

## Introduction to the Symposium: Religion's Role in the Administration of the Death Penalty

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# SYMPOSIUM: RELIGION'S ROLE IN THE ADMINISTRATION OF THE DEATH PENALTY

## INTRODUCTION

Stephen P. Garvey\*

The Bible says, “an eye for an eye, a tooth for a tooth.”<sup>1</sup> Does that mean the Bible endorses—or perhaps even commands—the death penalty? The Bible also says, “[t]urn . . . the other [cheek].”<sup>2</sup> Does that mean the Bible repudiates the death penalty?

In fact, if you think about it, religion, law, and the death penalty converge in a number of ways, each giving rise to more and more questions. For example:

- What role has organized religion historically played in the on-going national debate over the death penalty? What role will it play? What role should it play?
- What should a prosecutor or judge do when the teachings of his or her faith conflict with the duties of his or her office?
- Is it unconstitutional for a prosecutor to invoke Scripture when asking a jury to impose a death sentence? Is it unconstitutional for a defense lawyer to do the same when asking for a sentence of life imprisonment?
- Should jurors be able to rely on Scripture to persuade their fellow jurors to vote for death or for life?

The list goes on.

On April 7, 2000, the William and Mary Institute of Bill of Rights Law and the Cornell Law School Death Penalty Project gathered together a group of accomplished academics (mainly from the fields of law and sociology) to discuss these and other questions. Joining them were a state supreme court judge from Arizona, a prominent defense lawyer from Alabama, and a former Attorney General of Virginia. Each graciously shared his own experiences as a person of faith brought face-to-face with the realities of administering the death penalty.

The Reverend Billy Moore, a former inmate on Georgia's death row and now minister of the Christ Assembly Evangelical Ministry in Rome, Georgia, also addressed the gathering, as did the Reverend Pat Robertson, former presidential candidate and founder of the Christian Broadcasting Network and Christian Coalition. Reverend Moore described in moving words his discovery of God and

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<sup>1</sup> *Matthew 5:38* (King James).

<sup>2</sup> *Matthew 5:39* (King James).

the sustaining power of his faith. Reverend Robertson reaffirmed his belief in the death penalty's basic moral legitimacy, but at the same time expressed worry that the death penalty had become part of a "culture of death." Indeed, he took the occasion to add his voice to the growing call for a national moratorium.

Thanks to the *William and Mary Bill of Rights Journal*, we are delighted to present here some of the fruits of the conversation begun on April 7. Different participants begin at different points and bring to bear different perspectives. Some begin with history (Douglas); others with sociology (Berg, Cook, Radelet, Young) or law (Blume, Johnson, Loewy); and still others with religion (Drinan, Robertson, Schabas). Our hope is that these entries represent only the beginning of the conversation, and that others will soon join in.