

# ***A Resolution of The ABPsi on the Abolition of the Death Penalty***

***(passed at the 2012 Business Meeting of The ABPsi)***

At the 44<sup>th</sup> Annual International Convention, the National Association of Black Psychologists (ABPsi) considered, deliberated, and unanimously passed the “New Jersey Resolution to Abolish the Death Penalty.” With Association President Cheryl N. Grills, Ph.D. presiding, the resolution was proposed by ABPsi member Matthew B. Johnson, Ph.D. and co-sponsored by Past-President and Elder, Daniel E. Williams, Ph.D.

The Resolution reflects the organization’s official position and plan for action regarding advocacy to abolish the death penalty. The Resolution includes 18 clauses and is informed by the organization’s understanding of the relevant history of the death penalty, current status of the death penalty, as well as research and scholarship regarding state executions.

## ***Resolution***

1. Whereas the death penalty is the ultimate penalty a government can impose on an individual;
2. Whereas our ancestors’ lives and labor were stolen by the United States government and many US state governments;
3. Whereas the death penalty and the criminal “justice” system have been used to control and subordinate the African-American population in the United States in the past and currently;
4. Whereas the United States has a history of lynching and racial violence directed against people of African descent;
5. Whereas the United States Senate failed to pass the Dyer Anti-Lynching Bill in 1922, 1923, and 1924;
6. Whereas the United States Senate in 2005 formally apologized for failing to pass the anti-lynching legislation “when action was most needed”;
7. Whereas racial discrimination (based on the victim and/or the defendant) continues to be a feature of the use of the death penalty in the United States;
8. Whereas research indicates that African-Americans, compared to other ethnic groups, are at increased risk of wrongful conviction in the United States criminal “justice” system;
9. Whereas we recognize the anti-death penalty advocacy of Frederick Douglass, Ida B. Wells-Barnett, Mary B. Talbert, James Weldon Johnson, Coretta Scott King, Mumia Abu-Jamal, and others;
10. Whereas the risk of executing an innocent person will always remain as long as state executions continue;
11. Whereas the death penalty does not deter crime or violence;
12. Whereas the death penalty does not serve a useful penological objective;

13. Whereas capital prosecutions and state executions have harmful effects on people other than the condemned inmate;
14. Whereas capital prosecutions require state officials to organize a conspiracy to kill the defendant by generating sufficient hate toward the defendant to justify taking his or her life;
15. Whereas our organization is dedicated to influencing and affecting social change;
16. Whereas our organization is dedicated to developing programs whereby psychologists of African descent (hereafter known as Black Psychologists) can assist in solving problems of Black communities and other ethnic groups;
17. Be it resolved that we oppose the government (state or federal) seeking the death penalty;
18. Be it further resolved that we will devote our efforts and resources toward the abolition of the death penalty in the United States.

### *Statement in Support of the Resolution*

***“the American people, fully informed as to the purposes of the death penalty and its liabilities, would, in my view, reject it as morally unacceptable”*** - Thurgood Marshall, US Supreme Court Justice dissenting in *Gregg v. Georgia*, 1976

The first two clauses of the Resolution note the self evident findings that the death penalty is the ultimate penalty a government can impose on an individual and that our ancestors’ lives and labor were stolen by the US government and many US state governments.

The third clause recognizes that the death penalty and the criminal justice system have been used, in the past and currently, to control and subordinate the African-American population in the US (Alexander, 2010; Muhammad, 2010; Blackmon, 2008; Harris, 1993).

The fourth clause notes the history of racial violence and lynching that the African-American population has endured (Allen, Als, Lewis & Litwack, 2000; Wells, 1997).

The fifth and sixth clauses point out that the US Senate failed to pass anti-lynching legislation, “when action was most needed” (Senate Resolution 39, 2005).

The seventh clause notes the well established research indicating that racial bias, based on race of the victim and race of the defendant, has been a feature of the death penalty in the US (United States General Accounting Office, 1990; *McClesky v. Kemp*, 1987).

The eighth clause refers to the research noting the increased risk of wrongful conviction faced by African-Americans as compared to other ethnic groups (Free & Ruesink, 2012; Gross et al, 2005; Garrett, 2012; National Registry of Exonerations, 2012).

The ninth clause honors the many African-American heroines and heroes who have challenged the death penalty, such as Ida B. Wells (Wells, 1970), Thurgood Marshall (*Gregg v. Georgia*, 1976), Coretta Scott King (King, 1981), Mumia Abu-Jamal (Abu-Jamal, 1991) and others.

The tenth clause refers to the established risk of executing an innocent person inherent in the death penalty (New Jersey Death Penalty Study Commission, 2007; Governor's [Illinois] Commission on Capital Punishment, 2002; Amnesty International, 2007).

The eleventh and twelfth clauses of the resolution recognize the substantial research indicating the death penalty does not deter crime or violence (*Gregg v. Georgia, 1976* – Marshall dissenting; Peterson & Bailey, 2003) and our settled conclusion that the death penalty serves no legitimate penological purpose (New Jersey Death Penalty Study Commission, 2007).

In the thirteenth clause we point out the considerable evidence that capital prosecutions have harmful and traumatic effects on many people other than the condemned inmate (Adcock, 2010; Gil, Johnson, & Johnson, 2006; Pickett, 2002).

The fourteenth clause expresses our informed conclusion that capital prosecutions are fundamentally objectionable because the process requires state officials to organize an elaborate conspiracy to kill the defendant through generating sufficient hate toward the defendant to justify taking his or her life.

The fifteenth and sixteenth clauses note that advocacy to abolish the death penalty is consistent with our organizational mission and purpose.

The seventeenth and eighteenth clauses assert and affirm our plan to devote our efforts and resources toward the abolition of the death penalty.

***"An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by a legalized murder"*** - Coretta Scott King (1981), Statement to the National Coalition to Abolish the Death Penalty, 9/26/81.

### References

- Abu-Jamal, M. (1991). Teetering on the Brink: Between Death and Life. *Yale Law Review*, 100, 993-1003.
- Adcock, C. (2010). The Collateral Anti-therapeutic Effects of the Death Penalty. *Florida Coastal Law Review*, 11/Winter, 289-319.
- Allen, J., Als, H., Lewis, J., & Litwack, L. F. (2000) *Without Sanctuary: Lynching Photography in America*. Sante Fe, New Mexico: Twin Palms Publishers.
- Alexander, M. (2010) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York, NY: The New Press.
- Amnesty International (2007). *'Where is the justice for me?': The case of Troy Davis, facing execution in Georgia*. Author: Amnesty International Index AMR 51/023/2007.
- Blackmon, D. A. (2008) *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II*. New York, NY: Random House.

- Free, M.D. & Ruesink, M. (2012). *Race & Justice: Wrongful Convictions of African American Men*. Boulder, Co: Lynne Rienner.
- Garrett, B.L. (2011). *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*. Cambridge, Mass: Harvard University Press.
- Gil, A., Johnson, M.B. & Johnson, I. (2006). Secondary Trauma Related to State Executions: Testimony Regarding Execution Procedures. *Journal of Psychiatry and Law*, 34/Spring, 25-35.
- Governor's Commission on Capital Punishment (2002). *Report of the Governor's Commission on Capital Punishment*. Available at <http://www.olympiafor.org/Illinois%20Moratorium%20Commission%27s%20complete%20report%20.pdf>
- Gregg v. Georgia* (1976). (T. Marshall, dissenting) 428 U.S. 153, No. 74-6257.
- Gross, S.R., Jacoby, K., Matheson, D.J., Montgomery, N., & Patel, S. (2005). Exonerations in the United States 1989 through 2003. *The Journal of Criminal Law & Criminology*, 95, 2, 523-560.
- Harris, C. (1993) Whiteness as Property. *Harvard Law Review*, 106, 8, 1707-1791.
- King, C.S. (1981). Speech to National Coalition to Abolish the Death Penalty, Washington, D.C., September 26, 1981. Available at <http://www.deltacollege.edu/emp/pwall/documents/DeathPenaltyisaStepBack.pdf>
- McClesky v. Kemp* (1987). 481 U.S. 279, 107 S. Ct. 1756.
- Muhammad, K. (2010) *The Condemnation of Blackness: Race, Crime, and the Making of Modern America*. Cambridge, Mass: Harvard University Press.
- National Registry of Exonerations (2012). *Exonerations in the United States, 1989-2012*. Available at [http://www.law.umich.edu/special/exoneration/Documents/exonerations\\_us\\_1989\\_2012\\_summary.pdf](http://www.law.umich.edu/special/exoneration/Documents/exonerations_us_1989_2012_summary.pdf).
- New Jersey Death Penalty Study Commission (2007). *The New Jersey Death Penalty Study Commission Report*. Available at [http://www.njleg.state.nj.us/committees/dpsc\\_final.pdf](http://www.njleg.state.nj.us/committees/dpsc_final.pdf)
- Peterson, R.D. & Bailey, W.C. (2003). Is Capital Punishment an Effective Deterrent for Murder?: An Examination of Social Science Research. In J.R. Acker, R.M. Bohm, & C.S. Lanier (Eds.) *America's Experiment with Capital Punishment, 2<sup>nd</sup> Edition*. Durham, NC: Carolina Academic Press.
- Pickett, C. (2002) *Within These Walls: Memoirs of a Death House Chaplain*. New York, NY: St. Martin's Press.

Senate Resolution 39 (2005-2006). (109<sup>th</sup> Congress) <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:S.RES.39>:

United States General Accounting Office (1990). *Death penalty sentencing: Research indicates pattern of racial disparities*. Washington, DC: Author.

Wells, I.B. (1997) *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892-1900* (edited by J.J. Royster). Bedford/St. Martin's: Boston, Mass.

Wells, I.B. (1970) *Crusade for Justice: The Autobiography of Ida B. Wells* (edited by A.M. Duster). Chicago, Illinois: The University of Chicago Press.