

Momentum grows in Pennsylvania for a moratorium on executions

by Marianna Wertz

The movement for a moratorium on executions continues to spread nationwide, in the wake of Illinois Gov. George Ryan's Jan. 31 announcement of a two-year moratorium in that state, following the release of 13 innocent men from Illinois's death row in recent years. Proponents of a moratorium in Pennsylvania, where legislation was introduced a year ago calling for a two-year moratorium, are planning a rally on April 15 at the state capitol in Harrisburg, to urge passage of that legislation now.

The legislation, Senate Bill 952, was defeated in 1999, but was reintroduced and gained new momentum after the Illinois moratorium was announced, as former Pennsylvania Attorney General Ernie Preate, Jr. indicates in the accompanying interview. Preate, who was once the leading advocate of capital punishment in Pennsylvania, has become a leader

in the moratorium fight. He organized a hearing on SB 952, on Feb. 22 before the Senate Judiciary Committee.

Also having an impact on the Pennsylvania battle is the passage on Feb. 10, just after Governor Ryan's announcement, of a resolution by the Philadelphia City Council, calling on the Pennsylvania state legislature to impose a moratorium, "until a study of the legal, political, racial, economic, moral, and ethical problems surrounding the death penalty are fully resolved and the policy of state execution can be certified as a legal, just, and humane form of capital punishment."

That resolution was introduced by Councilwoman Donna Reed Miller, with whom *EIR* spoke on March 23. Miller said that passage of a moratorium in the state legislature would be "a real uphill battle," but that there is a broad range of support for it in the state. "When it comes to life and death issues,"

The Philadelphia City Council resolution

Whereas, the death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; and

Whereas, the American Bar Association, the Pennsylvania Bar Association, and the Philadelphia Bar Association have all called for a moratorium on the death penalty; and

Whereas, every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and now the United Nations Human Rights Commission has called for an international moratorium on executions; and

Whereas, almost 90% of the people sent to death row from Philadelphia are people of color; and

Whereas, more than 90% of the people on Pennsylvania's death row are indigent and cannot afford private counsel. The quality of counsel for the poor in Pennsylvania capital cases has been characterized as a "problem of

major proportions" by a joint task force of Pennsylvania state and Federal courts; and

Whereas, almost 70% of the inmates on Pennsylvania's death row are people of color, giving Pennsylvania one of the highest percentages for people of color on death row in the nation; and

Whereas, two of the nation's foremost researchers on race and capital punishment, law professor David Baldus and statistician George Woodworth, conducted an exhaustive study of Philadelphia's death sentences which revealed that the odds of receiving a death sentence in Philadelphia are greater if the defendant is African American.

Now, therefore, **be it resolved** that the City Council of Philadelphia calls on the Pennsylvania Legislature to enact legislation which results in a two-year moratorium on executions and the signing of death warrants in the Commonwealth of Pennsylvania. We call on the Pennsylvania Legislature to conduct a fair and impartial study of the application of the death penalty. We call for a moratorium to remain in place until the legal, political, racial, economic, moral, and ethical problems surrounding the death penalty are fully resolved and the policy of state execution can be certified as a legal, just and humane form of capital punishment.

she said, "I think we do have to slow down and really take a look at what's going on here."

The resolution (see box) cites the targetting of the poor and minorities for capital punishment, and points to its rejection by the majority of democratic nations around the world.

Both Preate and Miller told *EIR* that they thought the moratorium issue should be raised in the Presidential debate, as Lyndon LaRouche, a life-long opponent of capital punishment, alone among the candidates, has done.



Donna Reed Miller

Interview: Ernie Preate, Jr.

Former death penalty backer urges moratorium

Ernie Preate, Jr. was Attorney General of Pennsylvania during 1989-95, and District Attorney of Lackawanna County during 1978-89. As District Attorney, Preate supported the creation of the Pennsylvania Death Penalty Statute in the late 1970s. During the 1980s, he not only spoke out in favor of capital punishment, but also, as District Attorney, sought its application in seven cases; in five of those cases, juries rendered the death penalty. As Attorney General, Preate successfully argued the constitutionality of the state's death penalty statute before the United States Supreme Court. As chairman of the Criminal Law Committee of America's Attorneys Generals, he wrote a 272-page book, The Prosecution of a Death Penalty Case, and was a frequent lecturer in support of the death penalty in national prosecution training sessions and on panels in the American Bar Association and the Pennsylvania Bar Association.

Then, in 1995, Preate's life changed. He pleaded guilty to Federal mail-fraud charges involving \$20,000 in campaign contributions, and served one year in a Federal prison in Duluth, Minnesota. That same year, the American criminal justice system, particularly as it affected capital cases, began to undergo a vast change, with passage of the Anti-Terrorism and Effective Death Penalty Law, and other measures enacted by the Gingrich Congress.

In this interview, Preate, now a lobbyist in Scranton,

speaks about what changed his view of capital punishment, and why he is today a leading spokesman in the movement for a moratorium on executions in America. He organized testimony for the Feb. 22 Pennsylvania Senate hearings on SB 952, which would impose a two-year moratorium, and delivered testimony himself, which he summarizes here. Preate was interviewed by Marianna Wertz on March 27.

EIR: I first read about your recent testimony for a two-year moratorium on executions before the Pennsylvania Senate on the website of the Death Penalty Information Center. What is it that made you change your mind?

Preate: It's in my testimony. There's been a change in the rules, basically, from where we were when we established the death penalty in Pennsylvania in the late 1970s, and amended it a couple of times in the '80s.

EIR: What do you expect to happen in the legislature with respect to SB 952?

Preate: We're expecting that we will get, this year, funding to set up a capital resource center for death-row defendants. We're looking for funding in the neighborhood of \$500,000. That's going to be important, because there isn't one existent now. The Federal funds were gutted in 1997. They had a dozen of them around the United States, and they were all de-funded.

EIR: Will there be any action on a moratorium per se?

Preate: I don't know. That's a big political question. People are saying nothing is going to happen, but circumstances can change to make it happen, as they did in Illinois.

EIR: Right, which sparked everything else.

Preate: So, what looks like it might be slim to attain right now, could, in a year, turn out to be very attainable. You don't know. In the meantime, we're going to be pursuing the creation and funding of an appellate capital resource center. We're also going to be pursuing passage of a DNA law similar to that which Illinois and New York have.

EIR: So, this is along the lines of the Innocence Protection Act of 2000 at the Federal level?

Preate: That's exactly right. It's Senator [Patrick] Leahy's [D-Vt.] Innocence Protection Act.

EIR: Have you spoken with Governor Ridge about this?

Preate: No.

EIR: I know that Governor Ridge was interviewed on the issue last week, and he said that he opposes a moratorium. So, even if it passed, he would not sign it.

Preate: Well, again, we're just in the beginning stages. The bill (SB 952) was just introduced last spring, not even a year ago. We had one vote on it; it was turned down.