



June 9, 2015

Pennsylvania House Judiciary Committee
26 Ryan Office Building
Capitol Building
Harrisburg, Pennsylvania 17120

Members of the Pennsylvania House Judiciary Committee:

We write to express our support for Governor Tom Wolf's decision to suspend executions in the Commonwealth of Pennsylvania. We are Pennsylvanians who have served as judges, prosecutors, law enforcement officers and corrections officials in the Commonwealth. We have sought convictions and imposed the toughest sentences on those who have brought violence in to our homes and our communities. But we also know how fragile our system of justice can be. Governor Wolf's decision is a measured, appropriate response to mounting evidence that our death penalty is flawed, risks executing the innocent, and currently provides little public safety benefit to Pennsylvanians. We are also gravely concerned about the execution of individuals convicted and sentenced to death through this unsound process as it undermines the credibility of our entire system of justice.

For the above reasons, the Pennsylvania Task Force and Advisory Committee on Capital Punishment is presently examining numerous concerns that have arisen over the years concerning Pennsylvania's death penalty. These serious flaws with the administration of justice include a very high rate of error at death penalty trials, resulting in reversals on appeal. In fact, the vast majority of the over 400 death sentences imposed in Pennsylvania have later been reversed on appeal due to serious errors or misconduct that occurred at trial. The three executions that have occurred in our state since we reenacted the death penalty in 1978 have been the result of death row inmates' decisions to abandon appeals and effectively "volunteer" for execution.

There is also evidence of widely different treatment of people facing the death penalty based on their race. As the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice System concluded, our state is "second only to Louisiana in the percentage of African Americans on death row" and "one third of the African American death-row inmates in Philadelphia County would have received sentences of life imprisonment if they had not been African American."

And finally, our state has a history of paying lawyers appointed to represent poor people facing the death penalty at some of the lowest rates in the country. This practice incentivizes ineffective, low-quality lawyering on behalf of those on trial for their life. Death sentences are too often imposed on those who had an underpaid, ill-equipped lawyer, rather than on those who are truly the "worst of the worst" offenders. We should not tolerate such an uneven playing field in the courtroom, particularly in capital cases.

These examples are but a snapshot of the documented problems plaguing our death penalty. It is no surprise, then, that in 2011, the Senate adopted Resolution 6 to appoint the bipartisan task force to examine our death penalty system. Governor Wolf appropriately agreed to the task force's request that executions not be carried out while it undertakes its review. As public officials who have sworn to seek justice, we urge the Pennsylvania General Assembly to support this suspension of executions in the

Page 2

Commonwealth of Pennsylvania. When our state seeks to take a life, it must first be absolutely sure that the system of justice leading to a death sentence was fair and that that process minimized – to the extent humanly possible – the execution of the innocent. We presently have no such assurance.

Sincerely,

Elizabeth K. Ainslie

Former Assistant United States Attorney, Eastern District of Pennsylvania

Robert J. Cindrich

Former United States District Judge, Western District of Pennsylvania; Former United States Attorney, Western District of Pennsylvania

David Good

Former Superintendent, Pennsylvania Department of Corrections

Peter D. Hardy

Former Assistant United States Attorney, Eastern District of Pennsylvania; Former Trial Attorney, United States Department of Justice

Paul Heroux

Member, Massachusetts House of Representatives (Attleboro); Former Director of Research and Planning, Massachusetts Department of Corrections; Former Assistant to the Commissioner, Philadelphia Prison System

Henry E. Hockeimer, Jr.

Partner, Ballard Spahr LLP; Former Assistant United States Attorney, Western District of Oklahoma

Terence Inch

Professor of Criminal Justice, York College of Pennsylvania; Former Commissioner of Police, Hellam, Pennsylvania; Former Detective Chief Inspector, New Scotland Yard, London

Jack McMahan

Former Assistant District Attorney, Philadelphia

Lauren Ouziel

Professor of Law, Temple University Beasley School of Law; Former Assistant United States Attorney, Southern District of New York

Robert Pietrala

Former Corrections Counselor, State Correctional Institution at Pittsburgh, Pennsylvania

David Scott

Former Deputy Chief of Police, Southeastern Pennsylvania Transportation Authority Police Department

Sandra Thompson

Former County of York Deputy Prosecutor, Former County of York Adult Probation Officer

Stewart R. Wellman

Former Chief Psychologist, State Correctional Institution at Pittsburgh, Pennsylvania

Page 3

James West

Former United States Attorney, Middle District of Pennsylvania