

Resolution on the Death Penalty
Austin Human Rights Commission, July 23, 2012

WHEREAS, it is appropriate for city governments to give advice on matters of concern to them when actions of the state affect those cities; and

WHEREAS, in Texas a death penalty case can cost taxpayers three times more than seeking and obtaining a sentence of life in prison and of imprisoning someone in a single cell at the highest security level for a term of life in prison, the additional cost of which is borne by all Texans; and

WHEREAS, local taxpayers can be faced with the financial burden of settling lawsuits when innocent people are wrongfully convicted or executed because of problems in the criminal justice system. For instance, the City of Austin settled two wrongful conviction lawsuits in 2003 brought by Richard Danziger and Christopher Ochoa for a total of more than \$14 million, all paid by the citizens of Austin; and

WHEREAS, Texas leads the nation in executions with 483 since 1982 (as of July 23, 2012). The frequency of executions and the inadequacies in our criminal justice system increase the risk that an innocent person will be executed, and the execution of an innocent person by the State of Texas would be a grave injustice and would undermine public confidence in our criminal justice system; and

WHEREAS, twelve people have been exonerated of murder and released from Texas Death Row, including most recently Anthony Graves in October 2010, and 140 people have been exonerated and released from death rows in the United States since the death penalty was reinstated in the 1970's; and

WHEREAS, strong evidence exists in several cases that Texas has already executed innocent people, including Cameron Todd Willingham; and

WHEREAS, juries and prosecutors across the nation and in Texas are opting against death in favor of life in prison without parole. In both 2010 and 2011, Texas juries approved new death sentences in only 8 instances each year, the lowest number since the death penalty was reinstated in 1974. Only 6 of the 254 counties in Texas sent anyone to death row in 2011; and

WHEREAS, other states are increasingly turning away from the death penalty as evidenced by the legislatures in New Jersey (2007), New Mexico (2009), Illinois (2011) and Connecticut (2012) repealing the death penalty and the Supreme Court of New York ruling it unconstitutional in that state; and

WHEREAS, there is no law in Texas that requires District Attorneys to seek the death penalty and district attorneys are free to choose to seek life in prison without the possibility of parole in all capital cases; and

WHEREAS, this resolution is not intended to minimize the profound pain that the families of murder victims suffer:

BE IT THEREFORE RESOLVED that the Austin Human Rights Commission recommends to the Austin City Council to encourage the State of Texas to repeal the death penalty in Texas.

BE IT FURTHER RESOLVED that the Austin Human Rights Commission also supports a moratorium on executions and the creation of a "Texas Capital Punishment Commission" to:

- study the administration of capital punishment in Texas and correct any injustices or unfair processes that are found and eliminate the risk of executing innocent people; and
- study whether Texas should repeal the death penalty.

BE IT FURTHER RESOLVED that the Austin Human Rights Commission recommends to the Austin City Council to encourage the Travis County District Attorney not to seek death sentences in capital murder cases and not to request execution dates for current death row prisoners who were convicted in Travis County.