



New York Office  
40 Rector Street  
5<sup>th</sup> Floor  
New York, NY 10006-1738

T 212.965.2785  
F 212.226.7592  
[www.naacpldf.org](http://www.naacpldf.org)

Washington D.C. Office  
1444 Eye Street N.W.  
10<sup>th</sup> Floor  
Washington, DC 20005

T 202.682.1300  
F 202.682.1312

April 12, 2017

Governor Asa Hutchinson  
State Capitol Room 250  
500 Woodlane Avenue  
Little Rock, AR 72201

Dear Governor Hutchinson:

I am privileged to lead the NAACP Legal Defense & Educational Fund, Inc. (LDF), the nation's oldest civil rights law firm. LDF was founded in 1940 by Thurgood Marshall, the pioneering civil rights lawyer who later became the first African-American Supreme Court Justice. Marshall, and every successive leader of LDF, has litigated against unconstitutional and inhumane criminal justice practices, including numerous challenges to the death penalty. Just last February, LDF successfully challenged the racially discriminatory capital sentencing of a defendant in Texas in the United States Supreme Court.

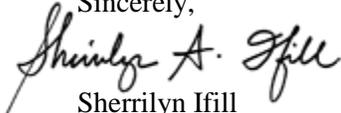
Thus, it is with grave concern for the integrity of our legal process, especially with respect to individuals sentenced to death, that I write to you concerning Arkansas's current plan to execute seven prisoners—four of whom are Black—over an eleven-day period. I strongly urge you to immediately stay each of the seven executions currently scheduled for this month. The expedited schedule for execution of these men presents a crisis that is in direct conflict with the principles of equality and justice that are the foundation of our legal system. It denies full access to the clemency process provided by Arkansas law, increases the likelihood of an unjust execution, and creates the public perception that Arkansas is concerned more with expedience than justice.

The planned expedited execution of these seven prisoners denies those men their right to counsel and the full opportunity to seek clemency. By giving each man only two months' notice of his execution date, their lawyers cannot adequately navigate clemency proceedings, competency hearings, stays of execution, and other legal processes, nor do they have enough time to properly prepare a full and comprehensive presentation of their clients' cases. This vastly truncated execution schedule also violates Arkansas' own rule that clemency hearings must be scheduled at least 30 days before an execution, thus creating the impression that these men are unworthy of the full measure of review and consideration due to all other condemned prisoners in the State.

The accelerated execution plan is particularly problematic because the deeply troubling facts in their cases render them especially suitable candidates for executive clemency. Six of these men suffer from a serious mental illness or cognitive deficiency, with one believing that he is on a mission from God. Another man has experienced the childhood horror of being prostituted by his own mother through his pre-teen years. The attorneys charged with representing these men at trial violated their constitutional obligations by failing to file necessary court submissions or overlooking basic avenues of investigation. One lawyer was even drunk in court.

In addition, the State's execution schedule creates a substantial risk of seriously mishandling one or more executions. Arkansas has not executed a single individual since 2005, and the present execution schedule is unprecedented in recent American history. The State of Oklahoma attempted the last double execution, and was forced to cancel the second one because the first was horrifically botched when Clayton Lockett died after writhing in pain. Oklahoma prison staff also commented on the extra stress imposed by a double execution, and a subsequent report recommended that no executions take place within seven days of each other.

If Arkansas is to impose the death penalty, it must do so fairly and judiciously, with due respect for each defendant's rights under state and federal law. This cannot occur if the scheduled executions move forward as planned. The lives of seven human beings and the integrity of Arkansas' justice system hang in the balance. Their fate should not be dictated by the inconvenient expiration of a lethal injection drug. I therefore implore you to reconsider this unprecedented execution schedule, and afford these seven men the opportunity to pursue whatever legal rights are available to them.

Sincerely,  
  
Sherrilyn Ifill  
Director-Counsel and President