

MEMORANDUM

The Board of Directors  
to..... Puerto Rican Legal Defense and Education Fund  
From... Frank Foran on the bill to restore the Death Penalty in  
New York State  
date... March 24, 1961

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 (3/23/61) the Senate voted in favor of it. A veto  
by the Governor is expected.

Report: Frank Foran 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:

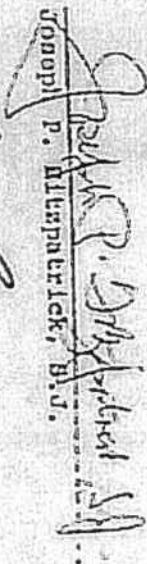
- 1) The death penalty is final. It eliminates all possibility  
of the reform of the offender. It also renders impossible  
the correction of a mistake in identifying the offender.  
Periodically, cases of mistaken convictions have occurred.  
With the death penalty, in these cases, innocent persons  
would have been executed.
- 2) The evidence for capital punishment as a deterrent of crime  
is inconclusive.
- 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.

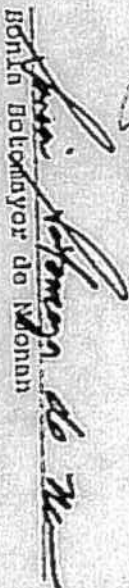
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- 4) The problem of crime and violence in American society is so complex, it is unreasonable to think that capital punishment will result in preventing it or diminishing it.
- 5) Our present perspective on the meaning of our values in the Judeo-Christian 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 Chavoy to veto the Bill.

Signed:

  
Joseph P. Altshuler, B.D.

  
Ronin Dolomayor de Donnin

  
Jorge Ballester