

Testimony before the Maryland Commission on Capital Punishment

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We applaud and praise Governor O'Malley's moral courage to place a moratorium on state-sponsored executions in Maryland. We hope and pray that this commission will conclude that the death penalty should be abolished in this great state.

For decades, The Episcopal Church has voiced strong public opposition to capital punishment. Our essential question today is whether, without exception, the death penalty should be imposed on someone convicted of murdering another human being. Our unequivocal answer is "no."

The Christian faith is rooted in both testaments of the Hebrew and Christian scriptures. In the Bible, we find that every human being is given life by God, and only God the righteous Judge has the right to deny life. Of course, we understand that the state must seek justice and prosecute wrongdoing, but we cannot condone a decision by the state to pronounce a sentence of death for wrongdoing—no matter how violent and brutal the crime of the perpetrator may have been. Because of our belief in a just and moral God, there is simply no moral justification for the state to execute a child of God in the name of justice.

The Episcopal Church has carefully studied the application of the death penalty in many states. Invariably, in each case, we have concluded that the death penalty is immoral, unjust and ineffective.

It is immoral, first of all, because as Christians we are commanded to adhere to the ethics of Jesus who continually forbade violence as a means to solve problems that are caused by evil. Second, the death penalty is unjust because of the hugely disproportionate number of poor and black defendants who receive the death sentence. It is a sad truth that in our society, it is the wealthy are able to "buy" their way out of being executed by the state. As one prominent Episcopalian lawyer in Maryland told me recently, "true justice comes with a price tag—justice paid is justice won." And third, the death penalty is ineffective in that it has never been shown to have deterred anyone from committing a violent crime, nor has it lowered the murder rate in any state that regularly executes its most violent criminals.

These arguments are surely familiar to this panel, but let us now consider one more objection to the death penalty. How, in the end, does killing its citizens help the state to build the nonviolent, just and civil society that we all desire for ourselves and our children?

At every baptism in an Episcopal church, our members vow to "seek and serve Christ in all persons, loving our neighbor as ourselves...and to respect the dignity of every human being." (*Book of Common Prayer*, p. 305) That is, we believe that everyone bears the image,

or imprint, of God, and the face of Christ is marked on every human being—even murderers. Knowing this, capital punishment to us is tantamount placing Christ on the cross again and again, using the state to sanction our own murderous outrage against those we've come to loathe and hate. But who wants to live in that society, one marked by the continued use of state-sponsored killing in response to killing? You only have to look at the news headlines every day to know what happens to whole societies and nations that use violence to rectify violence.

State-sponsored murder can be called many names, but it is also revenge—and where one seeks revenge, there is little room for forgiveness. Quite simply, a criminal justice system based on revenge is a system marred with the consciousness of violence. Our long-held Christian tradition tells us otherwise: that civil society must establish a criminal justice system that respects the dignity of humankind. There is no room for state-sanctioned and state-sponsored revenge. To kill as the revenge for the killing of another contributes to the cycle of killing in a society. Instead, should we not seek to remedy the underlying conditions and causes for violence in our society? Instead of paying for one more public execution, should we not pay attention that there are so many murders in our communities? Should we not weep for a society caught in this vicious cycle of violence?

Most likely today—before midnight—someone in this state will die under violent circumstances. There will be survivors of yet another dead person, and hopefully the killer will face prosecution under the laws of Maryland. Understandably, we will all be outraged at the senselessness of the carnage, and there will be public cries to kill the perpetrator. Many will use the Old Testament as a religious justification for this action, especially the verse, “an eye for an eye, and a tooth for a tooth.” But Jesus Christ, who is my Lord and Savior, came to “flesh out” the law—not to abolish it, but to fulfill it to its highest purpose. He taught us that the fulfillment of the law is found in the law of love.

The test of love is not found in doing the loving thing whenever it is easy to do so. Love, however, is doing what is right precisely when it is hard. Jesus taught his followers to go beyond an eye for an eye and a tooth for a tooth, for that would inevitably lead to what Gandhi and Martin Luther King, Jr. called “an eyeless and toothless society.” Instead, Jesus called us to love—even the “unlovely”, and stop the cycle of violence...stop the hate...stop the killing...simply “Stop!”

I am here before you today in no small part because my black heroes in the Civil Rights era—and our white, Jewish, and other friends from every creed and color—took Jesus' words to heart, and employed those principles to battle hate and murderous violence in their day. I want to close this statement by citing a portion of an address given by King about six months before he was killed by an assassin's bullet in 1968. He said:

“To our most bitter opponents we say: ‘We shall match your capacity to inflict suffering by our capacity to endure suffering. We shall meet your physical force with soul force. Do to us

what you will, and we shall continue to love you. We cannot in all good conscience obey your unjust laws, because non-cooperation with evil is as much a moral obligation as is cooperation with good. Throw us in jail, and we shall still love you. Send your hooded perpetrators of violence into our communities at the midnight hour and beat us and leave us half dead, and we shall still love you. But be ye assured that we will wear you down by our capacity to suffer. One day we shall win freedom, but not only for ourselves. We shall so appeal to your heart and conscience that we shall win you in the process and our victory will be a double victory.”

That is the power of love, a power that saved our nation from violent ruin in the 1960's. I am still convinced it is the most powerful weapon that we have to deter the evil of violence—more powerful than the electric chair, more effective than a lethal injection. We are not going to kill our way out of a culture that is awash in violence. That is why I implore you to believe in that power again in our day, and reject the death penalty in our great State of Maryland.