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## THE POWER OF ONE PLUS ONE

I am humbled to follow your speaker of last year. She had a remarkable story of personal suffering, growth and forgiveness. She lead, through example, by overcoming the grief and suffering of war to give courage, example and forgiveness to others.

When Jim Houston asked if I would speak to you I blanched at the thought of what a judge might have to add to such a dramatic story. The answer is-nothing that dramatic. But even for a stodgy Judge God has forced me into situations where the magnificence of his presence has been undeniably clear. Part of this revelation has been through friends like your own Dr. James Houston.

Another source was through a remarkable friend and neighbor, Dr. Willi Unsoeld, who taught at a local college, had an earned Doctorate in Theology and Philosophy and was also one of a two man team who were the first persons to climb the North face of Mt. Everest. We belonged to a small fellowship group in Olympia where Willi occasionally sent out thought pieces intended as the lead in to our discussions. In one he spoke of his increasing failure to experience encounters with the sacred in traditional places of worship but found that experience among the bare austerities of God's high places.

His launching point for the discussion was a small classic by Rudolf Otto, The Idea of the Holy. There Otto attempted an analysis of those qualities of the sacred of which we had traditionally been aware. He broke his analysis into an examination of the mystery, power and fascination with the Holy. Old Testament stories spoke of this power. The dancer who stumbles while celebrating a Hebrew victory and comes in contact with the Ark of the

Covenant and is shriveled as a testament to the power of the Holy. He described our fear of the power of the wholly as in part dependent on a limitation of our own wisdom as to the extent of that power, and described this uncertainty as the origin of that fear of the Lord which is the beginning of wisdom. Willi found evidence of that power in the unscaled mountains of this world and described it as the type of power which convinced us we were no longer in charge of our destiny.

Now I must confess that I never ventured into the high mountains with Willi. I always said to my self that it was due to bad knees but the whole truth is that even the small bit of climbing I did convinced me that there had to be other ways to find the presence of God that were not quite as terrifying. Little did I know that my love of sailing would lead to similar experiences.

My wife and I bought a sailboat before we bought a house. It has always been a great source of joy and adventure for me. Over the course of the years friends would ask if I ever had sailed to Hawaii. I would reply no, but that I intended to one day. Finally it became apparent that I would go only if I established a scenario I could not back out of and so I registered for the 1976 Victoria to Maui race, the first of four I would subsequently participate in. Only one of our crew had previous Ocean experience and as the skipper, I had absolutely none. I was not quite certain what I would find and suspected that Columbus's crew were correct that the world was indeed flat with a great waterfall at the end over which all intrepid mariners would fall. I recall thinking that the race would be a wonderful opportunity to experience that same type of experience that Willi had in his adventures in the sky. Nothing of the miraculous happened except that we survived a number of strong storms which eliminated a number of the competing boats. I quickly realized that there are no large boats on the Ocean and that the power of God's sea was of the nature of that dangerous power of which we can never be

certain that Willi referred to. An unusual thing did happen, however, of an entirely different nature from what I expected. One morning just as dawn broke on the ocean I was at the helm of the boat steering down towering seas with the spinnaker set, catapulting us down that face of one wave after another. I found myself singing at the top of my lungs songs from earlier days in Sunday School that I thought I had entirely forgotten. They were I This is my Fathers Worldl and I There is a Wideness to God's Mercy like the Wideness of the Sea. There is not time this morning to go over all the words to those magnificent hymns but a few lines will suffice. The last verse of This is my Father's world, after recognizing his handiwork in all about us in the first three, affirms: I This is my father's world, O let me ne'er forget. That though the wrong seems oft so strong, God is the Ruler yet. This is my Father's world: the battle is not done; Jesus who died shall be satisfied, and earth and heaven be one.

The second hymn, There is a Wideness to God's Mercy, speaks so eloquently of the mystery of the forgiveness of God. The first and last verses capture the essence of that message. They say IThere is a wideness in God's mercy Like the Wideness of the sea; There's a kindness in his justice Which is more than liberty. If our love were but more simple, We should take him at his word. And our lives would be all sunshine in the sweetness of our Lord.

As I reflected after the conclusion of the race about my lack of a life changing mystical experience, I realized that in the words of these two simple hymns could be found much of the wonder and mystery that Otto was referring to.

But later experiences in dealing with children and adults in court convinced me that the overwhelming power of the Holy is found not only in nature, but in the lives of his creation

and that we can never be certain of what the effect of that power will be unless we give it an opportunity to manifest itself.

A few years after I began service on the King County Superior Court, I was assigned to retry one of the most notorious murder trials in that county. Don Anthony White killed two innocent people in Seattle a few days after his release from the reformatory. He was a young black man with an I.Q. of over 180 who had serious mental health problems. Before his tenth birthday, those who participated in treatment programs with White, predicted he would seriously injure or kill someone. After spending substantial time in juvenile treatment facilities, White was eventually committed to the State reformatory. Following a short term at the reformatory, White was released and while enroute back to Seattle, he pointed to a State mental hospital, stating that he belonged in the hospital rather than on the streets of Seattle.

At the time of his first trial, White was so out of control that his attorney, seated next to him in the courtroom, feared for his own life. The jury was quick to enter a verdict of guilty and concluded that the death sentence would be imposed. The verdict followed testimony that White was irreversibly psychotic. At the end of that trial, White had enough insight into his acts to comment to his attorney that Idying is not enough! and that he was prepared to do what he could to help society understand the reasons for what occurred. The first trial judge failed to inquire into White's ability to participate in his own defense at that trial and eight years later the federal courts granted him a new trial. One of the principal witness in the Federal habeas-corpus proceeding was the first trial judge who testified that White was his own worst enemy, a wanton and brutal person. Had White acted as he did three years later at the federal court hearing, the trial judge believed he would not have been given the death penalty in the state court. Finally, the judge stated: As I observed, I could see no evidence of

Don offering any constructive help to himself or his attorneys at his trial. He acted as thoughter he didn't care or have any remorse for his action.

During White's eight years on death row he was visited by a number of people who observed his loneliness and isolation. One of his visitors was the reporter for the newspaper who reported on White' first trial. As an active Catholic layman be believed that the presence of one person who could bring the reality of god's love to white might have an impact no one else could. He soon was joined by the Archbishop of the area for the Catholic church. Visits were also made by members of many faiths. During this time there were remarkable changes in White. He studied architecture and became an accomplished painter, able to portray in painting many of the conflicts that tormented his soul.

Following the reversal of his first conviction by the federal court, I presided at the second trial. The evidence was much the same as in the first trial except White admitted he committed the murders. His appearance and demeanor were remarkably different. When his attorney attempted to enter a plea that he was not guilty by reason of mental irresponsibility at the time of the act, yet safe to be at-large, White refused to enter the plea, stating he was not yet safe to be at-large. The jury observed these changes and although a verdict of guilty was entered, they took only a short time to conclude the death penalty should not be imposed.

White subsequently served out his life sentence with time allowed off for good behavior.

After his release he successfully integrated into the community. During his time in prison, he graduated from high school and correspondence school. Later he was on the dean's list of a college in the town where the prison was located. Most telling was that on his release, While

showed no sign of the psychotic behavior that the mental health experts testified was irreversible at the time of his first trial.

The trial and subsequent recovery of Don Anthony White had a profound effect on me. It was the only capital case I heard as a trial judge. It left me with the strong impression that at no point in the life of a human being are we wise enough to say a person is beyond redemption and that the only alternative, in an effort to protect society, is the imposition of the death penalty. I viewed the imposition of a life sentence with no possibility of parole as a better that the penalty. It is the imposition of a life sentence with no possibility of parole as a better alternative. It also opened my eyes to the possibilities that forgiveness can bring. White was able to reclaim a life that would have been thrown away. It has a set of the possibility of parole as a better that would have been thrown away. It has a set of the possibilities that forgiveness can bring. White was able to reclaim a life that would have been thrown away. It has a set of the possibility of parole as a better that would have been thrown away. It has a set of the possibilities that forgiveness can bring. White was able to reclaim a life that would have been thrown away. It has a set of the possibility of parole as a better that would have been thrown away. It has a set of the possibility of parole as a better that would have been thrown away. It has a set of the possibility of parole as a better than the possibil

The impact of this trial stayed with me for the remainder of my thirty year career on the bench, twenty four of these on our highest Appellate court. Following the ruling of the United States Supreme Court in the early 1980's which made imposition of the death penalty again possible in state courts, our state Supreme Court heard approximately twenty four cases where the death penalty was imposed. I dissented to each of those cases on law related grounds and was upheld on review by our federal courts in all but one of those cases. After viewing the futility of our procedures for imposing the death sentence I began to question whether I could even remain a part of a system which I was convinced was fatally flawed. Even though my dissents were successful, I had to face the issue of whether my participation in the system gave it a credibility it did not deserve. After twenty four years on our Supreme Court I resigned from that position in 1995 as I believed our system to be fatally flawed. Time and time again, before and after my resignation, the United States has proven that no human is wise enough to say when another is without redemptive possibilities and that the death penalty is not the answer to our crime problem, given the possibility of an erroneous verdict, when the possibility of an erroneous verdict.

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the inequality of its application and the random nature of its imposition, I could not continue to participate. The outcome of the Whie case opened my eyes to the possibilities that forgiveness can bring. White was able to reclaim a life that othewise would have had no meaning.

The ability forgive is one of the great mysteries of God. When Betty and I were traveling in South Africa a few years ago I had great hopes of meeting some of their judges. The courts in South Africa, were in many instances, a bulwark against the worst practices of apartheid. As happens to many of my plans, this did not work out. The time we were in South Africa was the exact time the judges took their vacations and, when judges take vacations, they are really gone. As we left on our flight to Johannesburg from Capetown, the only seat on the airplane that was open was next to me. Just before takeoff, a tall distinguished black man came in and occupied the seat. As we became acquainted I found his name was Fikili Bam and that he was the Chief Judge of the Land Redistribution Court, a vital part in the rehabilitation taking place. While still in his teens he was outraged by the Sharpstown Massacres and concluded that armed rebellion was the only way to resolve the problems in South Africa. He followed this path for a few years, setting up cells of militants who would assist in the armed struggle he was certain would come. He was arrested in his early twenties while a law student of the University of Cape Town, turned in by an informer in his cell group. The next fifteen years were spent on Robben Island, the prison island in the middle of the bay in Capetown harbor. His mentor was Nelson Mandela who shared with him the same birthday. On Robben island the weather was almost always misty and windswept. Bedding consisted of a straw mat with the cells so cold that blankets provided so little warmth that the inmates always slept fully dressed. June and July were the bleakest months with winter in the air and constant rain with the temperature seldom above forty degrees Fahrenheit. Work during the days consisted of

Robben Island as like going to another country. One of the most remarkable changes occurred when a barbaric commandeer named Badenhorst was being transferred from the island. In his departure interview with his superiors, Mandela was present. When Mandella finished reciting along list of complaints against the man in the presence of his Senior officer, the man replied by saying II just want to wish you people good luck. I Mandela recounts that he thought about this moment for a long time afterward. Badenhorst had perhaps been the most callous and barbaric commanding officer they had had on Robben Island but that the indicate that all men, even the most seemingly cold-blooded, have a core of decency, and that if their heart is touched, they are capable of changing.

Appendix was in his daily contact with Mandela that Judge Bam had an unusual opportunity to become better acquainted and to be guided by his strong but gentle spirit. He told of the daily beatings, of forced labor and inadequate food, of the contempt and hostility of the guards and administration for much of his stay. When I asked him about his faith, he recounted that although he was a Christian as a boy, he was not now actively practicing any faith but every evening, while on Robbin Island would sing to himself the Christian hymns of his childhood. When I asked him about his single most vivid experience in his imprisonment he reflected for a while. He finally said that those who had served for a substantial time on the Island left with no bitterness due to the example of Mandela, but that those who had only stayed a short time and could not be shaped by time by Mandela's spirit, left with was great bitterness. That the later that the forces of the later than the later than the forces of the later than the forces o

In South Africa an entire nation is struggling with whether forgiveness is possible on a massive scale. Archbishop Desmond Tutu, serving on the Truth and Reconciliation panel has hear lover 2,000 testimonies of torture, rape and murder which are but a few of the injustices

he has fought his entire life. He saw the Commission as the outcome of a choice to be made by his country over whether it could be consumed by bitterness over injustice or purified through suffering that leads to reconciliation. He urged people not to offer simplistic explanations of suffering saying Nothing makes religion so unattractive as the kind of people who come around as say. At's God's will! Tutu puts the events of Don White's life into perspective by noting that forgiveness is releasing the perpetrator into the possibility of a new beginning.

Central to Tutu's theology is a God who suffers with the sufferer. He relates the story in the Book of Daniel where three friends are throw into the fiery furnace by the King. The king approaches the furnace and see four figures. Tutu affirms that the God I believe in is a dying God who dies with us. As a Christian, I would say dies and rises.

The Bigliage Bigliage where as he relates, one of the wonderful things about the Book of Job is that it doesn't answer questions. Those friends who were supposed to be Orthodox were saying to Job, "You suffer because you're evil." And Job says II know I'm not evil. In the end, God does not give an answer that says You are right. You are wrong, I'It's I'Who are you to ask!

Some of the themes from Tutus experiences are the Easters after the Good Fridays, and the freedom that can lead to forgiveness. In speaking of his country he observes they could so easily have taken the wrong choice, and they didn't. On the other side of evil is the quite exhilarating realization that people who have gone through suffering can emerge so human, so humane, so magnanimous, so caring, so ready to forgive.

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Prison Ministries throughout the world have many remarkable examples of the mystery of forgiveness. Chuck Colson tells of entering a classroom in a prison in Texas where men were discussing the effects of therapy programs on their lives. One man debunked their effects pointing out that he had been through all of them and then went on to describe the difference between therapy, which merely manages problems, and transformation through Jesus Christ, which gives us a new life. It was at that session that Colson described an event he said he would never forget. As he tells it all the inmates were assembled in the gymnasium along with Prison Fellowship volunteers and the prisoners' mentor. The program was for the first six men who completed the entire 18 month program. One of the men who walked toward Colson was Ron Flowers. As he did so, out of the corner of his eye Colson saw a tall, handsome woman who knew to be a Mrs. Washington, get out of her seat and walk over to Ron, and embrace him proudly.

There was a gasp in the room among the inmates as Mrs. Washington was the mother of the woman Ron flowers had murdered 14 years earlier. Throughout the 14 years Flowers had been in prison, he denied killing her, even saying he had not pulled the trigger. But something had happened in Flower's life. At an earlier program he was encouraged along with others there to acknowledge responsibility for their acts, make restitution to their victims and ask for forgiveness.

As Ron struggled through the program he finally broke down and confessed that he had been the killer. He then prayed for his victim's family to forgive him.

In the meantime Mrs. Washington received a letter from the parole board saying Ron was up for parole. In previous years she had urged denial of his parole. The effects of the murder on

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her were enormous. She not only lost her only daughter but her husband, and her only other child had plunged into deep depression over the tragedy and died soon after-

After learning of Ron's completion of his Prison Fellowship program and confession Mrs.

Washington asked to meet with him. When they met he asked what he could do to make up for what he had done. Mrs. Washington told Ron he was a new man in Christ and that what he could do was to get out and live a productive life. She said his restitution would be to send a Mother's day card and Christmas card every year. Finally at his graduation she stood next to Ron and said This is my adopted son

Jesus focused on the individual. He worked one on one, healing sickness, forgiving sins and calling each to personal conversion, inviting all to God's kingdom. Christ focuses on the possibility of changing the individual. Glimpses into that possibility appeared in the Warden for Mandela, as it did for the killer of Mrs. Washington's daughter and as it does through Jesus in each of our lives. His mystery is how this is accomplished and that we are in many cases the critical part in making that miracle occur.

Emily Werner of the University of California at Davis since 1955 has followed a group of more than 500 Hawaiians born into poverty, addiction and other difficult circumstances. These studies, dismissed for decades by a culture focused more on the causes of hardship are now being embraced. Werner and others say one of the most important needs is the ability to be and feel connected to others. In studies of children who have come from abusive home situations and then gone on to lead successful and happy lives, almost all found an adult or mentor outside the immediate family-a grandmother-a pastor-a neighbor-a storekeeper- a teacher-almost anyone who said they believed in them and who give them a sense of being

loved and important. Studies also have shown, Werner says, that lelder mentors can make a difference even later in life.

For those who are fortunate to have wilderness experiences, the mystery of Gods nature and action is frequently apparent. For those who find their experiences with the divine mystery in people, we see that God is a God of restoration and reconciliation.

And whatever else may be the case with the sacred, it is unquestionably the most fascinating experience of our lives. I This in part is why many of us continue to seek out experiences with the Holy in the magnificence of nature. It also is why many of us do not withdraw from experiences with our neighbors. When Jesus commanded us to love one's neighbor as oneself it opened us to the reality that the fullness of that love can only come from participating with God in the forgiving and loving process. We thank him for the power he gives us to love, and with his help, to forgive. By accepting that fellowship and interconnectedness entails suffering as well joy, we can position ourselves to be active participants in the act of forgiveness, which is an act of grace, empowered by God and fulfilled through us in our relationship with our neighbor.

Betty and I have traveled to Albania a number of times between 1994 and 1996 working with their judges and institutions to strengthen the rule of law. At one of the seminars I worked with a group of judges who had been in prison for political crimes under the Dictator Hoja, who ruled until 1990. All be suffered terribly in prison but none more than one judge man who was sentenced to death, with his execution date scheduled one month after the dictator was overthrown. Following his release he completed his studies and became a judge in the same mountain village where he had lived. The Prosecutor in his court was the same

man who tried his death penalty case. I asked the judge if he could work with this man and he replied he could as he was only doing his job. He did add that he wished he was not as vigorous in his duties. When I asked him about how he viewed this man as a person, he gave replied IIt would be easy to hate but if I do Albania will never heal. And Canada will never heal, and the United States will never heal and the world will never heal.

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