

Abolish the death penalty now!

John Dear | Jun. 17, 2008 On the Road to Peace

The death penalty will be abolished. It's just a matter of time now." So said Mike Farrell, star of *M*A*S*H* and a leading opponent of the death penalty, in a recent visit to Santa Fe. Such words a decade ago might have rung hollow. But now they strike a loud chord. New Jersey's abolishing the death penalty this past January fills the air with hope.

We draw hope, too, from Illinois. A few years ago the governor put a moratorium on executions because he regarded the process of capital punishment as "arbitrary, capricious and therefore immoral." The governor commuted the sentences of the 167 prisoners condemned to die in his state, most to life without parole. My own state, New Mexico, may be next in putting this barbaric injustice behind us.

New Mexico -- a land long ago roamed by fierce conquistadors and in the 1800s full of hangin' trees and frontier justice and today home to the nuclear industry-- last conducted an execution in 2001. It was the first in 41 years. Today two men languish on death row, one at the remote state prison not far from where I live.

The state legislature nearly has the votes to put executions to an end. Death penalty opponents, me among them, have met with Governor Bill Richardson and urged him to sign. But each year he employs a procedural tactic to keep the bill in limbo. Should he leave office early next year to accept a role in the new presidential administration, Lieutenant Governor Diane Denish has promised to affix her name. (see: www.nmrepeal.org [1])

Only the United States among the Western nations puts criminals to death. More than 40 countries have abolished the practice since 1976. During those same 32 years the United States has executed 1,100. At the moment, there are 3,263 prisoners nationwide waiting to die.

A breeze of hope billowed recently as the Supreme Court "investigated" the humaneness of lethal injection -- this in an air of marked public opinion. According to polls, most Americans support alternatives to the death penalty. Most favor life without parole along with restitution to the victims' families. But the breeze of hope passed; last month executions resumed.

Our national barbarity strikes me most sharply whenever I travel to Europe. There the people I meet loquaciously express dismay at American notions of justice. Especially in Italy. Catholic groups in Italy regularly hold conferences and prayer vigils against our capital punishment. Every time someone is executed, the lights of the Coliseum in Rome are illuminated all night. Here is a symbolic gesture to set us blushing, a

censure lighting the dark: namely, American jurisprudence bears resemblance to the savage Roman Caesars'.

With their dour appraisal, I readily subscribe. Capital punishment can claim nothing to commend it. It will not bring healing or justice or restitution. It offers no hope for a nonviolent society. It reinforces the heart-rending cycle of violence; it lays the burden of yet another murder. Execution gives death as social purpose ever greater sway. When a nation decides who lives, who dies, it becomes small potatoes indeed for it to manipulate who enjoys full civil rights, who doesn't, who partakes of the fat of the suburbs, who subsists in the crumbling cities. And of course who goes off to war to fatten the American way of life, and who remains home to pluck the fat fruit and pursue affluent careers.

More, capital punishment is freighted with inconsistencies. Behind it lies an illogical maxim: we kill those who kill to show that killing is wrong. If we really believed that killing was wrong, the state would set an example; official killing would be banished.

Capital punishment is freighted too with the burden of racism. Nationally, 50 percent of murder victims are white. But in cases in which the murderer was found and executed, about 80 percent of the murder victims were white. There emerges a chilling picture. The whiter one's victim, the more likely the court will consign the murderer to death row.

Capital punishment takes down the innocent. Since 1973, 123 innocent men and women have been released from death rows across the country. Researchers Radelet and Bedau found 23 cases since 1900 in which innocent people were executed.

Research also indicates that the death penalty fails at deterrence. In fact, states without the death penalty have lower homicide rates than states with the death penalty. And applying principles of accounting raises the specter of cost. A 1993 Duke University study showed that the death penalty in North Carolina costs \$2.16 million more per execution than a non-death penalty murder trial. Recently, it was announced that the price of California's brand new death row will double to over \$400 million.

The need for revenge and closure, some insist, makes execution necessary. Victims' families will rest easier, they say, when the murderer breathes his last. But such a notion is not widely true. Many families of victims see no use in putting the assailant to death, and many oppose executions publicly.

The group Murder Victims' Families for Reconciliation tours the nation regularly, points out inconsistencies and speaks out against capital punishment. They declare that killing those who killed their loved ones will not end the violence. It will, they say, mitigate violence not a bit. (see: www.mvfr.org [2])

The media implies, too, a religious justification for the death penalty. But again they're wrong -- a large bloc of religious groups opposes the death penalty. People of Faith Against the Death Penalty is an interfaith organization that seeks the repeal of the death penalty in North Carolina (see: www.pfdp.org [3]). Led by my brother Steve, it is one of many grass-roots organizations that bring together a variety of religious congregations to take a stand for life.

Catholic Social Teaching, in particular, categorically forbids Catholics from supporting the death penalty. "We maintain that abolition of the death penalty would promote values that are important to us as citizens and as Christians," the U.S. bishops' conference has said:

Abolition sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime. Abolition is also a manifestation of our belief in the unique worth and dignity of each person. Abolition is further testimony to our conviction that God is indeed the Lord of life. Abolition is most consonant with the example of Jesus who both taught and practiced the forgiveness of injustice and who came "to give his life as a ransom for many."

It is incumbent, I believe, on anyone who claims to be Christian to regard the last sentence as a kind of fundament, a kind of bottom line.

Jesus opposed all killings. He taught forgiveness, justice and reconciliation. When religious leaders condemned a woman in the court of the Temple (a condemnation according to the Law, no less), a frenzied mob formed, reaching for stones, ravenous for blood. Jesus intervened, the air charged with peril, and dared say to them: "Let the one without sin be the first to throw a stone at her."

The spell broken, they drifted away. We're inclined to say admiringly, Jesus saved her life. But more, with a sentence, he destroyed capital punishment's legitimacy. He struck the stone -- the pyre, the noose, the chair, the firing squad, the death chamber -- from authority's hands.

But authorities, those who deploy death in service to their lofty status, do not abandon their trump card so easily. Jesus sided with the condemned, and in the end was forced to join them. He himself was led off to the *via dolorosa* of capital punishment. And as for the law, there was nothing irregular in the legality of the proceedings. Not many troubled consciences. An open and shut case.

Officials, says Mike Farrell, carry on capital punishment to obscure the system's corruption. Given an unvarnished look -- at the injustice, the shadiness, the arbitrary sentences, the capricious drug laws, the imposition of unwarranted suffering, the draconian treatment of immigrants, the kept judges and prosecutors and police forces -- the public would blanch and recoil. It keeps a lid on the whole messy business of state punishment.

As Jesus' followers, we should be able to take the unvarnished look. We should be able to regard matters without ambiguity and to declare some patent truisms: God sides with all victims; God does not want us to execute one another; God calls us to be people of nonviolence; God invites us to live and let live.

We, like Jesus, should feel free to side with the condemned, forgive those who hurt us, who injure or kill those we love, and in this way put an end to wheel of violence that keeps going around. And as Catholic Christians we should feel free to stand with the bishops and utter: the death penalty is immoral, evil and sinful.

Mike Farrell says he's optimistic. "I'm optimistic, too," Richard Dieter of the Death Penalty Information Center told me.

It will be abolished within ten years. It's not going to happen with one full swoop from the Supreme Court, or the U.S. president, or the Congress. It's going to be a state-by-state process. People have to be convinced, so it's going to require a lot of grass-roots education, organizing and action. The revelation of the innocence cases and the DNA evidence has opened the door to a new understanding of the death penalty. Plus there are fewer executions and a smaller number of people on death row than in the past, and all of this is happening under a conservative administration. For the first time, the debate has moved. If you combine that with an international movement against the death penalty, it may be well that it's time is coming. There's an inevitability of the stream of human rights which is gathering momentum.

These are the currents we're trying to get moving in New Mexico. We've begun organizing a march, set for Dec. 6, from the Capitol building in Santa Fe to the death-row prison. There we'll hold a prayer vigil to put executions to an end. And before that, some five months prior on Aug. 1, we'll host Sr. Helen Prejean, outspoken critic of the death penalty. She will speak at our annual Hiroshima day disarmament vigil at Los Alamos. (see: www.paxchristinewmexico.org [4])

Please come if you can. But wherever you are, I ask you to work and pray for an end to state-sanctioned murder.

For information, contact the Death Penalty Information Center, at www.deathpenaltyinfo.org [5] and the National Coalition to Abolish the Death penalty, at www.ncadp.org [6].

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This week, John will be the keynote speaker at the "Walking the Road to Peace" conference in LaCrosse, Wis. (www.franciscanspiritualitycenter.org [9]).

John's forthcoming autobiography, *A Persistent Peace*, with a foreword by Martin Sheen, can be ordered now at www.amazon.com. See also: www.persistentpeace.com [10]. From July 7-11, John will be teaching a weeklong class on "Gandhi, King, Merton and Dorothy Day," at Loyola University in Chicago. See www.retreatsintl.org [11].

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[1] <http://www.nmrepeal.org>

[2] <http://www.mvfr.org>

[3] <http://www.pfdp.org>

- [4] <http://www.paxchristinewmexico.org>
- [5] <http://www.deathpenaltyinfo.org>
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