



Why America's Penalty for Murder Should Affirm Life through Imprisonment without Parole

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Murder always arrives unexpectedly and leaves suffering all around. What should society do with murderers? Americans have debated this question since Colonial times. Today 19 states no longer permit capital punishment, but the death penalty remains an option for 31 states, the federal government, and the U.S. military. Approximately 3,000 inmates are on death row – about two percent, women; 44 percent, white; 43 percent, black; and 10 percent, Hispanic. The average level of education is roughly second-grade. Currently, each condemned inmate meets death through lethal injection – and debates about this and other forms of death penalty rage on.

I am a death row spiritual advisor who has witnessed the process and results of capital punishment. From my experience and research, I have learned one simple truth: the only person who finds relief from an execution is the condemned. If the chaplain and spiritual advisor do their jobs, and most do, the condemned inmate leaves this world at peace. This is not true for others involved in the execution. It is not easy to watch a person die, even with lethal injection. Witnesses for the condemned leave the scene with memories of last-day visitation and the agony of watching a loved-one put to death. The victim's witnesses often leave angry, because the executed seems prepared for the next world and looks as if he has simply fallen asleep.

After an execution that brings no closure, loved-ones awake the next day in quiet trauma. Some have to cope with the execution of a dad or a brother or a son – whose presence in their lives will be missed. Others awake still experiencing the pain of a murder that occurred long ago, and now having to cope with the fact that the inmate is no longer in trauma. Certainly one kind of justice has been rendered — the condemned is now dead — but the misery that was shared now belongs solely to the living. Misery shared is a kind of justice victims only experience when the condemned remains alive, forced to awake each morning knowing something is wrong in his constitutional anguish of life behind bars. Misery shared is a kind of justice that allows the pain caused by a heinous act to be shared with those who also bear its consequences.

Why the Wrong Person is Usually Put to Death

I am convinced that current state laws often lead to executing the wrong person. The *body* that is executed is the same *body* that committed murder. However, it is not always the same “person” who pulled the trigger. Let me explain. In the United States, the average length of stay on death row is 15 years. The time will vary because each condemned man has two mandatory appeals, one at the state-level and one at the federal-level, as well as about eight other appellate opportunities. So the death policy is not like a dis-assembly line, methodically moving each condemned inmate lockstep toward the execution chamber gurney. Some inmates may reject opportunities to lodge extra appeals and be executed within five years. Others, however, choose to exhaust all appeals – playing out processes at different paces depending on the judicial and political ups and downs. This means some inmates remain on death row for 20-30 years. In some cases, a 25-year-old murderer may not be executed until he is 45 or 50 years-old. In that span, a lot of maturation and growth can happen.

Although most condemned inmates remain in single cells 23 hours a day, growth and maturity happens in their community. Bible study groups are organized and church services performed. Outside ministries assist. In addition to socializing with one another, inmates engage in years of conversations with guards who get to know them better than their own neighbors outside of prison. Condemned inmates and guards discuss anything and everything as the decades pass.

People change on death row just as in the “free world.” A good example is Jimmy Davis, Jr., inmate number Z-557. Then a 24-year-old African-American boy, Jimmy was convicted in 1994 of murdering a clerk while

robbing a convenience store. Now a 48-year-old man, he has been on Alabama's death row for the past 24 years. If you ask Jimmy, he does not live on death row. Rather, he lives on Life Row. A practicing Christian for the past 17 years, he has become a leader in the Life Row Church. More importantly, Jimmy has become known as a man of integrity to countless inmates in the 200-some unit as well as to many correctional officers. Each Friday, he writes a workplace devotional for a blog called *The Christian Public Servant* – and his devotionals have an impact on thousands of readers on six continents. The foolish boy of 1994 is now a different man. His current life has great value inside and outside the walls that confine him, even as his life course is still determined by his early offense.

Toward a Justice of Misery Shared

Debates over the value of life, even the life of a murderer, need to escalate to the moral level. Since the Supreme Court permitted the return of capital punishment in the 1970s, state laws have reflected America's obsession with process rather than outcome. I believe there needs to be a conversation about "right and wrong," rather than just a debate about "how and why." Inside prisons, the number of locked doors, barred hallways, daily lock-downs, and electrified-fences around death row exercise yards make escape impossible. No punishment beyond the condemned inmate's segregation on death row is needed to protect the rest of the prison or the rest of society. Given that truth, it is time to consider whether life in prison without parole might not be the best course for everyone to deal constructively with the shared misery of murder.

Opponents of the death penalty should meet the supporters of severe punishment for murder part-way by accepting that parole for murderers must be ruled out. Murderers should live and reflect and grow – but do so within prison walls.

I would not want to have known Jimmy Davis, Jr. as a 24-year-old murderer. Today, however, he is a different person. He must still pay for his crime, as all must do if guilty, and the cost should be permanent. Yet the price should not be an eye-for-an-eye. A justice of misery shared would keep Jimmy and all death row inmates behind bars for the duration of their natural lives. But it would also allow the possibility for Jimmy and others to turn death row into Life Row, where men learn to help each other grow and perhaps have positive impacts on families and many in the free world. This new form of justice would also relieve the moral tax the death penalty places on a society that claims to celebrate life.

Read more in James D. Slack, *Abortion, Execution, and the Consequences of Taking Life* (Transaction Publishers, 2nd edition, 2014.)