

# RELIGIOUS REFLECTIONS ON THE DEATH PENALTY

*A discussion of the theological and ethical roots of religious views on the death penalty*



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FORUM  
ON RELIGION  
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*A panel discussion sponsored by the Pew Forum on Religion and Public Life in June, 2001 featured four people with different perspectives on the death penalty that are rooted in their respective religious traditions. The panelists made informal remarks and then took questions from the audience as part of a general discussion. Moderator E.J. Dionne, Jr. is Senior Fellow at the Brookings Institution and Co-Chair of the Pew Forum on Religion and Public Life.*

E.J. DIONNE: One of the things that will be clear today is that it is impossible to say that there is any religious consensus on the death penalty. And yet there are few issues on which we need more moral guidance than the death penalty. For all of the talk about the secularization of our society, we continue to turn to religious people and religious leaders for enlightenment on moral questions and we're grateful to have such a distinguished group today.

The death penalty debate has changed fundamentally in our country for two reasons. One is a series of practical and moral questions revolving around growing doubts about whether people might be put to death by accident. A fundamental step in leading many to reconsider their view on the death penalty was the moratorium imposed by Governor Ryan of Illinois. But religious communities have also played critical roles in causing people to question their

consciences about where they stand on the issue. The debate over whether Karla Faye Tucker should be subjected to the death penalty had a powerful effect in the evangelical community. The pope's visit to the United States had a powerful influence on the Catholic community.

The Pew Forum and the Pew Research Center for the People and the Press did a survey earlier this year that revealed something very interesting. We asked people their views on the death penalty and then asked them what influenced their view – personal experience, family and friends, the media, and religious belief. Among opponents of the death penalty, 42 percent cited religious belief as a reason for opposing it. Only 15 percent of supporters said that religious belief led them to support the death penalty. Reconsideration of this issue is taking place around the country, and certainly within religious communities.

I think that each of the extraordinary panelists here today would acknowledge that there are people within their own traditions who disagree

with whatever position they will present. That's important to bear in mind. But we're very grateful for these perspectives.

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## JOHN CARR

**E.J. DIONNE:** We will hear first from JOHN CARR, who is Secretary of the Department of Development and World Peace at the United States Catholic Conference.

There's a certain irony in the position I'm about to represent, because I represent a community of faith where our understanding of the moral dimensions of capital punishment has evolved over time and in light of changing circumstances. And there is not a little irony in the fact that the church I serve at one time participated in public executions – Joan of Arc comes to mind – and yet it is now led by one of the world's foremost opponents to the death penalty, Pope John Paul II. I would suggest that the development of Catholic teaching on the death penalty has not been abrupt or radical, but a response to changing realities, especially in the criminal justice system, and it has developed out of great concern for how society sees human life.

The application of Catholic teaching on this subject has had three major elements. First, the articulation of the right of the state to resort to the death penalty in order to protect society. Secondly, the expression of growing reservations on how that right is exercised – questions of fairness, and whether the use of the death penalty is still necessary to protect society. And thirdly, coming to reject the use of the death penalty in our own time and situation.

This rejection of the use of the death penalty is expressed most clearly in the revised catechism of the Catholic Church, in the words and witness of Pope John Paul II, and in the statements and advocacy of the U.S. Catholic Bishops. The catechism was revised to reflect the teaching of John Paul II in his encyclical, *The Gospel of Life*. We do not revise catechisms easily or often, so this is a big deal. What the catechism essentially says is that the

state has the right to execute people, but other ways to protect society have evolved – particularly the penal system – and so the state ought to forego the right to execute people in favor of other means to protect society. John Paul II took that several steps further during his visit to the United States when he urged American Catholics to be unconditionally pro-life and in fact appealed to Catholics to join the effort to abolish the death penalty. Most visibly, the Pope appealed to the governor of Missouri for clemency in a particular case in which it was indeed granted.

Within the Catholic community, there is a range of views held on this issue. But at the official level, there is a growing unity and consistency. In fact, the National Conference of Catholic Bishops has publicly opposed the death penalty since the 1970s. The Catholic Church has come to oppose the use of the death penalty for four main reasons:

**Uncertainty and Finality.** As we have discovered, despite the protections built into our criminal justice system, there are people on death row who are innocent of their crimes. We should not have to depend on journalism classes to discover and remedy those situations. There is no revisiting an execution after new evidence comes forward. Proponents often say that no innocent man has ever been executed. But two days ago, the governor of Maryland pardoned a man who was hung decades ago.

**Questions of Fairness.** There are some prisoners who are on death row not because their crimes were worse than others, but because their legal representation was worse than others. The rich and famous, the well-connected, and the well-represented rarely end up on death row. It very much depends on the state in which you commit a terrible crime, what prosecutor you

have, who you kill and how you kill them. There is an arbitrariness – and some would insist an unfairness – to this.

**Coarsening of our Culture.** The Bishops oppose the death penalty not just for what it does to the executed, but for what it does to the rest of us. It promotes an ethic of vengeance, an illusion of closure and the false promise of healing. The death of a murderer does nothing to bring back the victim, but it does perpetuate a cycle of violence. In the end, the Bishops have said, we cannot teach that killing is wrong by killing those who kill others. Cardinal Roger Mahoney of Los Angeles has asked, “Are we a better place, a better state, a more whole society? Is our social fabric stronger because we have 600 people on death row in California?”

**Disrespect for Human Life.** The Bishops are increasingly opposed to the death penalty because

it contributes to a growing disrespect for human life. Our opposition to the death penalty is part of our attempt to articulate and live out what has been called the “consistent ethic of life.” We believe every life is precious, whether the person lives in a gated community or a box under a bridge, whether it’s an unborn child in a mother’s womb, innocent in every way, or a convicted murderer on death row, found guilty of the most horrible crime.

The Bishops’ Conference supports measures to restrain, restrict, or limit the death penalty, and encourages policies to seek greater fairness in capital cases. We support moratoria and, eventually, the abandonment of the death penalty because we believe that although the state has the right to take life, we should forego that right. We have other means to protect society and we have an obligation to build a culture of life, not of death. We cannot defend life, we believe, by taking life.

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## NATHAN DIAMENT

**E.J. DIONNE:** Thank you, John. **NATHAN DIAMENT** is the director of public policy for the Union of Orthodox Jewish Congregations of America where he develops and coordinates public policy research and initiatives on behalf of the Orthodox Jewish community. He is a graduate of Yeshiva University and Harvard Law School.

It really goes without saying that there is a range of views in the Jewish community on practically any issue. But if I have to sum up the position of my organization as the umbrella group for Orthodox synagogues around the country, it would be: We’re not abolitionists, but we are for a moratorium. I’ll try to briefly explain how we get to such a typically Talmudic position, coming down squarely on both sides of the issue.

One of Judaism’s great teachings to the world is an appreciation for the infinite value of human life. It is in the creation story in Genesis that we learn that humans were created in God’s image. It is from the

account of Cain and Abel that we first learned about the consequences of murder. And it is from the binding of Isaac that the repugnance of human sacrifice was taught to the world.

Interestingly, in rabbinic discussions, these teachings appear in a context that is directly relevant here. In the section of the Talmud that is devoted to the rules of judicial proceedings, there is a discussion of how judges should admonish witnesses before they testify. In a Jewish religious court, you would not just stand up and say, ‘I swear to tell the truth.’ The judges would try to literally strike the fear of God into you before you gave your testimony. First, they would cite the verse regarding Cain, “the blood of your brother is crying out to you from the ground.” From there they would go into a discussion about how man was created as a singular being, giving us the famous statement, “Everyone that kills one life, it’s as though he or she had destroyed an entire world. And everyone that saves a single life, it’s as though he or she saved an entire world.” To tell you

how great the Creator is, the judges would remind you that a mortal king makes a mold for coins and every coin minted from that mold is identical. But God, the creator of the world, created one man and one woman, and the progeny of Adam and Eve are infinite in their diversity.

Only after saying this to the witnesses, after impressing upon them the importance of human life and its infinite value, would the judges ask if they were ready to testify in a capital case. Moreover, extensive procedural protections govern capital cases. Two eyewitnesses to the crime were necessary. Not only do you have to have two witnesses, but there also has to be an explicit warning right before the person commits the act that is quite explicit. And then, there's a whole host of judicial procedures regarding admonishing and examining the witnesses with excruciating detail – all designed to achieve fairness and accuracy.

At the same time, a balance had to be struck regarding transgressions. The reason that is given is that murder is a grievous offense, both against God and against society. When society punishes a murderer through the death penalty, therefore, it is not only affording that person penance for his or her crime – in traditional Jewish law, the punishment is viewed as a component of the transgressor's penance – but it is undertaking a critical act for the welfare of the society.

Striking this balance is highlighted in what is probably the most often cited Jewish passage regarding the death penalty. The Talmud says that a court that kills one defendant in a seven year period (and then there's a second opinion that says, if you kill one defendant in a 70 year period) is considered a murderous court. Often overlooked is what this Talmudic passage goes on to say: two rabbis say, if we were on those courts, there would never be a death penalty imposed. And that's because they

would find ways to examine the witnesses. They would disqualify any witness in a capital case because they were so wise and so insightful. To which another scholar responds, you would be propagating murders in society.

As this law has been translated through the rabbis into the codes of law, Maimonides tells us that courts are forbidden to engage in the kind of reasoning that would argue: What good does it do to kill someone who has already killed another? This is a clear counterbalance of the understanding of life as significantly valuable against the value of administering justice in capital crimes.

Now, all of this is found in traditional Jewish religious law that assumes a Jewish theocratic state. This does not translate neatly or directly to the United States or any other society. In fact, modern Israel does not even have the death penalty. Only one person has been executed in Israel – the Nazi war criminal Adolf Eichmann.

Nevertheless, the task for modern Orthodox Jews is to elicit from our teachings relevant lessons for today. What I have tried to present are the value system considerations that are part of this issue – the premium value placed on human life and the critical need on a societal level for implementing justice, particularly against those who would take another human life.

We think sufficient questions have been raised with regard to accuracy, fairness, racial disparities and so on to call for a halt to this practice, to put into place a moratorium and to examine how these processes should best work in the American judicial system. On the other hand, we are not about to take the position of abolition, because of the critical component of Jewish teaching that I have outlined – that of implementing justice for society.

## BARRETT DUKE

E.J. DIONNE: Thank you very much. BARRETT DUKE is the vice-president for research and director of the Research Institute of the Ethics & Religious Liberty Commission of the Southern Baptist Convention's Agency for Applied Christianity. He has been with the Agency since 1997.

Historically, Southern Baptists have supported capital punishment in our rank and file. There were some attempts in the late 1960s to have Southern Baptists go on record as opposed to capital punishment, but that effort was opposed by our membership. At our annual meeting last year, the Convention passed a resolution stating our support for capital punishment. Our main reason for that position is that we believe it is a biblical position. We believe that the Bible is God's word and that it applies in all ages and all times. The reason we believe that the Bible speaks to capital punishment for our society is because we treat the Bible from a developing historical perspective as well as a theological perspective.

The first statement in the Bible related to capital punishment is in Genesis 9:6. Immediately after the flood, God speaks to Noah and his family, and He says, "Whoever sheds the blood of man, by man shall his blood be shed." The location of that passage is significant because, as we understand the development of history, God issued this mandate for capital punishment prior to the establishment of the Nation of Israel. There was no Abraham or Moses at this time; there was just Noah and his family, which means that God gave this requirement to the only surviving people on the earth. They provide the foundation of all subsequent civilization, all subsequent communities.

There are several other passages that are significant to us on this issue, including one found in the Book of Romans, from the apostle Paul. It is important that this issue is also addressed in the New Testament because it builds on the principles and the theology of the Old Testament. Paul's statements in the Book of Romans recognize that

this is still a valid practice for society. In Romans 13, he states: "Do you want to be free from fear of the one in authority? Then do what is right, and he will commend you, for he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer."

In our resolution, we recognized that there are concerns with the way capital punishment is exercised today. We acknowledge that there are racial and economic issues that need to be addressed. They are real issues for us, and we call for a study and a change so that there is no racial or economic inequity in the system. However, we do acknowledge that the state has the right to execute those who have violated certain laws.

It is possible for a state to improperly use capital punishment. There needs to be clear evidence of guilt – it is not for government to use for its own ends. It is not proper for governments to victimize others for their own purposes. Justice is supposed to be involved. There is a question for us then: Why did God call for capital punishment? Why would God say to do this? Because killing another person violates the image of God, in which every person is created. So in a sense, the civil government is making a statement about the sanctity of life. If you kill someone, you are damaging the image of God and it is the state's responsibility to call you to account. The state also represents God's burden for the weak. Society must protect its weakest members by ensuring its citizens that it will pursue and punish anyone who preys on them.

Southern Baptists have not spoken to the particular question of a moratorium. My concern on that point is that many who are calling for a moratorium see it as simply the first step to the abolition of capital punishment and not as a real effort to try to change the system. Perhaps by not having a moratorium, we can continue to bring the pressure to bear that will result in real reform and change to the system.

In summing up our position on capital punishment, I think it would be appropriate to say that Southern Baptists believe that all people are conceived with

the right to life, but some forfeit that right by their own actions.

## JOSEPH LOWERY

E.J. DIONNE: Thank you very, very much. JOSEPH LOWERY is known to many of you as the chairman of the Black Leadership Forum and cofounder of the Southern Christian Leadership Conference. Dr. King named him as the chairman of the delegation that delivered the demands of the Selma to Montgomery march to Governor George Wallace in 1965. In some ways, Reverend Lowery is the living embodiment of the idea that reconciliation is possible – in 1995, Governor Wallace apologized to Reverence Lowery for what had happened 30 years prior.

The death penalty is a matter of place and race, of inequity and iniquity. Our concern is primarily the United States, but I have to call attention to our compatriots in the practice of the death penalty on the world scene. Nobody in the European Union is following us in the death penalty. South Africa no longer practices the death penalty. Turkey recently did away with the practice. The leader of the free world is leading Iraq, Iran, Libya, China, and so forth.

It's a matter of place. In the year 2000, 80 percent of executions in this country took place in the South. It's ironic that the Bible Belt is the killing belt – Texas, Florida, Alabama, Virginia, Georgia. In the South, defendants are vigorously prosecuted, but poorly defended. In the South, where the execution of Jesus Christ is most deplored, the execution of human beings is most employed. The death penalty is a matter of place.

It's a matter of race. In the 20th century, eight out of ten persons executed in the South were African-American. In Georgia, where I live, black males constitute 15 percent of the population, but 50 percent of those who are on death row. There are 48 prosecutors in the state of Georgia who determine whether they are going to seek the death penalty in the commission of crimes. Only one of those is an

African-American. Sixty percent of murder victims are black, yet since 1973 over 80 percent of the victims in cases where the death penalty was carried out were white. In *McClesky v. Kemp*, a Georgia case, the Supreme Court recognized the overwhelming evidence of racism in the Georgia death penalty statute, but refused to stop it. After he retired, Justice Powell said that he regretted the *McClesky* decision more than anything else because he was wrong. It's a matter of race.

It's a matter of inequity. Capital punishment is for people who have no capital. Lewis Lawes, the former warden of Sing Sing, said, "Not only does capital punishment have no justification, but no punishment could be invented with so many inherent defects. It is an unequal punishment in the way it is applied to the rich and to the poor. The defendant of wealth and position never goes to the electric chair or to the gallows." Funds to provide adequate defense for the accused who are poor are never available. In Illinois, students at Northwestern University found it takes approximately \$200,000 and many months of research to provide a competent defense. Poor defendants are represented by lawyers who are paid meager fees and who spend an average of two days on the case.

Families of poor defendants often settle in desperation for any lawyer who will take the case, regardless of experience or reputation. The *Chicago Tribune* found that 33 persons sentenced to death in Illinois were represented by lawyers who had been disbarred. Courts have assigned lawyers who specialize in tax law to defend people in capital cases. One lawyer who was on call had never tried a case. It's a matter of inequity.

Finally, it's a matter of iniquity. Most of the religious bodies in this country oppose the death penalty.

Roman Catholics, Episcopalians, Presbyterians have all taken strong positions. It's interesting to me that killing damages the image of God when it's done by a person, but it doesn't damage that image when it's done by the state. The pope says, "The dignity of human life must never be taken away, even from someone who has committed an evil act." We cannot defend life by destroying life. The state sets the wrong example when it seeks to address its social problems by killing.

For those of us who are Christian, forgiveness and redemption are the tools of the community of

faith. The death penalty seeks vengeance: an eye for an eye and a tooth for a tooth. Martin Luther King, Jr. transposed it, saying, "An eye for an eye would leave us all blind." This practice extends the cycle of violence; it affirms killing as an acceptable means of resolving social problems. It's a matter of iniquity.

We support the moratorium, and I confess, we do see it as a first step. We need a time-out on this atrocious barbarism. It's a matter of race and place, it's a matter of inequity and iniquity.

## DISCUSSION

**E.J. DIONNE:** We've had some powerful points put on the table. I've observed three pairings of deeply moral arguments here and I want to summarize them. First, we have Reverend Lowery denying that the state has a right to take a human life. This view is against that represented by Dr. Duke, that the death penalty is the only just punishment for murder. Secondly, is the argument that the risk of executing an innocent person is too high to permit any executions. Up against that is the belief that only the death penalty can protect the weakest members of our society. Finally, the point has been made that the death penalty is prescribed in a racist and unjust way. The alternative view is that removing the injustices in the process – and not repealing the death penalty itself – is the proper ethical response.

Now I'd like to invite others to join the discussion.

**QUESTION:** I have a question in reference to Mr. Diament and Mr. Duke's comments. What would you say to an individual who claims that, in fact, the death penalty does not allow the convicted to truly repent of their own free will, but is instead a state-imposed penance?

**NATHAN DIAMENT:** My explanation of the concept of repentance is a Jewish religious view taken from the context of a Jewish theocratic state. The movie image of the priest walking with the prisoner

before his execution comes from the Talmud. The members of the court would go along with the person to the execution, and the person would confess and repent. It is difficult to translate that into the context of the secular state because policy is not generally founded upon the idea of imposing penance. The best the state can hope for is to achieve some measure of justice. Again, I'm suggesting something along the lines of the Jewish tradition that speaks of the crime of murder as a grievous offense against "the stability of society."

**BARRETT DUKE:** On average, it takes six years for an execution to actually take place. So there's certainly plenty of opportunity for that individual to go through his own experience of repentance. I would agree with Mr. Diament that there is a social aspect – it's not just an individual who has been violated, but society as well. There is a sense in which all of society grieves when one member of its citizenry attacks someone else in such vicious ways.

**QUESTION:** I would like to ask Mr. Diament and Dr. Duke how they feel about the execution of a convicted murderer who is mentally retarded.

**BARRETT DUKE:** Southern Baptists have not spoken specifically on that point. My personal opinion – one that I believe is shared by many Southern Baptists – is that there is a point at which we must

say that a person is not mentally competent to really have been able to understand the consequences of his actions and that should be taken into consideration. There are certain circumstances in which capital punishment would not be appropriate.

**NATHAN DIAMENT:** In traditional Jewish law, the mentally incompetent are categorized the same as minors and there is no basis for imposing the death penalty.

**E.J. DIONNE:** I have always been against the death penalty because I thought that there was very weak evidence that it is a deterrent. I would like to ask Reverend Lowery and John Carr what the moral position would be if, in fact, there was decisive evidence that the death penalty deterred murder?

**JOHN CARR:** If the death penalty was actually effective as a deterrent, I do not believe that that fact would impact the reasons I outlined for Catholic opposition to the death penalty. We have to find ways to protect ourselves from people who do not share our commitment to human life. But we should not do so in a way that teaches the rest of us that the only way to do that is by taking life. The deterrent that keeps people from taking the lives of others cannot be, “We’ll get yours.” That is not a religious or Christian motive. As Reverend Lowery pointed out, the rest of the world is figuring out how to do this. We need to find ways to stand up for our values, to stand up for human life in ways that set good examples for society.

I think we need a moral revolution, in a certain sense. This is a society that has lost its respect for human life. It’s not just kids in the streets; it’s someone who flies home in the middle of a presidential campaign to preside over the execution of someone who is mentally retarded. Part of the church’s job is to bring about that moral revolution.

**JOSEPH LOWERY:** Our politicians have some responsibility as well. E.J. mentioned Governor Wallace earlier – we had a 90-minute meeting with him following the march from Selma to Montgomery. He disclaimed any responsibility for inciting violence. I said to him, ‘You use your bully-

pulpit to denounce racial integration and racial justice, but those who would emulate you don’t have your forum. So they use what they have – streets and guns and lead pipes and bombs.’

On this issue of deterrence, let me add that states that have the death penalty often have higher rates of homicide than those that don’t. I think we protect society by putting a person in prison for life without parole and not by extending the cycle of violence, not by extending the devaluation of human life. We must restore it. That is the challenge for the religious community – to restore the reverence for life. We have lost reverence for life. When you execute on our behalf, you make killers of all of us. If you damage the image of God by killing, as Brother Duke put it so eloquently, you damage it so many times over by making all of us kill the image of God.

We have lost reverence for life. I was almost killed on the way to Huntsville, 24 miles from where I was born, in Decatur, Alabama. I think it deepened my appreciation for life and made me see violence at its ugliest level. And I have found that lifted a burden off me. I don’t see violence as a viable means of dealing with social problems. To be biblical, he who lives by the sword will perish by the sword.

**BARRETT DUKE:** In the United States, though, we require that those who prey on the weak answer for their actions. I think that shows a respect for life, when we say that we as a society will not stand for that kind of behavior.

**NATHAN DIAMENT:** Here, however, there is a problem when you consider federal laws. The death penalty is often approved in cases when someone kills a federal law enforcement officer or a police officer. I don’t think it’s appropriate that we say that murdering these particular kinds of people who are certainly not weak is any more offensive than murdering a poor person in an alley. That goes again to drawing lines and categorizing crimes.

**JOSEPH LOWERY:** It also goes to the proposition that some lives are more valuable than others. And I don’t want to be a part of that judgment. I think God has made all lives sacred.

**NATHAN DIAMENT:** This point about a culture of life is not to be taken lightly. The best thing about the debates taking place on a number of issues right now in the American public square is that we are talking about serious issues in a serious way that allows for subtlety and nuance and complexity. This is an issue where we have to find a way to strike a balance. On the one hand, we have the finality of an execution. In Jewish religious courts, when the witnesses are admonished and quoted the verse from the account of Cain and Abel, they are told that the verse says, “The blood of your brother is crying out from the ground.” Actually, the Hebrew that is used is the plural for ‘blood’, ‘the bloods of your brother.’ This is to point out that if a capital defendant is executed, you execute not only him, but all potential progeny and descendants that come down the line. That’s not going to be entered into lightly in any way.

On the other hand, the crime of murder is singled out as a potential capital crime because, as Maimonides’ said, this transgression is so evil that not even any good deed that he has done in any of his days can redeem him from this wrongdoing. That view is also part of constructing an appropriate culture of life.

**QUESTION::** I think I’m pretty clear on Diament and Duke’s justification for the death penalty. I’m less clear about John Carr’s, because he says the state has the right to take life. Could you tell me why Joseph Lowery is wrong in his belief that the state does not have a right to take life? Mr. Duke has placed his position firmly in the covenant of retribution for the taking of life. But, John, I didn’t hear that argument coming from you. So what is your response?

**JOHN CARR:** The state has a duty to protect its citizens, and it should use those means necessary to do so. Absent an effective penal system, which can restrain the violence of those who would prey upon their citizens, capital punishment is justifiable. But we have better ways to deal with these problems. They are called prisons. We have a lot of them. We’ve invested billions of dollars in them. We have moved beyond the point in time when the only way a community could stop

someone rampaging through a village was to kill that person. We have alternatives that don’t involve the use of violence and don’t perpetuate a cycle of violence.

**E.J. DIONNE:** So, John, your position is that the state has a right which it should not exercise?

**JOHN CARR:** The state has a right which it should forego because we have better ways to handle the problem and because exercising that right makes a lot of things worse.

**QUESTION:** I was interested in the comments between Mr. Duke and Mr. Lowery, linking theology to the higher use of the death penalty in the South. Do you think that the teachings in the church on Sundays in the South contribute to a culture that supports the use of the death penalty?

**BARRETT DUKE:** I think my response would be to say that there are more evangelicals in the South who attempt to apply biblical teachings to their lives. Their conclusion when they do that, then, is that capital punishment is an appropriate response in certain circumstances. It’s related to a larger church-going community that is attempting to understand how the Bible applies to life in society.

**JOSEPH LOWERY:** In the South, you interpret the Bible to conform to southern mores. The same argument was used to justify slavery. There were a lot of biblical arguments for that practice. The statistics speak for themselves. Aside from California, the South accounts for 80 percent of executions in this country. I wish it wasn’t so, because I’m a southerner, born in Alabama, I live in Georgia – you can’t get more southern than that. If I had to choose between a converted southerner and a northerner who comes down south trying to impress me with how liberal he is, I’ll take the converted southerner.

**QUESTION:** Reverend Lowery, do you think that the younger, more enlightened Southerners’ views on the death penalty are beginning to change? The state of Mississippi had no black elected officials in the 1960s and now they have the largest number of any state in the nation. We are seeing some changes

in the region. But on this issue, does the younger generation feel differently?

**JOSEPH LOWERY:** The problem in the South is with the politicians. And the church has not dared to stand up to the politicians. We have Senator, and former Georgia Governor, Zell Miller, who was not satisfied with the “three strikes, you’re out.” He pushed “two strikes, you’re out.” The whole issue of mandatory sentencing has taken away judges’ discretion. At the same time, we’re privatizing jails so that we have incarceration for profit. That means that you have to be concerned about your occupancy rate because you’re trying to make a profit like a hotel. I don’t know the answer, but I do know that very few politicians have changed on this subject. The decline in the crime rate may force them to find some alternatives. But I hope that the church will pressure them as well. In Atlanta, some very good friends all mine – all white Protestant clergy – issued a bold statement the other day objecting to the use of the electric chair, but advocating lethal injection as humane. There is no humane way to destroy a human life, but maybe that’s a crack.

**QUESTION:** I think the American public hasn’t called for the abolition of the death penalty because they don’t see a just alternative for someone who takes a life. You see so many cases in the news where people get out of prison early and they are back committing more crimes.

**JOHN CARR:** Part of the reason that there has been no discussion of alternative is that there has been no discussion, period. The only people more in favor of the death penalty than the American people are American politicians. There has been no discussion in the presidential election about how we solve this problem and what the alternatives are. So it is considered settled in public life. Now religious communities and others have begun to encourage public conversation. The longer we talk about it, the less likely we are to conclude that the death penalty is the solution to our problem.

**E.J. DIONNE:** I’ve always thought that one of the reasons many people support the death penalty is the assumption that if someone is put in jail for

murder, they will be let out. But life without parole seems to be the obvious answer to that because it says for certain kinds of crimes, people would never be let out of prison, that it would be a permanent and tough punishment. I think one explanation for the poll numbers showing increased opposition to the death penalty is the recent drop in the crime rate. People see the criminal justice system working better and it has made people freer to think of alternatives to the death penalty.

**BARRETT DUKE:** What happens when you add life without the possibility of parole? Many people might prefer that option on a jury, but they won’t always choose it. A recent USA Today poll showed that even people opposed to capital punishment believe that Timothy McVeigh should be executed, even given the possibility of life without parole. I think the American public is going to continue to say that there are crimes that are just too vicious, too terrible to consider anything other than that final solution.

In some instances, I think life without the possibility of parole is an option that should be pursued. The taking of life should never be a simple thing; it should never be a vindictive act. So if we’re going to impose the death penalty, we need to make sure that we provide adequate defense for those accused, regardless of the cost and the time that it takes to accomplish that. We see that in too many instances that is not happening, and it needs to be corrected.

**QUESTION:** I have a question for John Carr, asking him to respond to Dr. Duke’s comments about not imposing a moratorium while attempting, at the same time, to reform the system. Do you think that’s a viable alternative?

**JOHN CARR:** The Catholic Bishops’ Conference has worked, and will work, to restrain, restrict and end the death penalty. But we know that it is going to take a long time. This is a matter of persuasion and not proclamation, requiring a lot of education and dialogue. We are convinced that the more we talk about it, the more we look at this issue and think about it, the less likely we are to believe that the death penalty is going to solve our problems. But reforms are essential right now. That means that fewer innocent people wind up on death row, that means that we must

address racial disparities, that means people facing death must have better counsel. There must be more justice in the system and fewer people put to death. I think all of us could work to see the Innocence Protection Act passed on Capitol Hill.

Catholics are sometimes accused of being biblically challenged. So let me be the last to quote scripture.

In Deuteronomy, it says: “I set before you life and death . . . So choose life so that you and your children will live.” It may take a while, but this kind of conversation advances that dialogue. The question is, How are we going to address the terrible violence and crime in our country? Our conviction is that in the end, we will not say that you can teach that killing is wrong by killing.

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