

RESOLUTION FOR A MORATORIUM ON THE DEATH PENALTY

(For consideration, March 4, 2006)

WHEREAS death sentences are reserved for the poor:

- About 90% of those persons facing capital charges cannot afford their own attorney.
- No state has met standards developed by the American Bar Association (ABA) for appointment, performance and compensation of counsel for indigent prisoners.

WHEREAS there is ample evidence that the death penalty is applied in a racist manner:

- In 1987, in *McCleskey v. Kemp*, the U.S. Supreme Court refused to act on data demonstrating the continuing reality of racial bias.
- In 1990, the U.S. General Accounting Office reported "a pattern of evidence indicating racial disparities in charging, sentencing and imposition of the death penalty."
- Nationwide, 82% of those put to death had been convicted of murdering a white person even though people of color are the victims in more than half of all homicides.
- The U.S. Congress has failed repeatedly to pass the Racial Justice Act, which would allow prisoners to challenge their death sentences using standards normal in civil racial discrimination cases.

WHEREAS prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people:

- In a series of rulings since 1991, the Supreme Court has drastically restricted the rights of death row prisoners to appeal their convictions and death sentences in federal courts, even in cases where prisoners present compelling evidence of innocence.
- In 1996, new legislation drastically limited federal court review of death penalty appeals and gutted public funding of legal aid services for death row prisoners.

WHEREAS the American Bar Association has concluded that administration of the death penalty is "a haphazard maze of unfair practices with no internal consistency" and has called for a moratorium on executions.

Now, therefore, be it resolved that THE 34TH DISTRICT DEMOCRATS call on the Governor and our state representatives, and the Bush Administration and our representatives in Congress, to enact and adopt legislation imposing a moratorium on executions at least until this state and nation implement policies and procedures which:

- Ensure that death penalty cases are administered fairly and impartially in accordance with basic due process.
- Eliminate the risk that innocent persons may be executed.
- Prevent the execution of mentally disabled persons and person who were under the age of 18 at the time of their offenses.

Be it further resolved that copies of this resolution shall be forwarded to the Governor, our state representatives, the President of the United States, and our representatives in Congress.