



Legislation Text

File #: Res 0012-2002, **Version:** A

Res. No. 12-A

Resolution urging the Governor and the State Legislature to place a moratorium on all executions in New York until the application of capital punishment in New York is investigated and issues of fairness, justice, equality, due process and cost are addressed; and calling upon the United States Congress to pass S.233/H.R.1038, the "National Death Penalty Moratorium Act of 2001," and H.R. 321, the "Accuracy in Judicial Administration Act of 2001."

By Council Members Perkins, Comrie, DiBlasio, Foster, Liu, Lopez, Quinn, Sanders Jr., Monserrate, Serrano and Barron; also Council Members Gerson, Jackson, Clarke, Yassky, Gennaro Seabrook and Weprin.

Whereas, In 2001, Senator Russell Feingold of Wisconsin introduced S. 233 and Representative Jesse Jackson Jr. of Illinois introduced H.R. 1038, companion bills entitled the "National Death Penalty Moratorium Act of 2001," which would place a moratorium on executions by the federal government and urge the states to do the same, while a commission is established to conduct a thorough study of all matters relating to the death penalty to determine whether it comports with constitutional principles and requirements of fairness, justice, equality, and due process; and

Whereas, Congressman Jesse Jackson, Jr. has also introduced HR 321, the "Accuracy in Judicial Administration Act of 2001," which, in an effort to assure protection of substantive due process rights, calls for a temporary moratorium on the death penalty, and proposes that individuals convicted of a capital offense should have a "full and fair opportunity" to any evidence, DNA or otherwise, that was not available at their trial; and

Whereas, In 1995, New York State reenacted the death penalty and currently has six inmates on death row; and

Whereas, There are more than 3,700 persons on death row across the nation; and

Whereas, More than 50% of those on death row in the United States are African Americans or Hispanic; and

Whereas, Nationally, over 80% of completed capital cases involve white victims even though only 50% of murder victims are white; and

Whereas, There is public concern in New York State that racial and socio-economic factors influence the decisions to seek or impose the death penalty; and

Whereas, There is a lack of any meaningful procedure to ensure uniform application of the death penalty from county to county throughout the state; and

Whereas, Since 1976, there have been over 750 executions in the United States; and

Whereas, Since 1973, over 100 inmates have been released from death rows across the nation because substantial evidence of their innocence was uncovered; and

Whereas, At least eight of these inmates have been exonerated by evidence uncovered through the use of new DNA technology; and

Whereas, There has been increasing public awareness of cases involving individuals wrongfully convicted of murder in New York; and

Whereas, The New York City Council is troubled that the possibility of a mistake in the death penalty process may undermine public confidence in our criminal justice system; and

Whereas, The execution of an innocent person by the State of New York would be a grave injustice and an unacceptable failure of our criminal justice system; and

Whereas, The death penalty has consistently been demonstrated to cost more than life without parole; and

Whereas, On January 31, 2000, Governor George Ryan of Illinois, a supporter of capital punishment, halted all executions in his state, and on May 9, 2002, Governor Parris N. Glendening of Maryland, also a supporter of capital punishment, ordered a moratorium on all executions in his state until a study is completed into whether minority felons are unjustly singled out for the death penalty; and

Whereas, More than 150 organizations and four municipalities in New York State have formally adopted resolutions calling for a moratorium on executions; and

Whereas, The movement to suspend executions has gained considerable momentum in New York and throughout the nation; and

Whereas, The Governor should heed the concerns raised herein, acknowledge the shortcomings of New York's capital punishment system, consider the variety of factors that lead to errors in capital convictions and capital sentences, and new technologies that have helped to expose them, and suspend executions until all of the urgent issues surrounding the use of capital punishment are resolved; now, therefore, be it

Resolved, That the Council of the City of New York urges the Governor and the State Legislature to place a moratorium on all executions in New York until the application of capital punishment in New York is investigated and issues of fairness, justice, equality, due process and cost are addressed; and calls upon the United States Congress to pass S.233/H.R.1038, the "National Death Penalty Moratorium Act of 2001," and H.R. 321, the "Accuracy in Judicial Administration Act of 2001."