

Kentucky Council of Churches
A Resolution Opposing the Death Penalty
Adopted at the 50th Annual Assembly, October 23-24, 1997

PREAMBLE

Since the slaying of Abel by his brother, Cain, the blood of countless victims and the voices of their families have cried out to God. As Christians we, too, cry out to the creator God, the giver of life. We grieve with the friends and families of victims of violent crime. We seek justice and a just society where all may live without fear, in peace and harmony with their neighbors. We also seek justice for all persons who have been victims of violence and for whom we feel deep compassion. We struggle between our righteous anger at those who harm others or commit terrorist acts that kill and maim large numbers of persons, and our call to believe in the potential for redemption of every human being, no matter what heinous acts he or she may have committed.

All member communions of the Kentucky Council of Churches have, on record at the national level of their denominations, statements opposing the use of, or calling for a moratorium on the implementation of, the death penalty as a method for punishing those convicted of violent crimes. This statement sets forth the grounds on which the Kentucky Council of Churches shall, on behalf of its member communions, oppose the further implementation of capital punishment in the Commonwealth of Kentucky.

THE SOCIAL CONTEXT

On July 1, 1997, the Commonwealth of Kentucky reinstated the use of capital punishment, ending a thirty-five year hiatus during which no death-row inmate had been executed in the state.

Despite efforts by states, including the Commonwealth of Kentucky, to comply with the Supreme Court decision of 1972 which outlawed many capital punishment laws because the lack of legal guidelines led to discrimination and inconsistency in the application of the death penalty, there is strong evidence that such discrimination still continues. A study conducted in 1993 at the request of the 1992 General Assembly of the Commonwealth of Kentucky concluded that Kentucky's revised laws and system of capital sentencing have failed to eliminate race as a factor in this process.

The American Bar Association (ABA), acting at its national convention in 1996, has called upon "each jurisdiction that imposes a capital punishment not to carry out the death penalty until the jurisdiction implements policies and procedures that ... (1) ensure that death penalty cases are administered fairly and impartially, in accordance with due process, and (2) minimize the risk that innocent parties may be executed ... The ABA states that discrimination in capital sentencing continues on the basis of the race of the victim or the defendant, and it argues that we should not execute mentally retarded persons and persons who were under the age of 18 at the time of their offenses."

In 1997, there were 31 inmates on Kentucky's death row. All of them were indigent, and only one was able to afford private legal counsel at any phase during his prosecution. Of the 162 persons executed in Kentucky since 1911, 85, or 52 percent were black, while the proportion of African Americans in the population of the Commonwealth has been less than 10 percent. Of 127 persons whose educational or occupational records were available, 41 had less than an eighth grade education; 17 were illiterate; and no person with a college degree has ever been executed in this Commonwealth. Further examination of records shows evidence that many of the death row inmates had been drinking or using drugs prior to the crime. Many were severely marred and psychologically maladjusted due to horrific social, economic or family influences.

- Social scientists have been unable to prove **any** deterrent value in the death penalty.
- Further, studies have shown consistently that it is more costly for a state to condemn a criminal to death, due to the constitutional safeguards that must be observed, than it is to imprison that criminal for the entirety of his or her life, without parole until their natural death.

Additionally, some police science professors have begun to argue that the implementation of a capital sentence may, in fact, result in a corresponding rise in the murder rate. The example of the state taking a life, no matter how carefully, apparently desensitizes people to the value of life, and implies that killing another human being is an appropriate solution to a problem. Murder rates tend to rise in the immediate aftermath of an execution.¹

Even families and friends of victims are of different views on the value of the death penalty and whether it contributes to healing their hurt and loss, and its consequences for the social order and peace.

In summary, the following points have been made by social scientists, legal experts, and social ethicists regarding capital punishment:

- that capital punishment has been proven to be unfairly administered to the poor, the uneducated, those who cannot afford private legal counsel, and on the basis of the race of both the criminal and the victim;
- that the American Bar Association has called for a moratorium on the administration of capital punishment until such inequities can be removed,
- that there is no proven deterrent value to the death penalty;
- that the death penalty is more costly, financially, to the state than incarcerating the prisoner for life; that capital punishment is an irremediable punishment;
- and that there may be a concomitant rise in the murder rates of a state in which the death penalty is administered.

Therefore, by these measures alone, capital punishment, as it is currently applied, is not just and equitable, and therefore does not enhance the upbuilding of a just and caring society.

THEOLOGICAL BACKGROUND

In making ethical decisions, Christians appeal to the Gospel of God's unconditional love and grace for all of creation, especially as revealed in the life, teachings, death and resurrection of Jesus. The Great Commandment "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind you shall love your neighbor as yourself" -- found both in Matthew 22:37-39, and in Deuteronomy 6:5 with Leviticus 19:18 -- is normative for determining social ethics.

As Christians we affirm that violence against persons is also ultimately violence against God, in whose image we are all created and who gives to all of us the gift of life and well-being (as is clearly indicated by such texts as Genesis 4; Exodus 20:13; Psalm 51:4; and Mark 15:13). We suffer deeply with one another and with our neighbors in this Commonwealth when any are victims of violent crimes which assault, maim, and destroy their persons and very lives. We stand with victims and the survivors of those who have been subject to violent crime to do everything we can to bring healing to them and to create a world in which such terrible acts will not happen.

¹ Potter, Gary. "The Brutalization Effect of the Death Penalty", 1997. Potter (professor of police science at Eastern Kentucky University, Richmond, Kentucky) cites a number of studies dating from 1935 to the present time which indicate an increase in the incidence of homicide both prior to an execution and in the month following an execution. He notes that social scientists concur that capital punishment stimulates homicides in three ways: "(1) executions desensitize the public to the immorality of killing, increasing the probability that some people will then decide to kill; (2) the state legitimizes the notion that vengeance for past misdeeds is acceptable; and (3) executions also have an imitation effect, where people actually follow the example set by the state..." in the belief that "if the government can kill its enemies, so can they." (Bowers and Pierce, 1980-, King, 1978, Forst, 1983.) Potter also notes that "the highest murder rates in the country are in the four states that have carried 70% of the post-Furman executions," ... with "murder rates much higher than the national average."

We acknowledge that Christians in good conscience have both affirmed and opposed the death penalty, and we recognize that the issue is not decided by reference to single biblical texts: there are passages throughout Scripture which can be understood to affirm or oppose the death penalty. The “eye for an eye and a tooth for a tooth” of Leviticus 24:20 (also Exodus 21:24 and Deuteronomy 19:21) is an example that requires particular attention. In the society of ancient Israel, the penalty of death could be imposed not only for murder but for a number of other crimes as well, such as adultery, blasphemy, profaning the Sabbath, or dishonoring or striking one’s parents. In its context the “eye for an eye” formula (often, slightly misleadingly, designated with the Latin name *lex talionis*) acted significantly as a guard against personal vengeance and disproportionate retaliation. Moreover, since ancient times, both Jewish and Christian writings have pushed the interpretation of these laws away from their harshest expression. Talmudic texts stressed that payment for crimes was to be restorative and not excessive; exacting a proportionate penalty was the maximum permissible limit of response. The reversal saying of Jesus in Matthew 5:38ff. so repudiates retaliation in favor of love of enemy and non-resistance to evil that most Christian communities have sought to heed its call for generosity to the wrongdoer while avoiding finding in this text a societal or universal prohibition which would call into question any resistance to forcible violation.

Finally, in many parts of Scripture we find a range of responses to serious crimes other than infliction of the death penalty. The law-giver Moses himself as a young man had killed an Egyptian and fled the consequences (Exodus 2:11-14); Jesus refused to join in the stoning of an adulterous woman, but instead offered her mercy and exhortation to amend her life (John 8:1-10). His own life ended as a prisoner under capital sentence, and as he was executed he prayed, “Father, forgive them, for they know not what they do” (Luke 23:34).

In considering the whole of Christian witness in all its complexity, we are drawn to hold before us the vision of Amos, for a time when “justice rolls down like waters and righteousness like an everflowing stream.” In the meantime, as Christians we are committed to seek both the redemption and reconciliation of the wrongdoer and healing for victims, because we affirm the value of every human being as a child of God. Rather than responding to considerations of revenge or assumed efficiency, we seek a justice that is productive of love, one which will honor the capacity of individuals to change, repent, and grow as human beings, made in the image of God for healed relations with one another and our Creator.

RESOLUTION

The Kentucky Council of Churches affirmed its belief in reconciliation and restorative justice, as opposed to retributive justice, through a statement adopted at the 49th Annual Assembly, on October 25, 1996. (*See the Statement: “Reconciliation: The Christian’s Responsibility amid the Violence of our Time “, adopted at the 49th Annual Assembly, October 25, 1996.*) Ten years ago (40th Annual Assembly, October, 1987), in a study and public policy document entitled “Crime and Criminal Justice”, the Kentucky Council officially voted to oppose “the imposition of the death penalty.”

Therefore, the Kentucky Council of Churches, acting at its 50th Annual Assembly meeting in Middletown, Kentucky, October 23-24, 1997, does hereby resolve:

- that the Kentucky Council of Churches shall encourage its member churches to stand with the victims of violent crime and their families and to minister to them in their grief and anger, and to foster those attitudes that will lead to peace for victims and their survivors;
- that the Kentucky Council of Churches shall oppose the imposition of a death sentence, by whatever method of implementation that the state shall designate, whether by electrocution or lethal injection, or any other means which may be devised;
- that the Kentucky Council of Churches shall inform legislators about the Council’s position on the death penalty, and shall urge the Commonwealth to serve the purposes of justice without resorting to use of the death penalty;
- that, while capital punishment remains legal in Kentucky, the Council shall do all in its power to persuade the Governor of the Commonwealth of Kentucky to use the executive power of clemency to commute sentences to life in prison without possibility of parole for those persons on death row facing imminent execution;
- that the Council will affirm the work of people who are employed in the criminal justice system, recognizing the special burdens that accompany such work;

- that the Council shall encourage its member churches to seek further opportunities to serve people caught in cycles of violence; and
- that the Council shall offer a clear voice within the Commonwealth of Kentucky on behalf of restorative justice, peace, order, and reconciliation.