

Not in My Name, Seeking Justice or Revenge

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Recently, Jesse Campbell was the eighth person in CT to be sentenced to die for shooting to death his son's mother, LaTaysha Logan, and her 18 year-old neighbor, Desiree Privette, and, and the attempted murder Desiree Privette's aunt, Carolyn. Campbell's first penalty phase jury deadlocked on whether his sentence should be death or life in prison with no possibility of parole. The second jury returned the sentence of death. The details of the crime are not in dispute, nor is Jesse Campbell's guilt. What is in dispute, in the minds of many people, is whether or not the imposition of a death sentence, that is, a state sponsored and taxpayer funded execution, is in the best interests of our society. Do we rest easy knowing that someone's life has been taken in our names.

The jury in this case does not rest easy. According to a published report, "Jurors held hands as they sobbed, one so hard his face turned bright red." [Helen Ubiñas, "More Tears, More False Closure" Hartford Courant, October 15, 2006]

It is a terrible thing to hold someone's life in your hands. Don Cabana, former Superintendent at a Mississippi prison, spoke about the impact of those who carry out executions. He said most of the condemned he worked with admitted they were guilty in the death chamber, and some asked him to tell the family of the victims they were sorry. But one case haunts him to this day. He feels he is responsible for the execution of man who was very likely innocent. Don Cabana asked Edward Earl Johnson, in his final moments, if he felt at peace with his God, regardless of whether he would admit to his crime or not. Johnson replied, "I'm at peace with my God. How are you gonna be with yours?" When he left the prison in the middle of the night, and met his wife at the gate, he burst into tears.

I watched Don Cabana speak in a video called "Interview with An Executioner," produced by Amnesty International for this National Weekend of Faith in Action on the Death Penalty. He is clearly a religious man. He said that every time a warden carries out an execution a piece of him dies, too. He would go home after an execution feeling so dirty, he'd get in the shower and scrub and scrub his skin to try to feel clean again. But he couldn't feel clean, knowing what his job had been.

I don't know how each of you feels about the death penalty. It may be obvious that I am opposed to it on several levels. I thank AI for providing information in some of the points I will make.

- I am complicit in state-sponsored violence, which violates my conscience.
- Until recently, the mentally retarded were among those killed in the name of some state's residents. Many people on death row are mentally ill or were at the time of their crime. The death penalty disregards mental illness. The execution of those with mental illness or "the insane" is clearly prohibited by international law. In the USA, Constitutional protections for those with other forms of mental illness are minimal, however, and dozens

of prisoners have been executed despite suffering from serious mental illness.

- The death penalty is arbitrary and unfair. 95% of death row inmates cannot afford their own attorney. Local politics, the location of the crime, plea bargaining, and pure chance affect the process and make it a lottery of who lives and dies. Since the U.S. Supreme Court reinstated the death penalty in 1976, 80% of all executions have taken place in the South (35% in Texas alone).
- There have been many false accusations made in which the defendant's lawyer was never able to present exculpatory evidence. In one such egregious example, an African American woman went to a courthouse to tell what she knew about the crime and the defendant. She had not been subpoenaed, but she had been a witness. A white security officer outside the court room told her to go home and mind her own business.
- The death penalty violates the rights of foreign nationals. 21 foreign nationals have been executed in the United States since 1988. Virtually none had been informed, upon arrest, of their right to communicate with their consular representatives.
- Too many innocent people have been put to death by various states.

It is estimated that 23 innocent people have been executed since 1900. Over 300 others have had their sentences reduced or were exonerated. Pencils have erasers for when you make a mistake. There's no eraser for the execution of someone who was mistakenly accused, falsely identified, erroneously convicted.

Since 1973, more than 120 people have been released from death row due to evidence of their wrongful convictions. In 2003, 10 innocent defendants were released from death row.

I had the opportunity to meet someone from the above group, whose life was fortunately saved. My church held a press conference in April of 2004 with Juan Roberto Melendez. According to an AP story of December 5, 2001,

[he] had spent nearly 18 years on Florida's death row before being exonerated of the crime for which he was sentenced to death. Melendez, born in New York and raised in Puerto Rico, was sentenced to die in 1984. In December 2001, a Florida Circuit Court Judge overturned Melendez's capital murder conviction after determining that prosecutors in his original trial withheld critical evidence, thereby undermining confidence in the original verdict. The judge noted that no physical evidence linked Melendez to the crime. The state had used the testimony of two witnesses whose credibility was later challenged with new evidence.

Eighteen years of Juan's life were spent in misery because of prosecutorial misconduct. Hearing him tell his story moved me to tears. There are hundreds more people like him with similar stories of injustice.

- The death penalty is racially biased. Since 1977, according to AI, the overwhelming majority of death row defendants (80%) have been executed for killing white victims, even though African-Americans make up about half of all homicide victims.
- The death penalty is not a deterrent. A September 2000 *New York Times* survey found that during the last 20 years, the homicide rate in states with the death penalty has been 48 to 101% higher than the rate in states without the death penalty.
- The death penalty costs more and diverts resources from genuine crime control.

The greatest costs associated with the death penalty occur prior to and during trial, not in post-conviction proceedings. Even if all post-conviction proceedings (appeals) were abolished, the death penalty would still be more expensive than alternative sentences. . Capital punishment cases are far more expensive to prosecute, and there are several reports that the average total cost of an execution in Florida (where juveniles, physically handicapped and mentally retarded individuals have been executed) is over \$3 million. Three prisoners could be incarcerated for 40 years for that amount.

I am not a jurist, but I am convinced that the death penalty violates the Eighth Amendment to the US Constitution, the right of citizens to be free from having cruel and unusual punishment inflicted upon them. As a nun from Louisiana, Sister Helen Prejean was serving as a spiritual adviser to several condemned men. She discovered that being on death row for as many as ten and sometimes more years, going through the ups and downs of the appeal and clemency review processes, facing your execution when you know its exact date and time—that these conditions constitute cruel and unusual punishment for the condemned.

When I was a teenager, I saw a man being strapped into an electric chair. A priest was with him. The man who was about to be executed was shaking with fear. I have never forgotten the look in his eyes.

I was probably too young to be watching "The Hoodlum Priest" on late night TV. The movie is based on the life of a Jesuit priest who ran a half-way house for ex-cons. He tried to help criminals and prisoners turn their lives around. Rev. Charles Dismas Clark was unable to save Billie Lee Jackson from his personal troubles and demons, and the movie ends with the execution of the condemned man in the electric chair with the priest as a witness, complete with a walk to the death chamber, the guards strapping the convict to the chair, and the first few seconds of the execution.

The effect of the movie on me was chilling. I can remember my cold, sweaty hands, my tensed muscles, and the sick feeling in my stomach as if I had seen the movie yesterday. I don't think I will ever forget the condemned man's final words. "It's too tight," he said, referring to the leather strap around his middle.

My intent this morning is not to shock you, no pun intended, not to disturb you with gruesome details of executions. That would hardly be appropriate for a worship service. My intent is to move some of you to join in the work to abolish the death penalty.

Of course, you are free to come to a different conclusion about capital punishment than I have. You may have direct experience with a murder victim that I simply do not have. I am terribly sorry for those among us who have lost precious loved ones by vicious acts of murder. The pain of losing loved ones is hard enough, but when their death is by violence, when we think of those loved one's final moments lived in terror and suffering, the survivors face unbearable agony. I think most of us can sympathize with the strong, instinctive desire for revenge against the persons who killed their loved ones.

I have come closer to being personally touched by the death penalty twice. Once was upon making the acquaintance of a parishioner in Houston, TX. His sister had been murdered some years before, and her killer was on death row. My parishioner was in pain because he was the only person in his family who opposed to the execution of his sister's killer. At a time when he needed them most, he was ostracized by his family. And it was painful for him to see his family members unable to put their loss and tragedy behind them, and move on. After a decade or so, they were stuck in their grieving because his sister's murderer had not yet been put to death.

One could argue that to relieve the families of murder victims, the death penalty should be carried out soon after the conviction and sentencing of the killer(s). But what if the wrong person was accused, tried, convicted and sentenced?

We must remember that when the state, acting in our names, puts someone to death, another family become victims of violence. Those executed have mothers and fathers and children and other loved ones. To my mind, it is a terrible injustice for the state to punish the family and loved ones of the people who are executed. What was their crime?

Religious people of good will can have a different opinion than mine on this issue. Desire for revenge is as natural to humans as any emotion. Some will point to the Bible's "law of retaliation" in Exodus 21:24, that is, "eye for eye, tooth for tooth, hand for hand, foot for foot" etc. Leviticus 24.21 is very clear; "One who kills an animal shall make restitution for it; but one who kills a human being shall be put to death." For the ancient Hebrews, the family members of murder victims had a duty to avenge the spilling of blood.

I focus my understanding of justice on the mercy and love that were taught by Jesus. It seems that humanity's understanding of God's laws have evolved over the centuries. My late colleague, the Rev. Wallace Fiske, of the Universalist Church of West Hartford wrote about "How God Grew Up."

The Bible begins with God conceived of as a man, having all man's faults of anger, jealousy, pettiness. It ends with God as Spirit whose nature is Love and whose mercy is endless.

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It begins with Moses fleeing in mortal terror from a crime he has committed. It closes with Jesus, blameless of any crime, submitting to arrest, trial and death in divine courage and saying, "Forgive them, Father, for they know not what they do."

It begins with the Law of Retaliation—an eye for an eye and a life for a life. It ends with the Law of Love—do good to them that hate you and despitefully use you.

A Harvest of Sixty Years, 1992, p. 216.

How we can reconcile our UU belief in the worth and dignity of each individual with the apparent lack of that same belief in Osama Bin Laden and others who wreak murder and mayhem on innocent people? How can anyone accord worth and dignity to those who terrorize, torture, and kill others?

Not an easy question to answer, and one that has been discussed and debated among UUs for a long time. Basically, the UU affirmation of the worth and dignity of every person holds out the possibility that all people, even evil ones, can be transformed. Our first principle is one of the reasons that the General Assembly, our largest decision-making body, has called for abolition of the death penalty in 5 general resolutions since 1961.

I know it may be very difficult to realize, but individuals, who have committed heinous acts still have inherent worth and dignity as human beings. You may disagree, but I think they have a right to be free from cruel and unusual punishment. We can abolish capital punishment because we have prisons—lots of them. Non-negotiable life sentences will prevent the teenagers, the mentally ill, that we currently put to death from ever being a threat to society again. Non-negotiable life imprisonment is a viable alternative that will keep the monsters off our streets and protect the lives of those we love.

If the government uses the killing of its citizens as a coping device against the threat of violence, it seems to legitimize murder as a coping device for individuals. [L.F. Lowenstein, "License to Kill: Is There a Case for the Death Penalty?" in *Contemporary Review*, v.252, Jan. 1988, p.32.] How can the state perpetrate moral hypocrisy? Bishop Knutsen of the Evangelical Lutheran Church of America, speaking on behalf of other denominational executives in the state of Washington, after Westley Allen Dodd was put to death there in January, 1993 reminds us

Executions do not restore broken society and can actually work to counter restoration. Our challenge is to incapacitate offenders in a manner that limits violence and holds open the possibility of conversion and restoration. In time, the use of capital punishment will harden and debase our life together. ["Capital Punishment in America" in *Christian Century*, v.110 Jan. 1993, p.49.]

Let us plan to interrupt the hardening and debasement of our life together. Revenge can be had more quickly with an iron-clad prison sentence. To abolish the death penalty is to insure that a) murderers won't get more publicity and notoriety when they are executed than their victims got, and b) the survivors can get on with the business of living. We can get ourselves out of the business of murder. Talk to your representatives in Hartford. Call them. Write them. I have petitions you may sign. There are fact sheets out in the hall. Stop the killing of people in your name. Amen.