

The Law of Love
the Rev. Edmund Robinson
Unitarian Universalist Meeting House in Chatham
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Readings: Dr. Benjamin Rush on the Death Penalty¹
John 8:2-11²

Quillen Shinn, perhaps our greatest Universalist preacher, said this in 1900: “A church having for its foundation the law of love, which returns good for evil, will not have discharged its full duty until the death penalty is abolished.”³

You would not have thought John was very pretty to look at. He had a maroon-colored birthmark that covered about 80% of his face, leaving only a portion of his forehead with a sickly pallor by contrast. His lips were puffy, and his eyes were usually watery because of this condition. Many people bear this condition with grace and without significant effect on their character, but John didn't have many other support systems going for him. As a teenager, in reform school, he had once tried to scrape the skin off his face with a razor. You can imagine what it did to his personality to grow up behind that face.

In the two days before John's execution, the Department of Corrections released a recent mug shot, which was on all the state's papers in full color the next day. The livid visage was intended to convey pure evil, to say to the citizens of the state: look what a monster we are getting rid of in your name.

John had been on Death Row since 1979 for a crime which was committed in 1978: he and his cousin and their two girlfriends – he was an escapee from jail in Pennsylvania – had picked up a black woman farmworker in a rural part of Beaufort County, forced her to perform sexual acts and then set about to kill her for no particular reason but without any efficient means at hand to do so. The woman's ordeal lasted probably more than an hour. The facts of the case are so grisly and brutal that when the original death sentence was overturned, another jury, convened four years after the first, had no difficulty in sentencing John and his cousin to death again. It was shortly after that, in 1984, that I got a call saying that John needed a lawyer because no lawyers in Beaufort county were willing to touch the case. I decided that I needed to take the case to put some flesh on my own opposition to the death penalty. It is often said that liberals love humanity and hate people. I wanted to come to know a person on death row, and I did. I really did.

For the next fourteen years, we went to every court in the land. It was quite a

roller-coaster; we won once in the US Supreme Court without even arguing the case. I spent about 40% of my energy fighting the state and 60% fighting my client. He filed no fewer than five petitions to withdraw his appeals and I had to fight them off. Whenever things got a little too quiet, John would exercise the little power he had by striking out at the closest thing to hand, which was usually me. During the course of my representation, I changed my ideas about what I wanted to do with my life, and I left the active practice of law – it turned out to be temporary, but – I left the active practice to attend Harvard Divinity school. But I couldn't leave John behind, and so I took his case with me.

In March of 1998, in my third year of Divinity School, all our appeals exhausted except for a long-shot petition to the U.S. Supreme Court, I went down to South Carolina at John's request to spend his last two days with him, more minister than lawyer by then. With my friend and co-counsel Michael O'Connell, we kept the death watch. Let me tell you if you are the type who is inclined to philosophical speculation about time, what an extraordinary experience it is to talk to someone who knows exactly when he is going to die. Most of us have some vague notion of our lives as a length of road starting at the day of our birth and ending at some indeterminate point in the future. For John, his life was an hourglass whose sands could be read precisely as they drained out.

On the day before the execution, we had a wide-ranging and deep talk, which brought back to me the incredible breadth of the reading he had done: here was a man with a fifth-grade education, a man who had spent all but 18 months of his life after age 10 behind bars, reading Elaine Pagels, Kierkegaard, all seven volumes of Swedenborg's collected works, Milton, Frazer's *The Golden Bough*, and his favorite, Joseph Campbell's *The Hero With a Thousand Faces*. I wondered whether the last one wasn't expressive of some wish he held to have a face other than his own.

In that talk John showed me that he was, in a sense, a Universalist – he believed that all the religions of the world meant basically the same thing, but that religious and political leaders were always obscuring the message and twisting it for their own purposes. He believed that the underlying message of all religions was that you had to look within yourself for the holy. He believed that this came through powerfully in the music of John Lennon, and he had felt it in his own meditation practice.

The day of the execution came, and our conversation relocated to the Death House in Columbia. There was one whole wing of a building dedicated to the process of killing people; it was spotless and sterile, devoid of decoration or dirt or any other speck of human imperfection.

The condemned prisoner gets a last meal and, these days, a movie of his choice. I guess our ideas of how to kill a person decently have been influenced by the courtesy customs of airlines. At any rate, we couldn't get the "Mystic Warriors," which is the movie John wanted

most, so we settled for “Little Big Man,” because he admired the Native Americans. Perhaps he felt like a red man himself. There is a scene in which the old chief goes up on the mountain saying ‘it is a good day to die’ and lies down and waits for the gods to take him away – and waits, and waits, until it starts raining and he gets up and goes home, saying “sometimes the magic works, sometimes it doesn’t.” I almost lost it at that point. That was comic, but though we had a petition in to the U.S. Supreme Court, there was to be no such reprieve for John.

John’s last meal turned out to be a roast-beef sandwich with a ton of french fries. Though Michael and I tried to help him with it, it really was too much for three people.

In that barren setting, the awful reality of what was going to happen at 6:00 began to really weigh on us all, though we didn’t talk of it directly. I was trying to be upbeat and professional as a lawyer and to be a non-anxious, comforting presence as a minister, and doing pretty good at both roles. But when I was alone in the bathroom shortly after four, I felt myself losing composure now that I was temporarily out of sight. I said to my face in the mirror, “the reality here, no one is talking about. The reality here is that these people are trying to kill this person that I love, and I am just going along with it as if it’s a Sunday drive in the park.” I felt that I should be screaming or smashing things or tearing my hair out -- that not to be doing these things was somehow to be participating in the evil that was happening.

But then a different reality asserted itself: the only result of going ballistic would be to get myself taken away in handcuffs. That would upset John and would also deprive him of whatever support and comfort I could give to him in his last couple of hours -- which is what I had come for in the first place. More importantly, this execution was what John wanted; it was his salvation and release, his get-out-of-jail-free card..

I had, necessarily, to be a participant in the evil in order to do good. I came up yet again to realize the profundity of Pogo’s aphorism, “we have met the enemy and he is us.” As Solzhenitsyn has said, “If only it were all so simple ! If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us, and destroy them. But the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his [or her] own heart?” Or as Jesus said, “let the one among you who is without sin cast the first stone.”

At 5:00, we went into an adjoining cell where John changed clothes and the prison chaplain, Michael my co-counsel and I all had last words with him. The prison chaplain, somewhat more conservative than we, read a passage from the book of Revelations about how the streets of heaven were paved with gold, and I almost lost it, again. Neither John nor I believed that kind of thing.

At 5:30, the execution team arrived. They didn’t wear hoods, but suits and ties and tried to act like doctors. They solemnly and efficiently explained to John what they were going to do

as if they wanted to make sure they had his informed consent. John, for his part, maintained a dignity and composure that took my breath away. They put him on a gurney and strapped his arms out on wings in an unmistakable crucifixion pose. They wheeled him into the execution chamber and put IV tubes in his arms. Michael, my co-counsel, read John's last statement, after which John lifted up his head from the gurney and, as the poison started to flow, said to Michael and me, "I love you guys." We told him we loved him too; then we were moved to the observation room to watch him die. The poison took about 10 minutes to take effect, during which time John's face changed from crimson to a gunmetal grey. A doctor appeared and pronounced him dead. I tried at that point to speak to the family of the victim, who were assembled there, but the Department of Corrections officials ushered them out of the viewing room and I was never able to convey to them the sorrow John had expressed for the crime. We were then all ushered out of the death house.

I said that John was a Universalist in a sense, that is, that he saw an underlying unity behind the surface diversity of the world's religions. In that sense, he was like Hindu and other mystics. John was not a Universalist in the way we use it in this denomination: he never read the works of Hosea Ballou, he didn't know the work of Charles Spear who devoted his life to the effort to abolish the death penalty in the mid-19th century, he never immersed himself in the homiletic poetry of Quillen Shinn, and I don't know what he would have thought about the idea that everyone is saved.

For I think John had deeply internalized society's judgment on him that he was evil. Throughout his 20-year legal battle, he was consistent with all of his lawyers in his goals: either get me out of this charge completely or let me be executed. I don't want to spend the rest of my natural life in prison.

If there is one thing that the minister in me tried to do, and would like to have had more time to do, it is to convince John that he was worth something and that life, however restricted, was preferable to extinction.

I wish I could have read Quillen Shinn to him:

"Every man is a child of God; and however sinful he may become, he can do nothing to diminish God's love for him.

"I know we meet with many things to stagger our faith. In many semblances of human beings we see no sign of the divine image. To our sight nothing good is visible. We look on the outward appearance; God sees within. The image is there, whether we see it or not. I visited a paper-mill in Maine, desiring to witness all the processes. I asked at a certain point why I could not see the water-mark. The workman answered, it must go through this process and that, explaining them all,

then after it is finished and polished, said he, "you can see the water-mark." So it is with the soul disfigured or hidden by sin. It must pass through the different processes of divine grace, be washed and cleansed; then the divine image will appear. A lady showed me a dry and shriveled root she had received by mail; and she said if I would call in a few weeks I would see a beautiful tuberose filling the room with fragrance. It seemed impossible. I saw no sign of life or beauty or fragrance in the root so seemingly dead. But in a few weeks I saw and sensed the beautiful flower. Before plucking that water-lily, so exquisite in grace and sweetness, you follow down the long stem, and bring up a handful of dark, slimy mud. You must confess the lily came from that. Now, if the sun-rays could penetrate that water so impure, and the dark unsightly earth, and bring out a flower of such delicate beauty and fragrance, why can you not believe that the rays from the Sun of Righteousness will penetrate the darkened souls of men and finding the hidden germs of divinity, kindle them into bloom and fruit?"

But John wasn't a Universalist in that sense. He did not have confidence in his essential goodness; for all his sophistication in meditation techniques, he did not really want to look inside. We had long suspected that John had fetal-alcohol syndrome; we knew his mother had been an alcoholic, and birthmarks are fairly common among fetal alcohol babies. John, however, refused to cooperate with a professional we had hired to determine whether he had it. At the end, John was accepting of the execution, even welcoming it, partly because he didn't want to spend anymore time in prison, but also because at a deeper level I think he thought he deserved it.

And here is where we had a clash of goals and of theologies. Salvation for John was getting out of jail, even if death was the only way that could be accomplished. Salvation for me would have been avoiding the death sentence. But I could only have done that if John had been somehow convinced that his life was worth living even in prison. I couldn't convince him; that sort of thing is not amenable to argument, especially not arguments from someone who isn't incarcerated himself.

Now there are four recognized purposes for criminal punishment: deterrence, incapacitation, rehabilitation and retribution. One reason the Universalists have so consistently opposed the death penalty is that our philosophy is that the purpose of divine punishment is essentially rehabilitative and therefore human punishment should be the same. Here is Quillen Shinn again:

"What means the divine Fatherhood? He chastens his children as sons, punishes

them for their good. If endless, how plainly it would defeat his purpose. Strange people cannot see this? Under the divine government punishment is spiritual medicine. What its purpose? Love punishes to cure.”

When he said he loved us, that was true, and when Michael and I said we loved him, that was true, too. But the sad thing was that Michael and I were among a precious few in his whole life who had ever accorded him any degree of worth and dignity. The state’s publicity machine created a monster for the public, a red-faced devil in whose countenance each citizen could read all the dark forces of his or her own life and whose extinction carried some false promise of collective salvation in the primitive style of the scapegoat. But behind that mask was an extraordinarily complex, thoughtful, engaging and, yes, likeable human being.

And it seems to me that the theological offense of the death penalty, if we take seriously what Shinn and Rush and other Universalists say about punishment, is that it short-circuits the curative power of punishment in God’s plan. It is greater punishment to make the condemned man live, it is certainly fuller punishment.

But I must say that these theological points, from my perspective, don’t count as much as the love that passed between me Michael and John in those last few minutes. Love has a way of transcending good and evil. I don’t know whether John was an evil person; I am inclined to think that the state’s execution of him was an evil act. But I do know that in those moments I loved him, and it gives me some comfort that at the end of his life, as so rarely during its course, he was with a couple of people who loved him.

I think this love influenced the statement he wrote as his last words, which I would like to close with.

“ Where will it end? Well today I finally have the advantage because I know my end has come, so I leave you with words from Jimi Hendrix, ‘Angel come down from heaven yesterday ... She stayed with me just long enough for to rescue me. And she tells me a story yesterday. About the love between the moon and the deep blue sea. And then she spread her wings high over me. And she said “I shall see you tomorrow.” and I said “Fly on my sweet angel, fly through the night, fly on my sweet angel, I hope to be by your side.”’ So now great spirits I come to you. My torment is done.”

Amen

Readings

1. Dr. Benjamin Rush “It has been said that the horrors of a guilty conscience proclaim the justice and necessity of death, as a punishment for murder. I draw an argument of another nature from this fact. Are the horrors of conscience the punishment God inflicts upon murder? Why, then, should we shorten or destroy them by death, especially as we are taught to direct the most atrocious murderers to expect pardon in the future world? No, let us not counteract the punishment of God in the human breast: let the murderer live – but let it be to suffer the reproaches of a guilty conscience: let him live, to make compensation to society for the injury he has done it, by robbing it of a citizen: let him live to maintain the family of the man whom he has murdered: let him live, that the punishment of his crime may become universal: and lastly, let him live that murder may be extirpated from the list of human crimes.” Quoted in E. Cassara, *Universalism in America: A Documentary History of a Liberal Faith* (Boston: Beacon Press 1971) p. 177

2. Gospel of John 8:2 Early in the morning he came again to the temple. All the people came to him and he sat down and began to teach them. 8:3 The scribes and the Pharisees brought a woman who had been caught in adultery; and making her stand before all of them, 8:4 they said to him, "Teacher, this woman was caught in the very act of committing adultery. 8:5 Now in the law Moses commanded us to stone such women. Now what do you say?" 8:6 They said this to test him, so that they might have some charge to bring against him. Jesus bent down and wrote with his finger on the ground. 8:7 When they kept on questioning him, he straightened up and said to them, "Let anyone among you who is without sin be the first to throw a stone at her." 8:8 And once again he bent down and wrote on the ground. 8:9 When they heard it, they went away, one by one, beginning with the elders; and Jesus was left alone with the woman standing before him. 8:10 Jesus straightened up and said to her, "Woman, where are they? Has no one condemned you?" 8:11 She said, "No one, sir." And Jesus said, "Neither do I condemn you. Go your way, and from now on do not sin again."

3. Quoted in Williams, G.H. *American Universalism* Skinner House 1971, p.58; original source of quote was a preface Shinn wrote to *Good Tidings* a series of camp conference lectures published in Boston and Chicago in 1900.