

Moratorium on Capital Punishment

212th General Assembly (2000) Presbyterian Church (U.S.A.)

There is strong evidence that the death penalty is applied in a racist manner.

In 1987, in *McCleskey v. Kemp*, the United States Supreme Court refused to act on data demonstrating the continuing reality of racial bias. Justice William Brennan in his dissenting opinion said:

It is tempting to pretend that minorities on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustice are not so easily confined. (*McCleskey v. Kemp*, 481 U.S. 279, 344 (1987) [Brennan, J. Dissenting])

In 1990, the United States General Accounting Office reported a pattern of evidence indicating racial disparities in charging, sentencing, and imposition of the death penalty:

Nationwide, 82 percent of those put to death have been convicted of murdering a white person even though people of color are the victims in more than half of all homicides. In 82 percent of their studies, race of the victim was found to influence the likelihood of being charged with capital murder or receiving a death sentence, i.e., those who murdered whites were found to be more likely to be sentenced to death than those who murdered blacks. This finding was remarkably consistent across data sets, states, data collection methods, and analytic techniques. The finding held for high, medium, and low quality studies. (U.S. General Accounting Office, Report GGD-90-57, *Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities*, February 26, 1990, at 5)

Of the recorded 17,000 legal executions in the history of the United States, only 35 have been for white killing black, and a mere 5 of those have occurred since capital punishment recommenced in 1975. (Michael L. Radelet, *Executions of Whites for Crimes Against Blacks: Exceptions to the Rule?*, 30 Soc. Q 529, 1989)

The United States Congress has failed repeatedly to pass the Racial Justice Act, which would allow prisoners to challenge their death sentences using standards recognized as normal in civil racial discrimination cases.

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

Gross deficiencies exist in the area of representation of indigent defendants. 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. Counsel for impoverished capital defendants are most often under-trained and underpaid. Judges routinely deny lawyers' requests to hire experts or to pay for investigative fees. (Marcia Coyle, Carter Center Symposium on the Death Penalty. *Georgia State University Law Review*, pp. 379-80, 1997)

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

On January 31, 2000, Governor George H. Ryan declared a moratorium on executions of any more

Illinois death row inmates until a commission conducts a review of the death penalty in Illinois and makes recommendations to him that will assure with moral certainty that no innocent man or woman will be executed:

Governor Ryan, generally recognized as an advocate of the death penalty, cited grave concerns about the state's shameful record of convicting innocent people and putting them on death row. He believes that the residents of Illinois are likewise troubled by the persistent problems in the administration of capital punishment in Illinois. Since the death penalty was reinstated in Illinois in 1977, 12 death row inmates have been executed while 13 have been exonerated and released. (George H. Ryan, Governor of Illinois. Press Release, January 31, 2000)

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. The use of the death penalty in a representative democracy places citizens in the role of executioner: "Christians cannot isolate themselves from corporate responsibility, including the responsibility for every execution, as well as for every victim" (Minutes, PC(USA), 1985, Part I, p. 682).

Of the roughly 4,000 persons currently residing on death row it is estimated that 8 percent are innocent of the crimes for which they have been convicted. The states of Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin and the District of Columbia do not have death penalty statutes. (PEACENET's Prison Information Desk, *Demographics of the Death Penalty*.)

Many of the states with established death rows are considering moratorium resolutions similar to the one declared by Governor Ryan. The American Bar Association has concluded that administration of the death penalty is a haphazard maze of unfair practices with no internal consistency. In February 1997, the ABA House of Delegates adopted an extensive Death Penalty Moratorium Resolution. In June 1997, nineteen diverse religious organizations united to call for a nationwide moratorium on executions. To date, more than seven hundred religious and secular organizations are sounding a clear and visible public call for a moratorium on executions now.

And what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God? (Micah 6:8)

The 212th General Assembly (2000) of the Presbyterian Church (U.S.A.):

1. Reaffirms the positions of the 171st (1959), 177th (1965), and 189th (1977) General Assemblies of the United Presbyterian Church, the 106th General Assembly (1966) of the Presbyterian Church U.S., and the 197th General Assembly (1985) of the Presbyterian Church (U.S.A.) (Minutes, 1985, Part I, p. 682) and declares its continuing opposition to capital punishment.
2. Calls for an immediate moratorium on all executions in all jurisdictions that impose capital punishment.
3. Directs the Stated Clerk of the General Assembly to communicate the call for an immediate moratorium and our continuing opposition to capital punishment to the President of the United States, our representatives in Congress, as well as the governors and legislators of the thirty-eight states with persons incarcerated while awaiting execution.

From <http://www.pcusa.org/criminaljustice/issues/capital/moratorium.htm>