

Laws of Intended Consequences: No Hatfields or McCoys

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"You shall not murder." -- Exodus 20:13

On the seventh of January, 1865, thirteen days after he had been released from a Union Army hospital, Asa Harmon McCoy was killed by a group of Confederate guerrilla soldiers that included James Vance, a member of the Hatfield family. Thus began the bloodiest, most protracted, and most infamous family feud in American history, the fight between the Hatfields and the McCoys.

The fight would last for decades. It began before the end of the Civil War, and the last trial wasn't concluded until 1901. By the time it was over, nearly two dozen people, including law-enforcement officials, had been killed to avenge wrongs, to restore personal and family honor, or in claims of self-defense. For the officers of the law, it was simply a matter of doing their job in the wrong place at the wrong time.

We joke about it now – TV's Family Feud, and there's a musical comedy dinner show in Tennessee called the Hatfields and the McCoys – but at the time, the fight was deadly serious. At one point, the governors of Kentucky and West Virginia threatened to send their state militia into the other's state to capture and bring to trial fugitives from both families, and the U. S. Supreme Court eventually got involved in *Mahon vs. Justice* in 1888 to try to help settle the multiple entangled legal issues surrounding due process and extradition. It was, as we'd say today, a hot mess.

The Hatfields and the McCoys have entered the lexicon of American folklore as representatives of long-running family disputes, but their deeper significance for all of us is their example of what happens when you take the law into your own hands. When you turn your back on one of the hallmarks of civilization – the rule of law – you set in motion cycles of vengeance that become self-perpetuating and self-destructive. This is mob rule, and there's a reason we call organized crime the mob.

The rule of law works – and only works – when we honor due process for those accused of wrongdoing; when we set aside personal and group passions, allow tempers to cool, support the efforts of impartial investigators to bring to light all the relevant facts, and abide by the decisions of respected and independent adjudicators. Unless we are prepared to invest time, energy, attention, and money into this process, we will never free ourselves from the self-destructive cycle of violence. If the Hatfields and the McCoys have anything to teach us, surely it is that.

The law – derived from the Ten Commandments I've been preaching on this summer – is intended to protect the innocent and punish the guilty – to right wrongs, in other words – and it does that according to facts and the widely

accepted standards of the community, not by fanning the emotional flames of a perceived sense of personal outrage. The law's attempt to right wrongs is one of the things that allows us to live together. There's one law – one standard – that applies to all of us – rich or poor, black or white, female or male, private citizen or public official. None of us is above the law – not the president, not the secretary of state, not the governor, mayor, police chief or cop on the beat – and none of us is below the law – no matter how poor we are, how unpopular we are, or how new we are to these shores. There's not my law and your law, there's only our law or there's no law at all.

All of this is what I've been trying to get at by giving this series of sermons on the Ten Commandments the title “Laws of Intended Consequences.” These laws, and their elaboration and development, have been regarded for thousands of years as the standards that enough of us agree upon to allow us to live together and to get something done for God. Those were the intended consequences of these laws: to allow the chosen people to be a people, and to allow them to live out the mission to which they believed God had called them, namely, to make the entire world a place of blessing.

Those ancient Hebrews, for whom we Christians have so little regard, who handed on to us these Ten Commandments, were trying, in their way, to bring to pass what Jesus, many centuries later, taught us to pray: “Thy kingdom come, thy will be done, on earth as it is in heaven.” Those were the consequences for which these laws were intended.

That's what the Ten Commandments do and that's what they're for. They allow God's people to be God's people, which is a very different thing from allowing people to be whoever they darn well please. The Ten Commandments impose limits on personal agendas so that God's agenda can have a chance at transforming our lives and our world. Honoring the sabbath, for example, puts limits on personal greed so that more powerful people can't keep exploiting less powerful people without end.

So when we come to this sixth commandment – what we used to know simply as “Thou shalt not kill” – we've got to ask ourselves to consider very carefully what this limit on our personal freedom might mean in the context of what's happening in our country and in our lives right now.

I could, at this point, diverge into a lengthy and fairly complicated linguistic explanation of why modern translations of the Bible render the Hebrew verb *ratsach* “murder” instead of “kill.” Those translations are quite justified, but they avoid the larger issue of killing in general, which is my topic this morning. We want to believe that there is a bright line separating legal killing from illegal killing, but the reality that is rising all around us is telling us otherwise.

This past week saw a dreadful string of killings. Baton Rouge, St. Louis, St. Paul, Dallas, Valdosta, Georgia, Bristol, Tennessee – cops killing blacks, blacks killing cops. We put more and more guns in the hands of more and more angry, trigger-happy people and we wonder why we've got more shootings. Are we really incapable of connecting these dots? Yes, I know perfectly well that guns don't kill people, people kill people. But what are people in America being pressured to do? We're all being pressured, relentlessly, to arm ourselves. To

protect ourselves. To defend ourselves and our loved ones and our property. To stop the bad guys before the cops get here. In short, we are being pressured to take the law into our own hands. We are, step by step, bit by bit, irresponsible law by irresponsible law, being pressured to turn our backs on the rule of law. Increasingly, there's no longer our law; there's my law, in this moment, as I'm feeling it all inflamed right now, and I'm going to enforce the law as I'm feeling it with this little gun I've got in my hot little hand. We, as a nation, are looking more and more like the Hatfields and the McCoys.

Why wouldn't a police officer assume that a person she pulls over for a busted tail light is armed? Isn't that what legislature after legislature is writing into law – more ways for more Americans to arm themselves? More and more places where Americans can legally take their weapons? More and more ways for Americans to legally kill each other?

Twenty-three of our fifty so-called United States – which aren't united at all – have passed “stand your ground laws.” Do you know what a “stand your ground law” does? It reverses the longstanding legal principle of a citizen's duty to retreat. Once upon a time – basically before the watershed election of 1980 – we as a society expected our members to avoid confrontations that might lead to bloodshed, and if members of our society found themselves in situations where they thought they might be in danger, they had a duty to retreat, that is, to take every possible measure to get themselves out of that situation before resorting to deadly force.

And then, after that momentous election of 1980, we began to hear cries about victims' rights – those would be white victims' rights – and the coddling of criminals – those would be African American criminals – and the obligation we as a society have to get tough on crime. Three-strikes laws. An exploding prison population. A legal system that disproportionately punishes non-whites and the poor. And then Florida passed the first stand your ground law in 2005, and now citizens who thought they might be in danger – just thought they might be in danger – no longer had to retreat; they could stand their ground and shoot it out. People who simply imagined that they might get hurt could shoot first, tell the jury they were afraid, and wait for their acquittal. We've seen it again and again and again.

The sixth commandment, more than any other, tells us that we are not evolving as a society; we are devolving. We are in a downward spiral of death that will not be reversed until enough of us who claim to be the people of God stand up and say we've had enough.

We've had enough of the insanity of assault weapons in the hands of nutters.

We've had enough of the gutless wonders sitting behind metal detectors and armed guards in our state legislatures passing irresponsible gun laws that allow the deranged and the enraged to make victims of the rest of us.

We've had enough of people twisting and distorting the Second Amendment so that it's used to defend the right of every gun-totin' Tom, Dick, and Mary rather than the preservation of the “well regulated militia” that its opening words refer to.

If I asked this morning who here is part of the Ohio militia, who'd hold up their hand? If I asked who's been trained by the Richmond Heights militia, who'd hold up their hand? If I asked who's maintaining the standards of weapons education, safety, and security of the South Euclid or Highland Heights militia, who'd hold up their hand? The Second Amendment of the U. S. Constitution was clearly and unambiguously intended to protect the right of citizens to participate in state militias; it was never intended to allow individuals to take the law into their own hands, and that is how it is being used.

A gun puts lethal force in your hand, and lethal force is power. A gun can get a person to do what no president, no king, no preacher, and no law can get a person to do. A gun, lethal force, is not simply power; it is absolute power. And we are deliberately ignoring the warning of Lord Acton: Power corrupts, and absolute power corrupts absolutely. We insist on taking absolute power into our own hands without acknowledging its power to morally corrupt us. We are becoming a nation of Hatfields and McCoys.

“Thou shalt not kill.”