

February 11, 2008

900 Lafayette Street suite 608
Santa Clara, CA 95050

Dear Chair and Members of the Commission

The Progressive Jewish Alliance (PJA) opposes the death penalty. In addition to our firmly held belief that the death penalty is antithetical to progressive Jewish values, as a matter of public policy we are convinced that the death penalty system does not work and poses the distinct risk of killing innocent people.

The capital punishment apparatus of our criminal justice system is deeply flawed. Capital defendants are often provided with inadequate legal counsel, resulting in unfair and inequitable trials. The death penalty disproportionately impacts the poor and people of color. There is no credible evidence that the death penalty deters crime. A significant danger exists that innocent people have been and will be executed because of errors in the criminal justice system.

While Biblical law mandates capital punishment for a number of offenses, Talmudic interpretations essentially abolished the death penalty 1,800 years ago. Talmudic rules regarding capital punishment erected procedural obstacles that made it virtually impossible for the death penalty ever to be imposed by the Sanhedrin (the high Jewish court). For example, the rabbis ruled that two witnesses were required to testify not only that they witnessed the act for which the criminal was being condemned, but also that they had warned the perpetrator beforehand that, if he carried out the offense, he would be executed, and that he accepted this warning and nevertheless stated his willingness to carry out the act despite the knowledge that it would result in his execution.

In addition to recording these procedural safeguards, the Talmud also records the opposition of some of our tradition's great sages to the death penalty: "A Sanhedrin that issues a sentence of death once in seven years is a murderous tribunal. Rabbi Eleazer ben Azariah said: Once in seventy years. Rabbi Tarfon and Rabbi Akiva said: If we were members of the Sanhedrin, none would ever be executed. To this, Rabbi Simeon ben Gamaliel replied: Yes; and they would thus increase shedders of blood in Israel." The Progressive Jewish Alliance follows the position of Rabbis Tarfon and Akiva in calling for the abolition of the death penalty.

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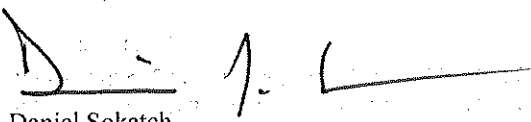
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The Progressive Jewish Alliance (PJA) was founded in 1999 by Jewish Angelenos seeking to assert an authentic progressive Jewish presence in the campaigns for social justice in Southern California, home to the nation's second largest city and second largest Jewish community. The Progressive Jewish Alliance educates, advocates and organizes on issues of peace, equality, diversity and justice, as a progressive voice in the Jewish community and a Jewish voice in the progressive community.

Sincerely,



Daniel Sokatch

Executive Director