



THE THOMAS MERTON CENTER
for Catholic Spiritual Development

February 25, 2008

To: The Honorable John Van de Kamp, Chair,
California Commission on the Fair Administration of Justice,
and Members of the Commission

Fax: (408) 554-5026

From: The Thomas Merton Center, Palo Alto, CA

Subject: The Charge to The Commission and Abolition of The Death Penalty

Dear Mr. Van de Kamp, Members of the Commission, and Staff:

The Thomas Merton Center applauds the state legislature for the establishment of the Commission, and is appreciative of the effort underway by the Commissioners and staff.

To the subject stated above, it has been reported that the Commission will not be commenting on "...the moral rightness or wrongness of the death penalty in California."

We believe a major factor in, and inspiration for, the creation of your commission in 2004 was the work completed by a similar commission in Illinois in 2002. Excerpted below is a critical statement from the Conclusion section of the Illinois Final Report:

"The Commission was unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would perfectly and guarantee absolutely that no innocent person is ever again sentenced to death."

(http://www.idoc.state.il.us/ccp/ccp/reports/commission_report/conclusion.pdf)

This statement directly impacts key topics in each of three duties set forth in the charge to you by the California Commission. The themes within these duties include: "wrongful executions," providing "safeguards and making improvements in the way the criminal justice system functions," and making "recommendations" to achieve a criminal justice system that is "...just, fair, and accurate...."

Independent of the "moral rightness or wrongness" issue, the duties assigned to you cannot be consummated, in our view, without addressing the "no innocent person," a minimum standard declared so frankly in the Conclusion by the Illinois Commission. Fulfillment of these duties would require consideration of abolition of the death penalty, or a moratorium at the very least.

Recommendations are being made to the Commission to narrow and lessen the offenses for which the death penalty might apply, and to approach the death penalty incrementally. Narrowing and lessening strategies still do not satisfy the "no innocent person" standard. Note, too, that consideration of a moratorium on the death penalty by the Commission would be consistent with the incremental strategy, as would be abolition.

Finally, deliberations and recommendations for a moratorium on, or abolition of, the death penalty are not expressly excluded in the charge to the Commission. Therefore, we ask you to exercise the full authority vested in you by the state Senate.

Again, the Thomas Merton Center applauds your efforts, and respectfully urges the Commission to consider the recommendations above.

In peace and justice,

Anna Jaklitsch

Anna Jaklitsch
Co-president

Kay Williams

Kay Williams
Co-president