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LDF Files Brief Calling for End of the Death Penalty in Pennsylvania

The NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) late Friday urging the Pennsylvania Supreme Court to rule that the death penalty violates the Commonwealth's constitutional protection against cruel punishment. The brief argues that the pervasive racial discrimination underlying Pennsylvania's use of capital punishment is grounds to bar the death penalty and calls for the Court to vacate Jermont Cox and Kevin Marinelli's death sentences accordingly.

"The finality of a death sentence leaves no room for error or misjudgment, yet multiple studies have found that Pennsylvania's use of capital punishment is incurably infected by racial bias," said [Alexis Hoag](#), Senior Counsel at LDF. "The Pennsylvania Supreme Court can put an end to this grave injustice now by striking down this cruel and discriminatory punishment."

In 1987, LDF mounted a challenge against Georgia's operation of the death penalty under the Eighth and Fourteenth Amendments in *McCleskey v. Kemp*. Despite overwhelming statistical evidence of racial discrimination, the U.S. Supreme Court ruled, in a sharply-divided 5-4 opinion, that Georgia's capital punishment did not violate federal law. LDF maintains that *McCleskey* was wrongly decided, allowing pervasive and systemic racial discrimination to persist in capital punishment systems throughout the country. The Pennsylvania Supreme Court, however, is not bound by the *McCleskey* decision in deciding whether the death penalty violates Commonwealth law.

LDF's brief argues that the racial inequities that pervade the death penalty in the Commonwealth renders it a "cruel punishment" in violation of Article 1, Section 13 of the Pennsylvania Constitution. Citing compelling statistical studies, the brief shows the prevalence of anti-Black racial bias in the selection of capital juries, prosecutors' capital charging decisions, and death sentences imposed by capital juries throughout Pennsylvania. This widespread racial discrimination has resulted in Black people comprising 54 percent of Pennsylvania's death row while accounting for only 12 percent of the Commonwealth's population. A 2003 study by Professor David Baldus sheds light on the bias responsible for the disparity, finding that one-third of the Black people sentenced to death in Philadelphia would have received life sentences if not for their race.

The Supreme Courts of Washington, Connecticut, and Massachusetts have all barred the death penalty under their respective state laws, and LDF's brief encourages the Pennsylvania Supreme Court to follow their example.

Read LDF's brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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