Ohio [and elsewhere], by many in my faith community as well as other faith traditions, and was pleased to recently find in my research the following: [Remarks at Ohioans to Stop Executions People of Faith Summit - House of Deputies of The Episcopal Church, 2013](#) by the Rev. Gay Clark Jennings, then-president of the House of Deputies, and long-time resident of Ohio.
- (3) As an active grassroots and faith-based volunteer to end the death penalty, I recently joined other advocates from diverse faith communities in observing No Death Penalty Ohio coalition's "Faith Week." The week culminated on Monday, October 9th with a gathering at 5:00 p.m. for a [Day of Prayer to End the Death Penalty](#), a 24-hour vigil at the Ohio Statehouse to advocate, educate and invigorate support for S.B. 101 and H.B.259. Early Tuesday morning – 5:00 a.m., 12 hours into the vigil -- was my turn to lead. I brought with me: (a) prayers and poems, some by death row inmates, others penned by faith leaders of many traditions; (b) a reflection excerpted from an Episcopal deacon who, for nearly 20 years, has been ministering to death row inmates – “mostly, it’s a ministry of presence”; as well as (3) a remembrance for a young murder victim using her own words. In curating and collecting these materials, my intention to advocate for the end of the death penalty became – remarkably -- even stronger, as did my kinship with others who have been illuminating the path to mercy and restorative justice. I was also honored that morning to hand-deliver a faith-leader letter with 444 signatures to the Statehouse office of Senator Kirk Schuring.

In summary, my faith, conscience, and personal history, guide me to strongly oppose the death penalty in all cases. It is time for Ohio to become the 24th state to abolish the death penalty in the United States. For all the reasons stated in this testimony, I urge you to pass S.B. 101 ending the death penalty in Ohio. Thank you again for this opportunity to testify.