

1-1-2010

2010 Mandate: What Should We Do About The Death Penalty?

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Recommended Citation

"2010 Mandate: What Should We Do About The Death Penalty?" (2010). *CACTUS--Citizens' Assembly for Critical Thinking About the United States*. Paper 6.

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MANDATE - CACTUS 2010

- A. The 2010 Citizens' Assembly for Critical Thinking about the United States (CACTUS) must study arguments and proposals for keeping, changing or eliminating the death penalty, identify and analyze the perceived issues and problems leading to the proposals, including arguments in support of the death penalty as now it now exists in the United States. The Assembly must then decide whether the death penalty should be kept as it currently exists or that a change is warranted, and if so at what level or levels of government or through what type of Constitutional amendment the changes should be implemented; and if the recommended change is to eliminate the death penalty, whether other provisions should be mandated in conjunction with eliminating the death penalty.
- B. In carrying out this mandate, the Assembly must:
 - become well informed as to the history of the death penalty in the United States, current state and federal laws, Court decisions, relevant Constitutional provisions, and their applications, and the proposed alternatives and their rationales
 - study the use or abolition of the death penalty in other countries
 - consult with other citizens in the Eastern Kentucky University community of students, faculty, and staff, as well as interested members of the broader community, and provide them the opportunity to make submissions to CACTUS in writing and/or orally at public hearings
 - develop at least one alternative model based on keeping but changing the death penalty, and at least one alternative model based on abolishing the death penalty; and then debate and decide between them
 - re-examine the current status of the death penalty in the U.S. and then debate and decide between the status quo and the chosen alternative model
- C. If the Assembly recommends adoption of a change in the current policy governing the death penalty, the new policy must be described clearly and in detail in the final report and if a law or laws or a Constitutional amendment would be required at the state or federal level, proposed language for these must be included.
- D. If the Assembly recommends keeping the current policy and laws governing it, the final report must explain the reasons for judging this policy to be preferable to the alternative model most favored by the Assembly.
- E. The decision described in section A must:
 - be limited to the determination of the appropriateness or inappropriateness of the death penalty and any qualifying factors and
 - take into account the potential effects on the Constitution, the federal division of powers, and the role and cost of law enforcement, and be consistent with the basic principles of representative democracy
- F. Issues that arise in deliberations or public hearings that are beyond the scope of the mandate but that the Assembly may believe to be relevant to the process may be addressed in the final report.

- G. Whether or not the Assembly chooses to replace or alter the current laws and policies, it must produce a clearly-worded referendum question to this effect to be voted on by the university community and a clearly-worded explanation to be posted with the referendum question.
- H. The Assembly should make its decision and approve a referendum question no later than April 22, 2010, and should complete and approve its final report no later than April 28, 2010.
- I. The referendum question must be posted no later than April 28, 2010, and voting will continue through noon on May 5, 2010. The decision of the voters shall be announced at the last meeting of the Assembly on May 5, 2010, or no later than May 7, 2010.