

10 A RESOLUTION CONCERNING
20 ABOLISHING THE DEATH PENALTY

30 WHEREAS: There is an enormous amount of evidence which shows that the death penalty is
40 not a deterrent, is more costly than life imprisonment, is racially, geographically,
50 and socio-economically biased, has been used with the mentally handicapped
60 and minors, is not used by the vast majority of nations the United States
70 considers allies, and that innocent citizens have been placed on death row; and,

80 WHEREAS: Scientific studies have consistently failed to find convincing evidence that the
90 death penalty deters crime more effectively than other punishments,
100 demonstrated by the most recent survey of research findings on the relation
110 between the death penalty and homicide rates, conducted for the United Nations
120 in 1988 and updated in 1996, which concluded: "Research has failed to provide
130 scientific proof that executions have a greater deterrent effect than life
140 imprisonment and such proof is unlikely to be forthcoming. The evidence as a
150 whole still gives no positive support to the deterrent hypothesis...;" and,

160 WHEREAS: FBI statistics have shown that 10 out of the 12 states without the death penalty
170 have homicide rates below the national average; and,

180 WHEREAS: Researchers Keith Harries and Derral Cheatwood studied differences in
190 homicides in 293 counties that were paired based on factors such as geographic
200 location, demographic and economic variables, the pairs shared a contiguous
210 border, differed on use of capital punishment, and the authors found no support
220 for a deterrent effect, rather, they found higher violent crime rates in death
230 penalty counties; and,

240 WHEREAS: The cost of executing an individual is much greater than the cost of lifetime
250 incarceration, as innumerable studies have shown that the average cost of life
260 imprisonment is \$500,000 including court costs, and the cost of executions, from
270 time or arrest to time of execution, ranges usually between \$1 million and \$3
280 million; and,

290 WHEREAS: The cost of implementing the death penalty diverts funding from genuine and
300 proven crime prevention, taking it away from existing components of the
310 criminal justice system, such as prosecutions of drug crimes, domestic violence,
320 and child abuse, and reducing the resources states put into crime prevention,
330 education and rehabilitation, investigative resources, and drug treatment
340 programs; and,

350 WHEREAS: In a 1990 report, the non-partisan U.S. General Accounting Office found "a
360 pattern of evidence indicating racial disparities in the charging, sentencing, and
370 imposition of the death penalty," a finding echoed by the 2002 study at the
380 University of Maryland which also indicated geographic disparities in the death
390 penalty process; and,

400 WHEREAS: A recent study of the city of Philadelphia found that, even after making
410 allowances for case differences, the odds of receiving a death sentence in
420 Philadelphia are nearly four times higher if the defendant is African-American;
430 and,

440 WHEREAS: Since 1977, the overwhelming majority of death row defendants (over 80%)

450 have been executed for killing white victims, although African-Americans make
460 up about 50% percent of all homicide victims; and,

470 WHEREAS: In Illinois, Oklahoma, and North Carolina killers of white victims are four times
480 more likely to receive the death penalty than the killers of black victims; and,

490 WHEREAS: In Mississippi, they are five times more likely; in Maryland, they are seven
500 times more likely; and,

510 WHEREAS: Ninety-five percent of death row inmates cannot afford their own attorney, so
520 poor people are often subjected to convictions and death sentences that equally
530 or more culpable, but more affluent, people do not receive, demonstrating that
540 the death penalty is biased against those of lower socio-economic status; and,

550 WHEREAS: Geographic disparities in the use of capital punishment exists as shown in the
560 September 2000 Justice Department study which found that about 40% of death
570 penalty cases filed by 93 U. S. Attorneys came from five jurisdictions: Puerto
580 Rico; the Eastern District of Virginia; Maryland; the Eastern and Southern
590 districts of New York; and,

600 WHEREAS: U.S. Attorneys who have most frequently sought federal death penalties are
610 from states with high numbers of state executions and of the 23 defendants
620 currently on federal death row under active death sentences, the majority were
630 tried in just three states: Texas; Virginia; and Missouri; and

640 WHEREAS: In recent years, progress has been made toward worldwide abolition of the death
650 penalty, with more than three countries a year on average have abolished the
660 death penalty for all crimes in the past decade, and over 30 countries and
670 territories have abolished the death penalty for all crimes since 1990; and,

680 WHEREAS: In 2000, 88 per cent of all known executions took place in China, Iran, Saudi
690 Arabia and the USA. In China at least 1,000 people were executed, in Saudi
700 Arabia, 123 executions were reported, eighty-five people were executed in the
710 USA, and at least 75 executions were carried out in Iran; and,

720 WHEREAS: Since 1990, only six countries have executed people for crimes they committed
730 as children: Nigeria, Pakistan, Saudi Arabia, Iran, Yemen, and the United States,
740 and the U.S. has executed more children than any of the other countries; and,

750 WHEREAS: Every major international human rights treaty expressly prohibits execution for
760 crimes committed before the age of 18 and at least 160 children have been
770 sentenced to death in the U.S. since 1973; and,

780 WHEREAS: The U.S. Supreme Court has ruled that the execution of children as young as
790 sixteen is not “cruel and unusual” punishment, and it has yet to make a
800 definitive statement about children under sixteen; and,

810 WHEREAS: Of the thirty-eight states with the death penalty, fifteen have set the minimum
820 age for death at 18, five set the minimum at seventeen, seventeen have a
830 minimum age of sixteen, and the Federal Government sets the minimum age at
840 eighteen; and,

850 WHEREAS: In 1996, Mississippi prosecutors sought the death penalty for juveniles thirteen
860 years of age; and,

870 WHEREAS: As long as the death penalty is maintained, the risk of executing the innocent
880 can never be eliminated, and since 1973 more than 99 U.S. prisoners have been
890 exonerated from death row after evidence emerged of their innocence of the
900 crimes for which they were sentenced to death; and,

910 WHEREAS: Some of these inmates had come close to execution after spending many years
920 under sentence of death, and recurring features in their cases include
930 prosecutorial or police misconduct; the use of unreliable witness testimony,
940 physical evidence, or confessions; and inadequate defense representation; and,

950 WHEREAS: Other US prisoners have gone to their deaths despite serious doubts over their
960 guilt; and,

970 WHEREAS: Given the United States' history of convicting and executing innocent people,
980 Supreme Court Justice William J. Brennan, Jr., in 1994, stated: "Perhaps the
990 bleakest fact of all is that the death penalty is imposed not only in a freakish and
1000 discriminatory manner, but also in some cases upon defendants who are actually
1010 innocent;" and,

1020 THEREFORE BE IT RESOLVED: That the Maryland Student Legislature, upon careful
1030 evaluation of these and more detailed statistics and arguments, urges President
1040 Bush and the United States Congress work in unison in abolishing the death
1050 penalty and ridding the United States from a capital punishment system fraught
1060 with disparities and errors; and,

1070 BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the Governor
1080 Robert Ehrlich and the Maryland General Assembly to work in unison, if there
1090 is not immediate action on the national level, in repealing the death penalty from
1100 the laws of the state of Maryland.

1110 MANDATES: President George W. Bush
1120 Attorney General John Ashcroft
1130 Speaker of the House of Representatives Dennis Hastert
1140 House Minority Leader Nancy Pelosi
1150 Senate Majority Leader Bill Frist
1160 Senate Minority Leader Tom Daschle
1170 Governor Robert Ehrlich
1180 Attorney General J. Joseph Curran, Jr.
1190 Senate President Thomas V. "Mike" Miller, Jr.
1200 Speaker of the House of Delegates Michael E. Busch

Sponsors:

Byron Macfarlane
UMCP Delegation Chairperson
Federalist Caucus Leader
6205 Centreville Hall North
College Park, MD 20742
Byron_msl@yahoo.com

Titus Hamlett
University of Maryland
13 Fraternity Row, Room 3103
College Park, MD 20742
301-314-5398
titusco2004@aol.com

Co-Sponsors:

Mehri Shadman
1418 South Campus Commons
4230 Knox Rd.
College Park MD 20742
(301) 226-0310
mshadman@wam.umd.edu

Sarah Pilisz
Mount St. Mary's College
163000 Old Emmittsburg Rd.
Emmittsburg Md 21727
Spilisz@email.msmary.edu