

The Amicus Brief, People of the State of New York v. John Taylor was joined by Clifton Kirkpatrick, as Stated Clerk of the Presbyterian Church (U.S.A.) The brief was filed in the New York Court of Appeals on November 2, 2006.

COURT OF APPEALS

of the

STATE OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

JOHN TAYLOR,

Defendant-Appellant.

**BRIEF *AMICI CURIAE* OF NEW YORK RELIGIOUS LEADERS
AGAINST THE DEATH PENALTY AND OTHER RELIGIOUS
ORGANIZATIONS IN SUPPORT OF DEFENDANT-APPELLANT**

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INTEREST OF *AMICI*

As religious leaders representing a broad spectrum of faiths and denominations in the State of New York—including Buddhism, Christianity, Islam, and Judaism—we unite here as *amici curiae* on behalf of the Defendant-Appellant, John Taylor. Notwithstanding our varied approaches to ethical decision making, we share the conviction, rooted in the collective wisdom and moral insights of our respective religious traditions, that the execution of persons is unnecessary and unjustified in this day and time. In our view, executions violate the standards of decency of American society and the guarantees against cruel and unusual punishments in the Eighth Amendment to the Constitution of the United States and in Article I, Section 5 of the Constitution of the State of New York. Individual statements of interest are provided in the Appendix.

SUMMARY OF ARGUMENT

If there was any reticence about the relevance of the views of the religious community in deciding the constitutionality of certain punishments, it has been eliminated. *Atkins v. Virginia*, 536 U.S. 304 (2002). There a majority of the U.S. Supreme Court made clear that the views of religious organizations are “[a]dditional evidence” of a broad social and professional consensus against the imposition of the death penalty. (536 U.S. at 316 n. 21). See also *Trop v. Dulles*, 356 U.S. 86, 102 n. 35 (1958); *Coker v. Georgia*, 433 U.S. 584, 596 n. 10 (1977); *Enmund v. Florida*, 458 U.S. 782, 796-797 n. 22 (1982); *Thompson v. Oklahoma*, 487 U.S. 815, 830 n. 31 (1988).

Rooted in the collective wisdom and moral insights of *amici’s* respective religious traditions, they recognize and wish to state their clear and unambiguous position that capital punishment is unnecessary, disrespectful of human life, and offensive to our

society's common sense of human dignity. *Amici* abhor violent crime, and, confronted by it, share the sense of justifiable outrage, frustration, and vulnerability that is the response of people everywhere. *Amici* submit that society has both the right to defend itself against the perpetrators of violent crime and the duty to reach out compassionately to the innocent of crime and their loved ones.

Amici urge that the “evolving standards of decency which mark the progress of a maturing society,” *Trop, supra*, 356 U.S. at 101, should nullify the death penalty in the State of New York. *Amici*'s respective faith traditions affirm that:

- retribution, i.e., legally and morally proportionate accountability for criminal action, is proper in society, but revenge is not;
- the death penalty is not a deterrent to violent crimes;
- the death penalty is not, and probably cannot be, applied equitably and fairly;
- the death penalty is not a genuine source of healing for the families of murder victims and actually runs counter to the effective restoration of a broken society.

Amici may have different views about crime and punishment, but they converge in their answer to the question of whether contemporary “standards of decency” should sustain the death penalty in New York. All their traditions, different though they be, point to the same answer. The answer is, and must be, no.

ARGUMENT

I. Why the views of the religious community are relevant

The U. S. Constitution's Eighth Amendment guarantee against cruel and unusual punishments is “progressive, and is not fastened to the obsolete, but may acquire meaning as public opinion becomes enlightened by a humane justice.” *Weems v. United States*, 217 U.S. 349, 378 (1910). Rather, it “must draw its meaning from the evolving standards of decency that mark the progress of a maturing society,” *Trop v. Dulles*, 356 U.S. 86,

101 (1958) (plurality), and is to be “judged not by the standards that prevailed in 1685 when Lord Jeffreys presided over the ‘Bloody Assizes’ or when the Bill of Rights was adopted, but rather by those that currently prevail.” *Atkins v. Virginia*, 536 U.S. 304, 311 (2002).

New York’s constitutional proscription of cruel and unusual punishments (N.Y. Const., Art. I, Sect. 5) must be assessed similarly, as this Court has noted. *People v. Broadie*, 37 N.Y.2d 332, 351 (1975); *People v. Smith*, 63 N.Y.2d 41, 72 (1984) (both citing *Trop, supra*, 356 U.S. at 101). This Court has held that the cruel and unusual punishments clause “is a flexible one with a long historical development” and “has come to mean much more.” *Broadie, supra*, 37 N.Y.2d at 100, 111, Appendix, 119-130. The flexible nature of the cruel and unusual punishments clause has generated a reevaluation of penalties once thought constitutional, in light of “evolving standards of decency.” This Court has noted that, in doing so, “it has come to be recognized that the constitutional limitation encompassed a cardinal principle of ‘*humane justice*’” (emphasis supplied). *Broadie, supra*, 37 N.Y.2d at 125.

The U. S. Supreme Court has recognized that in every case imposition of the death penalty requires a moral judgment. *California v. Brown*, 479 U.S. 538, 545 (1987) (O’Connor, J., concurring, noting that the sentence imposed in the penalty phase of a capital trial must reflect “a reasoned moral response to the defendant’s background, character, and crime...”); *Penry v. Laynaugh*, 492 U.S. 302, 319 (1989) (citing *California, supra*, 479 U.S. at 545). The Court also has recognized the relevance of the views of religious organizations regarding moral questions in society. *Bowen v. Kendrick*, 487 U.S. 589, 606-07 (1988) (noting the role of religious organizations in

addressing ethical dilemmas in society). Such moral questions clearly include capital punishment. *Stanford v. Kennedy*, 492 U.S. 361, 388 n.4 (1989) (four Justices in dissent considering the view of a coalition of religious groups in weighing the constitutionality of the juvenile death penalty); *Atkins, supra*, 536 U.S. at 316 n.2 (citing the brief of *amici* religious organizations as “[a]dditional evidence” of a broad “social and professional consensus” against the execution of persons with mental retardation).

It is not surprising that the Supreme Court would consider the views of the religious community in deciding whether the imposition of the death penalty for particular classes of persons violates evolving standards of decency. Morality and decency are subjects with which religious bodies legitimately can claim a particular experience and competence. As religious bodies and religiously affiliated organizations, these *amici* are uniquely qualified to comment on moral issues such as capital punishment. Few, if any, institutions can claim a greater tradition of working with and studying the conscience of the human person and related questions of blame, guilt, and punishment than the religious community. *Amici* have developed a rich tradition of reflection and scholarship that over the centuries has informed, and been informed by, the breadth of human experience.

That tradition leads *amici*, despite their varied approaches to ethical decision making and their nuanced differing views about crime and punishment, to the position that capital punishment is unnecessary and unjustified and offensive to human dignity and will not solve the problem of violent crime. *Amici* abhor violent crime and share the sense of justifiable outrage, frustration, and vulnerability that is the response of people everywhere. Society has both the right to defend itself against the perpetrators of violent

crime and the duty to reach out compassionately to the innocent victims of crime and their loved ones. However, *amici* submit that the death penalty cannot be morally justified when New York has other means sufficient to protect society, namely life in prison without the possibility of parole.

To the argument that the death penalty is needed as a means of retributive justice, *amici* submit that retribution, i.e., legally and morally proportionate accountability for criminal action, is justified, but never revenge. Revenge is retribution without moral limit. As stated by one of the *amici*:

Violent crime has a powerful, corrosive effect on society.... We want to hold accountable those who violate life, who violate society. Our sadness and anger, however, make us vulnerable to feelings of revenge. Our frustration with the complex problems contributing to violence may make us long for simple solutions.¹

Human life bears an inherent dignity, and the violence of state-sanctioned killing through capital punishment, *amici* assert, resembles vengeance, which violates that dignity. “The basic concept underlying the Eighth Amendment is nothing less than the dignity of man. While the State has the power to punish, the Amendment stands to assure that this power be exercised within the limits of civilized standards.” *Trop, supra*, 356 U.S. at 100. Our legal system ought to reflect such civilized standards even while punishing the guilty. While heinous crime must have appropriate retributive consequences, *amici* firmly believe that their religious traditions require them to oppose the violence of state-sanctioned death as a form of punishment. The antidote to violence is not more violence.

¹ Evangelical Lutheran Church in America, “Social Practice Statement on the Death Penalty,” adopted at the second biennial Churchwide Assembly, Orlando, Fl. (August 28-September 4, 1991).

The challenge for society should be to incapacitate the perpetrators of heinous crime in a manner that limits violence and holds open the possibility of restoration on their part. It is *amici's* belief that no person is beyond the bounds of the human community. All human persons, even those who commit the most heinous crimes, are endowed with an inviolable dignity. At the same time, *amici* hasten to emphasize that respect for the inherent dignity of offenders in no way should be interpreted as a defense of their crimes nor a lack of respect and concern for the dignity of crime victims and their loved ones. The death penalty is an act of vengeance that is contrary to *amici's* religious teachings, detrimental to building a more-civilized and less-violent society, and ultimately demeaning to all of us as citizens. Society has a right to protect itself, but it does not have a right to be vengeful.

To the argument that capital punishment is needed as a deterrent to murder, *amici* submit that studies consistently have failed to find any convincing evidence to justify this conclusion. Indeed, the 2004 Federal Bureau of Investigation Uniform Crime Report showed that the South, where more than 80 percent of all U.S. executions occur, again had the highest murder rate, while the Northeast, which accounts for less than one percent of executions, again had the lowest murder rate.²

To the argument that our system of criminal justice can ensure that capital punishment will be applied equitably and fairly, *amici* submit that the death penalty system is replete with fatal flaws and constant errors. Too often it is not the crime itself but arbitrary factors such as race, economics, geography, politics, or the defendant's mental capacity that are ultimately significant in determining the application of the death

² Cf. the Death Penalty Information Center, "Death Penalty Fact Sheet," www.deathpenaltyinfo.org (accessed Oct. 23, 2006).

penalty. The imperfections of the death penalty system have been repeatedly exposed by investigative and scientific procedures. Since 1973, at least 123 people across the nation have been released from death rows with evidence of their innocence.³ Even in New York people have been falsely convicted of murder.⁴

Our legal system is a very good one, but it is a human, and therefore fallible, institution. It cannot be made perfect, for biases, prejudices, and chance affect who is charged with a capital crime, what verdict is reached, and whether appeals are successful. This lack of fairness has, and will always, put innocent people at risk. “[E]xecution is the most irremediable and unfathomable of penalties;... death is different.” *Ford v. Wainwright*, 477 U.S. 399, 411. There is a misplaced faith in the perfectibility of the death penalty. The system can be improved, but not perfected. Even one case of irreversible error is intolerable. The only way to prevent the execution of the innocent is not to execute anyone.

To the argument that the families of murder victims desire to see capital punishment inflicted on those who have plunged them into their deep pain and grief, *amici* submit that the death penalty is not a genuine source of healing for the families of murder victims and actually runs counter to the effective restoration of a broken society.

As noted by one of the *amici*:

Executions focus on the convicted murderer, providing very little for the victim's family or anyone else whose life has been touched by the crime. Capital punishment focuses on retribution, sometimes reflecting a spirit of vengeance. Executions do not restore broken society and can actually work counter to restoration.⁵

³ *Ibid.*

⁴ Cf., e.g., Jim Dwyer, “Inmate to Be Freed as DNA Tests Upend Murder Confession,” *New York Times*, May 16, 2006, B1; Fernanda Santos, “DNA Testing Frees Man Imprisoned for Half His Life,” *New York Times*, Sept. 21, 2006, B1.

⁵ Evangelical Lutheran Church in America, “Social Practice Statement on the Death Penalty.”

It is *amici*'s pastoral experience that the suffering of victims' family members cannot be healed through capital punishment. Healing takes time, and is the outgrowth of personal struggle and community support, as well as faith. *Amici* echo victims groups opposed to the death penalty, such as Murder Victims' Families for Human Rights⁶ and September Eleventh Families for Peaceful Tomorrows,⁷ who say that it is a mistake to conclude that the way to demonstrate compassion for murder victims' survivors is by endorsing the death penalty.

For these reasons and for all the reasons set out in the individual statements of *amici infra*, it is respectfully urged that this Court consider the views of *amici* in answering the question before it in the present case: whether the principle of human dignity and contemporary standards of decency can allow the execution of persons. All their traditions, varied though they be, point to the same answer.

The answer is, and must be, no.

II. The Death Penalty Constitutes Cruel and Unusual Punishment Under New York's Constitution

This Court differs with the U.S. Supreme Court when it interprets State constitutional provisions that parallel those in the Federal Constitution. This Court has stated that it is "bound to exercise its independent judgment" when it considers constitutional law issues. *People v. Barber*, 289 N.Y. 378, 384 (1943); cf. *People v. Alvarez*, 70 N.Y.2d 375, 378 (1987), and *People ex rel. Arcara v. Cloud Books, Inc.*, 68 N.Y.2d 553, 557 (1986). This Court has also expressly "decline[d] to adopt any rigid method of analysis which would, except in unusual circumstances, require [it] to interpret

⁶ Cf. www.willsworld.com/~mvfhr (accessed Oct. 23, 2006).

⁷ Cf. www.peacefultomorrow.org (accessed Oct. 23, 2006).

provisions of the State Constitution in ‘lockstep’ with the Supreme Court’s interpretations of similarly worded provisions of the Federal Constitution.” *People v. Scott*, 79 N.Y.2d 474, 490 (1992). This Court has indicated that it must “analyze the particular case in the Federal Constitutional rule at issue ... in order to determine whether under established New York law and traditions some greater degree of protection must be given.” *Id.* at 491. This Court has held that where “the Supreme Court has changed course in diluted constitutional principles,” the Court has “responsibility to support the State Constitution when [it] examine[s] whether [it] should follow along as a matter of State law.” *Scott, supra*, 79 N.Y.2d at 504 (Kaye, J., concurring).

This Court has previously directed that when it must determine whether the New York State Constitution provides greater protection than that afforded by the Federal Constitution, the Court should look to certain “interpretive factors” to inform its analysis, namely text, structure, and historical underpinnings. *Alvarez, supra*, 70 N.Y.2d at 378-379 (citing *People v. P.J. Video*, 68 N.Y.2d 256 [1986]). Here, an analysis of text, structure, and history leads to the unavoidable conclusion that the New York Constitutional proscription on cruel and unusual punishments must be accorded the ultimate protection. The assessment of these factors will affirm that this Court should not align itself with Federal Constitutional jurisprudence when determining the constitutionality of the death penalty.

III. Amici’s Views Concerning Capital Punishment

A broad spectrum of religious authorities (including *amici*), representing faith traditions observed and practiced by millions of New Yorkers, have spoken in opposition to capital punishment, in many cases through formal statements adopted for the explicit

purpose of denouncing it. Taken individually, these statements connect the respective faith traditions to scriptural sources and forms of moral reasoning that argue against the use of the death penalty wherever alternative, bloodless, means exist to protect society. Taken collectively, these voices represent a growing consensus of moral opposition to the death penalty among those communities and institutions that play a leading role in defining what constitutes civilized culture. *Amici* are united in their conviction that capital punishment violates human dignity and contemporary standards of decency. Excerpts from their respective statements follow.

Buddhist

1. Buddhist Council of New York, Venerable Kurunegoda Piyatissa, President Emeritus.

“We, as Buddhists, generally consider all life sacred and the worth of human life, in particular, inestimable. Therefore, the taking of life, even as a punitive measure, is not compatible with the non-violence preached in Buddhism. This does not mean that Buddhism does not treat violent crime with disdain and repugnance. In fact, Buddhists, too, feel an unambiguous sense of outrage in the face of brute instinct and savage behavioral display. Buddhism also grants that society owes a duty to shower compassion on the victims of brute violence just as much as it is within its rights to protect itself from violent crime, without going to the extremes of being vengeful. It would thus be seen that, though violent crime deserves severe consequences and harsh treatment, Buddhist tenets do not permit approval of a state-ordered death penalty.”⁸

⁸ Venerable Kurunegoda Piyatissa, personal statement (October 2006).

Christian

2. American Baptist Churches, USA.

“As Christians living and participating in our society, we reaffirm and are acutely aware of:

- a. the sacredness of life and the obligation to ‘overcome evil with good’ as taught in the scriptures;
- b. the hope and possibility of all to come under the redeeming and transforming action of God;
- c. the fallibility of human agencies and legal justice;
- d. the immorality and injustice of capital punishment for persons later proven innocent;
- e. some inexcusable inequities before the law, enabling many persons of higher status and resources to avoid the death penalty while some persons without these resources are unable to avoid the penalty;
- f. the lack of clear support through the available evidence that capital punishment has a deterrent effect;
- g. the conviction that the emphasis in penology should be upon the process of creative, redemptive rehabilitation, rather than on primitive retribution.

“Therefore, the General Board of the American Baptist Churches recommends the abolition of capital punishment in those states which still practice it and urges churches and members of our American Baptist constituency to support groups and agencies

working for the abolition of capital punishment in those governmental jurisdictions of the U.S. where it is still authorized by law.”⁹

3. Baptist Ministers’ Conference of Greater New York and Vicinity, Anzetta Adams, Representative.

“The Baptist Ministers’ Conference of Greater New York and vicinity does not support capital punishment. Our opposition is based on our understanding of the teaching of the Holy Scriptures, our belief and practice of Christian living, and our witness.... [W]e feel that the matter of capital punishment, the death penalty, which is being perpetrated in a number of states, demands that the church and Christian fellowship must speak out loud and clear in opposition to the death penalty. According to the Holy Bible, the first murderer was Cain who slew Abel his brother. God, in his infinite wisdom, love and compassion did not punish Cain with the death penalty, but consigned him to a sentence of a fugitive in exile.... This is equivalent to our sentence of imprisonment for life.”¹⁰

4. The Episcopal Church, USA, The Rt. Rev. Gladstone Adams III, Bishop of the Episcopal Diocese of Central New York, The Rt. Rev. Jack M. McKelvey, Bishop of the Episcopal Diocese of Rochester, The Rt. Rev. Mark Sisk, Bishop of the Episcopal Diocese of New York, and The Rt. Rev. David Vena, Bishop of the Episcopal Diocese of Albany.

“RESOLVED, that this 70th General Convention of the Episcopal Church urge the provinces, dioceses, parishes, missions, and individual members of this Church to engage in serious study on the subject of capital punishment and work actively to abolish the death penalty in their states.”¹¹

⁹ “American Baptist Resolution on Capital Punishment,” adopted by the American Baptist Convention, 1958, 1966; reaffirmed by the Executive Committee of the General Board, March 1982.

¹⁰ Anzetta Adams, testimony during public hearings on the death penalty in New York conducted by the New York State Assembly standing committees on Codes, Judiciary, and Correction (Jan. 25, 2005).

¹¹ The Episcopal Church, USA, 70th General Convention, Statement on Capital Punishment (1979).

5. The Evangelical Lutheran Church in America, Bishop Stephen P. Bouman, Metropolitan New York Synod, and Bishop Marie C. Jerge, Upstate New York Synod.

“It is because of this church’s commitment to justice that we oppose the death penalty. Lutheran Christians have called for an assault on the root causes of violent crime, an assault for which executions are no substitute. The ongoing controversy surrounding the death penalty shows the weaknesses of its justifications. We would be a better society by joining the many nations that have already abolished capital punishment.”¹²

6. The Greek Orthodox Church in America, His Eminence Archbishop Demetrios, Primate.

“The protection of human rights and the inherent worth of every person and of all human life are of paramount importance and basic principles in the moral teaching of the Greek Orthodox Church.”¹³

7. New York Yearly Meeting of the Religious Society of Friends (Quakers), Ernestine G. Buscemi, Clerk, and Christopher Sammond, General Secretary.

“We have consistently opposed capital punishment, as it rejects the message of forgiveness and erodes our humanity. Our conduct is guided by our ‘Advices and Queries’ contained in our *Book of Discipline*. As noted in Advice 7: Friends are advised to work toward removing the causes of misery and suffering. They are urged to support efforts to overcome racial, social, economic, and educational discrimination; to bear testimony against all forms of oppression; to exert influence for such treatment of

¹² Evangelical Lutheran Church in America, “Social Practice Statement on the Death Penalty,” adopted at the second biennial Churchwide Assembly, Orlando, Fl. (August 28-September 4, 1991).

¹³ From the Brief *Amici Curiae* of the United States Conference of Catholic Bishops and Other Religious Organizations in Support of Respondent, *Roper v. Simmons* (July 15, 2004), 13.

prisoners as may help reconstruct their lives; and to work for the abolition of the death penalty.”

8. Presbyterian Church (U.S.A.), Clifton Kirkpatrick, Stated Clerk of the General Assembly, and the Rev. Dr. Clinton McCoy, Executive for Partnerships, Synod of the Northeast.

“THEREFORE, the 197th General Assembly (1985): Reaffirms the position of the General Assemblies of the United Presbyterian Church of 1959, 1965, and 1977, and of the Presbyterian Church U.S. of 1966, and declares its continuing opposition to capital punishment.”¹⁴

9. Reformed Church in America, Regional Synod of New York.

“[T]his General Synod go[es] on record as opposing the retention of capital punishment as an instrument of justice within our several states, encouraging forward looking study in all areas related to criminology; supporting all efforts to improve our penal institutions, crime prevention agencies and policy procedures, and efforts being made to secure provision of adequate staff and budget for prison, parole boards and similar institutions....”¹⁵

10. The United Methodist Church, Bishop Violet L. Fisher, Resident Bishop of the New York West Area, Bishop Susan W. Hassinger, Resident Bishop of the Troy Annual Conference, and Bishop Jeremiah J. Park, Resident Bishop of the New York Area.

“We believe the death penalty denies the power of Christ to redeem, restore and transform all human beings. The United Methodist Church is deeply concerned about crime throughout the world and the value of any life taken by a murder or homicide. We believe all human life is sacred and created by God and therefore, we must see all human

¹⁴ Minutes of the 197th General Assembly (1985), Presbyterian Church (U.S.A.), 84.

¹⁵ Reformed Church in America, 1965 General Synod, Statement on Capital Punishment.

life as significant and valuable. When governments implement the death penalty (capital punishment), then the life of the convicted person is devalued and all possibility of change in that person's life ends. We believe in the resurrection of Jesus Christ and that the possibility of reconciliation with Christ comes through repentance. This gift of reconciliation is offered to all individuals without exception and gives all life new dignity and sacredness. For this reason, we oppose the death penalty (capital punishment) and urge its elimination from all criminal codes.”¹⁶

11. U.S. Conference of Catholic Bishops, Most Rev. Howard J. Hubbard, Bishop of the Diocese of Albany.

“We reaffirm our common judgment that the use of the death penalty is unnecessary and unjustified in our time and circumstances. Our nation should forgo the use of the death penalty because

- The sanction of death, when it is not necessary to protect society, violates respect for human life and dignity.
- State-sanctioned killing in our names diminishes all of us.
- Its application is deeply flawed and can be irreversibly wrong, is prone to errors, and is biased by factors such as race, the quality of legal representation, and where the crime was committed.
- We have other ways to punish criminals and protect society.”¹⁷

¹⁶ From *The Book of Discipline of The United Methodist Church*, para. 164G (The United Methodist Publishing House, 2004).

¹⁷ *A Culture of Life and the Penalty of Death: A Statement of the U.S. Conference of Catholic Bishops Calling for an End to the Use of the Death Penalty* (Washington, D.C.: U.S. Conference of Catholic Bishops, 2005), 3.

The evolution of Catholic teaching on capital punishment is instructive, illustrating the “evolving standards of decency” from a religious moral perspective. For most of its history, the church viewed the death penalty as a legitimate right of the state, necessary to the maintenance of law and order, though permissible only in the most serious of circumstances. Thomas Aquinas (c. 1225-74) likened it to preserving the whole of society by removing a diseased part of the body. By the time of his 1963 encyclical, *Pacem in terris* (*Peace on Earth*), however, Pope John XXIII, influenced by the postwar human rights movement, stated: “Any human society... must lay down as a foundation this principle, namely, that every human being is a person... [and] has rights... [which are] universal and inviolable...” (#9) That is, human persons qua persons have rights that can never be wrested from them, no matter what acts they commit. Pope John Paul II spoke out against the death penalty throughout his papacy, seeking clemency for persons condemned to death and, on his visits to the U.S., urging us to abandon the use of the death penalty. Today, Church teaching continues to recognize the right of legitimate government to resort to the death penalty, but it

Humanist

12. The American Ethical Union, New York Society for Ethical Culture.

“RESOLUTION ON CAPITAL PUNISHMENT

“WHEREAS, the American Ethical Union affirms the worth and dignity of every human being and has repeatedly, by Resolutions expressed its opposition to capital punishment, and

“WHEREAS, governments which employ the death penalty suffer diminished ethical standing, and

“WHEREAS, more than four score innocent persons have been released from death row after their convictions for capital crimes were shown to have been in error, and

“WHEREAS, improper and illegal actions by law enforcement officials, which provide juries and judges with inaccurate or insufficient evidence which in turn has resulted in erroneous convictions, leads the American Bar Association to say that the administration of the death penalty is ‘a haphazard maze of unfair practices with no internal consistencies,’ and

“WHEREAS, execution of any convicted but innocent person is an irreversible act, now

directly challenges the appropriateness of government’s doing so in a society now capable of defending the public order and ensuring the public’s safety. The revised edition of the *Catechism of the Catholic Church* (1997) asserts that if non-lethal means are sufficient to defend and protect people’s safety from an aggressor, then public authority should limit itself to such means, because they are more in keeping with the concrete conditions of the common good and the dignity of the human person. “Today,” the *Catechism* continues, quoting from John Paul’s 1995 encyclical, *Evangelium vitae (The Gospel of Life)*, “... as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm—without definitively taking away from him the possibility of redeeming himself—the cases in which the execution of the offender is an absolute necessity ‘are very rare, if not practically non-existent.’” (#2267)

“THEREFORE, the American Ethical Union, in pursuit of the goal of establishing the highest ethical principles as moral standards for the laws and government of the United States

Supports both legislative and executive initiatives at the Federal and State levels to impose moratoriums on carrying out any existing capital verdicts;

Opposes any legislation which would make executions of current or future convicts more likely through limitations in the appeals process or otherwise;

Advocates the greatly expanded use of every available means, whether judicial, scientific or technical, to ensure due process and fair trials for all accused persons;

Reiterates its unswerving opposition to capital punishment.”¹⁸

Inter-religious

13. Interfaith IMPACT of New York State.

“Interfaith IMPACT of New York State, a statewide advocacy organization representing progressive Protestant, Unitarian Universalist, and Reform Jewish congregations, clergy and individuals, strongly opposes any proposal that includes reviving the death penalty in New York State.”¹⁹

14. New York Religious Leaders Against the Death Penalty.

“Across the nation there is mounting evidence that the death penalty is extremely costly, ineffective in fighting crime, unequally applied, and handed out with alarming frequency to defendants who are later proven to be innocent. Even most death penalty proponents

¹⁸ American Ethical Union, “Resolution on Capital Punishment,” adopted at the 87th American Ethical Union Assembly, Hasbrouck Heights, N.J. (June 3, 2000).

¹⁹ Interfaith IMPACT of New York State, “Interfaith Leaders Oppose All Death Penalty Proposals” (April 24, 2006).

now agree that there are serious problems with its implementation. We in the religious community wish to set the moral tone... on this issue, promot[ing] serious and thoughtful reflection... [as to] why we believe executions will not solve the problem of violent crime in the State of New York.”²⁰

15. The New York State Council of Churches.

“We believe that persons of faith should oppose the death penalty. Until it is abolished by the United States, it is important to support the American Bar Association's call for a moratorium on executions.... There are practical objections to this ultimate punishment.

Among them:

- innocent persons have been executed. Since 1972, [123] men and women who had been sentenced to death row were found innocent, and released.
- historical patterns reveal that application of the death penalty has been discriminatory toward persons of color and those in poverty. Prejudicial factors and lack of adequate defense counsel contribute to these patterns.
- states performing executions tend to have higher murder rates than those that do not execute.
- the U.S. is one of few democracies to retain the death penalty.
- human life is sacred. No one is categorically beyond redemption. We do not want the state to kill in our name.

²⁰ New York Religious Leaders Against the Death Penalty, “Interfaith Statement on Capital Punishment” (July 2005).

- Families of murder victims who are able to forgive testify that it brings them indescribable peace.”²¹

Jewish

16. Union for Reform Judaism and the Central Conference of American Rabbis.

“Biblical law mandates the death penalty for 36 offenses. These include a broad range of crimes from murder to kidnapping, adultery to incest, certain forms of rape, idolatrous worship and public incitement to apostasy, from disrespecting parents to desecrating the Sabbath.

“The Reform Movement, however, has followed rabbinic interpretations that effectively abolished the death penalty centuries ago. *Mishnah Sanhedrin* 4:5 stresses the importance of presenting completely accurate testimony in capital cases, for any mistakes or falsehoods could result in the shedding of innocent blood. If any perjury were to cause an execution, ‘the blood of the accused and his unborn offspring stain the perjurer forever.’

“The passage goes on to liken wrongful executions to Cain killing Abel, concluding that—‘it is for this reason that God created only one human in the beginning, a token that he who destroys one life, it is as though he had destroyed all humankind; whereas he who preserves one life, it is as though he preserved all humanity.’

“In another passage, the rabbis show distaste for executions. Said one: ‘The Sanhedrin (Supreme Court) that puts to death one person in seven years is termed tyrannical.’ Rabbi Eleazar Ben Azariah says, ‘One person in seventy years.’ Rabbi

²¹ Virginia Mackey, *Doing Justice* (Albany, N.Y.: New York State Community of Churches, n.d), 12-14 *passim*. Mackey served both as chair of and consultant to the New York State Council of Churches' Task Force on Criminal Justice.

Tarffon and Rabbi Akiba say, ‘If we had been in the Sanhedrin, no one would have ever been put to death.’ Rabban Simeon Ben Gamaliel says, ‘They would have thereby increased the shedders of blood in Israel (*Mishnah Makkot* 1:10).’

“While the last line indicates a belief that the death penalty, if carried out judiciously, can be a deterrent, prevailing Jewish thought in every movement has followed the previous opinions, which either oppose the death penalty outright, or allow for it only in the most extreme—once in seventy years—circumstances. Following this line of thinking, the major Jewish movements in the United States all have specific policy supporting either abolition of the death penalty, or a moratorium on its use.

“Since 1959, the Central Conference of American Rabbis (CCAR) and the Union for Reform Judaism (URJ) have formally opposed the death penalty.

“The CCAR [has resolved](#) that capital punishment ‘does not act as an effective deterrent to crime.’

“The URJ notes that: ‘We believe that there is no crime for which the taking of human life by society is justified, and that it is the obligation of society to evolve other methods in dealing with crime. We appeal to our congregants and to our co-religionists and to all who cherish God’s mercy and love to join in efforts to eliminate this practice [of capital punishment] which lies as a stain upon civilization and our religious conscience.’”²²

²² Religious Action Center of Reform Judaism, “The Jewish Perspective: The Death Penalty and Jewish Values,” www.rac.org (accessed Oct. 31, 2006).

17. United Synagogue of Conservative Judaism, Rabbi Jerome M. Epstein, Executive Vice President.

“There are few areas in Jewish law where the biblical and talmudic view so conflict as in the matter of capital punishment. The dominant, although not exclusive, line of argument proffered in the Talmud opposes the death sentence, even in the case of premeditated murder. It places so many restrictions on the judicial authorities that very few, if any, murderers would be convicted were these restrictions enforced.... A contemporary Orthodox legal scholar, Rabbi J. David Bleich, notes that, from the perspective of Jewish law, ‘fingerprints, forensic evidence and the like must be relegated to the category of circumstantial evidence’ and thus are judicially worthless.... The Talmud explains that they would have ensured that no death sentences were carried out by subjecting the witnesses to such searching cross-examination that, inevitably, there would be questions they couldn't answer. Akiva and Tarfon would have used the witnesses' inability to answer as the rationale for not sentencing the defendant to death (Talmud Makkot 7a).”²³

Muslim

18. Imam Al-Hajj Talib ‘Abdur-Rashid, The Mosque of Islamic Brotherhood, Manhattan.

“I support an indefinite moratorium on the Death penalty in the U.S., for the religious reasons stated by the Islamic scholars [*infra*]. Punishment under the law must stand upon the principle of justice tempered by mercy. In the U.S. the extremely disproportionate ratio of arrests, and death penalty sentences imposed upon racial minorities under the American criminal justice system, is indicative of a variety of

²³ Rabbi Joseph Telushkin, "Murder and the Death Penalty", in *Jewish Wisdom: Ethical, Spiritual, and Historical Lessons from the Great Works and Thinkers* (New York: William Morrow & Company, 1994), 407-16.

disparities that must be corrected before capital punishment can even be contemplated in society. Those disparities preclude a just application of law and punishment in too many cases.”²⁴

Unitarian Universalist

19. The Unitarian Universalist Association.

The Unitarian Universalist Association has opposed capital punishment since its first General Assembly as a consolidated denomination in 1961. Its 2005 Final Statement of Conscience on criminal justice and prison reform states: “One of the most shameful aspects of our current criminal justice system is the death penalty. Many countries have abandoned the practice of capital punishment. Studies fail to demonstrate that the death penalty actually deters crime. While the United States Supreme Court has ruled against the execution of juvenile offenders, the death penalty is still legal in the United States. Experience shows that judges and juries wrongly convict defendants. Given the number of death row inmates released on account of innocence, it is highly likely that we have executed innocent people and will do so again in the future unless we abolish the death penalty.”²⁵

Other Religious Groups that Oppose the Death Penalty:

Buddhist

Buddhist Peace Fellowship

²⁴ Imam Al-Hajj Talib ‘Abdur-Rashid, personal statement (October 2006).

²⁵ Unitarian Universalist Association of Congregations, “Criminal Justice and Prison Reform: Final Statement of Conscience” (June 2005).

“Society is like a dense fabric, made of many intertwined threads. Murder is like a violent tear in the fabric. The death penalty is like trying to repair the tear by cutting away at the fabric when we should take care to weave the many split threads back into the fabric.... We oppose all executions, in keeping with the First Precept of Buddhism, which says not to harm any living thing.”

Engaged Zen Foundation

“The First Precept of Buddhism goes something like this: ‘I am reverential and mindful of all life, I am not violent and I do not kill.’”

Christian

Alliance of Baptists

“Even if the problems with the application of the death penalty could be corrected, as members of a forgiven people we now speak out to oppose the use of the death penalty in our country and around the world.... [W]e call upon churches actively to pursue ministries that promote healing and justice for victims of crime, while opposing pseudo-solutions, such as the death penalty, which perpetuate violence, hatred and revenge.”

Baptist Peace Fellowship of North America

“We, therefore, urge our members to seek God’s justice and denounce the use of the death penalty. We encourage them to remember all those harmed by the violence of crime.... Jesus Christ calls the church to a ministry of reconciliation and justice. As part of the community of faith, the Baptist Peace Fellowship of North America joins with many other voices in following that call. To this end, we denounce the use of the death

penalty and urge our members to seek justice for all those who suffer because of violent crimes.”

The Bruderhof Communities

“We oppose the death penalty in all cases, out of reverence for human life and for God, the creator of Life.”

Christian Church (Disciples of Christ)

“We believe there is a Christian mandate against capital punishment. We know God’s justice and mercy through the teachings of His son, Jesus Christ, who both taught and practiced the forgiveness of injustice.... THEREFORE, BE IT RESOLVED, that the General Assembly of the Christian Church (Disciples of Christ)... supports a permanent moratorium on capital punishment whether undertaken for deterrence or redress; and BE IT FURTHER RESOLVED that congregations, regions and general units of this church be encouraged to pursue ways to support and implement the intent of this resolution at the national, provincial, state and local levels.”

Church of the Brethren

“The Church of the Brethren has consistently opposed the death penalty in its Annual Conference statements of 1957, 1959, and 1975. In July 1979, a General Board resolution reaffirmed those Annual Conference statements. These actions have delineated an understanding of God’s will for us which upholds the sanctity of human life and personality, opposes the use of capital punishment and encourages Brethren to work for the abolition of the death penalty.”

Community of Christ

“Based on the action of its highest legislative body, the Community of Christ opposes the death penalty and prefers to seek ways to achieve healing and restorative justice.”

Friends Committee on National Legislation

“We seek abolition of capital punishment, because it violates the sacredness of human life and our belief in the human capacity for change. This irreversible penalty cannot be applied equitably and without error. Use of the death penalty by the state powerfully reinforces the idea that killing can be a proper way of responding to those who have wronged us. We do not believe that reinforcement of that idea can lead to healthier and safer communities.”

Friends United Meeting

“We look with favor upon the renewed efforts in our time to abolish capital punishment, [and] urge our members individually, and our Monthly and Yearly Meetings to unite with others in the task for removing the death penalty from the statute books of the various states, provinces and central or federal governments, and the United Nations.”

The Mennonite Central Committee

“We believe the Mennonite and Brethren in Christ churches must act to enhance respect for human life, and that this cannot be done through executions.”

Mennonite Church USA

“Jesus’ death on the cross was the final payment for sin—a final sacrifice that made unnecessary other forms of sacrifice, including the human sacrifice that we call capital

punishment. Jesus showed us that salvation from sin lay in forgiving the enemy, not in getting even by imitating the enemy's wickedness.”

The Moravian Church in America

“RESOLVED: that the Northern Province of the Moravian Church in North America put itself on record as being opposed to capital punishment and that the members of the Moravian church be urged to work for the abolition of the death penalty.”

National Council of the Churches of Christ in the U.S.A.

“In light of its long-standing opposition to capital punishment, and recognizing the necessity for making incremental efforts to eliminate the death penalty, the National Council of Churches in the U.S.A. reaffirms its opposition to the death penalty and supports legislation that seeks to eliminate racially-biased sentencing.”

The Orthodox Church in America

“BE IT RESOLVED THAT the Ninth All-American Council of the Orthodox Church in America supports the abolition of the death penalty in this and all countries and does urge our elected and appointed officials in those states where prisoners are still executed to introduce and support appropriate legislation aimed at abolishing the death penalty.”

Pax Christi U.S.A.

“Pax Christi reaffirms its 1981 Seamless Garment position in support of all life. The consistent ethic of life opposes the death penalty... and anything that threatens life.”

Southern Christian Leadership Conference

“The SCLC’s founding president, Dr. Martin Luther King, Jr., believed that the death penalty both violates human rights and is a symptom of violence in society which could never serve as a remedy to violence. Additionally, the SCLC has opposed the death penalty because of its discriminatory application to the poor and people of color.”

United Church of Christ

“BE IT RESOLVED that the Twelfth General Synod of the United Church of Christ reaffirm opposition to the death penalty.”

Inter-religious

Fellowship of Reconciliation

“As people of religious and ethical conscience, we seek the restoration and renewal of wrong-doers, not their deaths.”

Jain

Statement by Manish Shah, Lifelong Jain, Member of the Board of Trustees, Parliament of the World’s Religions

“Jainism, which does not espouse belief in a creator god, has as its ethical core the doctrine of *ahimsa*, or no injury to all living creatures, and as its religious ideal the perfection of man’s nature, to be achieved predominantly through the monastic and ascetic life.... The death penalty is not consistent with the teachings of Lord Mahavira and the Jain faith. *Ahimsa* teaches reverence for all life. A respect for another’s life is respect for one’s own life. This is what it means to experience the dignity of our own

life. When we as a society cannot bear to cause pain to anyone is when we stop violating the laws of life. On this basis, capital punishment must be abolished.”

Jewish

The American Jewish Committee

“WHEREAS capital punishment degrades and brutalizes the society which practices it... NOW THEREFORE BE IT RESOLVED that the American Jewish Committee be recorded as favoring the abolition of the death penalty.”

American Jewish Congress

“The American Jewish Congress is an organization of American Jews founded in 1918 to protect the civil, political, religious, and economic rights of American Jews and all Americans. It has opposed the death penalty in the United States because it believes that, given the current state of the criminal justice system, it cannot be administered in ways that comply with elementary notions of justice and fairness.”

National Council of Synagogues

“Our contemporary Jewish religious and moral leaders have developed a consensus that the practice of capital punishment is unacceptable in our time.... Our tradition teaches that vengeance and retribution neither heal pain nor comfort the bereaved. Responding to violence with violence only breeds more violence and suffering. Though we understand society’s concerns with punishing the guilty by meting out death as a form of retributive justice, we as religious people are called to a higher moral ground, seeking punishments that allow for healing, reconciliation and penance. The death penalty annihilates the

possibility of reaching this higher ground, all the more so in the case of juvenile executions.”

The Rabbinical Assembly

“THEREFORE, be it resolved that The Rabbinical Assembly oppose the adoption of death penalty laws and urge their abolition in states that have already adopted them.”

Union of American Hebrew Congregations

“We believe... that the practice of capital punishment serves no practical purpose. Experience in several states and nations has demonstrated that capital punishment is not effective as a deterrent to crime. Moreover, we believe that this practice debases our entire penal system and brutalizes the human spirit.... We appeal to our congregants and to our co-religionists, and to all who cherish God’s mercy and love, to join in efforts to eliminate this practice which lies as a stain upon civilization and our religious conscience.”

Mormon

Mormons for Equality and Social Justice

- “1. Calls upon all states to abandon the practice of capital punishment.
2. Calls upon the U.S. Congress to declare capital punishment cruel and unusual punishment by federal statute, and therefore unconstitutional.
3. Urges that all statutes addressing law enforcement, due process, and incarceration be based on security for society and rehabilitation of offenders, not on retribution.”

Muslim

Dr. Azizah Y. al-Hibri, Islamic Scholar

“In principle, capital punishment is not prohibited in Islam. Capital punishment in Islamic law, however, has its own *dhawabit* (checks and balances). For one, this punishment is not imposed unless due process has been observed in a fair trial, and extenuating circumstances were fully considered.... [I]t is an established fact that the burden of capital punishment in the United States falls disproportionately on minorities.... This bias is not only racial, but economic as well.”

Dr. Shaid Atha, Islamic Scholar

“We must consider capital punishment from the aspect of a giver of life and death. ‘He who created life and death, that He may test which of you is best in deed. He is the mighty, the forgiving.’ (Qur’an 77:2) ‘No one can die except by God’s permission, the terms being fixed as by writing.’ (Qur’an 3:145) Life is sacred. ‘Do not take the life which God had made sacred except in (the course of) justice.’ (Qur’an 6:151).... Thus is it clear that the giver of life and death is God Himself alone, and anyone acting on His behalf must act according to His principles.”

Muslim Public Affairs Council

“The Qur’an does sanction the use of the death penalty in certain circumstances. However, this is circumscribed by a variety of factors.... [T]he injunction to be merciful is emphasized throughout the Qur’an, and even in capital cases of murder, the Qur’an clearly states that it is better to forgive, but most men are not capable of that. A democratic polity, however, can choose to enshrine this divine mandate to be merciful

within the law itself by forgoing the death penalty in its entirety. Our reading of the Islamic texts supports such a conclusion.”

Native American

Yvonne Swann, International Indian Treaty Council Information Office

“I am a member of the Sinixt/Arrow Lakes Nation.... The death penalty was imposed on my people from the day that the colonizers first set foot on this land.... We don’t believe in the death penalty. If we did, there wouldn’t be any other people here but the indigenous peoples. We believe in sharing. We are a loving and peaceful people.”

Sikh

Nemi Jain, Sikh Scholar

“Executing [an individual] is against Sikh values of love, compassion, mercy and forgiveness.”

CONCLUSION

This Court should reverse the judgment and remand John Taylor’s case for non-capital re-sentencing, and declare the death penalty unconstitutional under Article I, Section 5 of the New York State Constitution as contrary to “evolving standards of decency,” “humane justice,” and contemporary moral sensibilities.

For these reasons, and for other reasons set forth in the Brief, we respectfully urge that the judgment below be reversed.

Dated: Albany, New York
November 2, 2006

Respectfully submitted,

TOBIN AND DEMPFF LLP

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Attorneys for *Amici*
New York Religious Leaders Against
The Death Penalty and Other Religious
Organizations

APPENDIX

List of *amici*:

Buddhist

1. Buddhist Council of New York, Venerable Kurunegoda Piyatissa, President Emeritus.

Venerable Kurunegoda Piyatissa is President Emeritus of the Buddhist Council of New York, an umbrella organization representing the three traditional branches of Buddhism—Mahayana, Theravada, and Vajrayana. Council members include 28 temples throughout New York State.

Christian

2. American Baptist Churches of the Rochester/Genesee Region

The Public Christian Mission Committee of the American Baptist Churches of the Rochester/Genesee Region has responsibility for promoting the cause of Christian social justice and peace through the following methods:

- Study of current social, ethical, and personal issues
- Educational opportunities for leadership training
- Recommendation for actions by the region's executive board and region delegates

There is a direct tie to greater ecumenical work through participation of delegates to the Greater Rochester Community of Churches.

3. Baptist Ministers' Conference of Greater New York and Vicinity, Anzetta Adams, Representative.

The Baptist Ministers' Conference of Greater New York and Vicinity represents a large number of Baptists in New York City, as well as Connecticut and New Jersey. Its purpose is to promote amity and good fellowship among its members; to initiate study and interest in the cause of Christianity; to deepen the spirit of devotion; to contribute in

every way possible to the advancement of the Kingdom of Christ; to improve life along educational, mission, civic, economic and spiritual lines; to contribute every helpful influence possible to the life of the Christian ministry; and to maintain a vigilant prophetic eye of concern on matters that effect humankind. It is affiliated with the New York Baptist Convention and the National Baptist Convention.

4. The Episcopal Church, USA, The Rt. Rev. Gladstone Adams III, Bishop of the Episcopal Diocese of Central New York, The Rt. Rev. Jack M. McKelvey, Bishop of the Episcopal Diocese of Rochester, The Rt. Rev. Mark Sisk, Bishop of the Episcopal Diocese of New York, and The Rt. Rev. David Vena, Bishop of the Episcopal Diocese of Albany.

The Episcopal Diocese of Central New York, with offices in Syracuse, has over 22,000 members in Central New York, stretching from the Southern Tier to the Canadian border. The Episcopal Diocese of New York is a community of over 200 congregations encompassing Manhattan, the Bronx, and Staten Island in New York City, and the counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

5. The Evangelical Lutheran Church in America, Bishop Stephen P. Bouman, Metropolitan New York Synod, and Bishop Marie C. Jerge, Upstate New York Synod.

The Metropolitan New York Synod has 220 congregations throughout New York City, Long Island, and Westchester, Sullivan and Ulster counties. The Upstate New York Synod has almost 200 congregations from Albany to Buffalo.

6. The Greek Orthodox Church in America, His Eminence Archbishop Demetrios, Primate.

Archbishop Demetrios, Primate of the Greek Orthodox Church in America, Exarch of the Atlantic and Pacific Oceans, and Chairman of the Holy Eparchial Synod of Bishops, is the spiritual leader of 1.5 million Greek Orthodox Christians in America.

7. New York Yearly Meeting of the Religious Society of Friends (Quakers), Ernestine G. Buscemi, Clerk, and Christopher Sammond, General Secretary.

The New York Yearly Meeting of the Religious Society of Friends (Quakers) is comprised of meetings (churches) and worship groups throughout New York State as well as in parts of New Jersey and Connecticut.

8. Presbyterian Church (U.S.A.), Clifton Kirkpatrick, Stated Clerk of the General Assembly, and the Rev. Dr. Clinton McCoy, Executive for Partnerships, Synod of the Northeast.

Clifton Kirkpatrick, as Stated Clerk of the General Assembly, is the senior continuing officer of the Presbyterian Church (U.S.A.). The Rev. Dr. Clinton McCoy, Executive for Partnerships, Synod of the Northeast, Presbyterian Church (USA), has his offices in East Syracuse. The Presbyterian Church (U.S.A.) is a national Christian denomination with nearly 2.5 million members in more than 11,500 congregations, organized into 171 presbyteries under the jurisdiction of 16 synods. The General Assembly of the Presbyterian Church (U.S.A.) has long held positions against capital punishment. The General Assembly does not claim to speak for all Presbyterians, nor are its decisions binding on the membership of the Presbyterian Church. The General Assembly is the highest legislative and interpretive body of the denomination. As such, its statements are considered worthy of respect and prayerful consideration of all the denomination's members.

9. Reformed Church in America, Regional Synod of New York.

The Regional Synod of New York is made up of 160 churches, located in the southwestern tip of New York State, with churches in Pennsylvania, New Jersey, Massachusetts, North Carolina, Georgia, and the U.S. Virgin Islands.

10. The United Methodist Church, Bishop Violet L. Fisher, Resident Bishop of the New York West Area, Bishop Susan W. Hassinger, Resident Bishop of the Troy Annual Conference, and Bishop Jeremiah J. Park, Resident Bishop of the New York Area.

As Resident Bishop of the New York West Area, with offices in Rochester, Bishop Fisher presides over more than 600 United Methodist congregations in the northern, southern tier, and western parts of the state. As Resident Bishop of the Troy Annual Conference, with offices in Saratoga Springs, Bishop Hassinger presides over 300 United Methodist congregations in northeastern New York and Vermont. As Resident Bishop of the New York Area, with offices in White Plains, Bishop Park presides over more than 500 United Methodist congregations in the Hudson Valley, the Catskills, New York City, and Long Island. The United Methodist Church has a long history of concern for social justice. Its members have often taken forthright positions on controversial issues involving Christian principles. Early Methodists expressed their opposition to the slave trade, to smuggling, and to the cruel treatment of prisoners.

11. U.S. Conference of Catholic Bishops, Most Rev. Howard J. Hubbard, Bishop of the Diocese of Albany.

The USCCB is a nonprofit corporation whose members are the active Catholic Bishops in the U.S. The USCCB is a vehicle through which the Bishops speak cooperatively and collegially on matters affecting the Catholic Church, its people, and society in general. The USCCB advocates for and promotes the pastoral teaching of the Church on diverse

issues, including the protection of human rights and the sanctity and dignity of human life. The Diocese of Albany has 400,000 members in 14 counties stretching from the Hudson Valley to the Adirondacks.

Humanist

12. American Ethical Union, New York Society for Ethical Culture.

Ethical Culture is a Humanist and Ethical movement inspired by the ideal that the supreme aim of human life is to create a more humane society. It stands for separation of church and state. Members of Ethical Culture believe acting morally does not require belief in a god. They place their faith in the demonstrated capacity of people to do wonderful things. They believe in the worth and dignity of all living beings. The New York Society for Ethical Culture is a member of the American Ethical Union and the International Humanist and Ethical Union.

Inter-religious

13. Interfaith IMPACT of New York State.

Interfaith IMPACT of New York State is a statewide organization of clergy, congregations, and individuals from liberal Protestant, Reform Jewish, Unitarian Universalist, and other faith traditions. It advocates from a progressive religious point of view for policies of justice and compassion in New York State.

14. New York Religious Leaders Against the Death Penalty.

New York Religious Leaders Against the Death Penalty was formed in 2002 as a committee of New Yorkers Against the Death Penalty. NYADP was incorporated in 1992 as a 501(c)(3) organization dedicated to the abolition of capital punishment in New

York State and the United States through public education and community organizing. NYRLADP is co-chaired by Bishop Howard J. Hubbard of the Albany Roman Catholic Diocese and Rabbi Peter J. Rubinstein, Head Rabbi at Central Synagogue in Manhattan, and includes a steering committee of religious leaders chosen from across the state to reflect the geographic and sectarian diversity of religious opposition to the death penalty in New York. Additional steering committee members: Sr. Camille D'Arienzo, R.S.M., Founder, The Cherish Life Circle, Brooklyn; Bishop Violet L. Fisher, Resident Bishop of the New York West Area of the United Methodist Church, Rochester; Rev. Thomas W. Goodhue, Executive Director, The Long Island Council of Churches, Hempstead; Rev. Daniel B. Hahn, Director, Lutheran Statewide Advocacy, Albany; Rev. Mark C. Hallinan, S.J., Assistant to the Provincial for Social Ministry, New York Province, Society of Jesus, Manhattan; The Rt. Rev. Jack M. McKelvey, Bishop of the Episcopal Diocese of Rochester.

15. New York State Council of Churches.

The New York State Council of Churches is a statewide organization through which Christian denominations accomplish mission goals that can be achieved more effectively by working together. Historically and in the present time, mission goals focus on social justice, institutional pastoral care, and ecumenical cooperation in education, worship and action.

Jewish

16. Reform Jewish Voice of New York State.

Reform Jewish Voice of New York State is Reform Judaism's advocate for social justice in the state. It promotes state legislation and governmental actions that address the root causes of social and economic injustice and advances religious tolerance and human dignity throughout the state. RJV accomplishes this by educating New York's Reform Jews about the critical issues facing the state and by helping congregations and individuals take an active role as advocates in local legislative districts and in Albany. RJV is affiliated with the Reform Movement as a part of the Commission on Social Action of Reform Judaism and has been endorsed by the five regions of the Union for Reform Judaism with congregations in New York State. Its work is modeled on the nationwide efforts of the Religious Action Center, and its positions are consistent with those of the national Reform Jewish Movement.

Union for Reform Judaism

The Union for Reform Judaism, the central body of the Reform Jewish Movement in North America. The Union represents 1.5 million Reform Jews in more than 900 synagogues across the U.S. and Canada. It has more than 900 congregations in the U.S., Canada, the Bahamas, Puerto Rico, and the Virgin Islands. It is the largest Jewish movement in North America and represents an estimated 1.5 million Jews. As the congregational arm of the Reform Movement, the Union has as its primary mission to create and sustain vibrant Jewish congregations wherever Reform Jews live. The Union provides leadership and vision to Reform Jews on spiritual, ethical, and political issues as well as materials and consultation for programs in the congregation. The Union also provides opportunities for individual growth and identity that congregations and

individuals cannot provide by themselves, including camps and Israel programs, study *kallot*, and North American and regional biennials.

17. United Synagogue of Conservative Judaism, Rabbi Jerome M. Epstein, Executive Vice President.

The United Synagogue of Conservative Judaism, representing over 750 congregations in North America, promotes the role of the synagogue in Jewish life in order to motivate Conservative Jews to perform mitzvot encompassing ethical behavior, spirituality, Judaic learning, and ritual observance.

Muslim

18. Imam Al-Hajj Talib 'Abdur-Rashid, The Mosque of Islamic Brotherhood, Manhattan.

Imam Al-Hajj Talib 'Abdur-Rashid is the religious and spiritual leader of The Mosque of Islamic Brotherhood, Manhattan. Having served for a decade as the chairman of the Justice Committee of the Majlis Ash-Shura (Islamic Leadership Council) of New York, he has just been appointed Vice President, and serves nationally as the Deputy Amir, of The Muslim Alliance in North America.

Unitarian Universalist

19. The Community Church of NY Unitarian Universalist.

Founded as a Unitarian congregation, The Community Church of New York is now affiliated with the Unitarian Universalist Association. The Community Church of New York Unitarian Universalist is a place to pursue personal spiritual growth and to engage in the joys and struggle of helping create a more just society and world. The Unitarian Universalist Association is a religious association of more than 1,000 congregations in

North America. Through its democratic process, the Association adopts resolutions consistent with its fundamental principles and purposes. In particular, the Association has adopted numerous resolutions expressing its opposition to the death penalty, consistent with the Association's principles and purposes affirming the inherent worth and dignity of every person.