

# MEMORANDUM

The Board of Directors  
to.....Puerto Rican Legal Defense and Education Fund  
from...Task Force on the Bill to Restore the Death Penalty in  
New York State  
date..March 24, 1981

Issue: Should the Fund take a public position in relation to the Bill.

The Bill to restore the death penalty has passed the Assembly, but with too few votes to override a veto by the Governor. Yesterday (3/23/81) the Senate voted in favor of it. A veto by the Governor is expected.

Report: Task Force has reviewed the major literature about the issue.

An impressive array of highly respectable organizations have taken a public position opposed to the restoration of the death penalty. All the major religious organizations have issued public statements opposed to it. (Note by Father Fitzpatrick, "I can find no evidence that Pope John Paul II has ever spoken in support of capital punishment as Mayor Koch alleges.")

In the review of the current literature of the past two years, no publications have been found that challenge the evidence and the rationale presented in opposition to the death penalty.

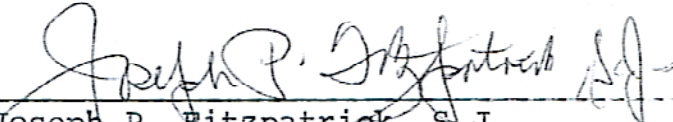
Major reasons presented in opposition to it:


- 1) The death penalty is final; it eliminates all possibility of the reform of the offender. It also renders impossible the correction of a mistake in identifying the offender. Periodically, cases of mistaken convictions have occurred. With the death penalty, in these cases, innocent persons would have been executed.
- 2) The evidence for capital punishment as a deterrent of crime is unconvincing.
- 3) Capital punishment is associated with evident racism in our society. The number of minorities and the poor executed or awaiting execution is out of proportion to their numbers in the population. For example, 47% of the inmates on death row are Black although Blacks constitute 11% of the population of the United States.


- 4) The problem of crime and violence in American society is so complex, it is unreasonable to think that capital punishment will result in preventing it or diminishing it.
- 5) Our present perspective on the meaning of our values in the Judeo-Christian tradition, and the state of humanistic thinking in the world judge capital punishment as a violation of those values.
- 6) It is counter-productive; we inflict death on the offender to manifest our opposition to his inflicting death on another.
- 7) It creates inhuman psychological burdens for the offender and his/her family.
- 8) It becomes involved in lengthy legal procedures, and makes more difficult a process of more rapid enforcement of more benign forms of punishment.

In view of the broad consensus of representative religious and civic organizations, and in view of the rationale presented in opposition to Capital Punishment, the Task Force recommends that the Fund take a public position in opposition to the restoration of the Death Penalty in New York State. One important feature of a public position now would be a communication to Governor Carey to veto the Bill.

Signed:

  
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Joseph P. Fitzpatrick, S.J.

  
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Sonia Sotomayor de Noonan

  
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Jorge Batista