

CAPITAL PUNISHMENT: A QUESTION OF FAITH

by Steven Henderson

We people of the Christian faith have found a thousand and one ways to separate ourselves from one another. On any given Sunday, you'll find us divided between Catholics and Protestants, Orthodox and Pentecostals, Fundamentalists and Liberals, Baptists and Episcopalians, Evangelicals and Unitarians, and so on and so on. And while we are busy distinguishing ourselves from one another, we all claim that we are doing so in order to be more faithful to that ancient Galilean carpenter named Jesus.

When it comes to specific social issues, we divide ourselves even more: We argue about abortion, evolution, the poor, homosexuality, war, peace, prayer in schools, tolerance, and so on and so on. It's an embarrassing witness to the world that we Christians are so divided over so many issues. And yet, here I go, raising another one of those divisive issues.

I've been wondering how people who claim to be followers of Jesus can support the death penalty.

Please be patient if that sounds judgmental. It's not meant to be. Many very dedicated Christian believers with immeasurable integrity do support the death penalty. They believe very fervently that life is a precious gift from God, and that people who intentionally take a life should forfeit their own. They would deny that they are operating on the old "eye for an eye" ethic, and argue, instead, that they are upholding the sanctity of life. They believe that society must show very clearly that it considers murder to be wrong. In short, they believe that their faith compels them to support the death penalty. My faith, on the other hand, compels me to oppose the death penalty. There are better ways to be faithful to God than by executing people.

Before I go any further, let me make a confession. I am not an unbiased observer in this question. For a number of years, I was the spiritual advisor for a woman on death row in Texas. The state has now set a date to execute Cathy Lynn Henderson . . . and this is making me ache to the very center of my soul.

In 1994, Cathy Lynn Henderson fell into a whirlwind of tragedy which landed her on Texas's death row. Cathy says it was an accident. The State of Texas says it was murder. In a very real sense, it doesn't matter because the result was that three month old Brandon Baugh was dead. What Cathy did after Brandon's death was nothing but wrong, and she put Brandon's parents through a purgatory that no parent should have to experience. However, those of us who claim to follow Jesus must ask ourselves if what Cathy did merits an execution that we can support.

I first met Cathy when she and her husband visited my parents' house one Christmas. Her husband, Warren (we knew him as Bubba), was my second cousin, and he was one of my younger brother's best friends in high school. When Cathy was placed on death row, I started corresponding with her, and she asked me to serve as her spiritual advisor. (We had to end that relationship several years later when I moved from Austin to west Texas.) I realize that there's a lot that I don't know about Cathy, but from our hours and hours of conversations through the

plexiglass and metal screen barriers of the women's death row visiting area, I believe that there's a lot that I do know about her

So what is Cathy Henderson like? Outside, most observers will tell you that she is a petite blonde with a warm smile. More important, however, is what's inside. I've come to know her as a caring person who never failed to ask about my family when I visited her. When my mother died of cancer, she was one of the warmest, most supportive people I knew. She grieves for the time she has lost with her children, and she grieves for the Baugh family. She is a person who has a genuine capacity to love and to weep and to touch your heart.

The people who want to execute her don't want to hear that. They want to portray Cathy as an uncaring fiend because it's easier to put that kind of person to death.

At the same time, I'm not going to claim that Cathy is an angelic saint who walks on water. Like every person who breathes, there are many facets to her personality. During the times that I visited her, she could get irritated at the minute and often absurd rules of prison life and death row (well, imagine that!), and she could become annoyed with the other women on death row who broke the rules and caused everyone to get punished. She got frustrated with the people she felt had let her down over her life – and there have been many. There were also flashes of resentment at the people who put her on death row (who would have thought?!). I'm not self-righteous enough to say that I wouldn't have responded the same way as Cathy in all these cases. Underneath it all, though, I saw a distressed woman who was struggling to make sense of the insane turns her life had taken. And there have been many insane turns.

In many ways, Cathy is a tragic figure whose childhood was filled with turmoil and abuse. She was raised by a welfare mother who kept on the move to avoid prosecution by the authorities. Cathy therefore learned at a very young age that running away was one way to avoid facing up to problems. Her half brothers and sisters have confirmed that Cathy was sexually abused at the hands of two of her mother's many boyfriends. To get away from that abuse, Cathy ran away from home more than once. Unfortunately, Cathy was never able to complete a counseling program to heal the scars left by that abuse. The result has been that Cathy's primary coping skills have centered on self-reliance. To a psychologist, that may look like narcissism. For Cathy, that was mere survival.

Before Cathy married Warren, she went through a first marriage filled with its own set of terrors. There was physical abuse that sent Cathy to the hospital. There were drugs. There was a divorce with a fierce custody battle based on wealth, power, and influence rather than the best interests of a child. Cathy was left deeply scarred and deeply hurt.

After Cathy and Warren were married, they were trying to achieve the middle class dream with a home in a suburb of Austin. They tried as hard as possible for her to regain custody of her second daughter, but they were frustrated at every turn. Cathy had also gone to counseling for the abuse she had experienced, but the health insurance benefits ran out before those wounds could be healed. To make ends meet, Cathy was not only a stay-at-home mother, but she also tried to bring in extra money by babysitting three month old Brandon Baugh and his older sister.

No one but Cathy knows what happened on January 21, 1994. Cathy says that Brandon was crying, so she began swinging him around to calm him down. She says that when the telephone rang, she stepped on a toy, accidentally let go of Brandon, and he flew out of her arms to his death. The prosecution claimed that the damage to Brandon's skull was too severe for a mere accident. There have been questions about the autopsy, but again, it really wouldn't matter to Brandon's parents. In the end, their infant son was dead.

There is probably nothing else in her case that put Cathy in a worse light than what she did next. The moment that Brandon's head was injured, Cathy could have called 9-1-1. She could have called her husband, she could have called a friend, she could have called the Baughs. Instead, she did what many people do when faced with a horrible situation: she reverted to old, ingrained behaviors. She panicked and shifted into survival mode.

In her panic, Cathy decided to flee, just as her mother used to flee in the middle of the night. Cathy left the other two children she was babysitting (her younger daughter and Brandon's sister) with one of her husband's relatives and she pulled money out of the family bank account. She drove about 40 miles to an area near where she used to live, and she hastily buried Brandon in a box. She then fled to her childhood home state of Missouri. If Cathy had done things differently, the public and the law could have understood her as a tragic player in a terrible accident. Unfortunately, her actions created the image of an unsympathetic child killer and she left two parents who had to cross into a realm of grief that no parent should have to experience.

I cannot fully imagine the pain that Eryn and Melissa Baugh had to endure because of what happened to their son, Brandon. However, I have seen such pain up close and personal. When my niece was killed in a car wreck, I had to tell my older sister over the phone that her only daughter was dead. The cries of anguish from my sister are something I can never forget. Therefore, my heart goes out to the Baughs because they should not have had to suffer that pain. I would not want to insult them by saying that I fully understand what they have gone through, but I do know something about that territory.

Sadly, it's a territory filled not only with grief but also with rage and revenge. In one recent interview Eryn Baugh stated that the only feeling he has when he hears Cathy's name is "rage." In another interview, he said that he and his wife "have been waiting for justice to finally come" with the execution of Cathy.

And this brings us to that troubling question: Can an authentic Christian concept of justice be found in the execution of another human being, another child of God? Can people who claim to believe in Jesus really support the death penalty?

There's no doubt that millions of people who claim to be Christians do support the death penalty. In the United States, the 16 million member Southern Baptist Convention passed a resolution at their convention in the year 2000 in support of capital punishment. Naturally, the Southern Baptists supported their position with plenty of Bible references – mostly from the Hebrew scriptures and without one word from Jesus. Many other dedicated Christian believers who say they "love the Lord" join the Southern Baptists in supporting the death penalty.

The problem with the support of capital punishment is that it spurns the radical nature of the message and life of Jesus. If you believe that Jesus was just a small adjustment on how people of faith perceived the message of God in ancient Israel, then capital punishment is no problem. The Hebrew scriptures clearly support it. Ancient believers thought God sanctioned killing at many turns, from murder to adultery to cursing a parent. On the other hand, if you believe that Jesus was a radical departure from what everyone thought about God and how everyone thought God related to humanity, then the death penalty becomes impossible to defend in Jesus' name.

People of faith most often base their biblical defenses of capital punishment on the Hebrew scriptures (Old Testament). While there is no doubt that there are elements of grace and unconditional love to be found there, it's painfully obvious that the predominant perception of God in the Old Testament is that of the holy, moral Judge. In this perception of God's justice, wherever there is sin, there must be consequences, often very harsh consequences. In legal terms, this was a very retributive concept of justice.

Conservative and evangelical Christians have built their entire theology on this perception of God as the retributive Judge. They believe that God is perfect and holy, so any imperfection, any sin, has no place in God's presence. Likewise, any person who is imperfect or has sinned has no place in God's presence. God's anger burns very hot at sin, and the only way to appease the anger of the holy Judge is through sacrifices with fountains of flowing blood. Under this view, that blood was supplied by animal sacrifices in the Old Testament. Jesus then came as the ultimate sacrifice for everyone, and his blood takes away God's holy wrath. Even though these Christians believe that Jesus introduced the world to God as a Heavenly Father, when push comes to shove, their bottom line is that God is still the holy, moral Judge, who cannot be in the presence of sinners. As a result, sinners must be sent (or send themselves) to hell.

There is another way of understanding the Jesus of Christian scriptures, and it relies on the radical nature of the life and message of Jesus.

Nowhere in the recorded words of Jesus does he ever refer to God as a Judge. Indeed, Jesus turned that perception on its head. The word Jesus most often used for God was Father. In Jesus' message, God is a loving parent who reaches out to sinners, not a holy moral Judge who sends sinners to a just punishment in hell. In Jesus, God was not the holy Almighty Ruler who couldn't stand to be in the presences of sinners. In Jesus, God became a human being who preferred the company of sinners, who wanted to take the tattered lives of people and make them whole, who was willing to forgive people hundreds of times, who was willing to lay down his life for people. In Jesus, God didn't burn with anger over people because they sinned. God burned with anger when people were self-righteous, sanctimonious religious hypocrites. According to Jesus, people weren't created so that they could be servants to a multitude of moral laws. That was getting it backwards. The moral laws were meant to serve people to show us deeper ways to love one another. In fact, as we learned to love one another, to love even the most despised people among us, we were, in fact, showing our love for God. The justice of God that Jesus revealed was restorative, not retributive.

Understanding the life, the mission, and the message of Jesus as being part of God's restorative justice can be a key for Christians who want to be true to their faith and also oppose the death

penalty. Most opponents of capital punishment base their disagreements on social and legal principles. They claim that capital punishment does not work, they say it favors the rich over the poor, they show how it tends to be exercised against racial minorities, and they prove that many innocent people have been mistakenly sentenced to death. Christians want deeper principles of faith to serve as reasons to oppose the death penalty. The understanding of God's restorative justice provides a faithful way to uphold Christian principles for life. Moreover, it's not a utopian concept that has no connection with reality. It already happens in very real, very practical ways in the United States today.

In October of 2006, Charles Carl Roberts entered a one room schoolhouse in Lancaster County, Pennsylvania. He shot ten young Amish girls, killing five of them, and then took his own life. To put it mildly, the incident rocked the normally placid world of the Amish residents of Bart Township. However, in a stunning display of Christian love and charity in the face of an appalling tragedy, the families and friends of these Amish school girls reached out to Mr. Roberts' widow and also expressed forgiveness for the killer himself. The Amish went to Ms. Roberts' house to comfort her, and they attended her husband's funeral. The grandfather of one of the victims has been quoted as saying, "We must not think evil of this man." It was a horrible tragedy, ripe for expressions of retributive justice. Instead, the world witnessed an exhibition of Christian restorative justice.

There are groups of people in the United States and throughout the world who actively promote restorative justice in the face of violent crimes. Murder Victims Families for Reconciliation is an organization in which families of murder victims speak of their experiences as they oppose the death penalty. Victim Offender Mediated Dialogue is a method used in many states (including Texas and the Texas Department of Criminal Justice) in which carefully guided meetings in safe, controlled environments are held between victims and the criminals who have victimized them. It's a very real way of truly bringing closure instead of using the "eye for an eye" ethic of capital punishment.

The State of Texas wants to kill Cathy Lynn Henderson in 2007. However, justice in her case does not have to be found in her death. It can be found by a redemptive and restorative justice. It can be found in a justice that is rooted in faith in an ancient Galilean carpenter who embodied God's redemptive and restorative love. Cathy Henderson does not have to die to meet the demands of justice. There is a better way to bring justice in this case, and the time is now to do it.