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NCADP WELCOMES HEARINGS ON INCREASED POLITICALIZATION OF FEDERAL DEATH PENALTY

June 27, 2007 – Diann Rust-Tierney, executive director of the National Coalition to Abolish the Death Penalty, welcomed today’s hearings on the federal death penalty before the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution. Ms. Rust-Tierney’s statement follows:

“At a time when the U.S. public is beginning to turn away from the death penalty system due to mistakes, racial bias, and other forms of bureaucratic bumbling that render the system broken and beyond repair, we are concerned with recent patterns with regard to the federal death penalty.

“Our first and foremost concern rests with the decision by Attorney General Alberto Gonzales’ Department of Justice to centralize the decision-making apparatus as to when death sentences are to be sought. Once upon a time, in a different era and under a different administration, U.S. Attorneys across the country had broad discretion over when to seek death. No longer. Today, bureaucrats in the Department of Justice – some named, some unnamed – have overridden the years of experience and best decision-making of local prosecutors. This must end.

“Our second concern rests with the recent imposition of death sentences in jurisdictions where voters, through their elected representatives, have opted against a state death penalty. In recent years, eight federal death sentences have been handed down in six jurisdictions that have no state death penalty – Iowa, Massachusetts, Michigan, North Dakota and Vermont. In addition, federal death sentences unsuccessfully have been sought in Washington, D.C., where voters have soundly rejected the death penalty, and Puerto Rico, which has a constitutional prohibition against the death penalty. When exercising prosecutorial discretion, federalism demands that the wishes of the people in individual jurisdictions be considered.

“Finally, we remain concerned with the level of racial inequality attendant to the federal death penalty system. The issue of race and the federal death penalty is complicated and there are many reasons why blacks and Latinos face death-sentencing disproportionately more than whites. What we know, however, is that if the scope of the federal death penalty were strictly limited in nature – as it has been for most of our nation’s history – then disparities such as racial and geographic bias would no longer exist. Originally, federal jurisdiction over violent crime was limited to offenses committed on federal land or that could not be prosecuted in state court. But with the ‘new’ Anti-Drug Abuse Act of 1988, and the greatly expanded Federal Death Penalty Act of 1994, the same racial and geographic biases that exist in state death penalty schemes now apply to our federal death penalty system.

“For these reasons, added to the fact that Americans by any measurement are turning away from this country’s broken death penalty system, it is time to take a hard look at our federal death penalty laws. Today’s hearing is a good beginning and we commend Senators Feingold and Brownback for their leadership.”