

Moratorium Resolution for the State of Texas

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 death sentences are reserved for the poor:

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

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.

WHEREAS Texas has executed mentally disabled persons, persons under the age of 18 at the time of their offenses (in violation of international law), and foreign nationals whose consular rights were violated.

WHEREAS the Texas legislature in 1999 failed to pass a bill that would ban using the death penalty against mentally retarded persons.

WHEREAS a bill was passed in 1999 by the Texas Legislature which would allow counties to establish a public defender system, but was vetoed by Governor George W. Bush.

WHEREAS Texas now leads the nation in executions with nearly 200 since the death penalty was reintroduced in 1982.

Now, therefore, BE IT RESOLVED THAT

calls on Governor Bush and our representatives to the Texas Legislature, and President Clinton and our representatives in the U.S. Congress, to enact and adopt legislation imposing a moratorium on executions at least until policies and procedures are implemented 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 persons who were under the age of 18 at the time of their offenses, and foreign nationals whose consular rights were violated.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the Governor, the Presiding Judge of the Texas Court of Criminal Appeals, our state representatives, and to President Clinton and members of our Congressional delegation.

Endorsed by,
