

**Resolution of All Saints Church Pasadena
for a Moratorium on Capital Punishment in the State of California**

Approved by the Vestry on April 2, 2002

WHEREAS, almost 600 men and women currently await execution in the State of California, the most in the nation;

WHEREAS, approximately one-third of California's death row inmates currently lack any legal representation;

WHEREAS, a recent California poll by the nonpartisan Public Policy Institute of California shows popular support for the death penalty falling below a majority to 49%, with fully 47% of Californians supporting the alternative of Life Sentence Without Possibility of Parole ("LWOP"). A similar national poll conducted by ABC News found less than half the population supporting the death penalty, 48%, with 43% supporting LWOP as an alternative to the death penalty;

WHEREAS, at least five men convicted of capital murder in California were subsequently found to be wrongly convicted and imprisoned since the death penalty was reinstated in 1977. In the most recent instance, Dwayne McKinney, convicted of first degree murder in Orange County in 1982, was released January 28, 2000;

WHEREAS, over 1700 people in California have been sentenced to LWOP for capital murder, according to the Governor's Office, no one sentenced to LWOP in California has ever been released since the State provided this option in 1977;

WHEREAS, at least 89 Americans sentenced to death have subsequently been exonerated and freed from death row since 1973, sometimes within days of their scheduled execution;

WHEREAS, the Joint Legislative Budget Committee of the California Legislature has estimated that elimination of the death penalty would result in a net savings to the State of at least several tens of millions of dollars annually, and a net savings to local governments in the millions to tens of millions of dollars on statewide basis - money that could be used by local governments to fund measures that deal with the root causes of crime and criminal behavior and other social needs;

WHEREAS, California has no standardized guidelines for prosecutors to use in determining when a case should be tried as a death penalty case, leaving each individual District Attorneys Office to charge cases capitally for whatever reasons they choose;

WHEREAS, the jurisdiction, the quality of legal counsel and the local political climate are more often the determining factors in a death penalty case than the facts of the case itself;

WHEREAS, California allows the execution of mentally retarded or mentally ill offenders contrary to international standards of human rights and humane treatment of prisoners;

WHEREAS, the State Bar of California has called for abolition of the death penalty, and bar associations around the country, including the San Francisco and Beverly Hills Bar Associations, have called for moratoriums in their particular jurisdictions;

WHEREAS, the U.S. 9th Circuit Court of Appeals has rejected an appeal by the State of California to "fast track" death penalty cases, ruling that California did not have a mechanism for the appointment and compensation of competent counsel, nor the ability to provide adequate resources for constitutional issues to be raised in death penalty cases;

WHEREAS, one of the largest nationally organized Victims Rights groups, Murder Victims Families for Reconciliation, whose membership is comprised of those whose loved ones have been lost to murder, has called for abolition of the death penalty as a way of breaking the cycle of violence;

WHEREAS, numerous recent studies, including one by the U.S. General Accounting Office (GAO), show that imposition of the death penalty is marked by arbitrariness in which race, ethnic origin and economic status are key determinants of who will and who will not receive a sentence of death;

WHEREAS, more than 700 national and local groups, faith communities and city councils nationwide, from Philadelphia to San Francisco, have publicly called for a halt to executions, citing concerns about class and race bias, the high risk of executing innocent people, and the execution of juveniles and the mentally impaired;

WHEREAS, legislators in the federal government and of at least six states - New Jersey, Alabama, Kentucky, Missouri, Maryland and Pennsylvania - have introduced resolutions similar to the one adopted in Illinois calling for a moratorium on implementing the death penalty; legislatures in 16 of the 38 states with death penalty laws have considered or are now considering a ban on executions, including New Hampshire where the abolition bill passed in the house by a strong majority;

WHEREAS, the American Bar Association in 1997 called upon each jurisdiction in the United States to stop carrying out the death penalty until all capital defendants are provided with adequate legal counsel, widespread discrimination in capital sentencing on the basis of the race of either the victim or the defendant is eliminated, and the practice of executing mentally retarded persons and persons who were under the age of 18 at the time of their offenses is stopped;

WHEREAS, a study released in June 2000, conducted by a team of lawyers and criminologists at Columbia University, which examined appeals in all capital cases between 1973 and 1995, found that two out of three convictions were overturned on appeal, with 37% due to incompetent defense attorneys' 19% due to misconduct by police or prosecutors in suppressing evidence, 20% due to faulty jury instructions; 5% due to bias on the part of judge or jury and the remaining 19% due to various other errors, including use of coerced confessions and informants to eavesdrop on conversations between inmates and their lawyers.

WHEREAS, the United Nations Commission on Human Rights called for an immediate moratorium on capital punishment in the United States, concluding from personal inspection that the death penalty in the United States was marked by a "significant degree of unfairness and arbitrariness." The UN's Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions particularly faulted the U.S. for the execution of juvenile offenders and the mentally retarded;

WHEREAS, world leaders such as Pope John Paul II, Nelson Mandela, United Nations High Commissioner for Human Rights Mary Robinson, and leaders of virtually every major religious group have called for an immediate halt to executions in the United States;

WHEREAS, the governments of Bulgaria, Bermuda, Albania, Russia, Uzbekistan, Philippines, and Turkmenistan have recently abolished or suspended implementation of the death penalty, bringing to 107 the number of nations who do not practice capital punishment;

WHEREAS, the State of Israel has abolished capital punishment except for treason in time of war and for convicted Nazi war criminals;

WHEREAS, for all of these reasons, the death penalty is antithetical to Christian values, and All Saints Church believes that a moratorium on executions in California is an important step in the movement toward abolition of the death penalty;

BE IT THEREFORE RESOLVED; That All Saints Church urges Governor Gray Davis to impose a moratorium on executions in California unless and until all risks of error, discrimination and unfairness have been conclusively eliminated.