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**RAIN**  
**Religious Alliance in Nevada**  
**3400 Pyramid Way**  
**Sparks, Nevada 89431**  
**Feb. 12, 2003**

Assembly Judiciary Committee  
C/o Assemblyman Bernie Anderson, Chairman  
Nevada Assembly  
Legislative Building  
Carson City, Nevada 89710

Re: A.B. 15 (Prohibiting Death Sentence for a Mentally Retarded Person)

Dear Members of the Assembly Judiciary Committee:

The Religious Alliance in Nevada (RAIN) is a coalition of five Christian church bodies active throughout the State, including:

- the Catholic Dioceses of Las Vegas and Reno;
- the Episcopal Diocese of Nevada;
- the Evangelical Lutheran Church in America (represented by the Lutheran Advocacy Ministry in Nevada (LAMN));
- the United Methodist Church (represented by the Nevada Sierra District and the North District of UMC in Southern Nevada); and
- the Presbyterian Church (USA) (represented by the Nevada Presbytery).

All five of these judicatories are affiliated with national church organizations that are generally opposed to the use of the death penalty. For example, attached is a copy of Section 231 of the Book of Resolutions of the United Methodist Church, explaining why its members have been urged to oppose capital punishment and to work for its elimination from criminal codes. In 1959, the national General Assembly of the Presbyterian Church (USA) adopted a resolution opposing capital punishment, because such policy would be "an expression of vengeance which contradicts the justice of God on the cross." Lutheran Christians, in a social statement adopted by more than a 2/3 vote in a Churchwide General Assembly in 1991, opposed the death penalty, noting that executions do not restore a broken society and distract people from working to create a more just social order. The Episcopal Church of the United States went on record in 1958 as opposed to capital punishment. And in 1974, out of a commitment to the value and dignity of human life, the Catholic Bishops of the United States declared their opposition to capital punishment.

Because of the opposition to the death penalty of the five judicatories noted above, the RAIN Board has authorized me to submit this letter in support AB 15. Though this bill is concerned with a limited class of persons who may be subject to the death penalty, it is a significant step in recognizing the weakness of justifying the use of such an extreme measure on persons who presumably do not have the mental capacity to appreciate the

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ASSEMBLY JUDICIARY  
DATE: 2/12/03 ROOM 3138 EXHIBIT J  
SUBMITTED BY: Larry Struve

reasons for the punishment society imposes on them. In fact, the U.S. Supreme Court has now declared that it would be unconstitutional to put a mentally retarded person to death. Accordingly, the people who support RAIN urge your Committee to do the right thing and vote to abolish the imposition of a death sentence on persons who are mentally retarded.

Sincerely,

  
Larry Struve RAIN Advocate

Enclosure—UMC Social Statement on Capital Punishment

J 2095

*Do justice...love kindness...  
walk humbly with your God.*

## BOOK OF RESOLUTIONS

**Reno  
First**

**United Methodist Church**

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Reno, Nevada 89501  
(775) 322-4564  
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*The Reverend  
Douglas J. Monroe*

See Social Principles, ¶ 164A.

### 231. Capital Punishment

In spite of a common assumption to the contrary, "an eye for an eye and a tooth for a tooth" does not give justification for the imposing of the penalty of death. Jesus explicitly repudiated the *lex talionis* (Matthew 5:38-39), and the Talmud denies its literal meaning and holds that it refers to financial indemnities.

When a woman was brought before Jesus having committed a crime for which the death penalty was commonly imposed, our Lord so persisted in questioning the moral authority of those who were ready to conduct the execution that they finally dismissed the charges (John 8:31 f.).

The Social Principles of The United Methodist Church condemn the "torture of persons by governments for any purpose" and assert that

## CAPITAL PUNISHMENT

it violates Christian teachings. The church, through its Social Principles, further declares, "We oppose capital punishment and urge its elimination from all criminal codes" (§ 164A).

After a moratorium of a full decade, the use of the death penalty in the United States has resumed. Other Western nations have largely abolished it during the twentieth century. But a rapidly rising rate of crime and an even greater increase in the fear of crime has generated support within the American society for the institution of death as the punishment for certain forms of homicide. It is now being asserted, as it was often in the past, that capital punishment would deter criminals and would protect law-abiding citizens.

The United States Supreme Court, in *Gregg v. Georgia*, in permitting use of the death penalty, conceded the lack of evidence that it reduced violent crime, but permitted its use for purpose of sheer retribution.

The United Methodist Church cannot accept retribution or social vengeance as a reason for taking human life. It violates our deepest belief in God as the Creator and the Redeemer of humankind. In this respect, there can be no assertion that human life can be taken humanely by the state. Indeed, in the long run, the use of the death penalty by the state will increase the acceptance of revenge in our society and will give official sanction to a climate of violence.

The United Methodist Church is deeply concerned about the present high rate of crime in the United States and about the value of a life taken in murder or homicide. When another life is taken through capital punishment, the life of the victim is further devalued. Moreover, the church is convinced that the use of the death penalty would result in neither a net reduction of crime in general nor a lessening of the particular kinds of crime against which it was directed. Homicide—the crime for which the death penalty has been used almost exclusively in recent decades—increased far less than other major crimes during the period of the moratorium. Progressively rigorous scientific studies, conducted over more than forty years, overwhelmingly failed to support the thesis that capital punishment deters homicide more effectively than does imprisonment. The most careful comparisons of homicide rates in similar states with and without use of the death penalty, and also of homicide rates in the same state in periods with and without it, have found as many or slightly more criminal homicides in states with use of the death penalty.

The death penalty also falls unfairly and unequally upon an outcast minority. Recent methods for selecting the few persons sentenced to

## BOOK OF RESOLUTIONS

die from among the larger number who are convicted of comparable offenses have not cured the arbitrariness and discrimination that have historically marked the administration of capital punishment in this country.

The United Methodist Church is convinced that the nation's leaders should give attention to the improvement of the total criminal justice system and to the elimination of social conditions that breed crime and cause disorder, rather than foster a false confidence in the effectiveness of the death penalty.

The United Methodist Church declares its opposition to the retention and use of capital punishment in any form or carried out by any means; the church urges the abolition of capital punishment.

The international portions of The United Methodist Church are deeply grieved by the use of the death penalty in the United States. United Methodists in central conferences and people in the autonomous Methodist churches deplore this fact and are embarrassed by this immoral practice in many states in the United States. The international conscience is mobilizing to condemn this cruel practice and targets the United States as "an enemy of civilized people" in their protests.

The United Methodist Church recommends the following specific actions:

(1) Congregations, districts, conferences, and ecumenical coalitions in sovereign nations and lesser political entities where the death penalty is currently practiced are called to take overt action to change the laws and social conditions which produce this violent act.

(2) Persons and groups who take this moral issue into the public arena (such as addressing elected officials, vigils, letter-writing campaigns, paid advertising, and other responsible direct action) will be supported by the church.

(3) The General Boards of Global Ministries and Church and Society and their affiliates throughout the denomination and ecumenical partnerships are called to develop strategies of education and political action to overcome the evil of capital punishment.

(4) The global scope of the protest summons the people of the church to seriously oppose this abhorrent practice, and for United Methodist persons to incorporate this protest into their personal social conscience.

(5) The United Methodist Church commends the people who have provided moral judgment, prophetic insight, pastoral care for those

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who suffer from this practice, and have borne the pain of hostility and indifference to this advocacy.

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REVISED AND READOPTED 2000

See Social Principles, ¶ 164A.