

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2000 Legislative Session

Resolution No. CR-3-2000
Proposed by Council Member Shapiro
Introduced by Council Member Shapiro
Co-Sponsors _____
Date of Introduction February 1, 2000

RESOLUTION

1 A RESOLUTION concerning

2 Moratorium on Executions in Maryland

3 For the purpose of urging the Governor and State legislature to impose a moratorium on
4 executions in Maryland.

5 WHEREAS, there is ample evidence that the death penalty is applied in a racist manner:

- 6 • In 1987, in *McCleskey v. Kemp*, the U.S. Supreme Court refused to act on data
7 demonstrating the continuing reality of racial bias.
- 8 • In 1990, the U.S. General Accounting Office reported “a pattern of evidence indicating
9 racial disparities in charging, sentencing and imposition of the death penalty.”
- 10 • Nationwide, 82% of those put to death had been convicted of murdering a white person
11 even though people of color are the victims in more than half of all homicides.
- 12 • The U.S. Congress has failed repeatedly to pass the Racial Justice Act that would allow
13 prisoners to challenge their death sentences using standards normal in civil racial discrimination
14 cases.

15 WHEREAS, death sentences are reserved for the poor:

- 16 • About 90% of those persons facing capital charges cannot afford their own attorney.
- 17 • No state, including Maryland, has met standards developed by the American Bar
18 Association (ABA) for appointment, performance and compensation of counsel for indigent
19 prisoners.

20 WHEREAS, prisoner appeals have been severely curtailed, increasing the risk of
21 imprisonment and execution of innocent people:

1 • In a series of rulings since 1991, the Supreme Court has drastically restricted the rights of
2 death row prisoners to appeal their convictions and death sentences in federal courts, even in
3 cases where prisoners present compelling evidence of innocence.

4 • In 1996, new legislation drastically limited federal court review of death penalty
5 appeals and gutted public funding of legal aid services for death row prisoners.

6 WHEREAS, the American Bar Association has concluded that administration of the death
7 penalty is “a haphazard maze of unfair practices with no internal consistency” and has called for
8 a moratorium on executions.

9 WHEREAS, Maryland has on its death row one of the largest percentages of African
10 Americans (over 70%) of any state in the U.S.

11 WHEREAS, Governor Parris Glendening’s 1996 Task Force on the Fair Imposition of
12 Capital Punishment:

13 • Found “the high percentage of African American prisoners under the sentence of death
14 and the low percentage of prisoners under sentence of death whose victims were African
15 American remains a cause for concern.”

16 • Recommended “a future study be directed by the Court of Appeals with collaboration
17 of the Governor, Legislature, State Bar and the public with specific focus on obtaining
18 quantitative, and anecdotal data about potential racial disparity in the imposition of capital
19 punishment in Maryland.”

20 WHEREAS, the Maryland legislature failed to pass a bill in its 1997 session which would
21 have funded and empowered a commission to do a comprehensive study of racism in death
22 penalty sentencing in Maryland in accordance with the 1996 Task Force recommendations.

23 WHEREAS, Chief Judge Robert Bell of the Maryland Court of Appeals has refused to
24 commission such a study, concluding it is a matter for the executive branch.

25 NOW, THEREFORE, BE IT RESOLVED that the County Council of Prince George’s
26 County, Maryland calls on Governor Glendening and our representatives to the Maryland Senate
27 and House of Delegates to enact and adopt legislation and/or an executive order imposing a
28 moratorium on executions at least until policies and procedures are implemented which:

29 • Ensure that death penalty cases are administered fairly and impartially, in accordance
30 with basic due process.

31 • Eliminate the risk that innocent persons may be executed.

1 • Prevent the execution of mentally retarded persons and persons who were under the
2 age of 18 at the time of their offenses.

3 BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the
4 Governor, the Chief Judge of the Maryland Court of Appeals, and the Prince George's County
5 Delegation to the General Assembly.

Adopted this 21st day of March, 2000.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council