

Resolution Supporting a Moratorium on Executions

WHEREAS death sentences overwhelmingly fall on the poor:

An overwhelming majority of death row prisoners could not afford a private attorney.

No state has met standards developed by the American Bar Association (ABA) for appointment, performance and compensation of counsel for indigent prisoners.

WHEREAS ample evidence shows the death penalty is applied in a racially biased manner:

In 1987, in a Georgia case, *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."

In Georgia, 90% of those sentenced to death had been convicted of murdering a white person even though people of color comprise 65% of the homicide victims in the state. About half of those on death row are African-American, even though African-Americans comprise 27% of the state population.

The U.S. Congress and the state of Georgia have failed repeatedly to pass the Racial Justice Act, which would guard against discriminatory sentencing.

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.

Since 1973, at least 120 people have been exonerated from the nation's death rows.

WHEREAS the arbitrariness and inconsistent practice of the capital punishment system prompted the American Bar Association to conclude that the administration of the death penalty is "a haphazard maze of unfair practices with no internal consistency" and has called for a moratorium on executions:

A defendant in one trial may receive a death sentence while another receives prison time for the same crime.

A Columbia University study documents that 8 out of 10 sentences have been reversed due to flaws in their cases in Georgia.

The quality of legal defense for the poor has been woefully inadequate.

The number of people being sent to death row from various counties does not proportionately reflect the number of homicides in those counties.

WHEREAS the American Bar Association's *Georgia Death Penalty Assessment Report*, released in January 2006, revealed that Georgia falls short in meeting standards of fairness and accuracy:

In death penalty trials, jury instruction and defense counsel have been inadequate. Indigent death row inmates are not guaranteed legal representation at all stages of their appeals in Georgia.

Racial disparities are apparent in capital sentencing.

Mentally retarded defendants have an inappropriate burden of proof.

Now, therefore, BE IT RESOLVED that _____ calls on the Governor and our state legislators to enact and adopt legislation imposing a moratorium on executions at least until Georgia can 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.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to Governor Perdue and our state legislators.

Organization: _____

Contact Person: _____

Address: _____

Telephone: _____

Email: _____