



A VISION FOR BLACK LIVES: POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

An End to Capital Punishment

What is the problem?

- 31 states, the federal government and the U.S. military have the death penalty. 19 states do not. Seven states (New Jersey, New York, New Mexico, Connecticut, Illinois, Maryland and Delaware) have repealed the death penalty in the past decade, and for the first time in the modern era (since reinstatement of the death penalty in the mid-1970s), public support of the death penalty is at its lowest. New death sentences and executions are decreasing every year. We must engage in pushing this racist practice into the annals of history where it belongs.
- The death penalty is morally repugnant. The death penalty in the U.S. was designed to bring lynching into the courtroom and has targeted Blacks and other people of color and poor people throughout its history. The death penalty devalues Black lives — statistically those convicted of killing white people are at least three to four times more likely to be sentenced to death than killers of anyone else. The death penalty is also geographically discriminatory (about 1 percent of U.S. counties produce more than half of the death sentences), expensive (even more costly than life in prison without parole), and has resulted in innocent people being sentenced to death (156 people and counting are confirmed to date) and *some even executed*. It is randomly and arbitrarily sought by prosecutors who have the sole discretion to seek or not seek death, upwards of 95 percent of whom are white. The death penalty requires a high level of counsel, skill and resources not available to most defendants. We do not believe the death penalty was designed to be fair nor can it be fairly applied.

What Does this Solution Do?

- Our policy goal is to abolish the death penalty. Repeal is often prospective, while abolition is comprehensive. Abolition is prospective and also removes any individuals currently on death row in the state.

State Action:

- Target: Legislative and judicial
- Process: In some states, the death penalty can be abolished through legislative advocacy through the strategic efforts of coordinated coalitions accompanied by public education. In other states, the death penalty can be legislatively and/or judicially reformed to result in fewer new death sentences and less frequent executions. In some states, the courts are well-positioned to declare the death penalty unconstitutional for a range of reasons. As legislatures and courts in other states (particularly former states of the Confederacy) are unlikely to reform, repeal or abolish the death penalty, the U.S. Supreme Court will have to declare the death penalty unconstitutional in order to impact the entire country.

Local Action:

- Community education and action on behalf of death row prisoners, coordinated with their counsel, and public pressure on local and state politicians and officials (including Departments of Corrections) in states with the death penalty. Such education and advocacy is needed in order to amplify the unfairness and immorality of the death penalty and grow the national trend away from the practice.

How does this solution address the specific needs of some of the most marginalized Black people?

- As part of marginalized and often-poor communities, undocumented and LGBTQ people are overly-represented among those targeted for extermination by the government through the death penalty. Additionally, many people on death row have mental illnesses, cognitive limitations, severe trauma histories, and prior criminal records, often directly related to racial bias and poverty. And most women on death row are there in connection with the death of an abusive partner.

Model Legislation:

- Depending on how death penalty laws are included in state statutes, repeal and abolition proposals must track the nuances. Each state death penalty coalition has developed repeal and abolition bills that are applicable to their state.

Resources:

- Death Penalty Information Center

Organizations Currently Working on Policy:

- National Coalition to Abolish the Death Penalty
- Equal Justice USA
- Witness to Innocence (death row exonerees)
- Murder Victims Families for Reconciliation
- Murder Victims Families for Human Rights
- American Bar Association Death Penalty Representation Project
- American Bar Association Due Process Project
- The Constitution Project
- Amnesty International
- Conference of Catholic Bishops
- American Civil Liberties Union
- National Association of Criminal Defense Lawyers
- State-based coalitions in every state with the death penalty

Authors & Contributors of this Policy Overview

- Tanya Greene, Attorney at Law

[published by the Movement for Black Lives, www.m4bl.net]

<https://policy.m4bl.org/wp-content/uploads/2016/07/End-Death-Penalty-Policy-Brief.pdf>

