

Capital Punishment... Will It Survive?

Washington, D.C. — (RNS) — The overwhelming majority of religious groups in the U.S. have spoken out against capital punishment over the last decade, and it may be in 1972 that their views will help influence a U.S. Supreme Court ruling against the death penalty.

This was the view of Dr. Hugo Adam Bedau, professor of philosophy at Tufts University, Medford, Mass., and president of the American League to Abolish Capital Punishment, who was an observer at hearings before the High Court here on the death penalty.

For the first time in history, the court heard oral arguments on whether the death penalty is constitutional, or if it violates

the Eighth Amendment as "cruel and unusual punishment."

Dr. Dedau said that during the past 15 years, U.S. religious groups — Protestant, Roman Catholic and Jewish — have taken positions on the subject of capital punishment.

He said the "vast majority" of these church bodies have come out "explicitly and unequivocally against the death penalty," and he added: "I think it is one of the many indications of what the conscience of the people and the moral standards of our society will permit."

A number of religious groups filed amicus curiae (friend of

the court) briefs for the Supreme Court hearing, all of them favoring the abolition of capital punishment.

Among them are the National Catholic Conference for Interracial Justice and the National Coalition of American (Catholic) Nuns.

Filing a joint friend of the court brief for all four men whose cases were being heard by the High Court were the Synagogue Council of America (and its several constituent Jewish organizations) and the American Jewish Congress.

Another joint brief was filed by the Southern Christian Leadership Conference, the NAACP, the Urban League, the Mexican-American Legal Defense and Educational Fund, and the National Council of Negro Women.

Dr. Dedau, commenting on those religious organizations which have taken a public stand

in favor of the death penalty, said:

"First, it's perfectly clear that the Bible, certainly in the Old Testament, indicates the approval of capital punishment for a wide variety of crimes; every religious or Biblical scholar concedes this and there is no dispute over it.

"Secondly," he said, "it is also perfectly clear that church spokesmen over the centuries, obviously in the medieval period and even subsequently, have been in favor of capital punishment and have encouraged secular authorities in their use of the death penalty."

Dr. Dedau went on to note that a "progressive interpretation of the message of God in the world makes it 'very, very doubtful whether capital punishment, which might have been appropriate in a primitive pas-

toral community of centuries ago, has any place in the penal structure of a God-fearing nation today.

"I think," he added, "that it has only been these church bodies whose interpretation of the Biblical message is conservative — some would say reactionary — that have found it possible to defend capital punishment in the 1960s and 1970s.

However, one of those arguing in favor of capital punishment before the High Court, California Deputy Atty. Gen. Ronald M. George, said that "capital punishment is part of our moral, philosophical and religious heritage."

A Texas official, arguing for the death penalty, said capital punishment is "tolerated and accepted by the conscience of America . . . and it expresses the community's moral outrage."

BOB CONSIDINE

On the Line



When I walked into Sing Sing that soft evening in 1953, as one of the three "pool" reporters selected to cover the electrocution of Julius and Ethel Rosenberg, I believed in capital punishment. I continued to believe in it as Julius' brother, hat in front of his face, ran a grim gauntlet of newsmen and photographers as he fled through to say farewell to the doomed and stoic couple.

I remained a believer as the three of us were frisked by the guards, to see to it that we were not carrying freaked-up cameras or recording devices. Our ballpoint pens were taken from us and we were given freshly sharpened yellow pencils. Our cigaret lighters were impounded. We were then put in a kind of paddy wagon and driven from the main office complex of the prison that looms moodily over the Hudson and clanked to a stop at the death house.

Nobody talked. But I, perhaps alone, still believed. What the hell! Didn't the judge who condemned them say that their crime of passing certain secrets about the A-bomb constituted a crime worse than murder? Wasn't Eisenhower, a forgiving sort of general in the Big War, telling us something when he turned down their lawyer's last plea for clemency?

But, all of a sudden, the three of us were seated there on a bench you see mainly in a movie about the Bowery Mission, and we were staring at an ugly throne in the middle of a cruelly well-lighted room.

It was the electric chair.

Julius went first, submissive and silent. Ethel was incredibly strong. I won't go into details, at this point, save to say that to kill that woman (who almost proudly helped the attendants adjust the straps and hideous contact points) the United States of America virtually had to burn her like accused witches burned in some demented earlier civilization.

Neither of my colleagues cared to carry out the promise we had made to "brief" the 30 or 40 other reporters, representing papers from all over the world, who were waiting for the grisly details in Sing Sing's visitors' room.

I was thus stuck with the awful job. I gave them the basic details — time of death, name of the rabbi, Biblical text, etc. Then I asked if there were any questions. The first question was from a lady re-

porter. "What did Mrs. Rosenberg wear?" she asked.

"I've been opposed to capital punishment ever since, partially because we later acknowledged that the Russians must have known a lot about the atom and its fissionability since they had had an Academy of Science about a century before we had a nation. Also, they had picked up a lot of good German physicists and engineers during the lively Allied raids on Hitler's brain corps stationed at Peenemunde. The information that the Rosenbergs passed along to them from Klaus Fuchs and Ethel's brother, who was a sergeant stationed at Los Alamos, was perhaps helpful. But the Russians might have picked up that and more from their own studies, their captured Germans, our Smyth Report, and Bill Laurence's piece in the Saturday Evening Post.

All of the above is a rambling way of backing into the newest burden of the Supreme Court. It has agreed to rule on whether capital punishment violates the Eighth Amendment of the Constitution — which guarantees citizens protection against "cruel and unusual" punishment. It has now been 4½ years since the last man convicted of a capital offense — mostly murder or rape, rather than "treason" — was put to death. As late as 1935, some 199 condemned Americans were dispatched after well-publicized recitations of the menus of their "last meals" and melancholy prayers by the prison chaplains. That 1935 figure is incomprehensible today.

If the High Bench rules in favor of the several condemned men whose lawyers have taken their cases to the judicial summit, just under 700 convicts now living in Death Rows will escape the chair, the gallows, and the gas chamber. If the ruling is against these appellants, and all subsequent appeals are rejected, we shall be in for an unprecedented legal massacre that will shock the nation and the world.

The court has accepted a tough one. Should a Manson or a Speck or an Ernest James Aikens Jr., be spared the wrath of an outraged citizenry, and live off that citizenry the rest of his days? On the other hand, should some poor slob who is black or brown or ignorant or looks ugly be exterminated when there's a chance that a rehabilitation program might work?

Far as we know, no state ever executed a millionaire. Is that justice?



Dr. Michael Ramsey (left), Archbishop of Canterbury; Terence Cardinal Cooke (center), Roman Catholic Archbishop of New York, and Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America march in a procession in New York's St. Patrick's Cathedral during an ecumenical service in observance of the Week of Prayer for Christian Unity. Dr. Ramsey, head of the worldwide Anglican Communion, delivered a sermon at the service, becoming the first Archbishop of Canterbury to preach at the cathedral. (RNS)

Canterbury Preaches at St. Pat's

New York — (RNS) — Archbishop Michael Ramsey of Canterbury was the preacher for an ecumenical service at St. Patrick's Catholic Cathedral here in observance of the Week of Prayer for Christian Unity.

The Sunday afternoon (Jan. 23) service was the first time a head of the worldwide Anglican communion had preached at the cathedral. It was also Archbishop Ramsey's first time to preach in any Catholic pulpit in the United States, though he has preached at Westminster Catholic Cathedral in London.

In his sermon the archbishop stressed the theme that Christian Unity depended upon the renewal of all the Churches, rather than uniting the Churches as they are at present.

"It was Pope John who did so much to show us all that unity and renewal go together," he said. "The secret of Christians and of Churches coming closer to one another is that all should be deepened in Christlike obedience."

Renewal, he declared, is "inseparable from our service to those who suffer and are underprivileged, from our reappraisal of our contentment with affluence and prosperity while many people in the world are starving."

The cathedral, which seats some 2,500, was packed and the congregation broke into applause as Archbishop Ramsey came up the aisle with Cardinal

Terrence Cooke of New York and Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America, who also participated in the service.

The long, colorful procession also included five other Episcopal bishops, three Catholic bishops and numerous other clergy.

Participants in the service also included a lay woman, Mrs. Edna McCallion, who read the Old Testament lesson. Mrs. McCallion is a member of the Ecumenical Commission of the Catholic Archdiocese of New York, which sponsored the service.

A section of Archbishop Ramsey's sermon was devoted to the specific topic of Catholic-Anglican relations. He recalled that during a visit to Pope Paul in 1966, they signed a Common Declaration calling for theological dialogue, dialogue on matters that cause practical difficulty, and Anglican and Catholic treatment of each other "with honor and love as fellow baptized Christians."

Of these, he found the slowest progress on the practical questions, particularly mixed marriage. Though the Pope's special instruction of 1970 on the subject of mixed marriages has "in many places been acted upon most helpfully," he said, in other places progress has been "very slow."

In connection with theological dialogue, Archbishop Ram-

sey referred to the recent agreed statement on the Eucharist produced by the Anglican-Roman Catholic International Commission.

"This report is not of course a pronouncement by the Churches," he said. "It carries only the authority of its authors, but it shows remarkably how Roman Catholic and Anglican theologians can find agreement on some of the most important questions."

"It raises the hope that the next phase of the commission's work, with the ministry as the theme, will be fruitful also," he continued.

At a press conference held shortly after his arrival here, Archbishop Ramsey said unity between Anglicans and Catholics will come when they "recognize one another as two parts of one Holy Catholic Church." He said he did not think the two Churches would ever become a "closely-knit organization."

The archbishop said Anglicans might accept the Pope "as presiding bishop but not as an infallible figure."

Commenting on the strife in Northern Ireland, the Primate of All England outlined three points he considered essential: "violence must stop, internment must stop, and there must be room for minorities in the government of Northern Ireland."