

Consensus emerges across ideological lines for death penalty moratorium

by Marianna Wertz

The United States today, nearly 25 years since capital punishment was reinstated in 1976, is tangibly close to implementing a moratorium on executions, which have been growing at a nearly hyperbolic rate (see **Figure 1**). This time, however, unlike 1972, when the Supreme Court halted all executions, in the case of *Furman v. Georgia*, because of the arbitrary and unconstitutional way in which they were being carried out, it is likely that the change will be the result of a political consensus across party and ideological lines.

That emerging consensus was witnessed during the first week of April by the statements of two leading white Republican conservatives—televangelist Pat Robertson and

columnist George Will—and liberal black Rep. Jesse Jackson, Jr. (D-Ill.). Jackson introduced a bill calling for a nationwide execution moratorium (see *Congressional Closeup*), Robertson called for a nationwide moratorium, and Will told his fellow conservatives that the evident injustice in capital sentencing is something to which they should pay attention.

At least half of the 38 states in which executions are still carried out are now considering moratorium measures.

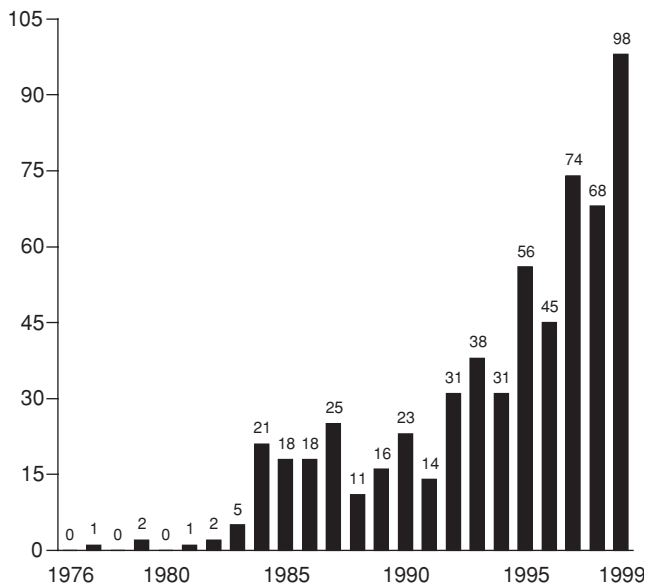
The reasons for this sea-change are many. The immediate catalyst was Illinois Gov. George Ryan's Jan. 31 announcement of a moratorium in his state, until all of the problems in the justice system which had led to the release of 13 Illinois death-row inmates in recent years, all with evidence of innocence, are resolved. The importance of this was not just that Ryan was the first governor to declare a moratorium, but that, as a staunch conservative Republican—indeed, George W. Bush's campaign manager in Illinois—he did it despite being in favor of capital punishment.

Ryan's announcement came nearly two years after a November 1998 conference at Northwestern University in Chicago, at which 30 of the more than 80 former death-row inmates still alive, who have been freed because of innocence since 1983, testified about their experience in living hell in America. The reports of that conference began to shake the faith of even hard-bitten death penalty advocates about the way capital punishment is being implemented. In fact, as the book *In Spite of Innocence* (by Radelet, Bedau, and Putnam) (Boston: Northeastern University Press, 1994) documents, between 1900 and 1992, there have been 416 documented cases of innocent people being convicted of homicide, at least 23 of whom were executed.

Then, two months later, in January 1999, Pope John Paul II came to America to deliver essentially one message: Stop the death penalty! This visit, which convinced the pro-death penalty Republican governor of Missouri to stop the execution planned on the day of the Pope's visit, launched an earth-shaking change in Catholic American dioceses, many of which today have made the cause of ending capital

FIGURE 1
Executions in the United States, 1976-99

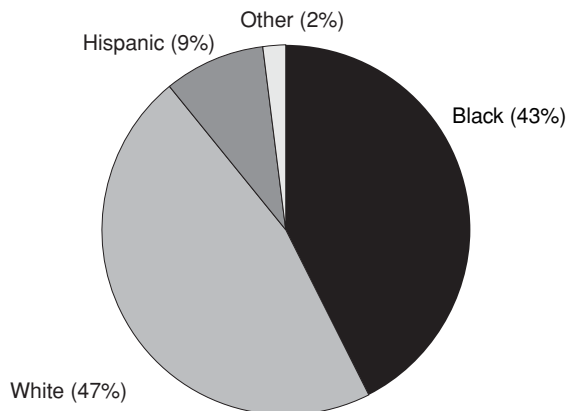
(number of executions)



Source: Death Penalty Information Center.

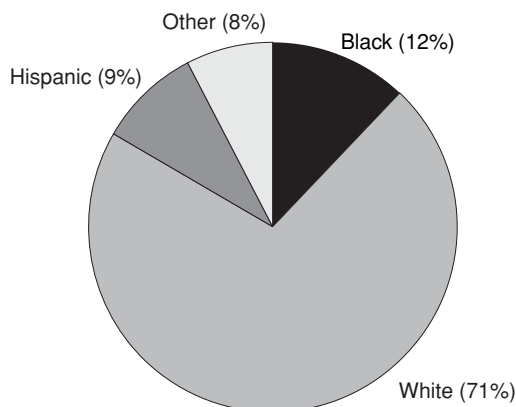
FIGURE 2

Race of death row inmates



Source: NAACP LDF *Death Row, U.S.A.* (1/1/2000).

Racial composition of the U.S. population, 1990



Source: *World Almanac*.

punishment equal to, if not more important than, ending abortion.

Three months after the Pope’s visit, in April 1999, the United Nations Human Rights Commission passed a resolution supporting a worldwide moratorium on executions, which was aimed at the United States, the only Western democracy that still executes people. Shortly thereafter, Russia and the other states of the former Soviet Union complied with the policy of the UN and the European Union, and ended the practice of capital punishment.

Racial bias

The evidence of racial bias involved in sentencing individuals to death is also a driving factor in the movement for a moratorium (see **Figure 2**). Even Pat Robertson, not generally known as a friend of racial minorities, at a symposium on religion and the death penalty on April 7 in Virginia, said that capital punishment is administered in a way that discriminates against minorities and poor people.

A study by the House Judiciary Subcommittee on Civil and Constitutional Rights in 1994 concluded: “Analysis of prosecutions under the Federal death penalty provisions of the Anti-Drug Abuse Act of 1988 reveals that 89% of the defendants selected for capital prosecution have been either African-American or Mexican-American.” Current statistics show that Federal prosecutors have sought the death penalty in 188 cases since 1988. In 143 of those cases—76% of the time—the defendants were racial minorities.

A compelling condemnation of “Race and the Death Penalty” in the March 16-22 *Tennessee Tribune*, gave the text of the National Association for the Advancement of Colored People’s (NAACP) national resolution against the death pen-

alty. This statement appeared just prior to the planned executions of two Tennessee death-row inmates, on April 5 and 6, which would have been the first executions in 40 years in that state. The executions were stayed, in the nick of time, by a Federal court, based on evidence that one of the defendants, Robert Coe, was too mentally incompetent to understand what is happening to him, and that the other defendant, Philip Workman, did not fire the weapon which killed the victim in his case.

The NAACP statement, beside condemning the racial bias in death-penalty sentencing, called on Tennessee Gov. Don Sundquist to implement a 40-year moratorium on executions, then went one step further. “Though the death penalty is often regarded as a race issue justifiably, it is overwhelmingly an issue of unfairness, injustice, and a disregard of Christian value (a principle upon which this country was founded). It is an issue of life and redemption, not vengeance and retaliation, an issue of cruel and inhuman punishment.”

EIR spoke on April 6 with Ludy Wallace, president of the Nashville NAACP, who said that his chapter published the statement to “raise consciousness” about the pending

To reach us on the Web:
www.larouche.com

executions. Wallace said that they would “continue to agitate, continue to fuss, continue to cuss, continue to pray, continue to hope” for an end to capital punishment in America.

The case of Virginia

One of the most chilling studies to date, on the inequities involved in capital punishment sentencing, was released on April 7 by the Virginia branch of the American Civil Liberties Union (ACLU). The study, “Unequal, Unfair and Irreversible,” begun last May, demonstrates that the death penalty in Virginia, with 75 executions since 1976 (the second-highest rate of executions per capita in the nation), has been marked by unfair trials, poor representation of defendants, limited appeals court review, and the possible execution of innocent men, since it resumed in 1977.

EIR asked Virginia ACLU Director Kent Willis on April 11 what motivated the study. “While the death penalty should be questioned, I think, everywhere right now,” Willis said, “Virginia, as one of the more aggressive states, was a place that clearly needed study. A lot of people have worked closely with the death penalty in Virginia over many years and there is a lot of impressionistic and anecdotal information, but what Virginia lacked was a true, comprehensive study of the death penalty. This really should have been the

job of the Virginia General Assembly, but it has refused to do this.”

The study shows that death sentences “continue to be influenced by the location of the crime, the poverty of the defendant, and race of the victim.” It also shows that Virginia’s death-penalty record is the worst in the nation, with the fewest reversals by the state Supreme Court—8% of cases have been reversed since 1977, compared with a national average of 40%. Virginia’s Federal appeals court also has the lowest reversal rate in the nation—4% as compared to an average of 39% nationwide. Virginia, with 75 executions since 1976, has a higher per-capita rate of execution (0.111 per 10,000 population) than Texas (0.106 per 10,000), where 206 executions have occurred since the death penalty was reinstated.

So, the question is posed to President Bill Clinton, who came into office on the heels of executing a mentally retarded man in his capacity as Governor of Arkansas; and to Presidential “front-runners” Al Gore and George Bush, all three strong advocates of the death penalty: Will they heed the growing voice of reason in America on this issue? Or, will they listen instead to the *vox populi*—like those who stand on the street outside executions all across America today, demanding the blood of a victim in satisfaction of their desire for vengeance?

The Science of Christian Economy

And other prison writings by Lyndon H. LaRouche, Jr.

Includes *In Defense of Common Sense*, *Project A*, and *The Science of Christian Economy*

three ground-breaking essays written by LaRouche after he became a political prisoner of the Bush administration on Jan. 27, 1989.

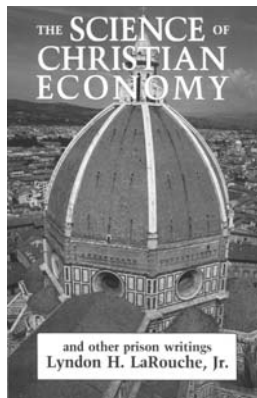
Order from:

Ben Franklin Booksellers, Inc.

P.O. Box 1707 Leesburg, VA 20177

Toll free (800) 453-4108 (703) 777-3661 fax (703) 777-3661

Shipping and handling: Add \$4 for the first book and \$.50 for each additional book in the order. Virginia residents add 4.5% sales tax. We accept MasterCard, Visa, American Express, and Discover.



\$15

For previews and information on LaRouche publications:

Visit EIR's Internet Website!

- Highlights of current issues of EIR
- Pieces by Lyndon LaRouche
- Every week: transcript and audio of the latest **EIR Talks** radio interview.

<http://www.larouchepub.com>

e-mail: larouche@larouchepub.com