

R017-0405

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

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

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

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

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

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

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

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

380 **WHEREAS:** Since 1977, the overwhelming majority of death row defendants (over 80%) have been
390 executed for killing white victims, although African-Americans make up about 50%
400 percent of all homicide victims; and,

410 **WHEREAS:** In Illinois, Oklahoma, and North Carolina killers of white victims are four times more
420 likely to receive the death penalty than the killers of black victims. In Mississippi, they
430 are five times more likely; in Maryland, they are seven times more likely; and,

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

480 **WHEREAS:** Geographic disparities in the use of capital punishment exists as shown in the September
490 2000 Justice Department study which found that about 40% of death penalty cases filed
500 by 93 U. S. Attorneys came from five jurisdictions: Puerto Rico; the Eastern District of
510 Virginia; Maryland; the Eastern and Southern districts of New York; and,

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

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

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

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

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

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

730 **WHEREAS:** Of the thirty-eight states with the death penalty, fifteen have set the minimum age for
740 death at 18, five set the minimum at seventeen, seventeen have a minimum age of
750 sixteen, and the Federal Government sets the minimum age at eighteen; and,

760 **WHEREAS:** In 1996, Mississippi prosecutors sought the death penalty for juveniles thirteen years of
770 age; and,

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

820 **WHEREAS:** Some of these inmates had come close to execution after spending many years under
830 sentence of death, and recurring features in their cases include prosecutorial or police
840 misconduct; the use of unreliable witness testimony, physical evidence, or confessions;
850 and inadequate defense representation. Other US prisoners have gone to their deaths
860 despite serious doubts over their guilt; and,

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

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

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

990 **MANDATES:** President George W. Bush
1000 Attorney General John Ashcroft
1010 Speaker of the House of Representatives Dennis Hastert
1020 House Minority Leader Nancy Pelosi
1030 Senate Majority Leader Bill Frist
1040 Incoming Senate Minority Leader Harry Reid
1050 Governor Robert Ehrlich
1060 Attorney General J. Joseph Curran, Jr.
1070 Senate President Thomas V. "Mike" Miller, Jr.
1080 Speaker of the House of Delegates Michael E. Busch

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