

M. SINCE IT IS OBVIOUS THAT THE AMERICAN DEATH PENALTY DOES NOT MEET ANY OF THE STANDARDS REQUIRED BY BIBLICAL TRUTH, DOES THE AMERICAN DEATH PENALTY QUALIFY FOR BIBLICAL SUPPORT AS AN EXTRA-BIBLICAL DEATH PENALTY ON ANOTHER BASIS, SUCH AS:

42. *The inherent right of kings in the Davidic lineage?* **No.**

43. *An exigency court for the protection of Torah or of God's reputation?* **No.**

44. *As a mandate by God under Romans 13:4?* **No.**

We are Zero for Forty-Four. Our conclusions are not ambiguous. The American death penalty fails miserably under the revelations of biblical truth. It cannot be conducted under biblical judicial authority. There is no scriptural foundation for the American death penalty as an extra-biblical death penalty, either from the Hebrew Scriptures or the Christian Scriptures. And, the American death penalty fails even to satisfy the deterrence requirement.

When it comes to balancing the concerns of justice and the plight of the survivors of murder victims, the American death penalty does not meet the standards of biblical truth. The American death penalty is a bludgeoning tool of further injury to the overwhelming majority of survivors of murder victims. In those relatively few cases where it can be applied, it effectively prevents healing of the survivors and the community for years and, if carried out, creates a new set of suffering survivors of a homicide victim (executions are legal homicide). For those survivors who oppose capital punishment, the existence of the death penalty can result in the state treating them like second-class citizens, heaping further injury upon their trauma.

Persons of biblical faith may still want to maintain the American death penalty; however, they have no choice but to admit that doing so is a function of human will, not God's, and a matter of human desire for revenge. ***We cannot support the American death penalty based upon biblical truth or upon a proper understanding of the biblical basis for an extra-biblical death penalty. Our comparison of the facts allows for no other conclusion. People who are guided by biblical faith must work to abolish the American death penalty.***

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THE SCORECARD OF BIBLICAL TRUTH ABOUT AMERICA'S DEATH PENALTY

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The following summarizes the results of our review of the procedures of the American death penalty in light of biblical truth. The failings are overwhelming. Let us recap these differences by subject matter in scorecard fashion:

A. IN TERMS OF THE STANDARDS OF BIBLICAL TRUTH FOR PEOPLE PERMITTED TO BE WITNESSES, DOES THE AMERICAN DEATH PENALTY COMPLY WITH THE REQUIREMENTS THAT:

1. *The witnesses must be of impeccable character?* **No.**

2. *Anyone with something to gain from his or her testimony is disallowed as a witness?* **No.**

3. *Anyone with a special relationship to the accused is disallowed as a witness?* **No.**

B. IN TERMS OF THE EVIDENCE PERMITTED UNDER THE STANDARDS OF BIBLICAL TRUTH, DOES THE AMERICAN DEATH PENALTY COMPLY WITH THE REQUIREMENTS THAT:

4. *All material facts must be established by testimony of firsthand witnesses who witnessed the actual killing?* **No.**

5. *Circumstantial evidence is prohibited?* **No.**

6. *There must be multiple witnesses who agree in every material respect on all essential facts?* **No.**

7. *If the testimony of the witnesses on any material fact is in disagreement, the witnesses and all of their testimony are excluded?* **No.**

8. *Confessions are prohibited as evidence?* **No.**

C. IN TERMS OF THE CULPABILITY OF THE ACCUSED UNDER THE STANDARDS OF BIBLICAL TRUTH, DOES THE AMERICAN DEATH PENALTY COMPLY WITH THE REQUIREMENTS THAT:

9. *The criminal intent of the accused as to intent to commit murder must be established by objective testimony?* **No.**

10. *Malicious intent, premeditation, cannot be inferred from other actions.* **No.**

11. *There must be absolute certainty of guilt and premeditation through the giving of the warning to the murderer before the murder occurs?* **No.**

D. IN TERMS OF THE ADMISSION INTO COURT OF POST-TRIAL EVIDENCE OF INNOCENCE OR MITIGATION UNDER THE STANDARDS OF BIBLICAL TRUTH, DOES THE AMERICAN DEATH PENALTY COMPLY WITH THE REQUIREMENTS THAT:

12. *Any reasonable evidence of innocence or mitigation must be heard by the court right up to the moment of execution?* **No.**

13. *The defendant must be shown to be unquestionably guilty?* **No.**

14. *There must be no such thing as “procedural default” or “procedural bar”?* **No.**

E. GIVEN THE DISASTROUS STATE OF “PROSECUTORIAL MISCONDUCT,” THE POLITE TERM USED WHEN PROSECUTORS LIE, CHEAT AND DECEIVE THE COURTS AND JURIES:

15. *Does the American death penalty measure up to the mandate of biblical truth: Let it be done to them as they sought to do to him?* **No.**

F. IN TERMS OF THOSE DEFENDANTS OF DIMINISHED MENTAL AND EMOTIONAL CAPACITY, DOES THE AMERICAN DEATH PENALTY MEET THE STANDARDS OF BIBLICAL TRUTH THAT:

16. *Minors (those under the age of 20) are not subject to capital punishment?* **No.**

17. *Any person with a diminished mental capacity, whether it affects reasoning or emotional ability to harbor malice, must not to be subject to capital punishment?* **No.**

18. *Such persons are to be exempt from capital punishment whether the disability is permanent or intermittent, so long as it was in effect at the time of the crime?* **No.**

G. WITH RESPECT TO DIFFERENCES IN SOCIAL AND ECONOMIC CONDITIONS, DOES THE AMERICAN DEATH PENALTY SATISFY THE STANDARDS OF BIBLICAL TRUTH THAT:

19. *Whether rich, poor or in-between, the ultimate sanction must apply equally to all the people?* **No.**

20. *Justice must be administered without regard to economic status?* **No.**

H. WITH RESPECT TO DIFFERENCES IN RACE, DOES THE AMERICAN DEATH PENALTY SATISFY THE STANDARDS OF BIBLICAL TRUTH THAT:

21. *All victims are of equal value?* **No.**

22. *There can be no variations in application of the death penalty based upon the nature of the victim?* **No.**

23. *All offenders are to be treated equally?* **No.**

24. *There can be no variations in application of the death penalty based upon the nature of the offender?* **No.**

I. WITH RESPECT TO THE CHARACTERISTICS OF JUDGES AND OF THE MANNER OF THEIR SELECTION, DOES THE AMERICAN DEATH PENALTY SATISFY THE STANDARDS OF BIBLICAL TRUTH THAT:

25. *Judges must be moderate, neither too harsh nor too forgiving?* **No.**

26. *Judges must be reluctant to impose a sentence of death and be absolutely impartial toward each accused?* **No.**

27. *Judges must not glide along with the flow of community sentiment?* **No.**

28. *Judges are prohibited from simply following the direction of the prevailing political winds?* **No.**

29. *Every judge must “possess the following seven qualifications: wisdom, humility, fear of God, disdain of gain, love of truth, love of his fellow men, and a good reputation?”* **No.** (We hope it is true, but it is not required for the job.)

30. *Judges must not be appointed based upon their appeal to the masses?* **No.**

31. *Judges shall not be appointed based upon their financial means.* **No.**

32. *Anyone who seeks judicial office is automatically disqualified from it.* **No.**

J. FINALLY, WHAT ABOUT THE SURVIVORS OF THE VICTIMS:

33. *Does the American death penalty at least meet the concern of biblical truth for the suffering of the survivors of the victims?* **No.**

K. WITH RESPECT TO THE BASIS FOR COURT AUTHORITY TO IMPOSE DEATH, DOES THE AMERICAN DEATH PENALTY MEET THE REQUIREMENTS OF BIBLICAL TRUTH THAT:

34. *All judges must be ordained by the laying on of hands?* **No.**

35. *The court system must be structured based upon the biblical court system?* **No.**

36. *A majority of two is required to convict and only a majority of one is required to acquit?* **No.**

37. *A unanimous first vote to convict requires acquittal?* **No.**

38. *The Great Sanhedrin must be housed in the Temple?* **No.**

39. *The judges must be committed to Torah?* **No.**

40. *Even that the judges must acknowledge the dominion of the God of the Bible over the court proceedings?* **No.**

L. WITH RESPECT TO DETERRENCE, DOES THE AMERICAN DEATH PENALTY MEET THE STANDARDS OF BIBLICAL TRUTH THAT:

41. *A moratorium must be placed upon executions when the death penalty is not a deterrent to capital crimes?* **No.**