



RESOLUTION

REQUESTING THE GOVERNOR TO GRANT POSTHUMOUS REPRIEVE TO THE MARTINSVILLE SEVEN AND ORDER A COMMUTATION OF THEIR DEATH SENTENCES

WHEREAS, on March 24, 2021, Virginia abolished the death penalty, joining 22 other states and the District of Columbia in doing so; and

The General Assembly in its debates upon abolition cited wrongful convictions and racial disparities in applying capital punishment as a central argument in abolishing the death penalty; and

Virginia has executed more than 1300 people since its establishment in 1607; and

In the twentieth century, 296 of the 377 defendants executed by the state of Virginia were Black and all 45 men executed for rape were Black; and

There is no known historical record of a White defendant being sentenced to death for rape in Virginia's entire history; and

In Martinsville, Virginia in 1949 seven Black men: Francis DeSales Grayson, Frank Hairston Jr., Howard Hairston, James Luther Hairston, Joe Henry Hampton, Booker T. Millner, and John Clabon Taylor were convicted for the rape of a White woman, and were each sentenced to death and executed in 1951, being collectively known as the "Martinsville Seven"; and

The Martinsville community, joined by others across the nation and globe, including the NAACP and the Civil Rights Congress, held vigils, letter writing campaigns, and demonstrations objecting to the flawed process resulting in the convictions sentencing of the seven men;

Both the national and international media covered the fate of the Martinsville Seven, reporting the controversy surrounding their trials and sentences of death, and conveying the voices of prominent individuals such as Thurgood Marshall, Josephine Baker, Ozzie Davis and Ruby Dee in their efforts to assist the Martinsville Seven by raising issues of equality in justice and bringing into focus the racially disparate impacts of the American criminal justice system; and

The trials of the men were marked by the striking of all Black persons from the venire pools of potential jurors, culminating in single-day trials for each defendant before all White, all male juries

--which would today be held to be unconstitutionally impermissible under the principles of modern jurisprudence; and

The United States Supreme Court in *Coker v Georgia* (1977) ruled that the death sentence for rape is cruel and unusual punishment in violation of the Constitution of the United States; and

Under the mandates of modern jurisprudence and our nation's devotion to the principle of "equal justice under law," the Martinsville Seven would, under any and all circumstances, never have been executed-- without regard to their guilt or innocence; and

Posthumous pardons, reprieves, commutations or clemency have been granted in states as diverse as Florida, Georgia, Illinois, Maryland, Nebraska, South Carolina based upon on past injustices, and have also been granted nationally by the President of the United States, for such historic figures as Robert E. Lee by President Ford and Jefferson Davis by President Carter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARTINSVILLE:

The City Council of Martinsville hereby respectfully requests that, pursuant to Article V, Section 12 of the Constitution of Virginia, the Governor of this Commonwealth grant a posthumous reprieve to Francis DeSales Grayson, Frank Hairston Jr, Howard Hairston, James Luther Hairston, Joe Henry Hampton, Booker T. Millner, and John Clabon Taylor, and order a commutation of their respective death sentences.

Attest:



Karen Roberts, Clerk of Council