

February 16, 2005

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

If the state of California proceeds with its scheduled execution of Michael Morales on February 21, Mr. Morales will be the first Latino to be executed in our state since the reinstatement of the death penalty in 1977.

As members of the Latino community in California, we are compelled to speak out before this execution proceeds. We come from all walks of life, all parts of the state, and all political opinions, but we are united in our conviction that because of the impact of race and ethnicity on death sentencing in California, the execution of Michael Morales must be stopped.

California has the largest Death Row in the nation, with 646 people facing execution. One hundred twenty four of the condemned are Latino. The *Santa Clara Law Review* recently published the results of an in-depth study showing the disproportionate impact of race, ethnicity, and geography on death sentencing in California. Based on 10 years of data, the study showed that someone who kills a white person is four times more likely to be sentenced to death than someone who kills a Latino person. Michael Morales is a Latino man who was convicted of murdering a white woman, Terri Winchell. Had his victim been Latino, he likely would not be facing the death chamber today.

What the study sadly reveals is that the state of California still places a higher value on the lives of whites than on the lives of Latinos.

The study also shows that Ventura County, where Morales' case was tried, has one of the highest rates of death sentencing in the state. A person convicted of murder in Ventura County is three times more likely to be sentenced to death than a person convicted of the same crime in Los Angeles County. The study authors found that this geographic disparity was also linked to race and ethnicity: communities where whites make up more than 50% of the population are far more likely to impose death sentences than communities with greater racial and ethnic diversity. Moreover, a California Supreme Court justice concluded that Ventura County systematically excluded Latinos from juries at the time of the Morales trial.

In San Joaquin County, where the charges against Morales were originally filed (the venue was changed due to publicity), race and ethnicity also strongly influenced the course of justice: between 1977 and 1986, an individual who killed a white person was twenty times more likely to be charged with the death penalty than if the victim were Latino. If the victim was a white woman, the defendant was 57 times more likely to face a death sentence. This disparate charging was the result of choices made by the San Joaquin County District Attorney's Office, the office that prosecuted Morales's case and that is now calling for his execution.

If unfair, biased and discriminatory prosecution and death sentencing continues, the number of Latinos sentenced to death is sure to increase, with a devastating impact on our community. We cannot stand silently by as arbitrary factors such as race, ethnicity, income and geography unfairly determine who shall live and who shall die.

For these reasons, we oppose the execution of Michael Morales.

The Most Reverend Gabino Zavala
Bishop of Los Angeles

The Most Reverend Richard J. Garcia
Auxiliary Bishop of Sacramento

Dolores Huerta
President, Dolores Huerta Foundation

Daniel Alejandrez
National Coalition of Barrios Unidos*

Reverend Deacon Sal Alvarez
LULAC California Deputy Director*

Olivia Araiza
Associate Director, Justice Matters*

Silvia Argueta
Board of Directors, ACLU of Southern California

María Blanco
Executive Director, Lawyers' Committee for Civil Rights of the San Francisco Bay Area*

Henry L. "Hank" Lacayo
National President Emeritus, Labor Council for Latin American Advancement*

Anamaria Loya
Executive Director, La Raza Centro Legal San Francisco*

Edward James Olmos

Magdaleno Rose-Avila
Executive Director, NW Immigrant Rights Project

*for identification purposes only