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February 5, 2007

Sen. Jesse Laslovich
Chair, Senate Judiciary Committee
Capitol Station
Helena, Montana 59620

Re: SB 306, A Bill to Abolish the Death Penalty

Dear Senator Laslovich:

My name is Jeffrey Renz. I teach criminal law litigation and civil rights litigation at The University of Montana School of Law. My students who decide to practice criminal law upon graduation have become prosecutors and defense attorneys in about equal measure.

I have represented defendants in death penalty cases. My former client, David Dawson, was executed in September 2006.

I am currently drafting two essays entitled, "Redemption and Punishment" and "Redemption and Capital Punishment." In March, I will participate in a panel entitled, "The Death Penalty: History, Philosophy, and Practice," at Georgetown University. What follows is a condensation of "Redemption and Capital Punishment" and my Georgetown presentation.

My thesis is this: The death penalty denies an offender the opportunity for repentance and redemption. We all understand repentance. By repentance I mean contrition and absolution. By redemption, I mean those of the offender's actions and obligations that follow repentance and that are necessary to expiate—to provide satisfaction to God for—one's sin.¹

The Gospels are filled with messages of repentance and redemption. We are told, for

¹"By this a man is entirely freed from the guilt of punishment when he pays the penalty which is owed; further the weakness of the natural good is cured when a man abstains from bad things and accustoms himself to good ones: by subjecting his spirit to God in prayer, or by taming his flesh by fasting to make it subject to the spirit, and in external things by uniting himself by giving alms to the neighbors from whom his fault had separated him." Thomas Aquinas, Summa Contra Gentiles, Book Four, Ch. 72:14.

example, that “there will be more joy in heaven over one sinner who repents than over ninety-nine righteous persons who need no repentance.”² The death penalty, however, ends the possibility for the offender’s repentance and redemption. The death penalty is thus anti-redemptive.

Even though the offender has the opportunity to repent prior to his execution, the death penalty remains anti-redemptive. There is no time limit on repentance and redemption. We are told that we are to forgive, not seven but seventy-seven times.³ Peter explains that God does not wish “that any should perish but that all should come to repentance.”⁴ He also makes clear that the “deadline” for repentance is not to be set by man, but by God, “who will come like a thief.”

I remind you that at the time of the New Testament, the civil (and therefore moral) authority to kill a prisoner came from pagan kings and emperors, who either claimed that authority from their gods or who claimed that they themselves were divine. The divinity of kings, and its derivative, the divine right of kings, was terminated in this country by the American Revolution.

Therefore, I ask, “If the Lord never gives up on a sinner, then who has the moral authority to frustrate His plan, to take the criminal’s life, and to end the offender’s opportunity for repentance and redemption?” Give this some thought. If you can answer, “I do!” then vote against this bill.

Sincerely,

Jeffrey T. Renz
Associate Professor

²Luke 15:7 (all references are to the New American Bible); see Luke 15:8-10; Matt. 21:28, where Jesus notes that “the tax collectors and harlots” [who have repented] will enter heaven before the Pharisees, who have not repented. For an Old Testament example, see Ezekial 33:1-20.

³Matt. 18:21-22.

⁴2 Peter 3:9-10.