

New Conversations about the Death Penalty
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I've heard it said that most people take a position on capital punishment at a very young age, maybe as young as seven or eight, and that they rarely change their minds. I don't know if that's true; judging by recent headlines in New Jersey, New Mexico, Montana, and New Hampshire, public opinion seems to be shifting. I have been opposed to the death penalty for as long as I can remember. I don't even recall exactly when it was that my point of view took shape. When I was still a child, I figured out that no matter what I might think about the moral validity of killing someone as punishment, I did not believe it could ever be okay to execute an innocent person. At the same time, I recognized that there would always be a possibility of human error in the administration of justice. And so, at a young age I realized I could not accept even a very small risk of wrongful conviction, and that made all the other arguments about the death penalty superfluous—for me.

In conversation with those who hold a different view, I'm sometimes asked how I would feel if my child were murdered. I will concede that I do not claim the authority of someone with first-hand experience of the death penalty. I am not related to a murder victim. Though this hasn't ever been asked, I will add that nobody I love has been convicted—rightly or wrongly—of a capital crime. Nor has anyone in my family been executed. I have not served as a police officer, prosecutor, defense attorney, prison guard, death row chaplain, or warden. Attending meetings of capital punishment abolitionist organizations, I have met people in many of these categories working together to end state executions. I feel humbled by their willingness to use the moral authority they have earned by painful experience to promote their vision of justice.

My first encounter with a victim's family member working against the death penalty was about ten years ago, when Bud Welch spoke at a meeting of the National Coalition to Abolish the Death Penalty. Bud's twenty-three year old daughter Julie Marie had died in the Oklahoma City bombing in 1995. He devoted much of his talk to remembering Julie's special qualities and her plans for the future, so tragically cut short. Then he described how for several months, he hoped for the death of the killers, and would have put them to death with his own hands. He talked about his grief and rage and pain and *hate*. One day, while listening to a song Julie had liked on the car radio, he suddenly remembered how she had felt about capital punishment. This flash of memory began to transform his grief, his anger diminished, and he turned his energy toward honoring her memory by working to get the death penalty abolished.

Bud described paying a call on the father of Timothy McVeigh, just to let him know he bore the family no ill will. On the Forgiveness Project website he writes about this experience: "As I walked away from the house I realized that until that moment I had walked alone, but now a tremendous weight had lifted from my shoulders. I had found someone who was a bigger victim of the Oklahoma bombing than I was, because while I can speak in front of thousands of people

and say wonderful things about Julie, if Bill McVeigh meets a stranger he probably doesn't even say he had a son." Timothy McVeigh was executed in 2001.

This past January at the annual meeting of the National Coalition to Abolish the Death Penalty in Harrisburg, I met other victims' family members. Thérèse Bartholomew's brother, Stephen Leone, was shot and killed in the parking lot of a bar in 2003. Thérèse told how just before the sentencing hearing, she met the killer's sister in the restroom of the courthouse. When she then saw Karl Staton in the courtroom, he was not just *her* brother's *killer*, but also someone's *brother*. Before Stephen died, Thérèse had been a high school teacher. Karl, only 22 years old, made her think of her students; she realized he could have been one of them. She experienced a long period of depression in her grief for Stephen, and wrote a memoir about her personal struggles and the painful experience of the trial. Her act of forgiveness has not been put behind her, she says, but must be a daily practice. Now, she has undertaken a documentary film project in Stephen's memory, called "The Final Gift." It will be the story of Karl Staton, the man who killed him.

There were large numbers of murder victims' family members and wrongful conviction survivors present at the conference, telling their stories to transform their grief and anger as they work to transform the world. There was also new research presented on what is called *secondary* trauma: psychological injury to civil servants who work within the criminal justice system. We heard direct witness from Ron McAndrew, a retired prison warden from Florida who still feels haunted by the men whose execution teams he served on. He explained how a warden has to deal personally with the condemned, take the order for his last meal, record his last words, watch him die. He did all of these things as part of his job. Even when it is sanctioned by the state, killing is violence, and we ought to consider the spiritual and psychological cost to individuals charged with carrying out death sentences—in our name. Although he worked many years in this position as a believer in capital punishment, Ron McAndrew now spends much of his time working to get it abolished.

We heard a story from Rachel Hardesty, a faculty member at Portland State University in Oregon. Her project is one of compassionate listening with people who work in the criminal justice system and support the death penalty. She seeks to understand their views and find common ground on which to work together on solving problems. One prosecutor she interviewed became so agitated in talking about a homicide case that he surprised himself, saying, "I had no idea I had all that in me." Hardesty explains how exposure to forensic details induces feelings of helplessness, outrage, and fear. Violent crime produces waves of harm, extending from the victim and the victim's loved ones to the witnesses, police officers, detectives, attorneys, courtroom staff, judges, juries, offenders' family members, and ultimately, the public. Much of this harm could be mitigated by renouncing the pursuit of capital convictions.

The stories I've heard move me profoundly, and they do strengthen my stance against capital punishment. So also does the convincing evidence that it fails to deter crime, diverts funds away from more constructive solutions to social problems, and perpetuates racial discrimination. These conclusions are well documented and readily available. In several states, including Maryland, bipartisan commissions have recommended its repeal. [Death Penalty Information

Center, Washington DC] But what about the moral case for the death penalty: that some crimes are so heinous, so monstrous, so *evil*, that justice demands retribution?

I offer two contrasting points of view on this question, both from voices I regard as prophetic. The first is that of Martin Buber, a twentieth-century Jewish philosopher often quoted in Unitarian Universalist settings, known for his “I-thou” philosophy. Buber categorically opposed capital punishment, even for Nazi war criminal Adolf Eichmann, saying, “*I do not accept the state’s right to take the life of any man.*” It wasn’t in this case a matter of forgiveness or reconciliation, but that “For crimes such as the Nazis had committed a death penalty was meaningless. The legal concept of punishment could not be logically applied, and man’s imagination could not conceive a fit penalty for such a man, as it could scarcely conceive his crimes themselves....Here the world of man-made law and retribution failed” Pressed to say what, then, should be done with him, Buber came up with an imaginative idea for the punishment of Eichmann, that he should be put to work on a kibbutz, to witness every day that the Jewish people had survived his plans for them. [Hodes, *Martin Buber: An Intimate Portrait*, pp. 111-114]. Eichmann was executed in 1962.

The other voice speaks to us from closer to home: UUA President Bill Sinkford’s statement after visiting the Tennessee Valley Unitarian Universalist Church in Knoxville following the attack on July 27, last summer. Two people had been killed, and six others were wounded. He wrote: “The shootings here in Knoxville have shocked and grieved us all. This crime was the action of one man who clearly must have lost the battle with his personal demons. When I was asked if the shooter would go to hell, I replied that he must have been living in his own private hell for years.” Theologically, the Universalist view holds that God condemns no one: all souls, either immediately or eventually, ascend to heaven.

I take my stand with Martin Buber, that the state does not have the right to take the life of any person, even one judged deserving of the most severe punishment. With Bill Sinkford, I regard hell as a human phenomenon, one that people of faith and goodwill work together to overcome. Belief in a loving God tends to lead people toward social action: “love will guide us.”

I do not believe that capital punishment was originally proposed as a rational remedy to any of the problems it is supposed to address. Killing for punishment and revenge was practiced long before there were laws, and we’ve managed to find ways to justify and codify it. I believe Martin Buber would have agreed with the late Kay McCann, a longtime social activist and a member of my home congregation. She used to say that the persistence of the death penalty represents a failure of the imagination.

So let’s try to imagine: what if we, as a society, went back to the drawing board, and considered what *would* be the most effective approaches to ensuring public safety, discouraging violence, enforcing laws, and responding to the needs of victims and victims’ families? *Let’s imagine*: how might we achieve these goals and not add to the violence of an offender’s act by engaging in more killing? *Let’s imagine*: what might justice look like in a community where truth and reconciliation take the place of retribution? *Let’s imagine*: how might justice prevail, order and tranquility be maintained, innocence and trust be allowed to flourish? *There* will we find affirmation and celebration of life, at the crossroads of justice and healing.

Now let the sunlight break through the showers, and praise this morning, God's re-creation of the new day!