

# Death penalty repeal fails in committee; issue may still go to full Senate

Gov. Martin J. O'Malley's effort to repeal Maryland's death penalty failed in a key Senate committee, but repeal proponents say they're hopeful the measure will win passage in the full Senate.

The Senate Judicial Proceedings Committee's 5-5 vote fell one vote shy of moving out of committee. One member was absent.

But Senate President Thomas V. "Mike" Miller Jr. has agreed to rely on a procedural move to send the bill to the full Senate floor, said Patrick Murray, the senator's deputy chief of staff.

In a statement after the Feb. 27 vote, Gov. O'Malley said, "Today's action is the first step in having the repeal of the death penalty considered by the full Senate."

The governor said he looked forward to working with Sen. Miller and other senators to give the measure a full vote on the Senate floor. Gov. O'Malley's office declined to elaborate.

Mary Ellen Russell, executive director of the Maryland Catholic Conference, said after the committee vote that it's clear senators want a floor vote. She called on repeal proponents to contact their senators.

"It's critically, critically important for people to weigh in immediately with all of their senators in asking them to act to bring the bill up for a vote and to vote in favor of repeal," Ms. Russell said.

The Senate committee's vote came two days after Gov. O'Malley said he was hopeful the bill would win the 24 votes needed for Senate passage and, if necessary, 29 to break a possible filibuster.

“We want this issue resolved; we don’t want it obstructed,” Gov. O’Malley told about 100 clergy members after a Feb. 25 Annapolis prayer breakfast and march against the death penalty. “I think this is the year for repeal.”

His comments heartened Catholic leaders, including Auxiliary Bishop Denis J. Madden.

After the march, Gov. O’Malley, who is Catholic, told the clergy members: “It is very rare that we address an issue that reaches so deeply into the soul of our state as does this issue of state-sponsored death, state-sponsored executions.

“This is one of the defining moral issues of our time. This issue speaks to who we are as people.”

Gov. O’Malley, like other death penalty opponents, pointed to the findings of a state death penalty commission, which recommended in December that state executions be banned.

The Maryland Commission on Capital Punishment concluded that the death penalty poses a serious risk of executing innocent people; racial and geographical disparities exist in capital cases; and executions cost much more than sentences of life without parole.

Archbishop Edwin F. O’Brien and other Catholic leaders oppose the death penalty.

Standing alongside the governor in front of the State House, Bishop Madden called on lawmakers to repeal the death penalty.

“We urge all of our lawmakers to act not simply out of political, practical and legal considerations,” Bishop Madden said. “We urge them ... to listen truthfully to the voice of their moral conscience.

Bishop Madden, who served on the death penalty commission, said the church’s opposition goes beyond concerns about bias, deterrence, cost-effectiveness or executing an innocent person.

“Our church’s longstanding advocacy for death penalty repeal in Maryland rests

upon our consistent advocacy for laws that respect all human life, even that of the convicted criminal,” he said.

Bishop Eugene Taylor Sutton of the Episcopal Diocese of Maryland joined other clergy in criticizing the death penalty.

“Love is doing what is right precisely when it is hard,” Bishop Sutton said. “Jesus taught his disciples to go beyond an eye for an eye and a tooth for a tooth. For that would inevitably lead to what Martin Luther King Jr. and others called an eyeless, toothless society.

“Instead, Jesus just called us to love even the unlovely and stop the cycle of violence. Stop the hate. Stop the killing. Simply stop.”