

April 4, 2001

Attention: Ms Margaret Drury, City Clerk (mdrury@ci.cambridge.ma.us)

I submit below written testimony in support of the resolution before the Cambridge City Council calling for a moratorium on executions in the United States:

2001 APR -6 A 4: 51
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

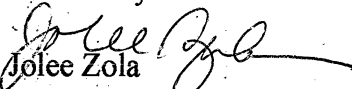
Nationally and internationally the death penalty, and indeed the entire justice system in the United States, has been the focus of increasing concern and uneasiness. Among the many reasons are:

- The death penalty has been shown to be grossly discriminatory against minorities and the poor. The great majority of prisoners on death row are people of color and the great majority of people charged with capital crimes cannot afford their own counsel and thus receive grossly inadequate representation.
- Since the United States resumed executions in 1977, 89 people on death row have been exonerated, usually due to the efforts of legal aid lawyers and law students. Yet in 1996 new legislation drastically limited federal court review of death penalty appeals, and public funding of legal aid services for death row prisoners was severely cut.
- Nationally, 82 % of those put to death have been convicted of murdering a white person even though minorities are the victims in more than half of homicides.
- The death penalty is routinely used against the mentally retarded and youth offenders.

These facts, among many others, have led Americans to ask themselves how many innocent people may have been killed? Many others question the effect of such a violent and irrevocable form of revenge in our society so troubled by despairing acts of violence. Does using the death penalty against the mentally retarded and youth constitute a violation of what most countries in the world consider basic human rights?

Thus, Atlanta, Georgia, Philadelphia and Pittsburgh, Pennsylvania, San Francisco and Berkeley, California and Baltimore, Maryland have joined the growing list of cities across the United States that have passed resolutions calling for an immediate moratorium on further executions.

Much is made about the slim majority of Americans who support the death penalty. However, in passing this resolution, Cambridge will not be turning away from majority opinion but instead will be joining with the majority of *world* opinion which has said a loud No! to the death penalty and indeed condemns our use of the death penalty as a violation of human rights. The passage of this resolution will be a great source of pride for the people of Cambridge who want our city to be an enlightened and progressive place whose heart goes out to those less fortunate citizens of our society.


Jolee Zola
18 Rockwell Street
Cambridge, MA 02139

Consent Communication #3

A communication was received from Jolee Zola, transmitting support of the resolution calling for a moratorium on executions in the United States.

In City Council April 9, 2001

*Referred to
Policy Order #1*



City of Cambridge

O-1.

IN CITY COUNCIL

April 9, 2001

COUNCILLOR DECKER
COUNCILLOR DAVIS
COUNCILLOR BORN
COUNCILLOR BRAUDE
MAYOR GALLUCCIO
COUNCILLOR REEVES
COUNCILLOR SULLIVAN

- WHEREAS: There is a growing concern throughout the nation about the justice, fairness, effectiveness and humanness of the death penalty; and
- WHEREAS: There have been at least seventeen cases of persons erroneously convicted and condemned to die who were innocent and released, and many more cases of persons condemned to die who are mentally ill; and
- WHEREAS: The State of Florida awarded two men \$500,000 each for their erroneous conviction and death sentence thirty years ago when another man confessed to the murders of which they had been convicted; and
- WHEREAS: The Governor of Illinois, concerned about flaws in the death penalty system in that state, has announced that he will grant stays of execution until the system has been investigated thoroughly by a special commission; and
- WHEREAS: There is ample evidence of racial disparity in the number of minorities on death row throughout the country; and
- 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
- WHEREAS: Every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and the United Nations Human Rights Commission has called for an international moratorium on executions; and
- WHEREAS: The death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; now therefore be it
- RESOLVED: That the Cambridge City Council hereby goes on record urging the Massachusetts Congressional Delegation to work for a federal moratorium on the death penalty; and be it further

RESOLVED: That the Cambridge City Council goes on record urging the Cambridge delegation to do everything it can to be sure that the death penalty is not enacted in Massachusetts, particularly in this time of mounting evidence of the conviction and sentencing to death of innocent persons.

In City Council April 9, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury". The signature is written in dark ink and is positioned to the right of the printed name.

D. Margaret Drury
City Clerk

0-1

4/9/01

~~February 26, 2001~~

3/5/01

COUNCILLOR DECKER

- WHEREAS: There is a growing concern throughout the nation about the justice, fairness, effectiveness and humanness of the death penalty;
- WHEREAS: There have been at least ^{seventeen} ~~thirteen~~ cases of persons erroneously convicted and condemned to die who were innocent and released, and many more cases of persons condemned to die who are mentally ill; and
- WHEREAS: The State of Florida awarded two men \$500,000 each for their erroneous conviction and death sentence thirty years ago when another man confessed to the murders of which they had been convicted; and
- WHEREAS: The Governor of Illinois, concerned about flaws in the death penalty system in that state, has announced that he will grant stays of execution until the system has been investigated thoroughly by a special commission; and
- WHEREAS: There is ample evidence of racial disparity in the number of minorities on death row throughout the country; and
- 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
- WHEREAS: Every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and the United Nations Human Rights Commission has called for an international moratorium on executions; and
- WHEREAS: The death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; now therefore be it
- RESOLVED: That the Cambridge City Council hereby goes on record urging the Massachusetts Congressional Delegation to work for a federal moratorium on the death penalty; and be it further
- RESOLVED: That the Cambridge City Council goes on record urging the Cambridge delegation to do everything it can to be sure that the death penalty is not enacted in Massachusetts, particularly in this time of mounting evidence of the conviction and sentencing to death of innocent persons.

MD
Order

MORATORIUM

Whereas: There is a growing concern throughout the nation about the justice, fairness, effectiveness and humeness of the death penalty;

Whereas: There have been at least thirteen cases of persons erroneously convicted and condemned to die who were innocent and released, and many more cases of persons condemned to die who are mentally ill; and

Whereas: The State of Florida awarded two men \$500,000 each for their erroneous conviction and death sentence thirty years ago when another man confessed to the murders of which they had been convicted; and

Whereas: The Governor of Illinois, concerned about flaws in the death penalty system in that state, has announced that he will grant stays of execution until the system has been investigated thoroughly by a special commission; and

Whereas: There is ample evidence of racial disparity in the number of minorities on death row throughout the country; and

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

Whereas: Every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and the United Nations Human Rights Commission has called for an international moratorium on executions; and

Whereas: The death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; now therefore be it

Resolved: That the Cambridge City Council hereby goes on record urging the Massachusetts Congressional Delegation to work for a federal moratorium on the death penalty; and be it further

Resolved: That the Cambridge City Council goes on record urging the Cambridge delegation to do everything it can to be sure that the death penalty is not enacted in Massachusetts, particularly in this time of mounting evidence of the conviction and sentencing to death of innocent persons.

saved in F/DMD temp / ? de md death? death?

Yvonne Pappenheim
47 Wendell Street

Cambridge, MA 02138-1927

864-4927

YvonnePappenheim@aol.com

January 2, 2001

Marjorie Becker

Council
order

It is wonderful as we are
a City Councilor when something needs to
get done.

Again Happy New Year.

Yvonne

Yvonne Pappenheim

47 Wendell Street

Cambridge, MA 02138-1927

864-4927

YvonnePappenheim@aol.com

January 2, 2001

Marjorie Reicher
Cambridge City Council

Dear Marjorie

Enclosed is the material from Equal Justice USA requesting a resolution by the Cambridge City Council on a moratorium against the death penalty. Also enclosed are sample resolutions by other cities and a list of cities who have made such resolutions.

It is wonderful to be able to turn to you as a City Councilor when something needs to get done.

Again Happy New Year.

Yvonne

Subj: **Re: city council resolutions**
Date: 12/18/00 12:00:38 PM Eastern Standard Time
From: sarak@quixote.org (Sara Klemm)
To: YPappenheim@aol.com

Dear Yvonne,

Thanks for getting in touch--sorry it took me a bit to respond; I've been buried in email as of late. Cambridge has not passed a resolution; often it is actually harder to get councils in non-death penalty states to pass moratorium resolutions because they feel that it is not their place. We feel, of course, that any sort of formal municipal recognition of the need for a moratorium is powerful and useful. Not only can the resolutions call for federal legislation, but they can also serve to affirm the state's position on capital punishment so that when ever there is pressure to reinstate the death penalty (as we are now seeing in Vermont, for instance), there will be an active voice against it.

I will be sure to send you some samples of other city council resolutions--including Detroit, located in the non-death penalty state of Michigan. I'll also send along a tip sheet of sorts containing advice from several activists who were successful in their endeavors to get their council to pass a moratorium resolution. They should go out tomorrow--the office is a mess right now as we are getting windows replaced!

Thanks again for your time--please let me know if you've got any further questions. If you do get a resolution introduced at a meeting of the Cambridge city council (which shouldn't be too difficult), let me know and we can call the people on our list who live in your area and be sure to get them to support the resolution. We'll also work with you to do press as well. Take care!

Sincerely,
Sara Klemm
Equal Justice USA

YPappenheim@aol.com wrote:

> I received your note asking me to contact the Cambridge City Council for a
> resolution asking a halt to all executions. Are you sure the Cambridge City
> Council has not already done so? Will you send me copies of resolutions from
> other cities and tell me anything else I need to know. Yvonne Pappenheim 47
> Wendell Street Cambridge MA 02138-1927

----- Headers -----

Return-Path: <sarak@quixote.org>

Received: from rly-za03.mx.aol.com (rly-za03.mail.aol.com [172.31.36.99]) by air-za04.mail.aol.com (v77.31) with ESMTP; Mon, 18 Dec 2000 12:00:38 -0500

Received: from stmpy-4.cais.net (stmpy-4.cais.net [205.252.14.74]) by rly-za03.mx.aol.com (v77.27) with ESMTP; Mon, 18 Dec 2000 12:00:02 -0500

Received: from quixote.org ([209.8.85.254])

by stmpy-4.cais.net (8.11.1/8.11.1) with ESMTP id eBIH02P76493

for <YPappenheim@aol.com>; Mon, 18 Dec 2000 12:00:02 -0500 (EST)

Message-ID: <3A3E4297.6E07D0C4@quixote.org>

Date: Mon, 18 Dec 2000 12:00:07 -0500

From: Sara Klemm <sarak@quixote.org>

X-Mailer: Mozilla 4.7 [en] (WinNT; I)

X-Accept-Language: en

MIME-Version: 1.0

To: YPappenheim@aol.com

A Look at the Municipalities that Have Called for a Halt to Executions...

<i>Jurisdiction</i>	<i>Date Passed</i>	<i>Population</i>	<i>Introduced by:</i>
Atlanta, GA	3/20/2000	403,819	Mable Thomas
Baltimore, MD	2/28/2000	645,593	Norman Handy
Berkeley, CA	3/14/2000	108,101	Kriss Worthington
Buffalo, NY	4/4/2000	300,717	Charley H Fisher
Carrboro, NC	6/1/1999	15,437	Jacquelyn Gist
Chapel Hill, NC	6/14/1999	44,015	Joyce Brown
Charlotte, NC	8/28/2000	521,478	Rod Autrey
Charlottesville, VA	1/18/2000	38,223	***
Davidson, NC	7/11/2000	5,000	Margo Williams
Detroit, MI	6/8/2000	970,196	Maryann Mahaffey
Durham, NC	8/2/1999	163,273	Howard Clement
Erie, PA		102,640	***
Greensboro, NC	10/3/2000	205,280	Yvonne J Johnson
Harrisburg, PA		49,502	***
Hartford, CT	11/13/2000	130,073	Elizabeth Horton-S
Hays, TX		315	***
Hillsborough, NC	7/10/2000	4,980	***
Leverett, MA	10/2/2000	2,005	James L Perkins
Montgom. Co, MD	5/2/2000	816,999	Isiah Leggett
Mount Rainier, MD	1/6/1998	8,483	Jackson
New Haven, CT	6/4/1998	123,189	David Moakley
Oakland, CA	10/31/2000	365,874	Larry Reid
Orange Co, NC	11/3/1999	109,288	Alice Gordon
Philadelphia, PA	2/10/2000	1,436,287	Donna Reed Miller
Pittsburgh, PA		340,520	***
PG Co, MD	2/1/2000	773,810	Peter Shapiro
Rochester, NY	3/3/2000	216,887	Lois J Geiss
Rollingwood, TX		1,388	***
Rouseville, PA		583	***
San Francisco, CA	2/28/2000	745,774	Sue Bierman
San Miguel Co, CO	3/15/2000	5,982	Art Goodtimes
Santa Cruz, CA	5/26/1998	52,853	Scott Kennedy
Takoma Park, MD	2/28/2000	18,238	Marc Elrich
Wilmington, DE	10/19/2000	72,000	Samuel L Guy
WinstonSalem, NC	11/20/2000	170,000	Vivian Burke (?)
Yellow Sprngs, OH	12/20/1999	4,000	Stephanie Slowinsk
York, PA	10/17/2000	42,192	William Smallwood
Tucson, AZ	12/4/2000	9,023,994	Terry Anderson

Cultivate Hometown Pride and Do Justice
Get your local government to call for a moratorium!

To date, 37 local governments have passed moratorium resolutions. Your town, city, or county can be the next addition to the ever-growing tally of municipalities calling for a halt on executions—and help us to reach our goal of 100 local government resolutions!

Bringing a resolution before your local government is probably easier than you think and *anyone* can do it. Steve Dear of People of Faith Against the Death Penalty was surprised at how quickly resolutions were debated and adopted by six cities and one county in North Carolina. “It has actually proven easier to get local governments to consider resolutions than to get some churches,” Dear noted recently. Even Charlotte’s council, whose mayor vetoed the resolution, worked quickly to officially support a moratorium as an 8-3 vote overruled the veto the next week.

Public officials want to go on record as supporting basic fairness in our legal system. Although capital punishment might not directly affect every city, it is still quite important for a municipal council to voice pressing concerns about the actions of other levels of government and legislature. Here are some general steps you can take to give yours the opportunity to do just that:

Ask a local council person to introduce a moratorium resolution. Joe Byrne describes his experience in Mt. Rainier, MD: “All I had to do was contact my council person and ask how I, as a city resident, should present a resolution. I sent her a copy of Equal Justice USA’s sample resolution and latest newsletter. It was on the agenda for the very next council meeting.”

Line up support! Ask other local residents to come speak in support of your resolution and fill the room when it is debated. Let the introducing council person know that you are lining up support. Encourage people to focus their remarks on issues of basic fairness that underlie the need for a moratorium.

Alert the local media if your resolution is passed. “With the adoption of each resolution,” shares Steve Dear of North Carolina, “we gained statewide media exposure and new allies.”

Make sure that copies of the ratified resolution get sent to state and national elected officials. Legislators pay attention to what local lawmakers are doing.

Send us copies of ratified resolutions and resulting news stories.
This way your local government can be added to the national tally!

Model resolutions, copies of other local government resolutions, and sample press releases are available on www.quixote.org/ej. You can also call (301) 699-0042 or email us at ejusa@quixote.org. Following you will find brief synopses of five successful efforts to get city/county council resolutions passed. Please contact us if you have any questions and keep us informed as you work for a moratorium resolution in your town. Good luck!

Baltimore City, MD

The Baltimore City Council's resolution is rather unique in that there was relatively little initiative from the community standpoint. Taking the cue from State Delegate Salima Marriott's (D) work to get a moratorium passed in the state (HB388), Councilman Norman Handy introduced the idea to the Baltimore City Council. From there the moratorium resolution passed easily. Although there was quite a bit of support both from the community and the council members, press coverage was relatively little—despite the desire to do so, a press conference was not called. This lack of attention does not mean, however, that the city council's resolution hasn't had an impact. After the Baltimore City Council's resolution was voted into action, resolutions in both Prince George's and Montgomery counties were introduced and passed. All of this recent local government activity not only substantially raise public awareness about the issue, but also bears out a strong argument for the influence that such activity can have upon state legislation. This influence is found most notably in Governor Glendening's Executive Order 01.01.2000.10 (6/7/00)—an order that commuted the death sentence of Maryland inmate Eugene Colvin-El. As more municipalities are being called upon to introduce resolutions, the pressure for Maryland to become the second state to enact a moratorium on executions is mounting.

Crucial Points

- Keep track of other local government resolutions as they pass, especially in the state in which you are working—added together, these can be a formidable force.
- Work to keep community pressure on local and state legislators and executives as well; use the ratified resolutions for support.

Prince George's County, MD

When it comes to capital punishment, one important difference between counties and cities is the fact that the county bears the brunt of the cost for death penalty proceedings. When working to get a moratorium resolution passed through a county council, this fact can be useful in swaying fiscal conservatives into supporting the resolution. In the effort to pass the Prince George's County resolution, another successful tactic was the seeking out of political allies on the council. For instance, Vice Chair Peter Shapiro shared the fact that there was a Catholic council member who would vote against the resolution. Activists then arranged to have someone from the Catholic Church speak out in favor of

the moratorium at the hearing. A good press strategy and a packed courtroom also helped to get this resolution passed. Issuing a press release the day before the vote helped not only to get more people to actively show support (via phone calls or testimony in the chambers), but it also raised awareness apart from the specific issue of a resolution. In this case, the press surrounding the ratification of a moratorium resolution helped to jump-start the efforts to get one introduced in Montgomery County (it passed two months later).

Crucial Points

- Find your allies on the council and strategize! Try to ascertain who might vote against the resolution and how she or he might be swayed.
- Understand and use to your advantage the ways in which the death penalty most negatively affects your town/city/county in particular—pay attention to dollars.
- Know what other districts might be influenced by your town/city/county's council passing a resolution.

Buffalo, NY

Initially, one of the most important actions to take when working to get the moratorium resolution passed is to identify at least one progressive council member who can take the motion to the council. This person should also be willing to offer her or his aid and support throughout the attempt to get the resolution passed—she or he will be able to provide activists with valuable insight into the political make-up of the voting members. For the Buffalo moratorium, activist Chuck Calhane happened to run into a councilman at a church meeting where he spoke with him about the national situation regarding the death penalty. Calhane explained the influence that a Buffalo moratorium could have on both a national and state level and the councilman agreed to introduce the resolution. Community support for the moratorium was pretty substantial—probably due in part to Illinois Governor Ryan's decision to impose a moratorium in the state as well as the fact that the mayor of Buffalo is against capital punishment. Speakers proved to be quite influential in the outcome. There were seven speakers including academics, priests, and citizens at the Buffalo decision. The final vote was rather close, 8-5, indicating that the presence of such proponents is important. Press was another key component in the efforts to get the resolution passed. The Buffalo News ran articles both before and after the vote—in fact, in June of 2000 (not long after the city's passing of the resolution), the newspaper officially changed its stance on capital punishment when it publicly announced its position of opposition.

Crucial Points

- Establish a relationship to a council member who both supports the moratorium resolution and is willing to work along with you to get it passed.
- Get informed and authoritative people to speak out for the moratorium resolution

- Make sure to keep the issue in the press—op eds especially help to get people talking and debating.
- Send out a press release when the council passes the moratorium resolution—this will help the resolution to have a wider impact.

Erie, PA

The folks in Erie took a copy of the American Bar Association's resolution to a caucus of their council members in order to support their arguments for a moratorium on executions. In the three months between their presentation of the resolution and the actual vote, activists worked to gather further support. To start with, they obtained a list of council member's phone numbers and urged people to call in their opinions. This action definitely got the attention of the council people as several members asked for material regarding the death penalty; one council member even stated that she received more calls in favor of the pending moratorium than she has for any other resolution! The next step was to make sure that the council's chamber room was packed for the actual vote. Sister Marlene Bertke estimates that there were about 140 moratorium supporters present—people from faith communities, the ACLU, the NAACP and lawyers were all present. The final vote was reached and a moratorium was passed.

Crucial Points

- Make sure to be well informed of the support surrounding the moratorium issue—i.e. get a copy of the ABA resolution or the resolutions of other local governments.
- Work to gather grassroots community support prior to the vote—educate people on the death penalty.
- Get people out for the vote! This puts the pressure on swing voters.
- Make sure to line up knowledgeable and passionate people to speak out in support of the moratorium resolution.

Rollingwood, TX

Rollingwood's city council resolution, unlike many others, did not have quite as much community support. Prior to the introduction of a moratorium resolution, an activist sent out 72 Amnesty International handbooks to Unitarian Universalist Churches in the Southwest district; in these packets she included flyers containing information about the growing movement for a halt to executions. She then took a moratorium proposal to a meeting of her city council members and the resolution passed. Unfortunately there was minimal media coverage surrounding the resolution. Activists in the Austin area (around which both Rollingwood and Hays—another city whose council passed a resolution—are located) have kept up with the moratorium effort as they work with groups such as the Campaign to End the Death Penalty. Together these folks are working to drum up community-wide support for a moratorium on executions via rally and speaker events.

Crucial Points

- Work to have personal contact with your city council members as the proposal goes through.

- Make sure to keep building support for a moratorium on the death penalty—even after your city council has passed a resolution.

Cultivate Hometown Pride and Do Justice: Get your local government to call for a moratorium!

2000 is the year to bring home the movement for a moratorium! **Page 30**

To date, ~~six~~ local governments have passed moratorium resolutions. *Your* town, city or county can be the next addition to the ever-growing tally of municipalities calling for a halt on executions!

Bringing a resolution before your local government is probably easier than you think and *any resident* can do it. Steve Dear of People of Faith Against the Death Penalty was surprised at how quickly resolutions were debated and adopted by three cities and one county in North Carolina. "It has actually proven easier to get local governments to consider resolutions than to get some churches," Dear noted recently.

Public officials want to go on record as supporting basic fairness in our legal system. Here are some easy steps you can take to give yours the opportunity to do just that:

1) Ask a local council person to introduce a moratorium resolution. (A model resolution can be found on page 2. Or call us for copies of other municipal resolutions. Add any information that is pertinent to your state or county.) Joe Byrne describes his experience in Mt.

Rainier, MD: "All I had to do was contact my council person and ask how I, as a city resident, should present a resolution. I sent her a copy of Equal Justice USA's sample resolution and latest newsletter. It was on the agenda for the very next council meeting."

2) Line up support! Ask other local residents to come speak in support of your resolution and fill the room when it is debated. Let the introducing council person know that you are lining up support. Encourage people to focus their remarks on issues of basic fairness that underlie the need for a moratorium.

3) Alert the local media if your resolution is passed. "With the adoption of each resolution," shares Steve Dear of North Carolina, "we gained statewide media exposure and new allies." (Call us or visit www.quixote.org/ej for a sample press release.)

4) Make sure that copies of the ratified resolution get sent to state and national elected officials. Legislators pay attention to what local lawmakers are doing.

5) Send us copies of ratified resolutions and resulting news stories so we can add your local government to the national tally (see pages 4-5). 

RESOLUTION

CALLING FOR A MORATORIUM ON THE IMPOSITION OF ANY DEATH PENALTY IN THE COMMONWEALTH OF PENNSYLVANIA UNTIL A FAIR AND IMPARTIAL STUDY OF THE APPLICATION OF THE DEATH PENALTY IS CONDUCTED.

WHEREAS, the death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; and

WHEREAS, the American Bar Association, the Pennsylvania Bar Association, and the Philadelphia Bar Association have all called for a moratorium on the death penalty; and

WHEREAS, every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and now the United Nations Human Rights Commission has called for an international moratorium on executions; and

WHEREAS, almost 90% of the people sent to death row from Philadelphia are people of color; and

WHEREAS, more than 90% of the people on Pennsylvania's death row are indigent and cannot afford private counsel. The quality of counsel for the poor in Pennsylvania capital cases has been characterized as a "problem of major proportions" by a joint task force of Pennsylvania State & Federal Courts; and

WHEREAS, almost 70% of the inmates on Pennsylvania's death row are people of color, giving Pennsylvania one of the highest percentages for people of color on death row in the Nation; and

WHEREAS, two of the nation's foremost researchers on race and capital punishment, law professor David Baldus and statistician George Woodworth, conducted an exhaustive study of Philadelphia's death sentences which revealed that the odds of receiving a death sentence in Philadelphia are greater if the defendant is African American. Now, therefore

BE IT RESOLVED that the City Council of Philadelphia calls on the Pennsylvania Legislature to enact legislation which results in a two-year moratorium on executions and the signing of death warrants in the Commonwealth of Pennsylvania. We call on the Pennsylvania Legislature to conduct a fair and impartial study of the application of the death penalty. We call for a moratorium to remain in place until the legal, political, racial, economic, moral, and ethical problems surrounding the death penalty are fully resolved and the policy of State execution can be certified as a legal, just and humane form of capital punishment.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the members of the Pennsylvania Legislature in Harrisburg, Pennsylvania.

**COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN MARIAN TASCO
COUNCILMAN WILSON GOODE, JR.**

Resolution for a Moratorium on Executions

RESOLUTION #8584

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 acknowledged but 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 and the N.C. General Assembly have failed to pass the Racial Justice Act, which would allow prisoners to challenge their death sentences using standards normal in civil racial discrimination cases.
- * 76 % of all people executed by the State of North Carolina have been African American.
- * 60 % of death row in N.C. is composed of racial minorities, one of the highest percentages of any state death row population.

WHEREAS death sentences are reserved for the poor:

- * About 90% of persons nationwide facing capital charges cannot afford their own attorney and the percentage is higher in N.C.
- * No state, including North Carolina, has met standards developed by the American Bar Association for appointment, performance and compensation of counsel for indigent prisoners.
- * The senior judiciary leaders of 31 N.C. faiths have recognized that "the application of the death penalty is clearly discriminatory.... Numerous studies have documented this fact. If a suspect is poor or a member of a minority group, the death penalty is much more likely to be imposed." (Statement)

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

- * So far 79 people, including two North Carolinians, have been freed from death row after their innocence, in most cases, was proven by investigators outside the justice system, and their numbers continue to grow.
- * 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.
- * At least 23 persons were executed in the United States this century only to have their innocence proven after their deaths.

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 City of Durham, N.C. calls on the North Carolina governor and our state legislators, and the U.S. president and our legislators in Congress, to enact and adopt legislation imposing a moratorium on executions at least until this state and the nation implement policies and procedures which:

- * Ensure that death penalty cases are administered fairly and impartially, in accordance with basic due process,
- * Minimize the risk that innocent persons may be executed, and
- * Prevent the execution of mentally retarded persons and persons 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 and our state legislators and President Clinton and our legislators in Congress.

APPROVED BY
CITY COUNCIL

AUG 2 1999

Signature,

Title

Date

Please return to: NCADP/PFADP, 157 1/2 E. Franklin St., Suite 3, Chapel Hill, NC 27514 • 919-933-2567 • 919-933-9611 (fax)

7/26/99/PWC

ATTACHMENT #PW-7

A RESOLUTION

BY

Mable Thomas, Darrin Thomas

City Clerk

E. Z. Morris

V. Montclair, J. King, D. S. King

**RESOLUTION TO ENCOURAGE THE GOVERNOR
AND THE GEORGIA GENERAL ASSEMBLY TO
DECLARE A MORATORIUM ON EXECUTIONS; TO
SUPPORT THE GEORGIA COALITION FOR THE
PEOPLE'S AGENDA TO DO A STUDY; AND FOR
OTHER PURPOSES**

WHEREAS, there is a growing concern throughout the nation about justice, fairness, effectiveness and the humaneness of the death penalty; and

WHEREAS, there has been concern raised by some elected officials about the constitutionality and humaneness of execution in the State of Georgia; and

WHEREAS, recent experience with capital punishment has been marred by examples of inadequate representation ranging from virtually no representation by counsel, to representation by inexperienced counsel, to failure to investigate basic threshold questions, to lack of knowledge of governing law, to lack of advocacy on the issue of guilt; to failure to present a case for life at the penalty phase; and

WHEREAS, there have been examples of persons condemned to die by the Georgia court system who were innocent and released, and persons condemned to die who are mentally ill; and

WHEREAS, there is racial disparity in the number of minorities on death row, in the number of state trial court judges and in the number of prosecutors; and

WHEREAS, the Atlanta City Council supports the Georgia Coalition For the People's Agenda in requesting that the Governor and the Georgia General Assembly declare a moratorium on the death penalty while they study the issues and factors that would enable them to establish a system that eliminates the obvious disparities, injustices, inequities and weaknesses in the system;

NOW, THEREFORE, THE ATLANTA CITY COUNCIL HEREBY RESOLVES that it encourages the Governor and the Georgia General Assembly to declare a moratorium on the death penalty and supports the Georgia Coalition For The People's Agenda in studying the system to encourage fairness, justice and humaneness.

*amended
version*FILE NO. 000-200RESOLUTION NO. 000-200

1 [Death Penalty Moratorium]:

2 URGING GOVERNOR GRAY DAVIS TO EFFECT A MORATORIUM ON EXECUTIONS WHILE
3 CALIFORNIA'S DEATH PENALTY PROCEDURES ARE REVIEWED AND EVALUATED.

4
5 WHEREAS, California resumed executions in 1992 twenty years
6 after the California Supreme Court declared the death penalty cruel
7 and unusual punishment in violation of the state constitution; and,

8 WHEREAS, Nationwide, ninety-eight people were put to death in
9 1999, and ten more have been executed already in 2000; and,

10 WHEREAS, The State of Florida awarded two men \$500,000 each for
11 their erroneous conviction and death sentence thirty years ago when
12 another man confessed to the murders of which they had been
13 convicted; and,

14 WHEREAS, The State of California has a large and increasing
15 backlog of death penalty appeal cases, due largely to the difficulty
16 in appointing appellate counsel, and this backlog has increased the
17 numbers of prisoners on death row; and,

18 WHEREAS, The State of California's Legislative Analyst Office
19 highlighted the need for further consideration of the issue in an
20 analysis of the 1997-98 budget to the State Legislature addressing
21 various legislative options which might reduce the backlog of death
22 penalty appeal cases and concluding that "It is not clear, however,
23 that any option will reduce the backlog in the near term"; and,

24 WHEREAS, The Governor of Illinois, concerned about flaws in the
25 death penalty system in that state, has announced he will grant stays

SUPERVISORS BIERMAN, AMMIANO
BOARD OF SUPERVISORS

1 of execution until the system has been investigated thoroughly by a
2 special commission. This commission will focus on the capital
3 punishment system in general and particularly on the 13 cases in
4 which defendants were found to have been wrongly convicted; now,
5 therefore, be it

6 RESOLVED, That the Board of Supervisors of the City and County
7 of San Francisco urges Governor Gray Davis to effect a moratorium on
8 executions while California's death penalty procedures are reviewed
9 and evaluated; and be it

10 FURTHER RESOLVED, That Clerk of the Board of Supervisors
11 forwards this resolution to Governor Davis, to State Senators Burton
12 and Speier and to Assembly Members Migden and Shelley.

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SUPERVISORS BIERMAN, AMMIANO
BOARD OF SUPERVISORS

**CITY OF BALTIMORE
COUNCIL BILL 00-0032
(Resolution)**

Introduced by: Councilmembers Handy, Welch, Curran, President Dixon, Councilmembers
Stancil, Pugh, Mitchell, Stukes, Holton, Branch, Young

Introduced and read first time: February 7, 2000

Assigned to: Judiciary and Policy Committee

Committee Report: Favorable

Adopted: February 28, 2000

A COUNCIL RESOLUTION CONCERNING

In Support of a Moratorium on the Death Penalty

FOR the purpose of advising the Governor, the Mayor, the Chair of the House Judiciary
Committee, and the Chairs of the Baltimore City Senate and House Delegations to the 2000
Maryland General Assembly, of the Baltimore City Council's support of passage of
legislation placing a moratorium on the issuance of warrants of execution for a certain period
of time; and requesting the Chair of the House Judiciary Committee to include this
Resolution as part of the official record of correspondence in support for House Bill 388 —
Death Penalty - Moratorium.

Recitals

House Bill 388 seeks to prohibit a judge from issuing a warrant of execution and forbids the
execution of an individual sentenced to death from July 1, 2000, the effective date of the
legislation, until after June 30, 2003. It also provides that if a judge has issued a warrant of
execution before the effective date, but the sentence has not been carried out, the warrant of
execution is void, and the individual subject to the warrant may not be executed until on or after
July 1, 2003.

The purpose of the moratorium is to await the results of a 2-year research study of the
administration of the death penalty by the Department of Criminology of the University of
Maryland, College Park. Funds for the research project are provided for in the State budget for
fiscal year 2001, and the provisions of the legislation are contingent on inclusion of the funds in
the budget bill. If the funds are provided, the report will be completed by June 30, 2002, and the
moratorium will allow the General Assembly to consider the report and develop legislation based
on the findings, in the 2003 session.

The study will examine the long-held and far-reaching perception, by many, that the death
penalty is disproportionately and unfairly applied to minorities and the poor, will identify these
disparities in the criminal justice system in Maryland if they do exist, will pinpoint any other
systemic problems, and will recommend solutions to exposed flaws or weaknesses inherent in the
system.

Passage of this legislation will put Maryland in the forefront of examining this sensitive and
divisive issue that pervades the fight for equality not only nationwide, but throughout the world.

EXPLANATION: Underlining indicates matter added by amendment.

~~Strike-out~~ indicates matter stricken by amendment.

Council Bill 00-0032

1 Amnesty International reports that more than 80% of the executions carried out between 1977
2 and 1988 were for murderers of white people, though whites and blacks were murder victims in
3 equal numbers. Of the 3,500 prisoners in the United States on death row, over half are black, and
4 a murderer is 11 times more likely to get the death penalty if the victim is white and the killer
5 black.

6 The drive by abolitionist groups, led by Amnesty International, to secure a permanent end to
7 capital punishment in the millennial year 2000 is focused on the 4 countries that accounted for
8 80% of all executions last year — China, Iran, the Democratic Republic of the Congo, and the
9 United States. Those executed in the United States increasingly include juveniles, because in the
10 past 6 years, 43 states have passed laws allowing the transfer of juveniles' cases to adult courts.

11 The time for taking a good hard look at our criminal justice system is long over due. Too
12 many questions remain unanswered — if you are black, poor, or mentally impaired are you more
13 likely to die for your crimes than others committing the same offenses? Are we ready to strip the
14 young people of this country of the century-old protections built into the juvenile justice system
15 that recognize the special status of developing human beings, who lack mature judgment?

16 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
17 Governor, the Mayor, the Chair of the House Judiciary Committee, and the Chairs of the
18 Baltimore City Senate and House Delegations to the 2000 Maryland General Assembly are
19 hereby advised of the Baltimore City Council's support for passage of legislation placing a
20 moratorium on the issuance of warrants of execution for a certain period of time; and the Chair
21 of the House Judiciary is requested to include this Resolution as part of the official record of
22 correspondence in support for House Bill 388—Death Penalty - Moratorium.

23 **AND BE IT FURTHER RESOLVED,** That should House Bill 388 be given a favorable report by
24 the House Judiciary Committee, the Chair is requested to forward this Resolution to the Senate
25 Committee to which it is assigned.

26 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
27 Mayor, the Chair of the House Judiciary Committee, the Chairs of the Baltimore City Senate and
28 House Delegations to the 2000 Maryland General Assembly, the Executive Director of the
29 Mayor's Office of State Relations, and the Director of the Mayor's Office of Council Relations.



City of Cambridge

O-1.

IN CITY COUNCIL

April 9, 2001

COUNCILLOR DECKER

COUNCILLOR DAVIS

- WHEREAS: There is a growing concern throughout the nation about the justice, fairness, effectiveness and humanness of the death penalty;
- WHEREAS: There have been at least seventeen cases of persons erroneously convicted and condemned to die who were innocent and released, and many more cases of persons condemned to die who are mentally ill; and
- WHEREAS: The State of Florida awarded two men \$500,000 each for their erroneous conviction and death sentence thirty years ago when another man confessed to the murders of which they had been convicted; and
- WHEREAS: The Governor of Illinois, concerned about flaws in the death penalty system in that state, has announced that he will grant stays of execution until the system has been investigated thoroughly by a special commission; and
- WHEREAS: There is ample evidence of racial disparity in the number of minorities on death row throughout the country; and
- 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
- WHEREAS: Every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and the United Nations Human Rights Commission has called for an international moratorium on executions; and
- WHEREAS: The death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; now therefore be it
- RESOLVED: That the Cambridge City Council hereby goes on record urging the Massachusetts Congressional Delegation to work for a federal moratorium on the death penalty; and be it further
- RESOLVED: That the Cambridge City Council goes on record urging the Cambridge delegation to do everything it can to be sure that the death penalty is not enacted in Massachusetts, particularly in this time of mounting evidence of the conviction and sentencing to death of innocent persons.

5/8

Order #1

Urge the Cambridge delegation to
do everything in its power to ensure
that the death penalty is not enacted
in Massachusetts.

Councillors Decker and Davis

In City Council April 9, 2001

ORDER ADOPTED