

Issues of Life and Death

Elizabeth McOwat

With the assistance of Rev. Sarah Groves

“The Unitas Fratrum appreciates the inestimable value of each human being for whom Christ gave his life, and counts no sacrifice too great to ‘win souls for the Lamb’.”

— Essential Features of the Unity 1995
(*Church Order of the Unitas Fratrum*, 2002)

I am British, a lifelong member of the Moravian Church. I am also a long time member of LifeLines, an organization that reaches out in friendship to the men and women on death rows throughout the United States. I am a member of Amnesty International, and a voluntary official prison visitor, approved by the British Government Home Office. I come from a European background, and from an ethos that does not allow the death penalty to be considered under any circumstances. No country is allowed to join the European Union unless it renounces the death penalty.

I need to understand, as a Moravian, why it is that so many of our Moravian brothers and sisters in the USA. feel that the death penalty is both morally and ethically acceptable whereas most European Moravians take a different view. What is it about our cultures or belief systems that makes for this difference?

My problem, and that of many Europeans, is that if I support capital punishment, I have to accept the fact that (a) some of the people executed will be innocent, (b) and until very

recently that some will be children, (c) many of them will be mentally ill or mentally retarded. I have also to accept the fact that (d) it is often the poor and the disenfranchised who are executed, and that (e) the race of the victim, and also of the perpetrator, plays a large part in determining who receives the death penalty. I have to be prepared to accept that (f) I have judged these people, whom the law has sentenced to death, to be literally as dead men (and women) walking, that they are incapable of, or beyond, redemption and reconciliation, and that (g) the message that I am giving out to the family of the murder victim is that they are incapable of forgiving.¹

Many years ago I watched a documentary called *Fourteen Days in May* which followed the last two weeks of a young black American, Edward Earl Johnson, who was executed in the State of Mississippi on May 20, 1987. That documentary, made by a British television crew, made me realize that the death penalty was an abhorrence and something that I wanted to fight, but I needed to work out where I stood in relation to general moral and ethical thinking. That documentary was also responsible for bringing into existence the British based organization, LifeLines. The film shocked me beyond belief, but I was comforted by the fact that the British television crew were unable, at

one point, to continue filming, as they were so horrified with what was being done in the name of justice.

“The calculated killing of a human being by the state involves, by its very nature, an absolute denial of the executed person’s humanity. The most vile murder does not, in my view, release the state from constitutional restraints on the destruction of human dignity.”

— Justice William Brennan, 1986.

In my role as a member of LifeLines, I became the penfriend of a young black man, Perrie D. Simpson, who was a prisoner in Raleigh in the North Carolina State Prison. Perrie had been my friend for five years, and it is mainly because I am still so angry at the fact of his execution on Friday, 20th January 2006 at 2:00 in the morning, that I am trying to put my thoughts together. Perrie was a young twenty year old black man when he committed his crime, which he has always acknowledged, and for which he was bitterly sorry. He was given his execution date just before Christmas of 2005. For twenty years he had been isolated on the North Carolina death row, not allowed to touch friends or family, until the week before his execution when he was given the opportunity to have a visit with his brother in another prison, and finally to have a contact visit with his family.

Perrie, according to execution protocol, would have been required by the prison to follow a very strict timetable once his last day on earth arrived. This protocol is counted down

by the hour, coldly and clinically. Prior to this Perrie was given his last meal, chosen by him. The execution protocol can be found on a web site, but the actual method needs to be read, to be absorbed, in its obscenity and detachment. Forgive me, I am still very angry — this was my friend who was to be trashed. All clocks are synchronized, telephones checked, Perrie would be given clean clothing, including a nappy. He would have been offered a sedative, in order that his walk to the death chamber did not cause embarrassment to anyone. In other words, so that his legs would not buckle with fear. Perrie would be laid on the gurney (in the shape of a cross, incidentally), and then according to a strict timetable three drugs would be administered to him. First, sodium pentothal which is supposed to cause unconsciousness. Then, pancuronium bromide, which causes paralysis to the nervous system. Finally he would be given potassium chloride which shuts down the heart and causes cardiac arrest.

None of the people who operated the needles would have been seen by Perrie or the audience watching his death. I wonder why not. Before the actual execution a doctor would have tested the electrocardiograph machine, and then pronounced on Perrie’s death. The cold and calculating method of his killing is something that I find obscene and terrifying. And there is no doubt, from the evidence being collected from various states, that many of these executions are botched, and cause intense suffering, in the same way that execution in the gas chamber, and in the electric chair, did.

Perrie's last words were to apologise again to those he had harmed so terribly.

I felt closely involved with Perrie during his final hours because I was able to be in contact with a wonderful group of Christians, of all faiths, but mainly Catholics and Quakers, who protested outside the prison during the time of Perrie's execution. I am told on good authority that sixteen of those Christians were arrested by the police and had to attend court at a later date. Again I question — why does this particular group of American Christians find executions so abhorrent that they are willing to go to prison as a protest? This execution took place in the heartland of the American Moravian Church. I scrolled down the list of meeting places and groups involved in this act of civil disobedience, and hoped so much that I would see that our Moravian brothers and sisters were involved, but could not find a mention of them.

A final cruelty, in my eyes, was that one of my final letters to Perrie, offering him encouragement and assuring him of the love of our Lord Jesus Christ, was returned to me, simply marked Inmate Deceased. That letter, which arrived in plenty of time for Perrie to receive it, was lying around for four weeks in the North Carolina prison before it was sent back to me.

On January 31, 2006, Amnesty International, an organization totally opposed to the death penalty under any circumstances, made a call to the USA, to at least call a halt to the execution of mentally ill inmates on death

row throughout the States. Admittedly the US courts have finally ruled that it is unlawful to execute child offenders and those with learning disabilities, but it still accepts, in all states with the death penalty (except Connecticut) that it is lawful to execute people suffering from schizophrenia, bipolar disorder, brain damage and Post Traumatic Stress Disorder (or PTSD). Some prisoners suffering from these conditions have been allowed to conduct their own defense, and many are allowed to “volunteer” to be executed. Amnesty International is concerned that many jurors do not understand the issues inherent in mental illness, and that therefore mental illness becomes an aggravating, rather than a mitigating factor.

In a recent report, reprinted from the *Tucson Citizen*, and based on a question and answer session with Carla Ryan, a Tucson, Arizona, attorney, Ms. Ryan was asked to comment on various aspects of the death penalty. Ms. Ryan, who is well known for her work in death penalty law (I myself have been involved in one of her cases) and has appeared before the World Court in the Hague, was asked to say what gave her the most pause about the death penalty. Ms. Ryan felt that human error gave her most concern as so often the sentence of death depends on who is the prosecutor in the case, and also the county in which the crime is committed. She commented on the fact that so many of the people on death row are mentally ill, poor and uneducated, and also on the fact that so many of them have to accept incompetent counsel to defend them at trial. She concluded by saying that many people involved in these cases see

the defense lawyer as the criminal. So I need to ask if these defendants are perceived as guilty before the trial even begins.

In my work with LifeLines, and as a visitor to several American top-security prisons, one of my abiding memories is of the distress and grief caused to many of the families of the prisoners. This is not to take away from the distress and grief of the families of the victims, but their grief, in this context, is another issue. Neither is it to accept that the human being who commits a terrible crime should walk free. On the contrary, punishment is a necessary and an integral part of the judicial procedure. But from my limited experience, and from the experience of lawyers and counselors who work with the families of the prisoner, the suffering experienced by those families is often quite dreadful. We have to remember that these people too are, in the main, innocent of the crime of murder. Yet the ripples of distress and suffering seem to spread outwards to involve so many people, both involved with perpetrators and victims.

I have talked to a mother who makes the round trip to a death row prison to visit with her son, every month. 900 miles. She is never allowed to touch him, or to buy him food or drink. She only sees him behind Plexiglas, and talks to him through a grille. Her family has been split by the crime of her son, but she is his mother. She always will be. When my husband and I met her in the prison, we offered to sit with her for the evening following her visit. She

told us her history and cried, apologizing for doing so in front of strangers.

How do you deal with distress on that level? She is innocent. Many of the people who are involved with the victims of the crime feel that closure will be achieved when the murderer is finally executed, but according to many interviewers, and as you would expect, that just is not the case. Closure does not happen. The empty chair, sadly, can never be filled. It is for very different reasons that closure occurs.

“No man is the sum of his crimes.”

— Sr. Helen Prejean, Catholic nun, abolitionist, author of *Dead Man Walking*.

I have talked with wives, with daughters, with sons, with mothers, with fathers, with family friends, the sadness and distress never leave the people involved. But the horror of the actual execution affects so many more people also. It is a well-known fact that it affects the officers who are in charge of the prisoners. It affects the doctors involved and the officials who actually press the buttons. As we, who live in an ever increasingly small world, know only too well, any man's death diminishes us.

I think that this is an appropriate point at which to talk about the religious emphasis that much of our Bible places on various aspects of justice, compassion, and redemption, with particular reference to prisoners, and especially to those who have been given the death penalty. I think, too, that it is helpful to remember that Christ himself was the victim of a judicial execution.

“Even though this new evidence may establish Mr. Richey’s innocence, the Ohio and United States constitutions nonetheless allow him to be executed because the prosecution did not know that the scientific testimony offered at the trial was false and unreliable.”

— Prosecutor Dan Gershutz with reference to the Kenny Richey trial circa 2005.

Isaiah speaks to us with a voice that resonates particularly today: “The Spirit of the Lord is upon me, because the Lord has anointed me to bring good tidings to the afflicted; he has sent me to bind up the broken hearted, to proclaim liberty to the captives, and the opening of the prison to those who are bound” (Isaiah 61:1). Jesus, in the Galilee Manifesto, accepts these claims for himself. Luke 4.

There is no injunction against the death penalty in scripture, in the same way that there is no injunction against slavery, but I would recommend reading an article by Rabbi Gershon Winkler titled “The Murderous Court.” He quotes from the Babylonian Talmud, Makot 7a: “A Court that has executed someone as infrequently as once in seven years is a murderous court; others say, even once in seventy years.”² Within these ancient Judaic laws there were severe restrictions around capital punishment. It took a “minimum consensus of twenty-three judges and a maximum of seventy-one to actually send someone to their death.” It is enlightening to read from the Babylonian Talmud, Sanhedrin 5.5, the very careful steps taken to ensure that justice prevails. If the death penalty is finally handed down, then last minute

changes of heart, favourable testimonies or any piece of new evidence, even if it is presented by the defendant, are immediately responded to, the execution is halted and the defendant is returned to the house of judgment. And this can happen many times. I cannot find anywhere in these texts a comparison with our modern insistence on revenge, and “an eye for an eye” mentality. How can that be consistent with the old Hebraic laws as described above? I do not understand. I really do not understand.

The Bible makes clear that there is an ethical belief framework that governs the way in which we live and treat others. It makes clear that each human life is individual, precious, and known by God; even the hairs of our heads are numbered by a God who sees and notes the fall of a sparrow. Each hair on Perrie’s head was numbered by God. Each step that he took towards the death chamber was walked also by God. In Luke 12:6-7. Christ gives an injunction to love, not just our neighbours but also our enemies (Matt. 8:43-44). How then, I ask, can we kill someone we are called to love? We may need to restrict his freedom, but we cannot, surely, in the eyes of God, carry out the calculated obscenity of the death penalty.

Again, how can we read the account of the Beatitudes and carry out the calculated obscenity of the death penalty? “You have heard that it was said to the men of old,” says Jesus, “You shall not kill; and whoever kills shall be liable to judgment.” And in Matthew 7 we read that Jesus tells us very clearly that we should not judge others. “Judge not, that you be not

judged. For with the judgment you pronounce you will be judged, and the measure you give will be the measure you get.” We recognize that whilst we should not judge our fellows, the law indeed has to do just that.

So we talk of life imprisonment for very damaged human beings, recognizing that certain people need to be restrained for the sake of everyone in society, but we then need to recognize that to execute another human being is to say to him or her, in effect, “your life is worthless and it is therefore right for us to trash you.” Jesus makes it very clear in Matthew 24 that it is God himself who will judge us all. And I would ask here if we should not, in fact, leave that final judgment to God and trust him with it.

We are all sinners and all capable, given the “right” circumstances, of doing terrible things. But God loves us. One of the main concerns of our Lord on the cross was for the comfort and care of the thief crucified alongside him. Jesus could say to him with absolute conviction, and without knowing the facts of the case, that he would be with Jesus in Paradise that very day. It is as we see Jesus, lifted on the cross, suffering our human pain and terror, that we can hear him say to us: “I was hungry, and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me in, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.” Our query, as always, is “when did we see you thus Lord?” and as always we hear Christ’s reply, “Truly, I say to you, as you did it to one

of the least of these my brethren, you did it to me.”

“Criminals do not die by the hands of the law. They die by the hands of other men.”

— George Bernard Shaw 1903.

Sr. Sarah, who has worked with me on this document, and who encouraged me to write it in the first place, has reintroduced me to *The Ground of the Unity*, and I can think of no better way than to use it, along with Sr. Sarah’s comments, to bring our thoughts and questions to a conclusion.

“We oppose any discrimination in our midst because of race or standing and we regard it as a commandment of the Lord to bear public witness to this.” Yet, looking at the death row statistics, it is evident that those who face judicial execution are overwhelmingly those who are poor and black and from the most disadvantaged walks of life.

“Our Lord Jesus entered this world’s misery to bear it and to overcome it. We seek to follow him in serving his people. Like the love of Jesus this service knows no bounds.”

Our calling to serve must take us past the bounds of “the deserving poor” and through the barriers of good taste and decency to the most marginalized and oppressed — the “undeserving poor” whom Christ loves just as he loves us — the unlovely as well as the lovely.

“Jesus Christ maintains...his commitment to this fallen world...we may not withdraw from it through indifference, pride or fear.”

We cannot be excused from action because we do not want to know what is done in our name. We cannot be indifferent to the horror of what is done behind closed doors in our prisons — we have no excuse for not knowing or caring.

This is our common Moravian witness — our common heritage — our common code of practice. This is what we share — in Christ. In the light all that we share, how is it that we differ in these fundamental issues of life and death?

Endnotes

- ¹ Claudia Whitman & Julie Zimmerman, ed. *Frontiers of Justice*, vol. 1, *The Death Penalty* (Biddle Publishing Company 1997).
- ² Gershwon Winkler, “The Murderous Court,” in Claudia Whitman & Julie Zimmerman, ed. *Frontiers of Justice*, vol. 1, *The Death Penalty* (Biddle Publishing Company 1997).

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Responses

Laura Schattschneider

My first impulse when asked to respond to Elizabeth McOwat’s call to Moravian action on the death penalty was to seek out recent death penalty statistics. I discovered the following: “In 2006, 53 persons in 14 States were executed — 24 in Texas; 5 in Ohio; 4 each in Florida, North Carolina, Oklahoma, and Virginia; and 1 each in Indiana, Alabama, Mississippi, South Carolina, Tennessee, California, Montana, and Nevada. Of persons executed in 2006: 32 were white [and] 21 were black. All 53 inmates executed in 2006 were men. Lethal

injection accounted for 52 of the executions and electrocution for one. Thirty-eight States and the Federal government in 2005 had capital statutes.”¹ I also discovered that in 2005, the numbers of persons on death row declined for the fifth year in a row. In that year, there were 1805 white persons (including 362 persons of Hispanic descent) and 1372 black persons on death row, and 77 persons of other and unknown ethnic origins. Fifty-two women were imprisoned on death rows. The youngest person on an American death row was 20 years old.