

Thirty Years Is Enough: End the Death Penalty!

Death Penalty Awareness Week February 27 to March 3

This year marks the 30th anniversary of the *Gregg v. Georgia* Supreme Court ruling that reinstated the use of the death penalty in 1976. The *Gregg* ruling required changes in the law that were supposed to fix serious flaws in the death penalty—flaws so troubling the Court halted all executions four years earlier.

In the 30 years since, the capital punishment system has compiled a shameful, ugly record, reeking of racism, class bias and flaws. The time to do away with

the death penalty system is 30 years overdue.

The Campaign to End the Death Penalty has designated February 27 to March 3 as Death Penalty Awareness Week. During this week, which coincides with International Abolition Day on March 1, activists plan to organize anti-death penalty events on campuses and in communities across the country.

The facts speak for themselves. Abolish the death penalty NOW!

Consider these facts...

■ The United States is one of 74 countries that still has the death penalty. The vast majority of the world's executions take place in just four countries: China, Iran, Vietnam and the United States.

■ There are almost 3,400 people on death row in the United States. Since the reinstatement of the death penalty, over 1,000 people have been executed—and more than 120 people have been exonerated and freed from death row.

■ African Americans are 12 percent of the U.S. population, but are 42 percent of prisoners on death row.

■ More than 20 percent of Black defendants who have been executed were convicted by all-white juries.

■ Roughly 80 percent of death penalty cases involve white victims, even though Blacks and whites are murder victims in nearly equal numbers. Of the more than 1,000 people executed in the past 30 years, only 12 whites have been executed for killing Blacks.

■ Some 80 percent of all executions occur in the South, the states of the former slave-owning Confederacy.

■ According to the federal government's General Accounting Office, race is a factor "at all stages of the criminal justice process," including the prosecutor's deci-

sion to charge a defendant with a capital offense or the decision to proceed to trial rather than plea-bargain. As Justice Harry Blackmun stated in 1994, "Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die."

■ In its 1986 ruling in *McCleskey v. Kemp*, the U.S. Supreme Court held that racial discrimination in death penalty cases is "an inevitable part of our criminal justice system." Justice Lewis Powell said that considering the role of racism in the death penalty system would "throw into serious question the principles that underlie our entire criminal justice system."

■ Over 90 percent of defendants charged with capital crimes are indigent and cannot afford to hire an experienced criminal defense attorney to represent them.

■ Calvin Burdine had his death sentence overturned because his lawyer was sleeping through portions of his trial. Previously, a two-judge panel had upheld Burdine's death sentence, saying, "We cannot determine whether Cannon slept during a critical stage of Burdine's trial."

■ One in four condemned prisoners is represented at trial or on appeal by court-appointed attorneys who have been disciplined for misconduct at some point in their careers.

■ Many capital trials last less than a week—hardly enough time to present a good defense. Kerry Max Cook, who was freed from Texas death row after more than 23 years behind bars, said, "There is only one color on death row, and that color is poor."

■ As Supreme Court Justice William O. Douglas wrote, "One searches our chronicles in vain for the execution of any member of the affluent strata in this society."

■ Some 90 percent of all criminal cases are decided in plea bargains, meaning they never go before a jury. Prosecutors admit openly that they use the threat of the death penalty to obtain confessions, thus avoiding long and costly trials.

■ In a 1993 case, *Herrera v. Collins*, the U.S. Supreme Court, by a vote of 6–3 ruled that a claim of *actual innocence* based on newly

discovered evidence was not grounds for overturning a capital conviction. As Justice Blackmun wrote in his dissent, "The execution of a person who can show that he is innocent comes perilously close to simple murder."

■ Once convicted and sentenced to death, prisoners find it very difficult to get courts to hear evidence based on "innocence." Judges are concerned primarily with whether or not procedures were followed correctly during trial, and whether motions were filed in a timely fashion. Frances Newton was executed in 2005 despite strong evidence never reviewed by any court. The courts decided that her new evidence wasn't presented soon enough to be reviewed.

Sources: Amnesty International, Death Penalty Information Center, Helen Prejean's *The Death of Innocence*, and Southern Center for Human Rights.

**CAMPAIGN TO
END THE DEATH
PENALTY**



www.nodeathpenalty.org 773-955-4841

Endorsed by ■ Amnesty International USA ■ Community Call to Action and Accountability, Los Angeles ■ Death Penalty Focus ■ Free Mumia Abu-Jamal Coalition, New York City ■ Illinois Coalition Against the Death Penalty ■ Nation of Islam, Los Angeles ■ NAACP-California ■ National Lawyers Guild ■ National Student Caucus of the National Lawyers Guild ■ United People of Color Caucus of the National Lawyers Guild ■ New Yorkers Against the Death Penalty ■ Operation RASTA HOPE ■ Raleigh Catholic Worker (North Carolina)

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ugly record, reeking of racism, class bias and flaws. The time to do away with the death penalty system is 30 years overdue. We, the undersigned, believe the death penalty must be abolished now!

Name	Address		
City	State	Zip	Phone number ()
E-mail address (print clearly)	<input type="checkbox"/> Yes, I want to get involved.		
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Send completed petitions to: Campaign to End the Death Penalty, P.O. Box 25730, Chicago, IL 60625.