

Death penalty repeal fails in Senate

An intense lobbying effort to repeal Maryland's death penalty failed in the state Senate when lawmakers decided to limit rather than abolish capital punishment.

Under what Senate President Thomas V. "Mike" Miller Jr. called a "compromise," amendments endorsed by the Senate on March 4 would remove repeal language and require videotaped or DNA evidence before the state could execute someone.

Sen. Miller was hopeful the amended measure would be accepted by Gov. Martin J. O'Malley and the House of Delegates without more amendments, said Patrick Murray, the senator's deputy chief of staff.

"I think the message that [Sen. Miller] has really tried to drive home is that this is the best compromise that the Senate is going to be able to fashion," Mr. Murray said.

On the Senate floor, Mr. Murray said, "Everybody who wanted the opportunity to talk was given the opportunity to talk" about the death penalty measure.

Gov. O'Malley mounted a major lobbying effort seeking repeal and, a week before the Senate's move, led a prayer breakfast and march against the death penalty.

In a March 4 statement, the governor said: "This is a painfully difficult issue.... While I do not think we can ever make the application of human justice perfect, the amendments passed in the Senate strengthen the standard of proof required to apply the death penalty in Maryland."

This year marked the first time the full Senate considered repeal since the death penalty was reinstated in 1978, and repeal advocates called that significant progress.

"I think the visibility of the issue has been very, very helpful in terms of getting out to the general public what the very valid arguments are against the death penalty," said Mary Ellen Russell, executive director of the Maryland Catholic Conference, the lobbying arm of the state's Catholic bishops.

“For the Catholic Church community, I think it’s clear we’re continuing to have an influence in promoting a consistent pro-life agenda on this issue.”

Death penalty opponents say they’ve come close to repeal for three years now – and have been lobbying for it for at least a decade.

Gov. O’Malley, like other death penalty opponents, had 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.

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 long-standing 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.