

Order of Service
Sunday, June 26, 2005
10:00 A.M.

"The Death Penalty: One UU's Perspective"
Lorene R. Hales

Welcome and Announcements

Prelude: Pie Jesu

Gabriel Faure

Chalice Lighting
Lama

adapted from the words of His Holiness the Dalai
Lama

As we gather here today let us join in a community of compassion, love, and justice and let this candle stand as the symbol of the on-going presence of our compassion, love, and justice reflected upon the greater world. We light the chalice of our partner church in Korispatak, Romania as a reminder that they are not alone, nor are we, in striving to keep the light of our faith alive in our own hearts and practicing it on a daily basis no matter the struggles we must overcome.

Opening Words: from the CD "Compassion"

Thomas Merton

recorded at The Bangkok Conference, December 10, 1968

It's obvious that we have to plan the future. The essential in life is not embedded in buildings, it's not embedded in clothing, it's not embedded necessarily even in a rule, but it is somewhere along the lines of something deeper than a rule. It is somewhere concerned with this business of total inner transformation, and all other things serve that end.

If you once penetrate, by detachment and purity of heart to the inner secret of the ground of one's ordinary experience, you attain to a liberty which nobody can touch, which nobody can affect; this kind of freedom and transcendence are somehow attainable.

The whole idea of compassion is based on a keen awareness of the interdependence of all these living beings which are all part of one another and all involved in one another... The whole purpose of life is to live by love.

Opening Song: "Spirit of Life" #123

Candles of Joy & Concern

Reading: from Doing Time: 25 Years of Prison Writing

"Easy to Kill"

by Jackie Ruzas, a death row inmate

The door,
I can see its molding if I scrunch in the left corner of my cell
and peer through the bars to my right.
Each day I awake one day closer to death.

The prison priest, a sometime visitor, his manner warm, asks
"How are you today? Anything I can do for you, son?"
"Is it just that I am so easy to kill, Father?"
His face a blank, he walks away.

Play my life back on this death cell wall,
I wish to see my first wrong step.
To those who want to take my life,
show me where I first started to lose it.

Sermon:

Part I: Inherent Worth and Dignity of Every Person

Recently there have been numerous articles in the local newspaper about capital punishment: Zacarias Moussaoui, pled guilty to charges brought against him in relation to the attacks of September 11, however, he says he will "fight

every inch against the death penalty." At Fort Bragg, NC, a military jury sentenced a soldier to death for attacks on fellow soldiers, killing two soldiers and wounding 14 others, during the opening days of the Iraq invasion. The U.S. Justice Department is seeking to force Vermont, a state that has abolished capital punishment, to pursue a death penalty case. And, in Virginia, a leading DNA analyst has been temporarily suspended from certain cases due to errors made in testing DNA that would have led to an exoneration of Earl Washington, Jr, who came within nine days of being wrongfully executed after spending more than nine years on death row and a total of seventeen years in prison for a crime he didn't commit. Due to errors made by the DNA analyst in 1993, Mr. Washington spent an additional seven years in prison before being completely exonerated in 2000 when the DNA was retested.

The United States has been ambivalent about capital punishment. The U.S. Supreme Court ruled it unconstitutional in 1972 but then reinstated it in 1976. As of January 1, 2005, the total number of death row inmates in the USA is **3,455**

Oregon is a death-penalty state and currently houses 32 persons on death row. My purpose today is not to convince those among us who are advocates of the death penalty to change their minds but, rather, to begin a discussion of capital punishment based on our UU values and principles. This is just the beginning of a longer, stimulating, and creative discussion on this issue. As Unitarian Universalists we have covenanted to affirm and promote the inherent worth and dignity of every person. I think we can all agree that life is a precious gift to be valued and nourished, not to be thoughtlessly or wantonly destroyed. Our value of life is, in part, why we hold the act of murder to be a heinous crime. So, then, why do we feel it is appropriate to murder someone under the guise of the state? You and I ARE the state and capital punishment is defined by the state as 'legal murder.' Do we believe that some lives are more valued than others?

This is not what our first principle states. It clearly says "every" person has inherent worth and dignity. Inherent - an essential characteristic of who we are as person. Therefore, worth and dignity are intrinsic to our being and are present at birth...these are NOT qualities we can choose to adopt or reject. Although we may not always act in a manner that best reflects these characteristics, such action does not negate their presence in the core of our being. In the book Don't Kill in Our Names: Families of Murder Victims Speak Out Against the Death Penalty Rachel King says: "The people in this book reject the concept of retribution and believe that no one is beyond redemption. No

matter how ugly the facts of the murder, they found something of redeeming value in the murderer."

Every person inherently owns qualities that demand esteem and respect for that person and we, as UU's, have made a covenant to affirm and promote the worth and dignity of all persons. We also covenant to promote spiritual growth and a free and responsible search for truth and meaning. I believe that the search for truth and meaning is a life-long process and the word 'growth' implies change not stagnation. Therefore, I think that every human being having inherent worth and dignity also has the right to a natural life-time to come to a realization of what that means in his/her own life and how these qualities affect the way we relate to others and the world at large. It is not my right to determine that someone else no longer has the opportunity to experience spiritual growth or to realize truth and meaning. I'm not saying that everyone will take advantage of the opportunity for such growth and knowledge, only that it is not my right to prohibit their process by deciding they no longer shall have that natural life-time available for the process to occur. Nor is it my right to sanction such killing by the state acting on my behalf. As Sr. Helen Prejean says, "Every human being is worth more than the worst act of his or her life."

Song: "There's A Wideness In Your Mercy" #213

Part II: Justice, Equity and Compassion in Human Relations

The second principle of Unitarian Universalism is one of justice, equity and compassion in human relations. Yet one of the most obvious and disturbing aspects of capital punishment in the United States is how biased and unfair our system of justice is when determining who shall live and who shall die. There is a saying, and I don't know who to attribute it to, that "Capital punishment means those without the capital get the punishment." In 1972 the United States Supreme Court ruled the death penalty unconstitutional because it is administered arbitrarily, capriciously, and inconsistently. Too often guilt and a sentence of death has been decided not on verifiable facts but on the race of the defendant, the ability of the defendant to pay for effective representation, and the biases / predispositions of the jurists. It is appalling to know that a defense attorney can appear in court drunk or suffering from severe hangover, or that he/she can sleep in court during the trial, or be given mere hours or days to prepare a defense when the prosecution has had months to prepare and so on are acceptable in any court of law. Furthermore when appeals have been made based on these grounds they have usually been denied.

Justice, according to the dictionary, refers to a moral rightness in action and attitude, the upholding of what is just, esp. fair treatment and due reward and equity. Whereas equity means the quality or ideal of being just, impartial, and fair. It is further defined as 'justice applied in circumstances covered by law yet influenced by principles of ethics and fairness. Compassion refers to a 'deep awareness of the suffering of another coupled with the wish to relieve it.' These are the values we uphold in our second principle.

Where was the justice, equity, or compassion when Mario Marquez with an IQ of 65 was found guilty of murder and executed in Texas in 1995? It was determined that Mario had the adaptive skills of a 7-year-old. His trial counsel testified at a clemency hearing that he did not present any evidence of Mario's mental retardation because of a legal flaw in the Texas death penalty statute. I referred earlier to the recent exoneration of Earl Washington, Jr. He has an IQ of 69 and in 1983, when a woman was raped and murdered, the police pulled him in for questioning ultimately *convincing* him to make a statement about the crime. These statements were used against him in his trial and he was found, erroneously, guilty and condemned to death. What kind of incompetent representation did he receive during his trial?

But one doesn't have to be mentally retarded to be found guilty of a major crime for which the death penalty is allowed. According to the Death Penalty Information Center geography, race, representation, arbitrariness, jury misperceptions, and gender are all factors which contribute to inequities in how the death sentence is applied. For example, geography - Baltimore City had only one person on Maryland's death row, but suburban Baltimore County, with one tenth as many murders as the city, had nine times the number on death row. (L. Montgomery, *Md. Questioning Local Extremes on Death Penalty*, Wash. Post, May 12, 2002). And, of course, Texas is recognized as the capital punishment center of the U.S., based not just on how many inmates reside on death row (447) but also on how many are actually executed. Race has been documented repeatedly to be a factor in sentencing:

- 1) 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. (David Baldus, et al., *In The Post-Furman Era: An Empirical And Legal Overview, With Recent Findings From Philadelphia*, 83 Cornell L. Rev. 1638 (1998));
- 2) defendants in Maryland are much more likely to be sentenced to death if they have killed a white person;

- 3) In North Carolina, defendants whose victims are white are 3.5 times more likely to be sentenced to death than those with non-white victims;
- 4) A sophisticated statistical study in Philadelphia by David Baldus found that for similar crimes committed by similar defendants, blacks received the death penalty at a 38% higher rate than all others.

There's not time this morning to give detail upon detail of evidence to the lack of justice, equity and compassion as practiced by the legal system when making a determination of death or life. But, to quote Bob Herbert in a NYT editorial on Feb. 11, 2002: "In spring of 2000 a team of lawyers and criminologists at Columbia University released the first phase of the most far-reaching study of the death penalty in the United States. It showed that the system of capital punishment was riddled with unfairness and incompetence, with serious errors erupting with alarming frequency at every stage of the process." Perhaps this is why, according to Sr. Helen Prejean in the preface of her book The Death of Innocents, "As of September 2004, 117 wrongfully convicted persons have been released from death row." How do we justify supporting such an arbitrary system of justice and still affirm and promote our principle of justice, equity and compassion in human relations?

Small Group discussion

What do you think about capital punishment? Take a few seconds and try to formulate a sentence or two that expresses your viewpoint and then form small groups of 3 from persons sitting around you and share that thought. Allow them to express their viewpoints. Given our time constraints do not engage in discussion of the issue - just share your thought. And remember that there are bound to be differences of opinion on this subject so, please, listen respectfully to each other without critique.

Citizens' Comments

Now that you have had a chance to hear each other's opinions, did you find your responses resonating with the words of the following citizens who have spoken out publicly about the death penalty?

- 1) "the death penalty is nothing more than revenge and hate - and revenge and hate are exactly why Julie and 167 others are dead" (Bud Welch father of 9-11 victim)

- 2) As long as murderers keep murdering, this country will always support the death penalty. Why? Because it is the ONLY just punishment for many vicious killers. (forgot citation)
- 3) In a system run by humans and therefore prone to human error, if you support capital punishment, you accept the fact that some of the people executed will be innocent. (UUs Against the Death Penalty)
- The fact that innocent people have been sentenced to die does not render the Federal Death Penalty Act unconstitutional. (2nd Circuit Court of Appeals)
- Incarceration does not equal rehabilitation. And the death penalty does not equal murder. Capital punishment is the only penalty severe enough to make criminals think twice before committing major crimes. (forgot citation)
- Capital punishment is not a deterrent: According to the FBI's Preliminary Uniform Crime Report for 2002, the murder rate in the South increased by 2.1% while the murder rate in the Northeast decreased by almost 5%. The South accounts for 82% of all executions since 1976; the Northeast accounts for less than 1%.

Part III: Up Close and Personal: Reflections on the Death Penalty

Just as the overall citizenry of this country has wavered in its stand regarding the use of capital punishment, I have stood firmly rooted on both sides of the fence. The issue became real to me when I was living in Seattle in the early 1980's. A good friend, working in a mid-level penal institution, had become involved with an inmate, Charles Rodman Campbell, who was doing time for rape. Some of you may have heard of this case as Ann Rule dedicated a chapter entitled "Campbell's Revenge" in her book A Rose for Her Grave to it. Rule later said in an interview, "I don't think I've ever written about one [case] that is more nightmarish than that one."

Charles had a history, from his early teens of violent behavior and probable rape, however due to his age, none of this was allowable as evidence in the trial which resulted in his going to prison. Charles also had a history of substance abuse which, as expected, only increased his tendency toward violence. The crime for which Charles went to prison involved the 1974 rape/sodomy of a young woman named Renae Wicklund while holding a knife to her 2-year old daughter, Shannah's, throat. Later, Renae identified Charles as her attacker

and prosecuted him for the crime. Additionally, a neighbor, Barbara Hendrickson, witnessed Charles escaping from Renae's house by running through her yard and was also able to identify him at the time of his trial. When found guilty and sentenced to prison Charles vocalized threats to both women that he would get his revenge on them.

Charles received a 30-year sentence for this crime and an additional 15 years for an unrelated burglary with the two sentences were to be served concurrently. However, Charles was released to a half-way house after serving only six years. He should never have been released to the half-way house given his behaviors while incarcerated. While in prison he was less than an ideal inmate threatening violence, or actually being violent, on more than one occasion when he didn't get his way. He also had been found to be under the influence of drugs in at least one instance. Unfortunately, my friend had been totally snowed by the 'other' Charles who could be sweet-talking, kind, and totally ingratiating and she was a key factor at his parole hearing. At the hearing for release to the half-way house Charles' records indicated only certain minor infractions of the rules in his first year of incarceration and didn't mention the more serious ones that had occurred after that time. Instead it painted him as a 'model prisoner.' In reality the guards, who were afraid of him, had asked the system to move him to the state penitentiary where he could be better controlled. However that request was denied and Charles was released to a half-way house under the conditions that he obey all the rules, including curfew and absolute abstention from alcohol and drugs. The half-way house was located only 6 miles from Renae's home but the system neglected to tell her that Charles had been released and was in the neighborhood. Neither was the local sheriff notified of his release into the community.

While at the half-way house the system again failed in that Charles broke the rules on several occasions and should have been immediately returned to prison but, for some reason, this never happened. Instead he was granted permission to spend week-ends at my friends home. Charles had not forgotten his threat of revenge. Apparently he made occasional trips by her house checking up on her. One day Renae stayed home ill from work. That afternoon Charles returned to her home in a drunken condition, again raping her and then killing her by stabbing her with a knife. The knife had been given to my friend by her parents when they returned from Iran and was a serious weapon intended, in her case, to be decorative. Charles had stolen it from her home on one of his visits. While he was still there Shannah, then 9-years old, returned home from school. She encountered Charles and he also murdered her nearly severing her

head from her body. Knowing that Renae was home ill, Barbara Hendrickson came by the house to see if she could make some dinner for Renae and Shannah. Charles encountered her in the hallway and murdered her. His threat of revenge was now complete. Unfortunately for Charles, he relied on a fellow resident from the half-way house to drive him to a secluded area of a nearby river where he weighted down and tossed his bloody clothes and the knife. Under pressure from the investigating police this other resident took the police to the spot where they found the items Charles had meant to be rid of.

At his trial Charles was found guilty of 3 murders and rape and sentenced to die. He spent the next 12 years on death row. In a letter he wrote to me he was all charm and innocence, just wanting to get to know me because I was such a good friend of Judy. He really believed he could charm his way into my good graces and I would take up his case along with my friend. He told Judy on several occasions that he would never be executed. I had no desire to play into his game and had absolutely no question of his guilt. Given his prior history and the fact that too often violent persons have been released from prison to commit new crimes as he had already demonstrated I thought the death penalty was a just decision. I remember telling Judy at one point that I was sorry but I couldn't support her in helping to get a stay of execution for Charles. I referred to the story of "Old Yeller" saying that it was really sad when such a steadfast companion and friend became rabid and had to be killed. I claimed that like the rabid dog, society had no way of 'curing' what was wrong with people like Charles, and the best thing they could do for the safety of the general public was 'put them down' making sure they would never be loosed on society again.

The state of Washington executed prisoners by hanging and Charles fought his sentence claiming that death by hanging was a cruel and unusual punishment. During the period of his incarceration on death row Washington instituted lethal injection as an alternative to hanging. Charles refused to say which way he preferred to die thinking that this would halt his execution. Instead it only guaranteed that he would die by hanging. Despite his arrogance and cockiness that they would never put him to death, his final day, May 27th, 1994, eventually arrived...no more stays of execution ... Charles was to be hanged. However, he fought it tremendously. The guards had to use pepper spray to be able to get into his cell to take him to the place of execution. Because he wouldn't stand they forcibly tied him to a board which they could stand on the trapdoor. Within 90 seconds they placed a hood on his head, fixed the noose around his neck and let the trap door drop.

Do I still believe that like a rabid dog, Charles had to be put down...executed by the state in my name? No, I do not. In this case Charles was clearly guilty of the crime. But where was the compassion that recognized that he, too, is a result of various events that occurred throughout his life? Did he not have the right to continue living, in permanent incarceration, to grow and come to learn his truth and meaning, if he so chose? Absolutely guilty? Yes! Absolutely needed to remain in permanent incarceration as a punishment for his crimes and to protect society against further outbursts? Yes! Where was the recognition and accountability that Charles was not the only one who failed society...the entire system again and again could have stopped the murders of those three people and didn't!

I suspect part of my motivation for approving the hanging of Charles was a reaction to his arrogance in assuming he could beat the system despite on-going behavior that ran contrary to society's norms. And, anger that he expected he could charm me like he did Judy with the full intent of manipulating me to serve his own ends. I guess you could call it a bit of revenge of my own on Charles. And, probably, some anger at Judy that she allowed herself to be so used...to the point of becoming the mother of his child, making excuses for him all the way. But I return to the thought put forth by the organization, Murder Victims' Families for Reconciliation, that no one is beyond redemption. Isn't this also our Universalist heritage? I believe in the first principle that EVERY human being has inherent worth and dignity...no matter how difficult it may be to see in some people. And, the second principle, that demands justice, equity and compassion in human relations. Given these principles and knowing how very inaccurate, inequitable, and compromised the system of justice is in this country, I can do nothing but attempt to seek a permanent ban of the death penalty in any situation. As I said at the start of my reflections: I hope this is the beginning of on-going discussion and possible action related to the death penalty.

So be it. Blessed be.

Musical Interlude : "Pavane"

Maurice Ravel

Offering & Offertory

Spoken Response

Closing Words

Closing Song: "We'll Build A Land" #121