



January 13, 2017

The Hon. Terry McAuliffe
Governor of Virginia
Office of the Governor, Patrick Henry Building, Third Floor
1111 E. Broad Street
Richmond, Va. 23219

Dear Governor McAuliffe:

I am writing on behalf of the ACLU of Virginia and its nearly 47,000 supporters and members in Virginia to ask that you stop Ricky Javon Gray's execution scheduled for next week and commute his sentence from death to life without parole.

We understand that the crimes to which Mr. Gray has admitted are particularly disturbing, even in light of the searing details of his own life. The facts of the crime and the convicted person's life story and arguments for mercy are, however, irrelevant to our position that the death penalty is demonstrably ineffective, cruel, and unusual punishment that should not be imposed ever in a just society, and, particularly, not where the penalty is applied arbitrarily and the procedure itself is inhumane.

The method of execution Virginia intends to use to execute Mr. Gray is severely flawed. Lethal injection, as you know, has become more difficult to implement across the country as pharmaceutical companies increasingly – and admirably – have refused to allow governments to use their drugs to kill people. This has caused Virginia to seek in secret, at great expense and at your urging, compounded drugs that have been tied to botched executions in other states. The barbarism of the death penalty remains all too real especially where, as here, there is no way to know whether the drugs that Virginia will use in the execution will be effective until after they are used on a human being.

Further, as other states have enacted more enlightened laws and counsel provided to capital defendants has improved, there has been a marked decline in executions across the country, including in Virginia. This leaves imposition of the death penalty increasingly to the discretion of local prosecutors, resulting in the reality that the location of your crime may be more important to whether you are prosecuted for capital murder than the nature of the crime itself.

No matter the circumstances, the method of execution, or the relative rarity of the death penalty today, executions are cruel and unusual punishment that should not be exacted by a moral government. The acts of the individual that placed them on death row do not erase that and should not be used to justify state-conducted killing with the false promise of deterrence, justice, or even retribution.

We stand firm in our position that the Commonwealth should not kill anyone for any reason and respectfully request that you use your power as Governor to commute Mr. Gray's sentence from death to life without parole.

Very truly yours,


Claire Guthrie Gastanaga
Executive Director

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