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Dear Friend of TCP,

Time is running out for you to get your tickets to TCP's 9th Annual [Constitutional Champions Gala](#) to be held in Washington, D.C. on April 27. Note that this year's event is a luncheon. The event honors three individuals who have dedicated themselves to defending our nation's Constitution and the principles it embodies. Our honorees this year are Senator Dianne Feinstein (D-Calif.), former chair of the Senate Select Committee on Intelligence, who will be introduced by Senator Patrick Leahy (D-Vt.) and a Constitutional Champion in 2015; nationally-syndicated columnist George Will; and the late Representative Don Edwards (D-Calif.), who for many years chaired the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, where I had the privilege of serving as a staff counsel. Unfortunately, Justice Stevens has just notified us that he is unable to attend.



We cannot keep up our good work without you. For more information about sponsorship opportunities, [contact Lisa Banks](#). To purchase tickets, [visit our website](#).

Sincerely,

Virginia Sloan  
President, The Constitution Project



**Donate Now**



# TCP Hosts SCOTUS Briefing on Capitol Hill

## Current Events

On February 24, TCP hosted a standing-room only Capitol Hill briefing on cases decided by, or pending before, the U.S. Supreme Court during its current term. Cosponsored by Reps. Bobby Scott (Va.) and Steve Cohen (Tenn.), and the Congressional Staff Association for Constitutional Studies, the briefing was provided by American University Washington College of Law Professor Steve Vladeck. Vladeck, TCP's Supreme Court Fellow, discussed a number of major cases still to be decided by the Court, including the possible impacts on the outcomes due to the recent death of Justice Antonin Scalia. You can [listen to the entire briefing](#) on our website.

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## Public Safety Officials Raise Concerns About Death Penalty

### Death Penalty

Current and former law enforcement officers, prosecutors, and corrections officials from around the country have come together to share their concerns about the administration of the death penalty in America and to help policymakers explore alternatives to it. "Law enforcement officers, prosecutors and corrections officials are some of the people most familiar with the way the death penalty is carried out, yet our voices are not often heard in the discussions about it. Problems with capital punishment are increasingly on the public's mind, and we want to make sure our unique perspective is heard and considered," said Mark Earley, one of the co-chairs of [Public Safety Officials on the Death Penalty](#). Read more about this new group in [The Crime Report](#). TCP is providing organizational and logistical support to the group.

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## TCP Pushes for Unanimous Juries in Florida Capital Cases

### Death Penalty

In January, the U.S. Supreme Court decided 8 to 1 in [Hurst v. Florida](#) that the state's old death-penalty statute violates the Sixth Amendment. The decision called attention more broadly to the serious problems with Florida's administration of capital punishment. In a [letter delivered](#) to Senate leaders and members of the Criminal Justice Committee on February 18, TCP asked the Florida Senate to require unanimous jury verdicts in recommending capital punishment and in finding aggravating or mitigating circumstances. The Florida Senate subsequently voted to adopt a bill requiring at least 10 out of 12 jurors recommend execution in order for it be carried out. Gov. Rick Scott has since signed the bill into law. Florida is one of only three states that requires less than unanimous juries in capital cases. In a [previous statement](#), TCP said anything short of requiring unanimous jury verdicts leaves the state open to further costly litigation.

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## Supreme Court Hears Important Judicial Ethics Case

### Death Penalty

On February 29, the U.S. Supreme Court heard [Williams v Pennsylvania](#), a case involving whether a district attorney who sought and obtained a death sentence against a convicted murderer may subsequently hear an appeal of the case as a judge. Terrance Williams was convicted of the 1984 murder of a Philadelphia man, Amos Norwood, and sentenced to death. Williams claimed Pennsylvania Chief Justice Ronald Castille should have recused himself from the 2014 Pennsylvania

Supreme Court hearing on Williams' appeal because he had served as the local district attorney at the time of Williams' initial conviction, and had subsequently sought and won election to the court by championing his record of sending 45 people to death row, including Williams. A lower court had reversed the sentence because the prosecutor had not revealed information that Williams had been sexually abused by the individual he killed. The Pennsylvania Supreme Court, of which Castille was then Chief Justice, overturned that decision.

The Constitution Project helped organize two friend-of-the-court briefs in the case. The [first brief](#), from seven distinguished former appellate judges, argues that Castille's participation in hearing Williams' appeal "creates an unmistakable perception that petitioner (and others similarly situated) would not receive a fair hearing on their appellate claims." A [second friend-of-the-court brief](#), also organized by TCP, from 16 former prosecutors who subsequently became judges, cited a 1927 Supreme Court decision that recusal is required whenever a judge could potentially be tempted "not to hold the balance nice, clear and true between the state and the accused," either because of his relationship to the parties, or an interest in a particular outcome. We are grateful to the law firms of Sidley Austin and DLA Piper for their pro bono support. A decision is expected by June.

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## Coalition Wants "Robust" Funding for Federal Criminal Justice Programs

Right to Counsel

A coalition of 50 organizations joined TCP in asking appropriators in Congress for increased funding for criminal justice programs in the FY2017 federal spending legislation. In a [February 17 letter](#) to the leaders of the House and Senate appropriation subcommittees responsible for setting criminal justice funding levels, the groups noted that money available for state and local evidence-based programs has declined sharply in recent years. "Robust funding of evidence-based programs that support public safety and fair access to justice is critical," the groups wrote.

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## Sloan Commends D.C. District Court on Proposed Disclosure Rule

Criminal Discovery Reform

TCP President Virginia Sloan commended the U.S. District Court for the District of Columbia on a local rule proposed last month on the obligation of prosecutors to disclose exculpatory evidence. Prosecutors have a constitutional duty to hand over evidence that might help lawyers for an accused person to mount an effective defense, but what that entails is often left to the discretion of the individual prosecutor. "The proposed rule offered by the D.C. District Court will help clarify for the government what must be turned over to defense counsel and when," Sloan said in a [press release](#). A public comment period ends next week.

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## Speed Up Transparency Efforts and Improve Collaboration, Groups Tell Obama Administration

Transparency and Accountability

In a new report released on [February 17](#), civil society groups including TCP expressed a growing sense of frustration about the pace at which the Obama administration is honoring its commitments to improve government transparency, as well as disappointment over a perceived unwillingness of agencies to better collaborate with the nonprofit sector. Prepared by [Openthegovernment.org](#) - with input from nearly two dozen other organizations - as a part of a periodic "check-in" under the Open Government Partnership, the report highlights the shortcomings in the completion rate, the apparent lack of political mandate and follow-through, and the need for a much greater focus on collaboration.

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