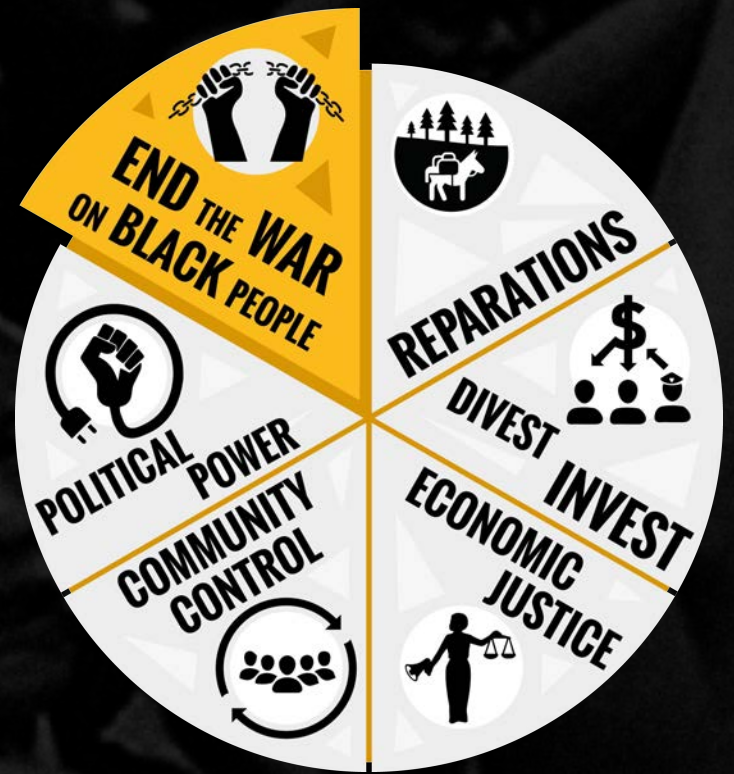


A VISION FOR BLACK LIVES

POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

END THE DEATH PENALTY

POLICY BRIEF 8 of 13



POLICY PLATFORM 1 OF 6

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THE MOVEMENT
FOR BLACK LIVES



END THE DEATH PENALTY SUMMARY



THE ISSUE

Black people, including Black disabled, LGBTQ and low- and no-income people, are disproportionately sentenced to death in the U.S.

THE DEMAND

Abolish the death penalty, life without the possibility of parole (LWOP), and death by incarceration.

KEY FEDERAL LEGISLATION

- ❖ *People's Justice Guarantee*
- ❖ For a list of pending state legislation on the death penalty, please visit the *Death Penalty Information Center*.



WHAT IS THE PROBLEM?

The death penalty is morally repugnant, and represents a form of “legal lynching,” which has targeted Blacks and other people of color, disabled people, LGBTQ people, and low and no-income people throughout its history in the United States.

Although Black people make up 13% of the population in the U.S., 34% of people executed by the state since 1976 have been Black.

As of July 2019, 41.5% of people on death row are Black. Statistically, people convicted of killing white people are at least three to four times more likely to be sentenced to death than people who kill anyone else.

Black people accused of killing white people are more likely to be sentenced to death than white people accused of killing Black people.

The death penalty is still authorized in 29 states, for certain federal offenses, and by the U.S. military. Twenty-one (21) states no longer allow the death penalty. Seven states—Connecticut, Illinois, Maryland, New Jersey, New Mexico, New York, and Washington—have repealed the death penalty in the past 15 years. New death sentences and execution rates are decreasing every year. For the first time, public support of the death penalty is

now lower than support for a life sentence.

The death penalty is randomly and arbitrarily sought by prosecutors, upwards of 95% of whom are white, who have the sole discretion to seek or not seek death.

Official misconduct is more common in death penalty cases, especially if the defendant is Black. Data shows that 87% of Black exonerees who were sentenced to death were victims of official misconduct, compared to 67% of white death row exonerees.

To date, more than 165 people and counting have been declared innocent of the crime for which they were sentenced to death, and a number of innocent people have been executed.

The chance of receiving the death penalty is often a product of geography: about 1% of U.S. counties produce more than half of all death sentences. It is also often a product of poverty—defending against the death penalty requires a high level of representation and resources not available to most defendants.



THE DEMAND

The death penalty is and always has been a tool used to enforce racism, ableism, and gender and sexual conformity. We do not believe the death penalty was designed to be fair, nor do we believe that it can be fairly applied. It cannot be reformed to eliminate the inherent bias in its administration. We must relegate this barbaric practice to the annals of history where it belongs.

Our policy goal is simply to abolish the death penalty. Repeal is often prospective, meaning there will be no new capital prosecutions. Abolition is comprehensive—it is both prospective and retroactive, and will result in the removal of all prisoners from death row.



HOW DOES THIS SOLUTION ADDRESS THE SPECIFIC NEEDS OF SOME OF THE MOST MARGINALIZED PEOPLE?

Black people are disproportionately targeted for the death penalty, including Black people with mental, cognitive, intellectual, developmental, and physical disabilities, severe trauma histories, and/or prior criminal records, often directly related to systemic racial bias and poverty. Undocumented and LGBTQ people are also disproportionately targeted for the death penalty. Most women on death row have been convicted of an offense related to the death of an abusive partner, and many have been gender nonconforming..



FEDERAL ACTION

- ❖ Pass the **People's Justice Guarantee** and associated legislation eliminating the death penalty for all federal crimes.
- ❖ Repeal the **Violent Crime Control and Law Enforcement Act (VCCLEA or '94 Crime Bill)** provisions adding more than 60 death penalty eligible offenses.
- ❖ Repeal the **Antiterrorism and Effective Death Penalty Act (AEDPA)**, which limits procedural and substantive relief for people sentenced to death.



STATE ACTION

- ❖ Pass legislation abolishing or imposing a moratorium on the death penalty, and provide new trials to individuals currently on death row.
- ❖ In some states, based on declining popular support, it is possible to abolish the death penalty through ***strategic legislative advocacy*** ***by coordinated coalitions*** ***accompanied by public education***.
- ❖ In some states, the courts are well-positioned to declare the death penalty unconstitutional for a range of reasons.

Find out more about the death penalty and people in your state who are fighting to abolish it from the ***National Coalition to Abolish the Death Penalty***.

Find a list of currently pending legislation at the ***Death Penalty Information Center***.







LOCAL ACTION

- ❖ Engage in participatory defense campaigns through community education and advocacy on behalf of people charged with capital offenses and facing a death sentence, in coordination with their counsel.
- ❖ Put pressure on policymakers and the public to follow national trends away from seeking and imposing the death penalty.
- ❖ Target local prosecutorial races and advocate for prosecutors to commit to not seeking the death penalty in individual cases and as a matter of policy.

MODEL LEGISLATION



Most state anti-death penalty coalitions have developed model repeal and abolition bills that are applicable to their state. For more information, visit the **[National Coalition to Abolish the Death Penalty](#)**.



the
FREEDOM
to
VOTE

RESOURCES

- ❖ ***Death Penalty Information Center***
- ❖ ***Equal Justice Initiative: The Death Penalty***
- ❖ ***National Coalition to Abolish the Death Penalty***
- ❖ ***National Conference of State Legislators***



ORGANIZATIONS CURRENTLY WORKING ON POLICY

AMERICAN BAR ASSOCIATION DEATH PENALTY REPRESENTATION PROJECT

AMERICAN CIVIL LIBERTIES UNION

AMNESTY INTERNATIONAL

EQUAL JUSTICE USA/CONSERVATIVES CONCERNED ABOUT THE DEATH PENALTY

MURDER VICTIMS FAMILIES FOR HUMAN RIGHTS

NATIONAL COALITION TO ABOLISH THE DEATH PENALTY

NAACP LEGAL DEFENSE AND EDUCATION FUND

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

PROJECT ON GOVERNMENT OVERSIGHT/THE CONSTITUTION PROJECT

WITNESS TO INNOCENCE (DEATH ROW EXONEREES)

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