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## **Getting Your Local Legislature to Pass a Death Penalty Moratorium: County Board of Supervisors**

Getting your local legislature to pass a death penalty moratorium resolution is an important stepping stone to ultimately having the death penalty abolished. This paper describes a process getting a County Board of Supervisors to adopt a death penalty moratorium resolution.

### **Campaign Strategy**

It is estimated that a successful campaign for getting a County Board of Supervisors to pass a moratorium resolution may take up to 18 months. An important element of the campaign is to build a broad based community support for a Death Penalty Moratorium. Legislators will support a campaign once you have demonstrated that the community is behind your proposal. It is also vitally important to find allies to support your campaign that are part of the County Government and part of the community.

Another important element for success it to find a group of volunteers that is willing to drive the campaign. In California such organizations as California People of Faith Working Against the Death Penalty backed up by both Death Penalty Focus of California and Amnesty International, the religious community and the Peninsula Peace and Justice Center have mounted successful moratorium campaigns.

### **Starting Point of the Campaign**

In some County Governments there is a Human Relations Commission with an Executive Director who is an employee of the county. Such commissions are established by the County to deal with the human concerns of the community. If such a commission exists it is highly recommended to establish a relationship with the commission and attempt to make them an ally for moratorium campaign. As such a commission may have to deal with many issues of the community it is important to work patiently with this group. If you are successful they can then drive the moratorium activity in the county.

The Human Relations Commission will also have an intimate knowledge of the County Government and may have developed a relationship with members of the Board of Supervisors.

### **Building Community Support**

To gain support of elected officials it is important to build community support for the moratorium. To do this it is suggested to form a broad based coalition to work on the moratorium. This group should if possible include representatives from the religious community, Christian, Jewish and Muslim. It also should include academic and political leaders and community activists. It is also critically important to find an expert on the death penalty, such as a law professor, who can take the lead in advocacy for the moratorium.

- **Petition Drive**

To demonstrate community support for the moratorium death penalty a petition drive should be launched. As Sr. Helen Prejean's Moratorium Campaign has already mounted a nationwide moratorium petition drive, part of your work will already have been done. Sr. Helen's organization will be glad to share the petition information gathered in your area. Her organization can be reached at Tel: 305-596-7293, FAX: 305-279-4679, email: mavilla@gte.net. Her organization will have entered this data into a database. The petitions information should be entered into an Excel database and should be sorted to eliminate duplications.

- **Moratorium Forum**

Another way to gauge community support is to hold a Forum on the moratorium issue. Organizations should be invited to sponsor the forum. Organizations that should be invited to sponsor the forum should include:

American Civil Liberties, Amnesty International, California People of Faith Working Against the Death Penalty, Council of Churches, Death Penalty Focus, Roman Catholic Organizations, Jewish temples and/or synagogues, Islamic mosques and/or groups, Buddhist organizations such as Buddhist Peace Fellowship, and Peace and Justice Centers.

An ideal location to hold the forum would be in the County Supervisors Chamber. It is important to get a large turnout for the forum. This can be done by flyers, articles in the local newspapers and announcements at religious services.

The moratorium coalition will have the option of inviting speakers to address the forum. However, it is important that the forum be open to the public and to provide the opportunity for members of the public to address the forum.

If possible the speakers should include, The District Attorney, The Public Defender, family members of murder victims, defense attorneys, representatives of the religious communities, labor leaders, business leaders, politicians and academic leaders.

**The Case for a Moratorium**

Before approaching the Supervisors, it is important to understand the concerns of the Supervisors and to develop arguments to deal with these concerns. The following are some of the issues that are likely to come up and how to deal with them.

- **Is Death Penalty County Business?**

Yes. The County provides funds for the District Attorney and the Public Defender. It has been well established that the death penalty costs more than the alternative of Life Imprisonment Without Possibility of Parole. Therefore the death penalty has a direct County impact.

Furthermore, California law gives municipalities and counties the power to pass resolutions pertaining to national, state and local policies.

- **The Arguments for a Moratorium**

The arguments for a moratorium are solid. Organizations that support the death penalty have come to recognize that the current implementation of the death penalty is arbitrary, capricious, flawed and unfairly applied. Since 1976 over 100 persons have been exonerated and released from death row. Additionally, a June, 2000 Columbia University study entitled "A Broken System" determined that appellate review of death sentences nationwide had found reversible error in 68% of these cases; that in 82% of the cases retried after reversal, a death sentence was not issued.

It is generally recognized that application of the death penalty is racist. In 1987 the US Supreme Court established that in Georgia someone who kills a white person is four times more likely to receive the death penalty than someone who kills a black person.

Lack of finances has been reported as another reason why there is not fairness in the jury trial of those sentenced to death. Mike Farrell, President of Death Penalty Focus has noted that "Them that has the capital don't get the punishment". Cases have been cited of a defense attorney who fell asleep during a jury trial or defendants have had defense attorneys who had little concern for the welfare of his client, sometimes putting in as little as 50 hours defending their client.

One very practical reason for a moratorium on the death penalty is the cost of a capital case. Cost to the state to carry out the death penalty ranges from \$2 million to \$4 million. Average cost of incarceration for life is between \$400,000 -- \$800,000. This is money could be used for social programs and rehabilitation.

**Convincing the Supervisors to Support a Death Penalty Moratorium**

Before moving for a vote on the moratorium meetings should be held with the supervisors individually. The Supervisor should be presented with an information package, summarizing the results of the forum and a list of petitioners from their district supporting the moratorium. If a majority of Supervisors support the moratorium then the issue should be brought to a vote. A sample resolution is attached.

**Comments**

The moratorium campaign represents an important milestone in the effort to abolish the death penalty. The campaign will establish a grassroots organization for future abolition work.

**Acknowledgements:**

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