

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Re: SB 217 Abolish Capital Punishment (Senator Joe Neal) 3-12-03
Submitted by Rev. Dr. Phil Hausknecht, President, Lutheran Advocacy Ministry in Nevada

Members of the Nevada State Senate Judiciary Committee:

I am an ordained minister of the Evangelical Lutheran Church in America and President of LAMN. In harmony with the ELCA's social statement on the death penalty which was passed by more than a two-thirds majority of representatives of the ELCA in 1991, I would like to state our support of SB 217, abolishment of the death penalty in Nevada.

First, a follower of Jesus, the Christian, cannot support capital punishment because it is immoral. We feel that the proclamation of universal mercy and the promise of divine benevolence for all persons are clear in the person and teaching of Jesus. Jesus proclaimed that even the worst people he encountered deserved compassion. These included extortionists, thieves, embezzlers, hypocrites, and even those who put him to death. If you look carefully at scripture, you will even note that Jesus never turned any of these people over to the authorities. Rather he offered compassionate forgiveness.

Compassion does not mean that we condone the deeds of violence, brutality, and even killing. Jesus required in the sinner, anyone of violence, in the wake of forgiveness, to go and sin no more. Jesus was not in favor of felons running freely around society. But his watchword was that punishment never extract vengeance. He said, "You have heard it said, 'An eye for an eye and a tooth for a tooth,' but I say to you, 'Love your enemies and pray for those who persecute you'" (Mt. 5). (In fact, the very early Christian Church before it was co-opted by the Roman Empire prohibited Christians from ever carrying out an execution. The "Apostolic Tradition of Hippolytus" (A.D. 215): if a soldier in a position of authority is ordered to put someone to death, he is not to do so. On the other hand, the Roman Empire, like in the recent film "Gladiator" had no qualms about its imperial ways of revenge which meant, "off with their heads" ("Context", 2/15/01).

The love of Jesus always allowed opportunities for repentance, for the person to become changed and transformed. Thus, we oppose the death penalty: it is for exacting vengeance and does not allow for the possibility of the person to repent and be transformed, a conversion if you will, of being turned toward God. God, being God, always allows a chance for repentance.

Second, to argue that any person, criminal or otherwise, is beyond the boundary of God's grace and forgiveness and therefore must be executed rather than being allowed a lifetime to reflect, repent, and be changed is to presume that we can play God. Capital punishment replaces God's mercy and forgiving, transforming activity in the life of that person, with presumptive and preemptive judgement. That is, to endorse capital punishment, is to play God in at least two ways: not only by taking a life but also by deciding that someone is beyond the possibility of God's transforming grace and forgiveness. "I have no pleasure in the death of the wicked" says God through the prophet Ezekiel (33:11).

Third, we are not convinced of any evidence that capital punishment can be administered justly and fairly without prejudice and that the death penalty acts as a deterrent and breaks the cycle of violence. The State, along with all citizens – especially in a democracy – is responsible for the protection of peace in society. But there are many ways of creating peace and protecting the citizenry other than the death penalty.

Fourth, we are not convinced that capital punishment solves anything, for the victim and his or her family and friends, or for society in general. Jesus' once-for-all death on the cross ended the need for sacrifices of vengeance to appease one or another group. It is rather a ministering to the perpetrator and the victim with forgiveness that brings about any possibility of healing. When the Ravensbruck concentration camp, where countless children were exterminated, was liberated at the end of WW II, a prayer was found on the body of a dead child. It contained a prayer: "O Lord, remember not only the men and women of good will, but also those of ill will. But do not remember all the suffering they have inflicted on us – remember instead the fruits we have bought thanks to this suffering: our comradeship, our loyalty, our humility, our courage, our generosity....And when those who have inflicted suffering on us come to judgment, let all the fruits which we have borne be their forgiveness" (Donald Spoto, The Hidden Jesus, p. 149).

For these, and other reasons, such as discrimination of those in poverty or of those who are people of color, or due to the excessive cost at the expense of helping save others in society, we oppose the death penalty. I thank you for your attention and ask for your positive action to abolish capital punishment in Nevada.

(Check: James Megivern, The Death Penalty: An Historical Survey, Paulist Press, 1997).

K-2