

Preaching the Cross and Confronting Capital Punishment

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Whether standing atop church steeples, adorning necklines, or dotting interstate highways, crosses are common sights. In fact, the prevalence of the cross today may belie its power to confront and challenge. For Christians, the cross is central, representing God's self-giving love poured out for the world in the crucifixion of Jesus. The Lenten season brings a renewed focus on the meaning of the cross, often framed in terms of sacrifice and salvation. Yet the meaning of the cross must also be understood in terms of scandal, as the method used to execute Jesus. The challenge for preachers is not only to help our congregations contemplate the profound act of love demonstrated on the cross through Jesus' death, but also to contemplate the particularity of this act, as Jesus dies as a death row inmate. What are the implications of the cross for the continued use of the death penalty today? What does it mean for us who dare to follow one who was executed? How do we preach about the implications of the cross for our lives together?

The Reality

As I sit at my computer writing this reflection, our nation has executed 1,347 people since 1976, the modern era of the death penalty. Over 75 percent of the victims in these cases resulting in an execution were white, even though nationally only 50 percent of murder victims are white.¹ In Louisiana, the chances of receiving a death sentence were 97 percent higher for offenders if the victim was white rather than black.² In North Carolina, the odds of receiving a death sentence rose by 3.5 times among those defendants whose victims were white.³

The vast majority of those on death row today are individuals who were too poor to afford their own defense at trial.⁴ In fact, those who are rich and guilty often get better results in our current system than those who are poor and innocent. Geographic disparities in death sentencing also abound, with just 10 percent of all the counties in the U.S. returning even a single death sentence from 2004-2009.⁵

Those with mental disabilities and mental illnesses continue to be executed, though the U. S. Supreme Court has ruled it unconstitutional to execute someone who is either intellectually disabled or "insane" (legal term). Mental Health America estimates that 5 to 10 percent of those on death row have a serious mental illness.⁶ In August 2013, the state of Florida executed John Ferguson, despite his documented forty years of severe mental illness.⁷ In Georgia, Warren Hill has endured multiple execution dates and continues to face execution, though he has an IQ of 70 and is considered intellectually disabled.⁸

States spend millions more to maintain the death penalty than they would on alternative sentences, including life without the possibility of parole. Cost studies conducted in North Carolina⁹ and Maryland¹⁰ show the cost incurred by taxpayers from trial through execution is at least two million dollars more per capital case than the cost of life without parole. Such studies conducted in other states reflect similar,

if not worse, fiscal realities.

Some respond that cost should not be a factor in the consideration of whether or not the nation retains the death penalty, but budgets are moral documents which reflect our priorities and values. Spending millions of dollars to pursue death for the small percentage of those convicted of capital crimes is not only wasteful, but means fewer resources are available to spend on efforts that actually prevent violence in our communities, such as drug treatment, access to mental health care, and educational opportunities.

Since 1973, 142 people have been released from death rows across this country when evidence of their innocence emerged.¹¹ Given the total number of executions nationwide in the modern era of the death penalty, this means that for roughly every 10 executions, someone has been released from death row because the system got it wrong. These are just the individuals for whom the error was discovered in time.

Another factor to consider is the impact the pursuit of the death penalty has on the lives of murder victims' families. The current system is neither swift nor sure, with a death sentence often taking decades to be carried out, if ever. Families go for years without legal finality as they deal with the "on-again, off-again" nature of this penalty. As Tennesseans for Alternatives to the Death Penalty board member Charles Strobel, whose mother was kidnapped and murdered in Nashville in 1986, states, "For surviving family members dealing with the horror and personal trauma of losing a loved one to murder, the death penalty only adds to their suffering by freezing them at a moment in time for years, forcing them to relive over and over the tragic circumstances of the murder with every new twist and turn in the legal process. This process never allows them the opportunity to painfully struggle to go on with their lives as my family was able to do."

Obviously, not all families of murder victims agree on this point. Still most that I encounter, whether they support the death penalty or not, agree that the current system is broken and is not addressing the needs of these families in a comprehensive way. Susan Herman, author of *Parallel Justice for Victims of Crime*, explains why "justice for all requires more than holding offenders accountable; it means addressing victims' three basic needs: to be safe, to recover from the trauma of the crime, and to regain control of their lives."¹² Perhaps, in the wake of a homicide, if we offered victims' families such support for as long as they needed it, the urge for the death penalty would diminish.

In the final analysis, the evidence is overwhelming. The death penalty system is broken, unfair, costly, and inaccurate. When given this information, many people do become more concerned about whether or not this system can be trusted. And though death sentencing and public support for the death penalty continue to decline,¹³ there is another reality with which pastors must contend: there are those in the pews on any given Sunday who do not view the death penalty as problematic, but, in fact, support it. How do we approach the death penalty in our preaching, given all of these realities? How do we find a way to shed more light than heat on this very painful issue?

Theological Reflections

With several years of experience now in addressing this subject with congregations, I have discovered a few helpful theological approaches. First, we must prayerfully consider some hard questions when tackling this issue. How are we called to respond

as followers of Jesus in a violent world? How do we protect the people we love from those who would do them harm? When Jesus says, “Love your enemies,” does he mean even those who murder children or police officers? What about the surviving family members of murder victims and their needs? What does forgiveness look like in the context of a murder? Do we believe in God’s power to redeem even the “worst of the worst”? As recipients of God’s infinite mercy, how are our lives and our public policies informed by such mercy?

These questions are complex. Acknowledging to a congregation that these are questions with which we all must wrestle, regardless of our various positions, is important. If I have learned anything in my work thus far, it is that I am a fellow struggler, with my own views constantly shaped by the experiences of those who have been directly impacted by this issue: victims’ families, death row exonerees, families of the executed, correctional officers, attorneys, law enforcement, and death row inmates themselves. I always try to approach these conversations from a position of deep humility and recognize that I too am still learning. If your parishioners understand that you are on a journey as well, they will be more likely to go with you.

When we preach or teach on this issue, we may actually need to make a few assumptions. Typically I would argue that making assumptions about any group of people is not a good idea, but in this case, I think it can be. When I step into the pulpit, I make an assumption that someone sitting in the pew has lost a loved one to murder. I assume that among those in the congregation is a member of law enforcement, a family member of someone who is incarcerated, a prosecutor, a defense attorney, and a correctional officer. Obviously, these are individuals with a variety of perspectives that may or may not ultimately match my assumptions, but this exercise forces me to think carefully about my words and the spirit behind those words when reflecting on this issue. It may not change the content of what I say, but it may change the way I say it. Still I am convinced that we already share more common concerns than not, and at least part of my role is helping to discover the common ground that we do share and to build on it. Most of us want the same things from our justice system. We want to see murder victims’ families supported in the wake of a homicide and receive legal finality as soon as possible. We want accountability when a murder has occurred and for our communities to be safe. We want a system that is fair and accurate, not only for some, but for all. If we can find our way through our differences to a place of common ground, then we can begin to see some light that can illumine a path to move us forward together.

There are obviously a variety of scriptures that can be used in addressing this topic: “Thou shalt not kill” (Exodus 20:13); the story of Cain and Abel (Gen. 4:1-16); Jonah; the Sermon on the Mount (Matthew 5); and others. A mentor of mine, Harmon Wray, provided insight on a text for me years ago that has been particularly instructive as I speak about this issue. In this text, Jesus is confronted with the death penalty, and we are confronted with his approach to it. The text comes from John’s gospel where we meet a woman threatened with stoning because she is caught in the act of adultery (8:1-11). Here the woman is charged capitally for her participation in the act, but her partner in crime is nowhere on the scene. He does not appear to be facing death for his participation. Not unlike our current system, there appears to be disparate sentencing for those involved in the same crime.

Conceding the unfairness of the situation, the woman we meet in John’s gospel

is guilty, and her execution is legal. Those gathered to exact justice are not a vigilante mob, but ones with the legal authority to charge this woman and carry out the sentence. Though the leadership in this text may actually be more interested in how Jesus will respond to their challenge than in requiring the woman's life, Jesus' reaction is instructive on the issue nonetheless. When asked what they should do with her, Jesus, in the oft quoted line, responds, "Let anyone among you who is without sin be the first to throw a stone at her." With his response, he reframes the issue. Jesus is not primarily concerned with what this woman deserves. She is guilty. According to the law, it is within the legal right of those gathered to execute her. However, Jesus seems less concerned about whether this woman deserves to die and more concerned about whether those holding the stones deserve to kill her.

With his brilliant reframing, Jesus reminds us that the use of the death penalty may say less about the offenders and more about us. We are the ones holding the stones today and are confronted with how we, as followers of Jesus, will respond to a brother or sister who commits an act that offends our conscience and sparks our outrage. In the wake of a horrific murder, there is naturally horror, fear, and anger. We all are offended by such violence and the senseless taking of life. But what do we do with these impulses? This seems to be what Jesus is asking.

Another complicating factor in our response is that with today's death penalty, the punishment is not enacted immediately, but requires a necessarily long process of appeals to address the inevitable problems that are inherent in such a flawed system. With these appeals, decades may pass before a sentence is carried out, which means that the twenty-five-year-old who was sentenced to death is now the fifty-year-old who is executed. When we take human beings from prison cells where they have spent the last twenty years, and we shackle hands and feet, strap them to a table, and kill them, is that really about them?

Another theological approach that provokes interesting conversation is exploring the theme of redemption. Most every Sunday when we gather for worship, we are assured of God's pardon: "So if anyone is in Christ, there is a new creation: everything old has passed away, see everything has become new!" (2 Cor. 5:17). This part of our worship service is repeated so often that if we are not careful, we take such assurance for granted. But when we are confronted with this profession of faith in the context of the death penalty, we must ask ourselves if we truly believe what we say. Does such an assurance of pardon apply to all, even to those who murder? Is there a statute of limitations on such assurance? Can the continued use of the death penalty be reconciled to our belief that God's mercy is from everlasting to everlasting?

The witness of Scripture attests to God's offensive mercy and freedom to choose to use anyone God pleases to fulfill God's purposes in the world: Moses, who beats an Egyptian to death just before God calls him to lead the Hebrew slaves to freedom (Exodus 2); King David who sends Uriah to the front lines to be slaughtered to cover up David's misdeeds (2 Samuel 11); and Saul (later Paul), who targets Christians for death out of his religious zeal, holding the coats for those stoning Stephen (Acts 7:54-8:1). Leading congregations through an exercise of reflecting on our worship liturgy as well as lifting Biblical characters from the confines of a Sunday school lesson in order to view them as the very flawed people that they are can spark thoughtful conversation.

The Stories

One of the most powerful tools we have in engaging congregations on the death penalty, and on any divisive issue, is the personal story. In my experience, the stories of those who have been directly affected by the death penalty are the most impactful. A personal story changes the conversation and moves the focus from an issue to be debated to a person to be heard. Particularly powerful are the stories of murder victims' families and their journeys toward forgiveness. In her public speaking, Sister Helen Prejean often mentions Lloyd LeBlanc, who lost his only son, David, to murder. She calls Mr. LeBlanc the hero of her book *Dead Man Walking* because he shows her what turning one's face toward forgiveness looks like. She writes that Mr. LeBlanc "acknowledges that it's a struggle to overcome the feelings of bitterness and revenge that well up, especially as he remembers David's birthday year by year and loses him all over again....Forgiveness is never going to be easy. Each day it must be prayed for and struggled for, and won."¹⁴

Bud Welch lost his only daughter, Julie, in the 1995 Oklahoma City bombing and wanted the bombers to die. His journey after Julie's murder, however, led him from a place of seeking vengeance to one of seeking some form of reconciliation. Three years after the bombing, he traveled to the home of Bill McVeigh, the father of Timothy McVeigh, one of Julie's killers. Bud and Bill sat down at the kitchen table in the McVeigh home as two fathers grieving for their children. Bud says that his encounter with Mr. McVeigh led him to conclude that he and the McVeigh family were in this together. This realization was a key part of his healing process. From that day on, Bud Welch worked to stop the execution of Timothy McVeigh.¹⁵

There is the story of Clemmie Greenlee, who lost her son, Rodriguez, to gang violence in Nashville. Clemmie says, "Why would I, the Mama of a murdered son, want to see another Mama's son murdered? I can't live with that."¹⁶ There are the stories of Jeanne Bishop, Vicki Shieber, James Staub, Nick and Amanda Wilcox, and many others who embody the spirit of healing and forgiveness in their own lives. To read more of these stories, visit Murder Victims' Families for Human Rights (www.mvflr.org).

There are the stories of those wrongfully convicted like Ray Krone, who spent ten years in prison in Arizona (nearly three on death row) for a crime he didn't commit. Ray was tried, found guilty twice, and finally released only after DNA from the crime scene was matched to another man. As he was leaving prison as the nation's 100th death row exoneree, Ray recalls that he shared with the media how the rediscovery of his faith helped him to survive. A reporter then asked how Ray could justify God's leaving him in prison for ten years. Ray was confounded at first, but finally stated, "Maybe it is not about the last ten years, but what I am going to do with the next ten years." Ray now travels the world sharing his story and his opposition to the death penalty. Visit Witness to Innocence (www.witnesstoinnocence.org) for more of these stories.

There are the stories of individuals on death rows all across this country who challenge our stereotypes about who these convicted killers are and remind us that there is more to all of us than our worst act. There are the stories of families who tried to stop their loved ones' executions and were unable, like Bill Babbitt. Bill's brother Manny, a Vietnam veteran who struggled with severe mental illness, ended up on death row after the beating death of a woman. Bill turned his brother in when

he suspected that Manny might be the attacker. He was told Manny would get help. Instead, Manny Babbitt was executed.¹⁷

The issue is complex. The realities are troubling, and the stories are painful. Still, the conversation on the death penalty is changing with more and more people questioning the practice. In the past six years, six states have repealed the death penalty, and we have every reason to believe that the trend will continue. Now is the time to engage your congregations to educate, to challenge, to comfort, and to listen. On the cross, God's embrace is wider than all that divides us; therefore, let us be bold in our preaching and humble in spirit, ready to take up our cross and follow Jesus into a more just and merciful world.

Notes

- 1 "Facts About the Death Penalty." *www.deathpenaltyinfo.org*. Death Penalty Information Center, 25 Sept. 2013. Web. 27 Sept. 2013. <http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>.
- 2 Glenn L. Pierce and Michael L. Radelet, "Death Sentencing in East Baton Rouge Parish, 1990-2008," *La. L. Rev.* 71 (2010): 647.
- 3 "Race and the Death Penalty in North Carolina | Death Penalty Information Center," accessed September 28, 2013, <http://www.deathpenaltyinfo.org/race-and-death-penalty-north-carolina#T1>.
- 4 Stephen B. Bright, "Race, Poverty, the Death Penalty, and the Responsibility of the Legal Profession," *Seattle J. Soc. Just.* 1 (2002): 73.
- 5 Robert J. Smith, "The Geography of the Death Penalty and Its Ramifications" (2011), <http://works.bepress.com/cgi/viewcontent.cgi?article=1003&context=robertjsmith>.
- 6 "Position Statement 54: Death Penalty and People with Mental Illness: Mental Health America," accessed September 30, 2013. <http://www.nmha.org/go/position-statements/54>.
- 7 Andrew Cohen, "On the Death of John Ferguson," *The Atlantic*, August 5, 2013, <http://www.theatlantic.com/national/archive/2013/08/on-the-death-of-john-ferguson/278382/>.
- 8 Alex Seitz-Wald, "Georgia Gives 'mentally Retarded' Inmate July 15 Execution Date," accessed September 28, 2013, http://www.salon.com/2013/07/05/georgia_hopes_to_execute_mentally_retarded_inmate/.
- 9 Philip J. Cook, Donna B. Slawson, and Lori A. Gries, *The Costs of Processing Murder Cases in North Carolina* (Terry Sanford Institute of Public Policy, Duke University, 1993), <http://www.deathpenaltyinfo.org/northcarolina.pdf>.
- 10 John Roman, "The Cost of the Death Penalty in Maryland" (2008), <http://www.urban.org/publications/411625.html>.
- 11 "Facts About the Death Penalty." *www.deathpenaltyinfo.org*.
- 12 Susan Herman, *Parallel Justice for Victims of Crime* (National Center for Victims of Crime, 2010), <http://www.paralleljustice.org/thebook/>.
- 13 "Facts about the Death Penalty." *www.deathpenaltyinfo.org*.
- 14 Helen Prejean, *Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States* (Vintage, 1994), 244-245.
- 15 "Oklahoma City Bombing: Two Fathers and Forgiveness - April 2000 Issue of St. Anthony Messenger Magazine Online," accessed September 28, 2013, <http://www.americancatholic.org/messenger/Apr2000/feature2.asp>.
- 16 "Victims' Stories | Murder Victims' Families for Human Rights," accessed September 29, 2013, <http://www.mvfr.org/victims-stories>.
- 17 "Hundreds Take Up the Cause of a Killer," *New York Times*, accessed September 28, 2013, <http://www.nytimes.com/1999/04/26/us/hundreds-take-up-the-cause-of-a-killer.html?pagewanted=all&src=pm>.