

**61. Support a Moratorium on Executions in California** (*removed from the Consent calendar by Mayor Dean and held over from the February 22 meeting*)

**From:** Councilmembers Worthington, Breland, Spring, and Vice Mayor Shirek

**Recommendation:** Support a moratorium on executions in California, until a study can be completed to determine if the death penalty is being fairly applied and have the City Clerk send a letter to Governor Gray Davis indicating that the Berkeley City Council is greatly concerned about the approximately 180 cases on death row that purportedly have no legal representation, about charges that minorities are more likely than non-minorities to receive a death penalty, and that since approximately five cases convicted of capital murder in California have been found to be wrongfully accused and imprisoned since the death penalty was re-instated, there may be additional such cases that might come to light. The Council respects the legal processes that each individual prisoner may be pursuing, but we would like to suggest that a preliminary survey of the approximately 500 cases in California awaiting the implementation of the death penalty be commissioned immediately. This survey should be carried out by a bipartisan panel of legal experts who are not connected with any of the cases they will review. Cases should be reviewed in order of how close the case is to carrying out the penalty, and no one should be executed until the survey is complete. The panel should be specifically charged with making such determinations as: 1) whether there has been an adequate level of legal representation, including any constitutional issues that have been or should have been raised; and 2) whether new technology, such as DNA testing would likely make a difference in any of the cases. Based upon the results of this review, we request that the panel make a recommendation to the Governor regarding a further moratorium on imposing the death penalty while they investigate the question of whether such a penalty in our state can be administered without posing the risk of executing the innocent and what fundamental reforms need to be enacted should their answer be "yes" to that question. The Council further requests that letters be written to Senator Don Perata and Assemblymember Dion Aroner asking for support of the Council's letter to the Governor.  
Contacts: Kriss Worthington, Councilmember District 7, 644-6398; Margaret Breland, Councilmember District 2, 644-6400; Dona Spring, Councilmember District 4, 644-6266; Maudelle Shirek, District 3, 644-6243

**Action:** Moved, seconded, carried (Worthington/Maio; Absent -- Armstrong, Shirek) to approve the recommendation as amended by Mayor Dean.