

RESOLUTION NO. R05-10 CMS

A RESOLUTION CALLING FOR A MORATORIUM ON THE IMPOSITION OF THE DEATH PENALTY IN THE STATE OF OHIO UNTIL A FAIR AND IMPARTIAL REVIEW OF THE APPLICATION OF THE DEATH PENALTY IS CONDUCTED

WHEREAS, there is ample evidence that death sentences are applied in a racially discriminatory manner:

- In *McCleskey v. Kemp* (1987), Supreme Court Justices Brennan, Marshall, Blackmun and Stevens purported in their dissent that “there was a *significant* chance that race would play a prominent role in determining if he [Mr. McCleskey] lived or died . . .”
- In 1990, the U.S. General Accounting Office reported “a pattern of evidence indicating racial disparities in charging, sentencing and imposition of the death penalty.”
- Nationwide, 82% of those put to death have been convicted of murdering a white person, even though people of color are the victims in more than half of all homicides.
- Nearly 50% of those on Ohio's death row are African-American, although less than 12% of Ohio's population is African American.

WHEREAS, death sentences are reserved for the poor:

- Approximately 90% of all people facing capital charges cannot afford their own attorney.
- In *Gregg v. Georgia*, Supreme Court Justice Thurgood Marshall alleged “It also is evident that the burden of capital punishment falls on the poor, the ignorant, and the under privileged members of society.”
- No state, including Ohio, has met standards developed by the American Bar Association for appointment, performance, and compensation of counsel for indigent prisoners.

WHEREAS, the death penalty costs more than Life imprisonment Without the Possibility of Parole (LWOPP):

- State governments estimate that a single death-penalty case from arrest to execution ranges from \$1 million up to \$7 million. Cases resulting in LWOPP average around \$500,000 each, including the cost of lifetime incarceration.
- Ohio spent at least \$1.5 million to kill Wilford Berry – approximately 5-10% of the annual budget for the state's capital crimes section was devoted to the Berry case for 5 years. Keeping Berry in prison for his entire life would have cost approximately half as much.
- Due to monetary constraints Ohio has streamlined the appeals process for death penalty cases. This has decreased the ability the accused have to access due process procedures guaranteed by the Constitution.

WHEREAS, Ohio has a prevalence of mentally ill people on its death row:

- Ohio's first and second executions in 1999 and 2001 (including Wilford Berry) were of seriously mentally ill inmates.
- In Ohio, at least 23 death row inmates have filed appeals based on claims of mental retardation as of June 2003.
- Almost half of all death row prisoners are currently under some form of mental health treatment.
- In 2002, the U.S. Supreme Court ruled it unconstitutional to execute persons with mental retardation.

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

WHEREAS, Ohio has over 200 people on its death row, and whereas over one hundred people nationally have been found innocent after being sentenced to death.

Now, therefore BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the Council of the City of Oberlin, Ohio, respectfully urges and requests that the Ohio General Assembly enact legislation which results in a moratorium on all executions and the signing of death warrants in the State of Ohio at least until policies and procedures are implemented which:

- Ensure that death penalty cases are administered fairly and impartially in accordance with basic due process.
- Eliminate the risk that innocent persons may be executed.
- Eliminate the execution of mentally disabled persons, people under the age of 18 at the time of their offenses, and foreign nationals whose consular rights were violated.

SECTION 2. That a copy of this resolution shall be forwarded to the Ohio General Assembly, the Office of the Attorney General of Ohio, Governor Taft, and U.S. Representatives and Senators from the State of Ohio.

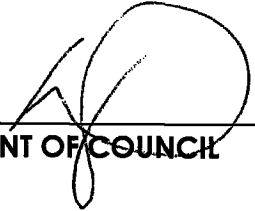
SECTION 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - March 7, 2005 (E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

POSTED: 3/8/2005

EFFECTIVE DATE: 3/8/2005

α:/RES05-10DeathPenalty



BOB TAFT
GOVERNOR
STATE OF OHIO

March 21, 2005

Mr. Eugene Simon, Clerk
The City of Oberlin
85 South Main Street
Oberlin, OH 44074

03-25-05 A10:42 IN

Dear Clerk Simon:

This will confirm receipt by the Governor's Office of Resolution # R05-10 CMS passed by the Oberlin City Council on March 7, 2005, regarding a moratorium on the imposition of the death penalty in Ohio until a fair and impartial review of the death penalty is conducted..

Expression of your views on this important matter is appreciated and duly noted.

Sincerely,

A handwritten signature in black ink that reads "Brad Reynolds".

Brad D. Reynolds
Director of Administration

BDR/adb