Educational Resource Packet for Wisconsin Congregations

DEATH PENALTY ADVISORY REFERENDUM



WISCONSIN COUNCIL OF CHURCHES

Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?

Wisconsin Council of Churches

...working together for the unity of the Church and the healing of the world.

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September, 2006

Dear brothers and sisters in Christ,

Wisconsin voters will consider this advisory question on the November 7 ballot:

Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?

While the Christian tradition has much to teach us as we consider this important question, we are well aware that within most Wisconsin congregations opinions vary widely about the use of the death penalty.

This ballot measure presents an opportunity for all of us to once again consider our faith in Jesus Christ and how that faith informs the choices we make about one of the most important public policy issues of our day.

As you and your local church consider ways to discuss the death penalty question on the November ballot, we hope this resource packet will be useful. It presents a variety of resources–both pro and con–that will help you raise the complexities of the issue before us as well as enable your congregants to make informed decisions.

We encourage you to consider hosting an adult forum in your local church this fall to discuss the death penalty advisory referendum, or to join with other congregations in your community to host a community-wide event.

Many thanks to the Council's Peace and Justice Committee for suggesting that we develop this educational packet. We are especially grateful to Pastor Nick Utphall (St. Stephens Lutheran, Monona) for pulling together many of the resources included in it, and to Dr. Jerry Folk, former WCC Exec. Director, for producing the Bible study materials.

Also, thanks are due to WCC staff members Ken Pennings, WCC Coordinator for Ecumenical Formation and Peter Bakken, WCC Coordinator for Public Policy, for their help in editing and producing the final text. We also appreciate our member judicatories and our individual donors for their financial support in making this resource possible.

Sincerely,



Scott D. Anderson
Executive Director

WISCONSIN COUNCIL OF CHURCHES
DEATH PENALTY REFERENDUM
EDUCATIONAL PACKET FOR WISCONSIN CONGREGATIONS

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Consider scheduling a guest speaker for your educational event. Witness to Innocence maintains a speakers bureau of exonerated former death row prisoners who are available to give presentations to colleges, religious communities, organizations and community groups. Phone 215-387-1831 or send an e-mail to: witnesstoinnocence.org. You can reduce your travel costs by scheduling your event right before or after the annual meeting of Witness to Innocence, which will be held in Madison, WI, October 6-8, 2006. Many of their trained speakers will be attending that event.

INTRODUCTION

How are Christians to respond to radical evil in our world?

One form of this question faces us in the advisory referendum question on November's ballot. It reads, "Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?" Wisconsin has not had the death penalty since 1853.

Both supporters and opponents of the death penalty debate strongly affirm the value of human life. Both regard murder as a heinous evil. But they disagree on whether capital punishment is the right response to those who have taken the life of another human being. Capital punishment is an emotionally-charged and often polarizing topic.

The member denominations of the Wisconsin Council of Churches are in strong agreement in rejecting the death penalty, and the Council itself adopted a policy statement in 1995 opposing capital punishment. At the same time, there are members of those denominations on both sides of the issue.

ABOUT THIS RESOURCE

This educational packet is a tool for congregations to learn and reflect on this issue in the light of their core religious and moral convictions. It includes:

- Outlines for a one- or two hour study and discussion;
- A Bible study on capital punishment;
- Information about the death penalty, and a quiz;
- Sample sermons and ecumenical statements opposing the death penalty, and a list of websites for finding your denomination's statement on the death penalty;
- Additional information and lists of websites and resources for further study.

Your congregation can use this resource in any of several ways. For example:

- As a one-hour Sunday morning adult forum;
- As a 90-minute evening or weekend Bible study;
- As a two-hour evening or weekend educational event;
- As an opportunity to get together with other congregations to study and discuss the topic in an ecumenical setting;
- As a retreat topic for your church council or social witness committee.

TIPS FOR DISCUSSION LEADERS

Be sure to advertise the event well in your congregation or community. Personally invite individuals who might have a special interest in the discussion, or who can contribute to it from their own expertise. Be sensitive to the painful associations this issue may have for some people.

Begin and end your session with prayer. Praying together will underscore the fact that, despite our disagreements, we belong to the same household of faith. Encourage participants to listen for what God may be saying to them through this conversation.

In order to have a fruitful and civil conversation about such a controversial and emotion-laden topic, be sure you set – and enforce – ground rules that will promote mutual respect and understanding.

1. We must be honest open with one another.
2. We must be respectful of one another and of one another's positions, but also be free to disagree with one another vigorously.
3. We must make an effort to be as clear as possible in presenting our own thoughts, feelings and opinions about this issue and in explaining to one another how we arrived at them and why we hold them.
4. We must ***listen intently*** to one another and try hard to understand one another. ***Listening is at the center of what we are doing.***
5. We must respect confidentiality. Any personal story told by someone in the group is not to be repeated outside the group unless that person gives permission.
6. We must try to be attentive to whatever the Spirit wants to communicate to us.
7. We must remember that our purpose is not to change someone else's opinion, but to seek to discern the *mind of Christ* on this issue. That means that we might be changed, but not by one another. Any change in any of us must be the work of the Spirit, athough we may all be instruments of the Spirit in the change process.

As you facilitate the discussion, ensure that each person gets a chance to talk without being interrupted. Don't allow name-calling, put-downs, or attributing to someone feelings or ideas that he or she has not expressed. Encourage people to recognize points of agreement even between those who are on opposite sides of the issue.

HISTORY OF THE DEATH PENALTY IN WISCONSIN

The first codified laws for the Territory of Wisconsin (1839) prescribed death by hanging as the punishment for the crime of murder. That law continued in force after Wisconsin became a state in 1848, in spite of efforts to abolish it. In 1851, the public execution of John McCaffary – the last person ever executed by the state of Wisconsin – took place in Kenosha, witnessed by a crowd of 1000. That same year, the state prison at Waupun was built, making it practical to imprison a murderer for life. In 1853, a bill to abolish the death penalty was passed by the Legislature and signed into law.

Many subsequent bills to restore the death penalty in Wisconsin have been introduced in the legislature, the vast majority of which have died in committee without ever reaching the floor for a vote. The latest wave of efforts to pass legislation to reinstitute the death penalty or hold an advisory referendum on the issue followed the killing of a law enforcement officer in Milwaukee in 1973, shortly after the U.S. Supreme Court struck down all existing state death penalty statutes (but leaving the door open for new capital punishment legislation). In 1995, these efforts prompted the Board of the Wisconsin Council of Churches to adopt a statement opposing the death penalty, "Breaking the Cycle of Violence," and to encourage "Death Penalty Dialogues" within congregations, using educational materials developed by the Council.

Finally, at the end of the 2005-06 legislative session, a resolution was passed by both the Assembly and the Senate calling for an advisory referendum on the question, *Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?* The resolution did not need to be signed, nor could it be vetoed, by the Governor.

A letter opposing the referendum had been sent to legislators, signed by fourteen Wisconsin religious leaders from the denominational bodies making up the Wisconsin Council of Churches. The referendum had also been opposed by the Wisconsin Catholic Conference, the Lutheran Office for Public Policy in Wisconsin, the Interfaith Conference of Greater Milwaukee, the Milwaukee Jewish Federation, the Milwaukee Jewish Council for Community Relations, and other organizations.

THE ADVISORY NATURE OF THE REFERENDUM

Since the referendum is advisory, if it passes it would not immediately result in reestablishing the death penalty in Wisconsin. However, supporters of the death penalty could argue that its passage shows public support for the death penalty, putting pressure on legislators to make Wisconsin a death penalty state. The referendum would likely add no new information, however. Polls have already shown that over half of the people of Wisconsin support the death penalty. Support increases when DNA evidence is required (as in the referendum), but decreases when the poll offers the alternative of life in prison without parole.

References:

History of the death penalty in Wisconsin (to 1995): "Capital Punishment in Wisconsin and the Nation," State of Wisconsin Legislative Reference Bureau, Informational Bulletin 95-1, April 1995. Available as a PDF file at http://www.legis.state.wi.us/lrb/pubs/ib/95ib1.pdf This document also has good summaries of arguments for and against the death penalty, with counterarguments.

Wisconsin Council of Churches statement opposing the death penalty, "Breaking the Cycle of Violence" available from the Council or at http://www.wichurches.org/board/statements/breaking_the_cycle_of_violence.html

Opposition to Senate Joint Resolution 5, 2005-2006 Legislative Session: Wisconsin Ethics Board website http://ethics.state.wi.us

Polls on Wisconsin residents' attitudes toward the Death Penalty:

- Badger Poll 22, #3, conducted by the University of Wisconsin Survey Center, July 17, 2006. http://www.uwsc.wisc.edu/BP22PressRelease_Death_Samesex.pdf
- The Wisconsin Public Radio / St. Norbert College Wisconsin Opinion Survey, April 11th, 2006. http://www.wpr.org/announce/survey0604/DeathPenalty.htm

SUGGESTED ONE HOUR DISCUSSION FORMAT

Handouts Needed:

Death Penalty Quiz (pgs. 12-13) — Print questions on front, answers on back.
Facts about the Death Penalty (pgs 16-19)
Pastoral Statement from Wisconsin's Religious leaders (pgs. 14-15)
Arguments about the Death Penalty (pgs. 20-21)
Your denominational statement on the death penalty (see pgs. 27-28)

Lesson Plan (60 minutes):

5 min **Open with prayer;** have participants introduce themselves

5 min **Give the Context**
Write the text of the advisory referendum on a chalk board. Give the class a brief overview of the history of the death penalty in WI (see pgs. 3-4) and explain the advisory nature of the referendum (pg. 4)

10 min **Death Penalty Quiz**
Split the class into pairs, hand out the quiz, give each pair 5 minutes to answer the questions, then share the answers with the whole class.

10 min **Facts and Figures about the Death Penalty**
Hand out the 4-page resource (pgs. 16-19) from the Death Penalty Resource Center. Walk the class through each set of statistics. Ask, "What surprises you about these facts and figures?"

10 min **Our Christian Tradition and the Death Penalty**
Hand out the statement of Wisconsin religious leaders about the death penalty (pgs. 14-15). Ask someone in the class to read it out loud. Ask the class, "What do you like about this statement? What concerns you? From your perspective, what does our Christian faith have to say about the death penalty?"

15 min **Arguments about the Death Penalty**
Review the basic pro and con arguments with the entire class (pgs. 20-21). Then ask, "How do you react to these arguments? What are the proponents most concerned about? What are the opponents most concerned about?"

5 min **Conclusion**
Ask the class, "What have you learned today?" Encourage particiants to vote on Nov. 7. Close with prayer. Have your denominational statement on the death penalty available as a handout.

SUGGESTED TWO HOUR DISCUSSION FORMAT

Handouts Needed:

- Death Penalty Quiz (pgs. 12-13) — Print question on front, answers on back.
- Facts about the Death Penalty (pgs 16-19)
- Pastoral Statement from Wisconsin's Religious leaders (pgs. 14-15)
- Arguments about the Death Penalty (pgs. 20-21)
- Your denominational statement on the death penalty (see pgs. 27-28)

Lesson Plan (120 minutes)

5 min	**Open with prayer;** have participants introduce themselves
5 min	**Give the Context** *Write the text of the advisory referendum on a chalk board. Give the class a brief overview of the history of the death penalty in WI (see pgs. 14-15) and explain the advisory nature of the referendum (pg. 4)*
10 min	**Death Penalty Quiz** *Split the class into pairs, hand out the quiz, give each pair 5 minutes to answer the questions, then share the answers with the whole class.*
10 min	**Facts and Figures about the Death Penalty** *Hand out the 4-page resource (pgs. 16-19) from the Death Penalty Resource Center. Walk the class through each set of statistics. Ask, "What surprises you about these facts and figures?"*
30 min	**Bible Study** *Use "Biblical Reflection" material (pgs. 8-11).*
10 min	**Religious Leaders Pastoral Letter** *Hand out the statement of Wisconsin religious leaders (pgs. 14-15). Ask someone in the class to read it out loud. Ask the class: "What do you like about this statement? What concerns you?"*
5 min	**Stretch Break** (or opening prayer if this is a second, separate session)
15 min	**What does our denomination say?** *Hand out copies of your denominational statement on the death penalty. Provide a brief overview for the class. Ask, "In light of what we have discussed so far, what does our church's statement on the death penalty say that we all need to hear? How does it challenge us? How would those who disagree with the statement react to it?"*
25 min	**Arguments about the Death Penalty** *<u>5 min.</u> Split the class into groups of four. Hand out the "Arguments" (pgs. 20-21). Briefly review with the class the basic arguments on each side. Tell the class that this discussion is not to be an argument, but a conversation about differing viewpoints on the death penalty.* *<u>5 min.</u> Ask each small group to put itself in the shoes of the proponents, and discuss, "What do you think the proponents are most concerned about?"* *<u>5 min.</u> Ask each small group to put itself in the shoes of the opponents, and discuss, "What do you think the opponents are most concerned about?"* *<u>10 min.</u> Ask the large group, "What are your reactions to these pro and con arguments? What new insights have you gained?"*
5 min	**Conclusion** *Ask the class for any concluding feedback. Encourage them to vote on Nov. 7. Close with prayer.*

CHRISTIAN FAITH AND THE DEATH PENALTY: OUTLINE FOR A 90 MINUTE DISCUSSION AND BIBLE STUDY

REV. DR. JERRY FOLK

LESSON PLAN

INTRODUCTIONS (10 minutes)
The leader welcomes everyone and invites people to introduce themselves.

INTRODUCTION OF DISCUSSION (5-7 minutes)
Following introductions, the leader introduces the discussion, making the following points using these or other words of his/her own:

1. Deliberation and Discernment

This fall when we go to the voting booth, we will be asked to vote yes or no on an advisory referendum that recommends the reintroduction of the death penalty in Wisconsin. The death penalty is a life issue, and therefore, like all life issues, it raises important moral questions. It's natural for people of faith when faced with moral questions like these to seek guidance from the Bible and from the Holy Spirit.

We're here today as people of faith to listen to one another and to the Holy Spirit as we share our thoughts, feelings and opinions about the death penalty and reflect on the words of scripture. Our ultimate goal is not to change anybody. Our goal is to discern what position on this issue most reflects the mind of Christ and is therefore most in line with our identity as disciples of Christ.

There are some guidelines we need to follow if we are to achieve our goals. They are the following: *(Refer to the list on p. 3, and review it with the class.)*

2. Two Steps
We're going to do two things today. First, we are going to share with one another our positions on the death penalty and the beliefs, values and experiences which have led us to those positions. Throughout this sharing, we want to remember that the Spirit is present and be attentive to whatever the Spirit may be saying to us as we share with one another. But then, secondly, we will focus more intentionally on listening to the Spirit. One way the Spirit speaks to us is through the Bible, so we will discuss some Bible passages. These passages do not speak directly about the death penalty. They were selected because they express beliefs and values that are both central and fundamental throughout the New Testament. It seems logical that these beliefs and values should inform Christian thinking on the death penalty.

SILENT REFLECTION (2-4 minutes)

The leader invites the group to spend some time in silent reflection. He or she introduces this time by sharing the following observations, using these or similar words of her/his own.

The death penalty is a controversial subject. Since we knew we were coming here today to discuss it, we may already have been thinking about what we want to say. We may have our case all organized in our mind and be chomping at the bit to get started. But as we've said, the most important thing we have to do tonight is listen—to listen to one another and to the Spirit of God. So let's take a little time to calm ourselves down, to quiet our hearts and minds, to get into a receptive, listening mode. If we can do that, we'll not only find it easier to listen to one another and to the Holy Spirit, but we'll even find it easier to articulate our own point of view. So let's take a minute or two of silence. Get into a comfortable position, relax your bodies, take some deep breaths,

offer yourself up to God and prepare to receive whatever God has to offer us and whatever we have to offer one another.

SILENT PERIOD

Note to Leader: It is a good idea to time this period so that it is long enough to have a quieting effect, but not so long that people become overly restless. The silence should be at least one minute long and probably not longer than 3 minutes. If you have access to a small bell or gong, this is a nice way to signal the end of the silence.

If you choose, close with a one sentence prayer invoking the presence of the Holy Spirit and asking that we all be open to the Spirit's guidance as we engage in dialogue with one another.

SMALL GROUP SHARING (15-20 minutes)

Divide into small groups of 5 people and ask the members of each group to share their opinions on the death penalty and the beliefs, values or experiences on which they base their opinions. After 15-20 minutes, bring this session to an end and ask the groups to move on to the Bible study.

Note to leader: If the group is smaller than 8, do the sharing together.

BIBLICAL REFLECTION (20-30 minutes)

Assign each group one of the texts below. Ask them to 1) have someone read it aloud 2) reflect on the reading silently for 1 or 2 minutes and 3) discuss any implications they see in the text for the Christian's attitude toward the death penalty.

(1) Matthew 6:14-15 and Luke 23:34
(2) John 3:17, II Peter 3:8-9 and I Timothy 2:3-4
(3) Leviticus 24:19-20 and Matthew 5:38-47

Note to leader: If the group is large, you will need to assign some or all of these passages to more than one group. You could also separate the readings assigned to group 1 and 2 and assign each reading to separate groups, but don't do this with the Leviticus and Matthew readings assigned group 3. If you do separate the readings assigned groups 1 and 2 and assign them to different groups, have the groups report together, since these texts deal with the same theme.

LARGE GROUP SHARING (10-15 minutes)

After 20-30 minutes, bring the groups together and ask them to share 2 or 3 of the highlights of their discussion. See below for remarks the Leader may want to share with the group during this reporting session. If a longer time is needed, it will be necessary to shorten some of the other sessions.

CONCLUDING PRAYER (2-3 minutes)

After 10-12 minutes, the leader brings the conversation to a close and concludes the session with a prayer. He or she may compose his/her own prayer, choose an appropriate prayer from a prayer book or hymnal, or invite the group itself to offer prayers and intercessions. Bring this time of prayer to an end by praying together the Lord's Prayer.

COMMENTARY ON THEMES FROM THE TEXTS

Below are some remarks on the texts selected for today's study. It is hoped that there will be time to share some or all of these remarks during the discussion, but if there isn't, you may want to pass these remarks out at the end of the session, with the request that participants reflect on them as they decide how they feel about the death penalty. Or you may share these remarks verbally ***and*** *pass them out. In place of or in addition to these reflections, you may also want to offer your own reflections on the texts.*

General Remark About Christian Morality

In his book, *Christian Attitudes Toward War and Peace*, church historian Roland Bainton writes, "Christianity brought to social problems not a detailed code of ethics or a new political theory" but the *mind of Christ*. The goal was to apply the *mind of Christ* to whatever moral problem the church faces. For the New Testament church, Christian love *(agape)* best describes the *mind of Christ*. According to Bainton, "Christian love transcended the best in Judaism and Hellenism (because)…Christian love was directed toward the prodigals of the world. It was a love which sought the wayward and stooped to suffer and share." (Bainton, op.cit. pp53-54)

Matthew 6:14-15

There is virtually universal agreement among New Testament scholars that the heart of Jesus' preaching and teaching was the proclamation that the Kingdom of God had come near. Salvation is entrance into the Kingdom of God. It requires repentance and a new way of life. Forgiveness is at the heart of this new way of life. There seems to be no entry into the Kingdom except through forgiveness. This seems easy enough to understand, since the essence of Kingdom life as Jesus describes it is loving relationships. Human experience suggests that it is virtually impossible to maintain healthy, loving relationships without forgiveness, since we will inevitably wound one another in one way or another. In these verses as elsewhere, Jesus also makes our receiving forgiveness from God dependent on our forgiving those who injure us. The same point is made in narrative form in the parable of the unforgiving servant, which concludes with the words, "So my heavenly Father will also do to you if you do not forgive your brother or sister from your heart." (Matthew 18:23-35) Jesus also makes this connection in the Lord's Prayer in the petition "Forgive us our trespasses as we forgive those who trespass against us." Christians pray this prayer in individual devotions and in most public worship services. Every time we pray this petition, Jesus is reminding us that the only people who can refuse to forgive others from the heart without putting themselves in serious spiritual jeopardy are those who have never done anything wrong and therefore never need forgiveness—i.e. those who are perfect. Forgiveness is the opposite of vengeance. Just as forgiveness gives us access to the sister and brother and to God, vengeance cuts us off from them, imprisoning us in our hatred, resentment and grudges. Studies suggest that this not only undermines our emotional and spiritual health, but also our physical well being.

Luke 23:24
Remarks by the Rev. Dr. Martin Luther King, Jr.:

"Though subjected to inexpressible agony, suffering excruciating pain, and despised and rejected, nevertheless (Jesus) cried, 'Father, forgive them…"

"Jesus also admonished his followers to love their enemies and to pray for them…Their ears were not attuned to the tonal qualities of such amazing love….their lives had been conditioned to seek redress in the time-honored tradition of retaliation. Yet Jesus taught them that only through a creative love for their enemies could they be children of their Father in heaven."

"Contrast Jesus' prayer with the slowness of man to forgive…We bow before the altar of revenge. Samson, eyeless at Gaza, prays fervently for his enemies—but only for their utter destruction. The potential beauty of life is constantly made ugly by man's ever-recurring song of retaliation."

"Or contrast the prayer with a society that is even less prone to forgive…Make your way to death row…Capital punishment is society's final assertion that it will not forgive."

Martin Luther King, Jr., *Strength to Love*, p. 36-39

Studies by Dr. Robert Enright and other researchers at the University of Wisconsin's International Forgiveness Institute have demonstrated the importance of forgiving perpetrators in the healing process of victims and their families. In the video *Murder Close Up*, Marietta Jaeger, Bernice King and other family members of murder victims tell the stories of their journey from fury and lust for revenge to forgiveness. Their stories support the conclusions of the International Forgiveness Institute that forgiveness is essential to the healing process of victims and their families. (For information about the International Forgiveness Institute and its research, visit the website at www.forgivenessinstitute.org/index.htm. To obtain the video mentioned, contact Mennonite Media Productions, 125 Virginia Avenue, Harrisonburg, VA 22801; tel. 800-999-3543.)

The findings of the International Forgiveness Institute's researchers confirm the deep spiritual wisdom of Jesus' teaching and the perceptions of Dr. King. Lust for revenge destroys human life. Forgiveness seems to offer the only satisfactory closure and the only path toward healing and health for those impacted by acts of violence.

To understand all this talk about forgiveness, however, it's important to know that forgiveness does not mean ignoring the effects of wrongdoing, minimizing the wrongdoing itself, or making excuses for the wrongdoer. Forgiveness requires us to face all of this and is perfectly compatible with taking effective action to end the cycle of violence and abuse, but not by further abuse and violence.

If forgiveness is an important, even essential component of the healing process for an individual, it is interesting to speculate on its role in the health of a society. Might a society oriented toward compassion and forgiveness be healthier than one that encourages vengeance?

John 3:17, II Peter 3:8-9, I Timothy 2:3-4
These and similar texts in the New Testament emphasize that Jesus comes to liberate and save, not to condemn, and that God's desire is for the salvation of all people. Pope John Paul II referred to this universal quality of God's love and God's will for the salvation of all in a remark he made not long before he died. He pointed out that belief in Hell was an article of faith in the Catholic religion, but that Catholics were not obligated to believe that there would be anyone in Hell. Rather they were free to hope Hell would be unpopulated. Many Protestant and Orthodox theologians have expressed similar thoughts. Perhaps this is too much to hope for, but there is no doubt that many criminals, among them murderers, have repented and been transformed by the power of God. They became creative, productive members of society. It is a mystery how, when and why people come or do not come to faith, but these texts suggest that we should not preclude the possibility of repentance and a changed life by killing them.

Leviticus 24:19-20, Matthew 5:38-47
In the Sermon on the Mount, Jesus quotes and then contradicts the Torah, the most sacred section of the Hebrew scriptures. “An eye for and eye and a tooth for a tooth” was already an effort to prevent conflicts from escalating by making punishment match the act that was being punished. But Jesus goes much further, exhorting his followers to practice a radical love *(agape)* even toward their enemies—i.e. toward those who harm or seek to harm them. For Christians, love, including love of enemies, is to replace retaliation, thus breaking the destructive cycle of violence in human affairs.

New Testament scholar, William Klassen, tells us in his book *Love of Enemies* that among Christians in the second century these words from the Sermon on the Mount were the most quoted of all the sayings of Jesus. Love of the enemy seems to be one of the marks for which the early church (before Constantine) was known and one of the things that contributed to its starkly countercultural identity.

These remarks take us back to the introductory quote from Roland Bainton. New Testament ethics or morality is not based on a detailed code of law or some political theory. It is rather an attempt to apply the mind of Christ, which is above all characterized by Christian love *(agape)* to the problem at hand—in this case capital punishment.

DEATH PENALTY QUIZ

1. The death penalty saves taxpayers money because it is cheaper to execute someone than to keep them in prison for the rest of their life.

True False

2. Since the death penalty was reinstated in 1976, more black people have been executed than white people.

True False

3. After the Supreme Court allowed the death penalty to resume in 1976, the first person to be executed was Gary Gilmore in Utah by a firing squad.

True False

4. Since the death penalty was reinstated in the U.S., very few people have been released from death row because they were innocent.

True False

5. In most states with the death penalty, you can be executed even if you suffer from mental illness.

True False

6. There are some states in the U.S. where you cannot receive the death penalty for any crime.

True False

7. Hanging has not been used as a method of execution in the United States for over 30 years.

True False

8. When the police chiefs of the U.S. were polled on their views about ways to lower the crime rate, only 1% named the death penalty as their top priority in reducing violent crime.

True False

9. No woman has been executed in the U.S. for over 25 years.

True False

10. Those who commit a crime when they are under 18 years of age are ineligible for the death penalty in the U.S.

True False

QUIZ ANSWERS

1. **False** Although the costs of incarceration are expensive (about $25,000 per year per inmate), that amounts to $750,000 to $1,000,000 depending on whether a person lives 30 or 40 years after his or her sentencing. On the other hand, the best studies on the cost of the death penalty indicate that it costs about $2 million per execution over the costs of a system which imposes life sentences for the same crimes. Moreover, about 70% of the costs occur at trial with only a minority of the costs for the appeal.

2. **False** Through the end of February, 2006, 583 white people have been executed and 344 black people. About 34% of those who have been executed have been black, while 58% have been white. However, blacks constitute only about 12% of the U.S. population, so their execution rate is much higher than the rate of whites being executed. Racism in the use of the death penalty is also shown when one looks at the race of the victims in the underlying crime that resulted in sending the inmate to death row. You are much more likely to receive the death penalty if the person you murdered was white than if the person you murdered was black.

3. **True** Gilmore refused to appeal his conviction or sentence and was executed only three months after his trial. Another person was executed by firing squad in 1996, also in Utah. Like Gilmore, John Taylor waived his appeal and asked to be shot.

4. **False** There have now been over 120 people released from death row after they were exonerated. In all of these cases, there was a re-trial ending in acquittal, the state dropped all charges after the conviction was thrown out by a higher court, or an absolute pardon was granted on the basis of innocence. Thus, for every 8 executions carried out, there has been one person formerly death on row who is now deemed innocent.

5. **True** While in 2002 the Supreme Court ruled in Atkins v. Virginia that it is unconstitutional to execute the mentally retarded, almost all states allow the execution of those with mental illness.

6. **False** The statement is not quite true. Although there are 12 states that do not have the death penalty under state law, the federal death penalty governs certain crimes in every state. No matter what state you commit a crime in you can still receive the federal death penalty, providing you have broken one of the laws to which that federal penalty applies. For example, certain acts of kidnapping in which a death occurs could merit the federal death penalty, regardless of what state the crime occurs in.

7. **False** Delaware hanged one man in 1996 and the state of Washington conducted 2 hangings in the 1990s.

8. **True** According to a Peter Hart Research Poll conducted in 1995 of police chiefs around the country, the officers named such measures as reducing drug abuse, a better economy, and controlling guns as more important than the death penalty in reducing violent crime. The poll also found that the majority of police chiefs do not believe that the death penalty is an effective law enforcement tool.

9. **False** Velma Barfield was the first woman executed after the reinstatement of the death penalty. She was executed by lethal injection in North Carolina in 1984. Since then, ten additional women have been executed. There are about 50 women on death row awaiting execution.

10. **True** The Supreme Court found the death penalty for juvenile offenders (those under 18 at the time of the crime) unconstitutional in Roper v. Simmons (2005).

source: Death Penalty Information Center
http://www.deathpenaltyinfo.org/article.php?did=557&scid

PASTORAL LETTER

WISCONSIN COUNCIL OF CHURCHES PASTORAL LETTER FROM THE COUNCIL'S RELIGIOUS LEADERS REGARDING THE DEATH PENALTY REFERENDUM

September, 2006

Dear brothers and sisters in Christ,

The ballot for the general election on November 7 will include the advisory referendum question: "Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?"

The possibility that the death penalty might be restored in Wisconsin – after 153 years without it – is a matter of deep concern for us. While we recognize and respect the strong feelings and moral and religious arguments on both sides of the debate, we must reaffirm our strong opposition to the death penalty.

For many years, our respective denominations have opposed the death penalty. As an expression of our united witness, a statement opposing the death penalty was adopted in 1995 by the Board of the Wisconsin Council of Churches (WCC). That statement, "Breaking the Cycle of Violence: Living as Images of God," grounds our opposition to the death penalty in fundamental affirmations of our Christian faith. It reads in part:

> We believe and teach that every human being is created in the image and likeness of God, and that even the most perverse behavior cannot obliterate that image or destroy the worth of the person who bears it.
>
> We believe that God is love and that, through the prophets, Jesus and other messengers, even to our own time, God teaches us to love and respect every human person as an image of God.
>
> We understand ourselves as people called to follow Jesus, who rejected the law of retribution ("an eye for an eye and a tooth for a tooth") and, by teaching us to love our enemies, broke the cycle of violence and death once and for all. Our opposition to the death penalty is an expression of our desire, as Jesus' disciples, to do what we can to bring this cycle to an end.
>
> We believe that vengeance belongs to God alone, and that the God we adore is not vengeful but gracious and merciful.

The WCC's statement also points out "serious and unavoidable" problems involved in implementing the death penalty, including the fact that it has not been proven to deter crime; that it is imposed disproportionately on persons of color; and that innocent persons have been, and will inevitably be, executed by mistake.

We do not believe that the requirement of DNA evidence is sufficient to overcome the danger of executing innocent persons. All human techniques and methods are fallible. Requiring DNA evidence for the death penalty will also increase the arbitrariness of capital punishment, since DNA evidence is not available in every case.

We urge all of our congregations to take time for informed, respectful discussion of this issue before the general election. We encourage you to make use of the resource packet prepared by the Wisconsin Council of Churches. And let us all pray for God's guidance as we seek to discern how best to frame policies to promote fairness, compassion, healing, and security for all God's beloved children in the state of Wisconsin.

In Christ,

Bishop Robert Berg
Northwest Synod of WI
Evangelical Lutheran Church in America

Bishop George Carlson
South Central Synod of WI
Evangelical Lutheran Church in America

Rev. James Hicks
Western District President
Moravian Church

Bishop Russell Jacobus
Diocese of Fond Du Lac
Episcopal Church

Rev. Sharon J. Johnson
Executive Presbyter, Northern Waters Presbytery
Presbyterian Church (USA)

Bishop James A. Justman
East Central Synod of WI
Evangelical Lutheran Church in America

Bishop April Ulring Larson
La Crosse Area Synod
Evangelical Lutheran Church in America

Bishop Linda Lee
Wisconsin Annual Conference
United Methodist Church

Bishop Steven A. Miller
Diocese of Milwaukee
Episcopal Church

Rev. David S. Moyer
Conference President, Wisconsin Conference
United Church of Christ

Rev. Hal Murry
Executive Presbyter, John Knox Presbytery
Presbyterian Church (USA)

Rev. Gregg Neel
Executive Presbyter, Milwaukee Presbytery
Presbyterian Church (USA)

Rev. Arlo Reichter
Executive Minister
American Baptist Churches of Wisconsin

Rev. Lucille Rupe
Executive Presbyter, Winnebago Presbytery
Presbyterian Church (USA)

Bishop Thomas A. Skrenes
Northern Great Lakes Synod
Evangelical Lutheran Church in America

Bishop Paul Stumme-Diers
Greater Milwaukee Synod
Evangelical Lutheran Church in America

Bishop Keith Whitmore
Diocese of Eau Claire
Episcopal Church

Rev. Cary Winn
Wisconsin Classis
Reformed Church in America

[Signatories as of 8-21-06. Check www.wichurches.org for list for latest list of signatories]

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DEATH PENALTY INFORMATION CENTER

Facts About the Death Penalty

August 1, 2006

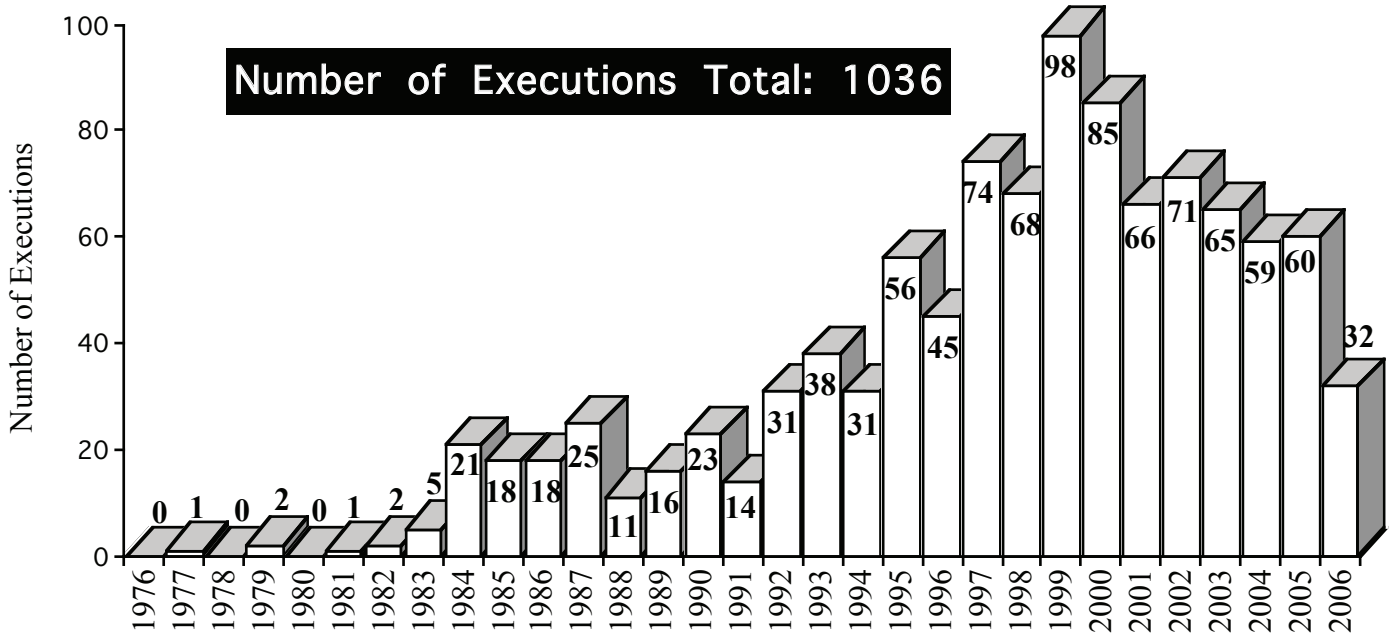
STATES WITH THE DEATH PENALTY (38^)

Alabama	Florida	Louisiana	New Hampshire*	Oregon	Virginia
Arizona	Georgia	Maryland	New Jersey*	Pennsylvania	Washington
Arkansas	Idaho	Mississippi	New Mexico	South Carolina	Wyoming
California	Illinois	Missouri	New York*^	South Dakota*	
Colorado	Indiana	Montana	North Carolina	Tennessee	- plus
Connecticut	Kansas*	Nebraska	Ohio	Texas	U.S. Gov't
Delaware	Kentucky	Nevada	Oklahoma	Utah	U.S. Military*

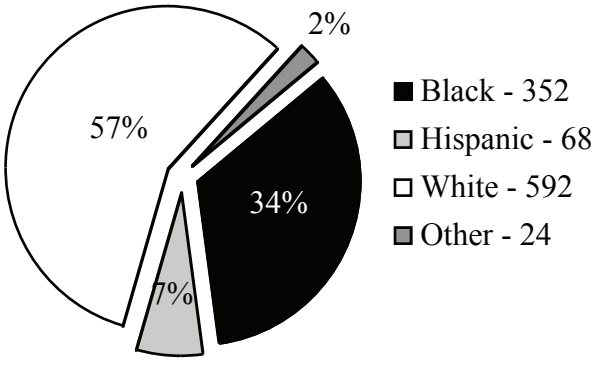
*Indicates jurisdictions with no executions since 1976.
^In 2004, the death penalty statute of New York was declared unconstitutional.

STATES WITHOUT THE DEATH PENALTY (12)

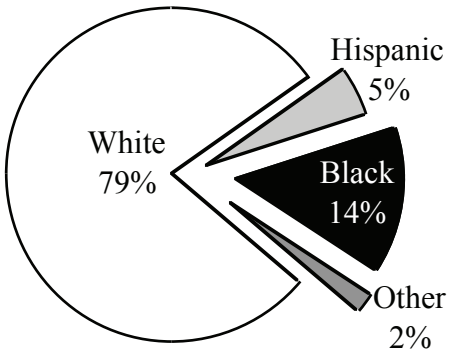
Alaska	Maine	Minnesota	Vermont	- plus
Hawaii	Mass.	N. Dakota	W. Virginia	District of
Iowa	Michigan	Rhode Island	Wisconsin	Columbia



Race of Defendants Executed



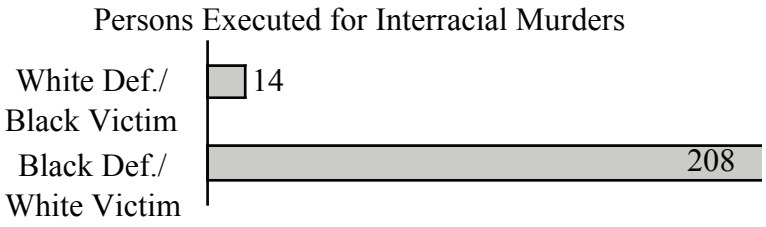
Race of Victim in Death Penalty Cases



About 80% of the murder victims in cases resulting in an execution were white, even though nationally only 50% of murder victims generally are white.

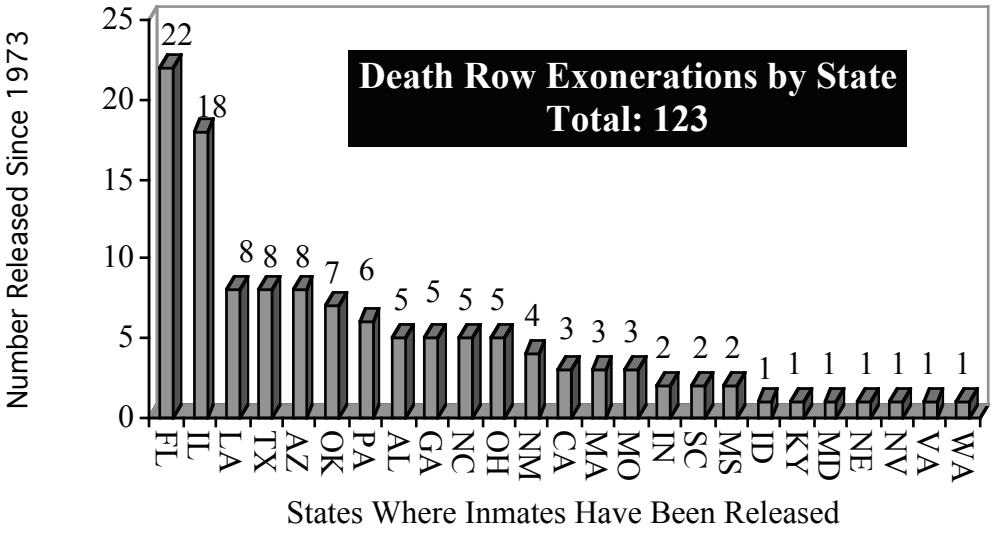
Recent Studies on Race

- In 96% of the states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both. (Prof. David Baldus report to the ABA, 1998).
- 98% of the chief district attorneys in death penalty states are white; only 1% are black. (Prof. Jeffrey Pokorak, Cornell Law Review, 1998).



- A comprehensive study of the death penalty in North Carolina found that the odds of receiving a death sentence rose by 3.5 times among those defendants whose victims were white. (Prof. Jack Boger and Dr. Isaac Unah, University of North Carolina, 2001).
- A recent study in California found that those who killed whites were over 3 times more likely to be sentenced to death than those who killed blacks and over 4 times more likely than those who killed Latinos. (Pierce & Radelet, Santa Clara Law Review 2005).

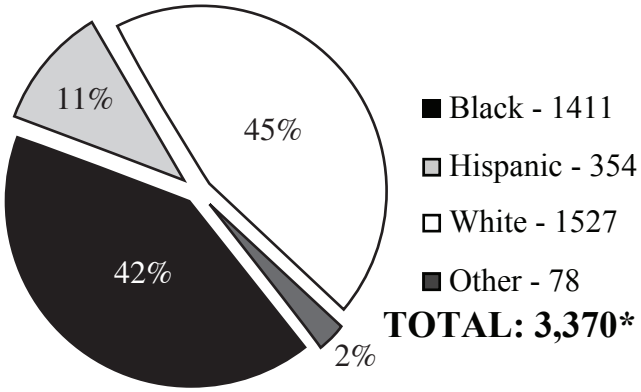
Innocence and the Death Penalty



Since 1973, over 120 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, Oct. 1993, with updates from DPIC).

In 2000, 8 inmates were freed from death row and exonerated; in 2001 – 2002, another 9 were freed; and in 2003, 12 were exonerated. In 2004, there were 6 exonerations.

Race of Death Row Inmates



DEATH ROW INMATES BY STATE*

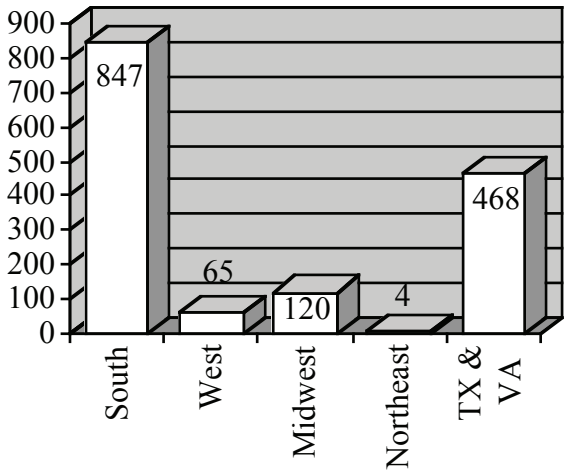
California	652	S. Carolina	71	Illinois	9
Texas	404	Mississippi	67	Washington	9
Florida	392	Missouri	52	Utah	9
Pennsylvania	232	U.S. Gov't	41	U.S. Military	9
Ohio	195	Arkansas	38	Maryland	8
N. Carolina	188	Kentucky	37	Connecticut	8
Alabama	191	Oregon	33	Kansas	8
Arizona	126	Indiana	24	Montana	4
Tennessee	108	Virginia	22	S. Dakota	4
Georgia	107	Idaho	20	Colorado	2
Oklahoma	93	Delaware	17	New Mexico	2
Louisiana	88	New Jersey	13	Wyoming	2
Nevada	81	Nebraska	10	New York	1

Source: NAACP LDF Death Row, U.S.A. (April 1, 2006) (includes cases with temporary reversals)
*When added, state totals are slightly higher because some inmates are sentenced in more than one state.

NUMBER OF EXECUTIONS BY STATE SINCE 1976

	Total	2005	**2006**		Total	2005	**2006**
Texas	371	19	**16**	Nevada	12	0	**1**
Virginia	97	0	**3**	Mississippi	7	1	**0**
Oklahoma	81	4	**2**	Utah	6	0	**0**
Missouri	66	5	**0**	Maryland	5	1	**0**
Florida	60	1	**0**	Washington	4	0	**0**
N. Carolina	42	5	**3**	Nebraska	3	0	**0**
Georgia	39	3	**0**	Pennsylvania	3	0	**0**
S. Carolina	36	3	**1**	Kentucky	2	0	**0**
Alabama	34	4	**0**	Montana	2	0	**0**
Louisiana	27	0	**0**	Oregon	2	0	**0**
Arkansas	27	1	**0**	Tennessee	2	0	**1**
Arizona	22	0	**0**	Connecticut	1	1	**0**
Ohio	22	4	**3**	Idaho	1	0	**0**
Indiana	17	5	**1**	New Mexico	1	0	**0**
Delaware	14	1	**0**	Colorado	1	0	**0**
California	13	2	**1**	Wyoming	1	0	**0**
Illinois	12	0	**0**	US Gov't	3	0	**0**

Execution By Region*



*Federal executions are listed in the region in which the crime was committed.

DEATH SENTENCING

The number of death sentences per year has dropped dramatically since 1999.

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Sentences	**267**	**288**	**287**	**314**	**317**	**317**	**277**	**300**	**276**	**232**	**163**	**168**	**152**	**125**

Source: Bureau of Justice Statistics: "Capital Punishment 2004"

JUVENILES AND THE DEATH PENALTY

• In 2005, the Supreme Court in *Roper v. Simmons* struck down the death penalty for juveniles. 22 defendants had been executed for crimes committed as juveniles since 1976.

MENTAL RETARDATION AND THE DEATH PENALTY

• In 2002, the Supreme Court held in *Atkins v. Virginia* that it is unconstitutional to execute defendants with mental retardation.

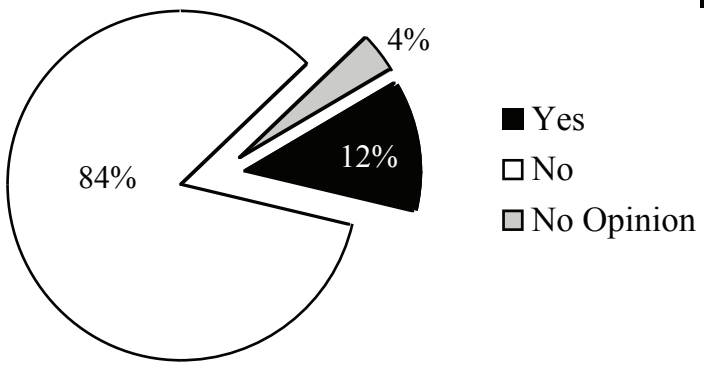
WOMEN AND THE DEATH PENALTY

• There were 49 women on death row as of December 31, 2005. This constitutes 1.58% of the total death row population. (Victor L. Streib, "Death Penalty for Female Offenders" 1.10.06) 11 women have been executed since 1976.

DETERRENCE AND THE DEATH PENALTY

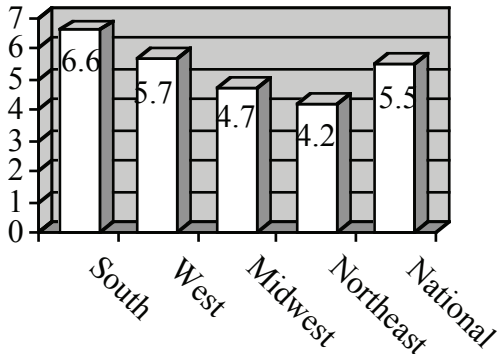
• According to a survey of the former and present presidents of the country's top academic criminological societies, **84% of these experts rejected the notion that the death penalty acts as a deterrent to murder**. (Radelet & Akers, 1996)

Criminologists View of Deterrence



• Consistent with previous years, the 2004 FBI Uniform Crime Report showed that **the South had the highest murder rate. The South accounts for over 80% of executions.** The Northeast, which has less than 1% of all executions, again had the lowest murder rate.

Murder Rates per 100,000 - 2004



EXECUTIONS SINCE 1976 BY METHOD USED

867	Lethal Injection	37 of 38 states plus the US government use lethal injection as their primary method.
153	Electrocution	Nebraska is the only state to solely use electrocution. Some states utilizing lethal
11	Gas Chamber	injection have other methods available as backups.
3	Hanging	
2	Firing Squad	

FINANCIAL FACTS ABOUT THE DEATH PENALTY

• The California death penalty system costs taxpayers $114 million per year beyond the costs of keeping convicts locked up for life. Taxpayers have paid more than $250 million for each of the state's executions. (L.A. Times, March 6, 2005)

• In Kansas, the costs of capital cases are 70% more expensive than comparable non-capital cases, including the costs of incarceration. (Kansas Performance Audit Report, December 2003).

• In Indiana, the total costs of the death penalty exceed the complete costs of life without parole sentences by about 38%, assuming that 20% of death sentences are overturned and reduced to life. (Indiana Criminal Law Study Commission, January 10, 2002).

• The most comprehensive study in the country found that the death penalty costs North Carolina $2.16 million per execution *over* the costs of sentencing murderers to life imprisonment. The majority of those costs occur at the trial level. (Duke University, May 1993).

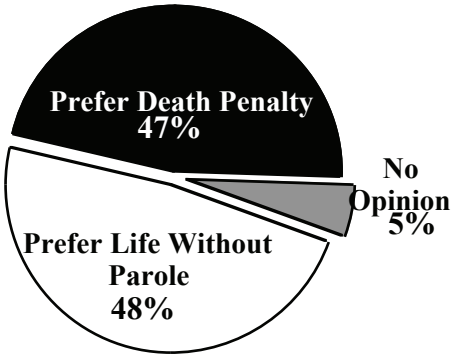
• Enforcing the death penalty costs Florida $51 million a year above what it would cost to punish all first-degree murderers with life in prison without parole. Based on the 44 executions Florida had carried out since 1976, that amounts to a cost of $24 million for each execution. (Palm Beach Post, January 4, 2000).

• In Texas, a death penalty case costs an average of $2.3 million, about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years. (Dallas Morning News, March 8, 1992).

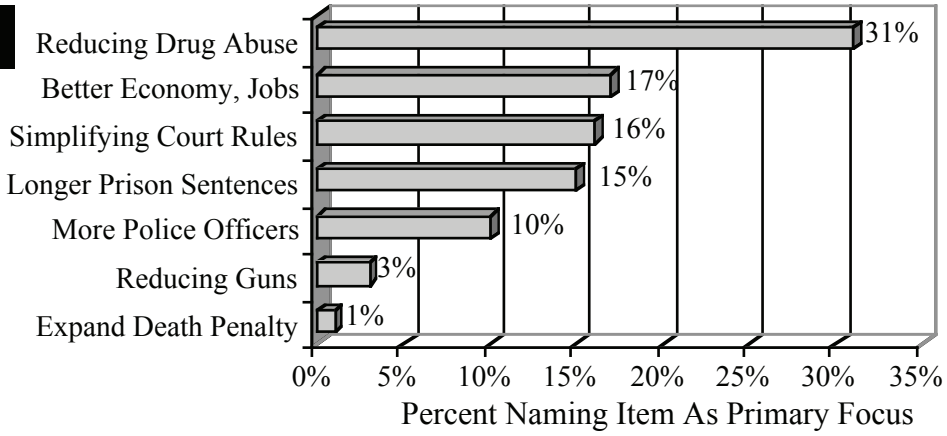
PUBLIC OPINION AND THE DEATH PENALTY

- The May 2006 Gallup Poll found that overall support of the death penalty was 65% (down from 80% in 1994). The same poll revealed that when respondents are given the choice of life without parole as an alternate sentencing option, more choose life without parole (48%) than the death penalty (47%).
- A 1995 Hart Research Poll of police chiefs in the US found that the majority of the chiefs do not believe that the death penalty is an effective law enforcement tool.

Support for Life Without Parole



Police Chiefs Place Death Penalty Last in Reducing Violent Crime



The **Death Penalty Information Center** has available more extensive reports on a variety of issues, including:
"Year End Report: Death Sentences Reach Record Lows As Country Turns to Life Without Parole" (2005)
"Blind Justice: Juries Deciding Life and Death with Only Half the Truth" (2005)
"Innocence and the Crisis in the American Death Penalty" (2004)
"International Perspectives on the Death Penalty: A Costly Isolation for the U.S." (1999)
"The Death Penalty in Black & White: Who Lives, Who Dies, Who Decides" (1998)
"Innocence and the Death Penalty: The Increasing Danger of Executing the Innocent" (1997)
"Killing for Votes: The Dangers of Politicizing the Death Penalty Process" (1996)
"Twenty Years of Capital Punishment: A Re-evaluation" (1996)
"With Justice for Few: The Growing Crisis in Death Penalty Representation" (1995)
"On the Front Line: Law Enforcement Views on the Death Penalty" (1995)
"The Future of the Death Penalty in the United States: A Texas-Sized Crisis" (1994)
"Millions Misspent: What Politicians Don't Say About the High Costs of the Death Penalty" (updated 1994)

ARGUMENTS FOR THE DEATH PENALTY

- **Justice demands the death penalty**
  - ☐ The death penalty affirms the value of human life. It imposes the ultimate penalty on those who deliberately take another person's life. Some murders are so vicious that the death of the murderer is the only fitting response.
  - ☐ The Bible supports the death penalty. For example, "you shall give life for life" (Exodus 21:23b) and "let every person be subject to the governing authorities . . . for the authority does not bear the sword in vain" (Rom 13:1-7; cf., 1Pet 2:13-14).
  - ☐ The death penalty safeguards social order by channeling the instinct for retribution. If the courts will not impose the penalty that a criminal deserves, then people may take it upon themselves to dispense punishment, by lynching or vigilante action.
- **The death penalty protects society**
  - ☐ The death penalty deters murderers. Knowing that they could lose their own lives, would-be murderers will hesitate and decide not to go through with it.
  - ☐ An executed murderer will never murder again – whether in prison, or after escaping or being released.
  - ☐ The death penalty brings closure to victims' families. They can know that the murderer does not enjoy being alive after having taken the life of their loved one.
- **The death penalty can be administered fairly**
  - ☐ Problems of administering the death penalty can be eliminated. Even if there has been discrimination and arbitrariness in sentencing people to death in the past, this is not a reason to reject the death penalty. Additional safeguards can be installed in the process to make it fair.
  - ☐ DNA evidence will prevent innocent people from being convicted. DNA evidence collected at the crime scene can make it possible to positively identify the murderer.
  - ☐ The benefits of the death penalty to society outweigh its costs. Even if there have been cases of discrimination, arbitrariness, and the execution of innocent persons, these are very slight in comparison to the important function the death penalty serves in promoting justice and protecting innocent persons.

ARGUMENTS AGAINST THE DEATH PENALTY

- **The death penalty is wrong**
  - ☐ Every human being bears the image of God. (Gen. 1:27) The image of God in every person demands our respect, and even the most heinous behavior cannot efface it.
  - ☐ Jesus' teaching and example directs us to reject retribution and to love even our enemies. (Matt. 5:38-45) Killing, even by state authorities in the name of "justice," perpetuates the cycle of violence.
  - ☐ While in some cases – where there is no alternative – killing may be necessary to defend one's self or others, killing people to affirm the sanctity of life is self-contradictory.
  - ☐ The death penalty makes the government the ultimate judge of life and death. As a human institution, government is fallible and can't presume to have the right to dispense ultimate justice, or the ability to do so without error or sin.
  - ☐ When it kills in our name, the government makes murderers of us all.

- **The death penalty is unjust**
  - The execution of innocent persons by mistake cannot be completely prevented – or undone. Many persons have been released from death row with evidence of their innocence. The use of DNA evidence can't guarantee a correct conviction. DNA evidence may be mishandled, and its significance depends on circumstances and other evidence. Almost all homicide cases now involve some DNA evidence.
  - The application of the death penalty is inconsistent. Poor people often lack adequate or competent defense counsel. In one part of a state, the death penalty may be imposed in a greater percentage of cases than in another part of the same state. If DNA evidence is required, one murderer may live and another die simply because the former did not leave DNA evidence.
  - Race of the victim or perpetrator is a factor in determining who receives the death penalty. Studies consistently show that murderers of white victims are much more likely to receive the death penalty than are murderers of non-white victims. Some studies also show that non-white defendants more often receive death sentences than do white defendants for comparable crimes.

- **The death penalty is costly**
  - Executions are more expensive than life imprisonment. This is not only because of the appeals process. Death penalty murder trials are longer and more costly than are other murder trials.

- **The death penalty is unnecessary**
  - Life imprisonment provides an alternative to the death penalty. In Wisconsin, judges can sentence first degree intentional murderers to life in prison without parole.
  - Capital punishment has not been shown to deter crime. States that do not have the death penalty tend to have lower murder rates than states that do, and enacting the death penalty does not appear to have any effect in reducing the homicide rate.
  - Executions do not necessarily give closure to victims' families. A victim's daughter says, "The death penalty option brought no peace, no closure to our family…The issue put additional stress on an already devastating time for us."[1] One organization opposing the death penalty is Murder Victims' Families for Human Rights.
  - Wisconsin has lived without the death penalty for over 150 years.

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[1] Aleta Reckling Chossek, "Even after her father's murder, she opposes the death penalty," Milwaukee Journal Sentinel, May 13, 2006. (http://www.jsonline.com/story/index.aspx?id=423447.)

WHY DOES JESUS' DEATH MATTER?

by Rev. Paul Nuechterlein
Good Friday texts: John 18-19; Isa. 52:13-53:12

I heard a news story on the radio yesterday. A Jewish man, from I'm not sure where, was suing his municipality because his voting booth is in a church, directly under a cross. He said that the last time he voted he was sick for a week.

I think we need to take this man's experience seriously, especially today of all days, when we once again ponder the meaning of the cross. We need to take seriously that too many Christians have used the cross to justify persecuting and even killing Jews. "You killed Jesus!" we Christians have cried, just before killing a Jew. This is not just a tragedy. I submit to you tonight that it is a direct *betrayal* of what the cross is about. The cross is the means by which we might be saved from our violence, not the excuse to do more. All the violence committed under the banner of the cross should make us sick, too.

A week or so ago I received an email which flabbergasted me. It notified me that my website, "Girardian Reflections on the Lectionary," has been nominated for a 2003 Webby Award in the spirituality category.[1] I guess it's kind of like an academy award for Internet sites. At first, I wondered, "Is this a joke or something?" Upon checking it out, I found it's legitimate and quite an honor. The technology writer for the *Milwaukee Journal-Sentinel* called this week to interview me for a story that will be in the technology section this Tuesday.

This has been truly flattering and humbling, a great honor. But I share this with you tonight because of some thought-provoking responses at the Webby Award website. On the page at which visitors can vote for their favorite spirituality website, quite a debate is raging around my site, the other four sites nominated in the spirituality category, and a growing number of *write-in* candidates. Among the promoters of write-in candidates are many voters who proudly call themselves "pagans," and they are seriously nominating websites such as "Witches Voice." These respondants are also critical of the fact that the spirituality category is so focused on the Judeo-Christian traditions. One person posted this response:

> If this (the Webby) is the most prestigious award in American websites, why are the nominees for the award wholly Judeo-Christian in tradition? This does not reflect the state of American religion, nor that of religious-focused websites on our net.... You know what, I have these words for all Christians out there: You destroyed the native peoples of all lands that you have trodden ... but many of us are still here, please don't ignore us anymore, you will know us because we are the religions that actually love the earth and other humans. It is time for your murderous, genocidal and abusive cult to wake-up and grow-up. You are not here alone, and your methods, if you choose to continue to embrace them will cause the downfall of all humans because of the greed and ignorance that they breed. The God you know, my friends, is a deceiver.

Again, although it's difficult, I think we Christians need to seriously listen to such criticisms. With all the violence we have committed in the name of God, isn't that God precisely what that writer says, "a deceiver" – in other words, an idol? When Christians commit violence in God's name, who are the real pagans? In fact, hasn't violence carried out in the name of Christ unwittingly driven many people to more traditional paganism?[2] Check out the "New Age" bookshelves the next time you go to Barnes & Noble. After so many centuries of bloodshed, people are sick and tired of the violence done in the name of religion and so are more inclined to side with the victims of our violence. Many folks are turning to Native American religion, for example.

I share this reaction and raise these questions because they relate to why I do this website in the first place: I fervently believe that the Church of Christ is still in need of significant reformation. Luther brought us a huge step forward when he personally faced the violence of the church in his day, namely, the very real threat of being burned at the stake as a heretic. In the face of such violence, Luther helped us to emphasize the gracious and loving God we meet in Jesus Christ.

[1] http://girardianlectionary.net/

[2] For those familiar with Girard's work, there is the thesis that the Holy Spirit, the Paraclete, has been working throughout the ages to turn our modern spirit toward concern for the victim. The tragic irony of neo-paganism, then, is that Christian violence against pagans throughout the ages has helped create a sympathy for pagans in our modern situation. Many have a sympathy for Christiendom's victims without realizing that that sympathy comes from the work of the Christian Gospel in the world – that the Paraclete continues to work change on behalf of the victims despite the betrayal of those who transmit the Gospel.

But Luther didn't quite finish the job when he left intact in his theology a hidden part of God in which violence and vengeance can reside. He didn't take us the last step of seeing that this violent part of God, held in reserve, is precisely the *false* idol of a god we use to justify *our* violence – precisely the kind of violence we have used too many times against Jews, for example. Luther himself, especially near the end of his life, came to support the kind of violence connected with the cross which quite rightly made that Jewish man sick when forced to vote under a cross. It should make us sick, too. It should help us to finally recognize our sickness – *and* the forgiving grace that can help us get well.

The perspective which has helped me, the one to which my website is dedicated, is the Gospel *anthropology* of René Girard. It is a Gospel understanding of who we are as human beings – one that calls attention to the violence of the cross in order to both show us the depth of the problem we humans have with violence and the amazing grace which enables us to change. The cross had to be about violence in order to reveal our role in it. And it does so in the only way that God could do it without becoming violent right along with us. God doesn't use divine violence to stop us. Instead, the Father allows the Son to die on the cross to *our* violence, and then raises him up so that we might finally see the impotence of violence. We can finally see that there's another way. God is a God of *life*, so much so that not even Jesus' death on the cross could thwart such a power of life. Jesus stood against the powers of violence, having faith in a God whose power of life cannot be vanquished. And we can, too.

But there's still something that's almost impossible for us to see here – the reason why we still need a reformation of the church almost 2000 years after the cross. And the importance of an anthropology, as opposed to theology, is that this thing we are blind to is about *us*, not God. The thing we are so resistant to seeing is precisely what the cross *is* – not just violence, but an act of *righteous* violence. Those who killed Jesus saw it as an act of justice, following their law. God wanted them to kill this blasphemer Jesus, or so they thought. And then Christians throughout the ages have seen themselves as righteous when they blamed Jews for killing Jesus and persecuted them.

We need to be absolutely clear about the difference of what I'm calling *righteous* violence. What is always our solution to unwanted violence? Isn't it to bring another *counter-violence* against it? We see that counter-violence of ours as *righteous*. As such, we don't really see it as violence, at least not in the same way as the unwanted violence we are trying to stop. The other person's violence we can see as violence alright. But when we use violence to stop the other person, it's different, right? It's a *righteous* violence. We probably don't even call it violence. We use words and phrases like "capital punishment," or "collateral damage," or my favorite oxymoron "force for peace." I submit to you this Good Friday that the point of the cross is for all of us to finally see the problem we have with our *righteous* violence.

Examples abound. A couple years ago I could hold up the example of Timothy McVeigh, as he was about to be executed. That whole mess, if you remember, really started with David Koresh and the Branch Davidians, who believed it righteous, commanded by God, to stockpile dangerous weapons. Our government saw itself right to use violence to stop the Branch Dividians. Timothy McVeigh disagreed, and so he deeply believed himself to be righteous in carrying out his act of violence in Oklahoma City, on the anniversary of the Branch Davidian holocaust. And we can ask ourselves: when we took Timothy McVeigh's life, were we righteous in doing so? This year, of course, the example I so often lift up to us is our struggle against the horror of terrorists who see themselves as righteous. And the only answer that seems right to us is to use violence to stop it – right?

It is this sin of righteous violence that I believe the crucified God in Jesus Christ is desperate for us to see. We Christians have gotten good at copping to a whole variety of sins. There's the juicy sins like sexual immorality or drunkenness or adultery. There's the more subtle sins like pride and shame. But the sin we still haven't seen is the sin that the cross specifically is. The cross isn't directly about sex. It isn't directly about pride or shame. No, the thing the cross most directly involves is violence – and not just any violence, but an act of *righteous* violence.

Dear People of God, in Jesus Christ God is trying to show us the only way to peace. Violence will never end as long as we think that our righteous violence is the only way to stop it. So, in Jesus Christ, God submits to our righteous violence in order to show us another definition of righteousness which is completely nonviolent. Rather, it is a righteousness that takes our violence upon itself and responds with forgiveness instead of vengeance. Talk about grace! The cross is *our* violence meeting God's unconditional love and forgiveness – *and* God's unstoppable power of life (but that celebration is for "in three days"). Today, as we once again ponder the mystery of the cross, it is the answer we need to finally let God begin leading our feet into the way of peace. Amen

Paul J. Nuechterlein
Delivered at Our Savior's Lutheran,
Racine, WI, April 18, 2003

BLESSED ARE THE MEEK: CAPITAL PUNISHMENT AND THE GOSPEL

by Father Thomas Mueller

> "You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies..." (Matt. 5:43)

In September 1995 the Wisconsin state legislature once again considered enacting capital punishment. Wisconsin abolished capital punishment 141 years ago. Of course, states can enact such laws as the majority endorses. These laws may be morally good, neutral, or evil. A new capital punishment statute would put the state in the business of killing. What is most appalling is the fact that many religious people are saying that capital punishment is morally good, righteous, and even compatible with the Gospel. Some political organizations that label themselves Christian loudly advocate capital punishment as well. If the state conducts executions, it will be another triumph of violence. That will be one thing. But for Christians to promote such state violence is another thing. And this is the unrighteousness I address not that of a violent state, but that of Christians.

The Orthodox Church in America, at its All American Council in St. Louis in 1989, passed resolutions condemning both abortion and capital punishment as unrighteous and evil. Both are killing. The distinction of innocent and guilty victims, that it's evil to kill the first and all right to kill the second, is not a New Testament concept at all. Some use such a distinction to condemn abortion on the one hand and then to advocate capital punishment at the same time. Such a distinction and contradiction cannot be found in the Gospel or justified by it. In reality, all such killing harms not only its victims, but also its perpetrators and the society that espouses it.

In the case of capital punishment, the basic motive (if truth be told) is not deterrence but retribution vengeance, to use a less polite word. In fact, the public outcry for capital punishment is clearly and admittedly a cry for vengeance. Vengeance not by God at the Last Judgment, but by men here and now. We can find many references to such vengeance in the Old Testament; but how can the Gospel of Christ be twisted and misconstrued to justify it? Can the spirit of the Gospel be so misinterpreted? What's more, how can those who claim to be Biblical literalists and fundamentalists so ignore the direct meaning of Jesus' words? To his credit, Pope John Paul II in his recent encyclical calls both abortion and capital punishment evils, unconscionable acts of violence.

The Gospel's Testimony on Killing & Vengeance

> "And forgive us our debts as we have forgiven our debtors." (Matt. 6:12)
>
> "Forgive us our sins, as we ourselves forgive everyone who is indebted to us." (Lk. 11:14)

What are we to say to the condemned criminal? We forgive you, but now die to pay your debt to society? To kill is an act of absolute unforgiveness. In killing, we do not affirm life but attempt to destroy it. Whatever worldly sense this may make to some people, it cannot be squared with Christ's words, or with our taking them to our mouths in prayer — the Lord's Prayer.

> "Blessed are the meek, for they shall inherit the earth..." (Matt. 5:5)

Before someone suggests that a prosecuting attorney can call for the death sentence in a meek way, or the judge meekly pass a sentence of death, or the executioner carry out the state-sanctioned killing in all meekness, let us look at the implications of the Greek word 'pra-is' ('meek' or 'gentle'), which is used in the original Gospel text. When Plato used the word "meek," he referred to people who are mild and gentle rather than hard or violent. For Epictetus, it indicated a nature that is not inclined to become embittered or angry at what is unjust: the attribute of a generous and magnanimous soul. In the Septuagint, which is the Greek Old Testament, the prophets use the word to describe those who endure the severity of exile with patience and hope that God — not man— will eventually bring forth justice.

> "For I will leave in the midst of you a meek and lowly people. They shall seek refuge in the name of the Lord, those who are left in Israel.., For they shall pasture and lie down, and none shall make them afraid." (Zepheniah 3: 12-13)

God expects his faithful people to be meek and lowly. He will bring justice and peace to them not necessarily in this age, but surely in the age to come.

The clearest interpretation for Jesus' use of the word "meek" is seen in Psalm 37 (LXX 36:8-il):

> "Refrain from anger, and forsake wrath. Fret not yourself; it tends only to evil. For the wicked shall be cut off; but those who wait for the Lord will possess the land. Yet a little while, and the wicked will be no more. Though you look well at his place, he will not be there. But the meek shall possess the land, and delight themselves in an abundance of peace."

The psalm tells us to leave vindication to God. We are to be meek —gentle, patient, long- suffering until God brings about His justice in His time. Will the state ever exist in such patient meekness? Evidently not — but the state belongs to this age which is passing away. Christians belong to the age to come. It cannot be Gospel-loving Christians who cry out for the state to carry out vengeance. It is the meek, not those who demand an eye for an eye, who are the blessed inheritors of the Kingdom. So says the Word of God. In fact, He says that He Himself is "meek and lowly in heart," and that we are to take up ourselves the "light" and "easy" yoke of this lowly meekness. (Matt. 11:29) Jesus is the King who comes to us "meek and sitting upon an ass." (Mt 21:5) The mission of Jesus takes place on earth in lowliness and meekness. His life is not a life at court. In Matthew 21:5, the entry of Jesus into Jerusalem is depicted as that of a nonviolent, nonwarlike king of salvation and peace. In this respect, Jesus stands radically opposed to the Zealots and to all champions of a political Messianism.

In the Beatitude of Matthew 5:5 we read of the "meek" who, out of their oppressed situation, depend not on their own will but the gracious will of God. To them Jesus promises the inheritance of the coming aeon, which includes secure dwelling in their own land. (V. Hauck, S. Schulz, Theological Dictionary of the New Testament, Vol. VI, p. 649)

We who assume the name Christian are to follow Him in the way of meekness and lowliness. We cannot venerate the Lord while we follow a way other than the one He treads before us.

On several occasions, Jesus Christ comes face to face with the issue of violence for retribution or self-defense, with the issue of capital punishment. In John 8, Jesus comes to the Temple, sits down as a rabbi would, and teaches the people. The scribes and Pharisees gather to put Him to the test. They bring forward a woman caught in adultery, presumably a married woman. The penalty prescribed for this in Deuteronomy 22 is death by stoning. (There are still some countries, like Saudi Arabia, where adultery is a capital offense for women today.)

As we know from John 18:31, the Romans had taken away from the Jews the right to administer capital punishment. The hypocrites who test Jesus ask him about applying the Deuteronomic law, and demand, "What do you say about her?" This is meant as a trap for Jesus, involving both the Jewish law and the prerogatives of the Roman state. But Jesus simply bends down and writes with his finger on the ground, just as His divine finger once inscribed the Law upon the tablets of stone on Sinai. Then He says, Let him who is without sin among you be the first to throw a stone at her." And again He bends down to write in the dust.

The words He writes send the strict enforcers of the law of retribution stealing away in silent confusion. Jesus asks the condemned woman: "Woman, where are they? Has no one condemned you?" She answers, "No one, Lord." No one — neither the self- righteous nor God. "Neither, do I condemn you," He says. "Go and do not sin again." (John 8:2-11)

The point is this: The Word of God foregoes enforcement of the strict law of retribution. This is not just a personal commutation of sentence. For He also dispels the condemners who would take God's authority over life and death upon themselves. To avoid falling prematurely into a political trap, Jesus does this silently, by shaming the devotees of capital punishment. By His actions He sets aside the law of retaliation. Likewise, in the Sermon on the Mount, He overturns the principle of retaliation (Exodus 21:24, Deuteronomy 19:21):

> 'You have heard that it was said, An eye for an eye and a tooth for a tooth,.. 'But I say to you: Do not resist one who is evil. But, if anyone strikes you on the right cheek, turn to him the other also." (Matt. 5:38-39)

Do you see how much farther the Word of God goes than just forbidding vengeance? He commands forgiveness and even love of persecutors. (Matt. 5:43-44, Luke 6:27-28) We poor sinners may fail to carry out this command, but let us not confuse the spirit of the Gospel with the barbaric cry for blood-vengeance that rise from the same mouths that dare to say, "Our Father... forgive us our trespasses as we forgive those who trespass against us."

Jesus Provides the Example

Does Jesus merely tell us how to deal with those who offend and transgress? No. He provides the example that we can only set aside if we want to give up Christ altogether and return to the Old Law. When the evildoers come to seize Him in Gethsemane so that they can inflict upon Him an unjust death, an apostle takes a sword and slashes off the ear of one of those who come to seize and slay the Son of God. But Jesus says to him: "Put your sword back into its

place; for all who take the sword will perish by the sword." (Matt. 26:52) Then, according to Luke 22:51, He touches the ear of the wounded man and heals him.

The constant interpretation of this passage in early Christian times was that wielders of the sword of vengeance the judge, the executioner, (by modern standards, the judge or jurist seeking the death penalty) all these fall under this threat. They all participate, as the murderous criminal does, in the shedding of blood, the taking of life. And they too become marked by the experience, cursed by their own bloodletting. St. Cyprian, the third century bishop-martyr of Carthage, makes it clear that it doesn't matter whether the murderous retaliation comes from an individual or from the state. Killing is killing: "The world is drenched with mutual bloodshed. When individuals slay a man, it is a crime. When killing takes place on behalf of the state, it is called a virtue." (To Donatus, 6)

Whether or not the state sanctions it, says St. Cyprian, the Christian can have no part in the shedding of blood: ". . .after the reception of the Eucharist, the hand is not to be stained with the sword or bloodshed." (On the Goodness of Patience, 14)

Finally, we have Jesus' ultimate sermon of active love on the cross. The mob cries out for capital punishment for him, marking themselves with blood: "His blood be on us" (Matt. 27:25) They call for the death penalty for Him one of the countless times from that day to this that innocent people have been sentenced by courts to die.

But the God- Man, hanging beaten, mocked, and naked upon the cross, wants no vengeance. His words resound in our ears and throughout all time, the living testimony of God for all who really look to Him to know the way of life:

> "Father, forgive them, for they know not what they do." (Luke 23:24)

Not avenge them, not slay them, but "forgive them." The answer to this question of capital punishment, and to every question of violence, is not to be found in the words of political theorists, of demagogues, of talk show babblers, or even of the aggrieved victims of violent crime. The answer is to be found in the words and actions of Jesus Christ, who is always the Father's positive answer, His "Yes" to life.

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DENOMINATIONAL STATEMENTS

Wisconsin Council of Churches

"Breaking the Cycle of Violence: Living as Images of God," 1995
http://www.wichurches.org/board/statements/breaking_the_cycle_of_violence.html

American Baptist Churches, USA

"American Baptist Resolution on Capital Punishment"
1958 and 1966 American Baptist Conventions,
Affirmed as Church Resolution, 1982
http://www.abc-usa.org/Resources/resol/cappun.htm

Christian Church: Disciples of Christ

"Resolution on the Death Penalty"
2003 General Assembly
http://www.homelandministries.org/PublicWitness/deathpenalty.htm

Church of the Brethren

"Statement on the Death Penalty"
1987 Annual Conference
http://www.brethren.org/ac/ac_statements/87DeathPenalty.htm

Episcopal Church

"Recommitment to Abolish the Death Penalty,"
2001 Executive Council Resolution
http://www.episcopalchurch.org/1866_70079_ENG_HTM.htm
"Reaffirm Opposition to the Death Penalty and Call for a Moratorium"
2000 General Convention
http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2000-A082

Evangelical Lutheran Church in America

"Social Statement on the Death Penalty"
1991 Churchwide Assembly
http://www.elca.org/socialstatements/deathpenalty/
see also:
"Resolution Against the Reinstatement of the Death Penalty in Wisconsin"
2006 Greater Milwaukee Synod Assembly
http://www.milwaukeesynod.org/assembly06resolutions.htm#resolution3
"Resolution Regarding Death Penalty"
2006 South-Central Synod of Wisconsin Assembly
http://www.scsw-elca.org/death%20penalty%20resolution.htm

Moravian Church in America

"Criminal Justice and the Death Penalty"
1982 Synod
http://www.mcnp.org/Documents/Resolutions/CriminalJusticeAndTheDeathPenalty.asp

Orthodox Church in America

"Resolution on the Death Penalty"
1989 All-American Council
http://www.deathpenaltyreligious.org/education/statements/orthodox.html

National Association of Evangelicals

Resolutions on Capital Punishment

1973

http://www.nae.net/index.cfm?FUSEACTION=editor.page&pageID=172&IDCategory=9

1972

http://www.nae.net/index.cfm?FUSEACTION=editor.page&pageID=187&IDCategory=9

Presbyterian Church (USA)

"Moratorium on Capital Punishment"

2000 General Assembly

http://www.pcusa.org/criminaljustice/issues/capital/moratorium.htm

Summary of Policy Statements from General Assemblies of 1959, 1977, 1978, 1985

http://www.pcusa.org/101/101-capital.htm

Reformed Church in America

"Perspective on Capital Punishment"

including General Synod statements of 1965 and 1966

http://www.rca.org/aboutus/perspective/death.html

Southern Baptist Convention

"On Capital Punishment"

2000 Annual Convention

http://www.sbc.net/resolutions/amResolution.asp?ID=299

United Church of Christ

Resolution, "Call for the Abolition of the Death Penalty,"

1999 General Synod

http://lists.ctucc.org/pdfs/resources/1999uccgs22abolishdeathpen.pdf

United Methodist Church

Social Principle on the Death Penalty from the Book of Discipline, 2004

http://archives.umc.org/interior.asp?ptid=1&mid=6385

Resolution, "Capital Punishment," 1980, 2000

http://archives.umc.org/interior_print.asp?ptid=4&mid=1070

Resolution, "In Opposition to Capital Punishment," 2000

http://archives.umc.org/interior_print.asp?ptid=4&mid=1071

Roman Catholic

U.S. Conference of Catholic Bishops Statement on Capital Punishment, 1980

http://www.usccb.org/sdwp/national/criminal/death/uscc80.htm

"A Letter to Catholics in Wisconsin on the Death Penalty," Wisconsin Bishops 2006

http://www.wisconsin.nasccd.org/bin/wisconsin/templates/

Other statements are available through Religious Organizing Against the Death Penalty
http://www.deathpenaltyreligious.org/education.html

ONLINE RESOURCES

American Civil Liberties Union

"DNA Testing and the Death Penalty"
http://www.aclu.org/capital/innocence/10392pub20020626.html

Amnesty International

http://www.amnestyusa.org/faithinaction/
Sponsors a national weekend (Oct. 20-22, 2006) of Faith in Action on the Death Penalty.
http://web.amnesty.org/pages/deathpenalty-facts-eng
Comparison of international statistics

Creighton University

http://www.creighton.edu/CollaborativeMinistry/death-penalty
On being "Pro-Life" in all respects.

Death Penalty Information Center

http://www.deathpenaltyinfo.org/
Comprehensive national website, includes spectrum of issues, facts, and resources.

Mandatory Justice

http://www.constitutionproject.org/deathpenalty/article.cfm?messageID=136&categoryId=2
A report, by both proponents and opponents, on improving the capital punishment process.

Milwaukee Journal Sentinel

"Referendum would Measure Citizen Opinion"
http://www.jsonline.com/story/index.aspx?id=408958
An argument for the death penalty by Sen. Alan Lassee.

"Even after her father's murder, she opposes the death penalty"
http://www.jsonline.com/story/index.aspx?id=423447
A Christian perspective on retribution by a woman whose father was murdered.

No Death Penalty Wisconsin

http://www.nodeathpenaltywi.org/
Information and resources concerning the November 2006 death penalty referendum.

Pew Forum on Religion and Public Life

http://pewforum.org/events/index.php?EventID=28
A speech by former Illinois Gov. George Ryan on what led him to place a moratorium on executions and later commute the sentences of 167 death row prisoners.

Pro Death Penalty.com

www.prodeathpenalty.com
A website with arguments and information supporting the death penalty.

Religious Organizing Against the Death Penalty

http://www.deathpenaltyreligious.org/
Collection of materials from religious perspective.

Wisconsin Coalition Against the Death Penalty

http://www.wcadp.org/
Includes history of the death penalty in Wisconsin and letters to newspapers.

Witness to Innocence

http://www.witnesstoinnocence.org/
Stories from wrongfully convicted former death row prisoners who have been exonerated.

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DEATH PENALTY REFERENDUM

Educational Resource Packet for Wisconsin Congregations



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