

Our view: Since taking office, Gov. O'Malley has presided over a long-term moratorium on executions in Maryland; next year he should push to end capital punishment outright

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Having successfully pushed for historic changes in Maryland laws regarding expanded casino gambling, in-state college tuition rates for some undocumented-immigrant students, and the right of gay people to marry, Gov. Martin O'Malley is now in a position to address one of the last great pieces of unfinished business of his time in Annapolis: abolishing the state's death penalty.

Mr. O'Malley, who opposes capital punishment on religious and practical grounds, reportedly is considering whether to ask the legislature to take up the matter again when it meets in January. We urge him to do so, not only because abolishing the death penalty is morally and ethically the right thing to do but also because there may never be a better time to ban capital punishment once and for all. This coming year, Governor O'Malley would have powerful allies, including the Baltimore-based national office of the NAACP, whose president, Ben Jealous, has vowed to put the full weight of his organization behind an effort to end the death penalty in Maryland.

This state already has one of the most restrictive death penalty laws in the country as a result of a 2009 compromise reached by the legislature that limits its application to cases in which there is either biological evidence of guilt, a videotaped confession or a video of the crime. The tougher requirements came about after Mr. O'Malley sought to abolish the punishment outright that year but failed to overcome the opposition of key lawmakers on the Senate Judicial Proceedings Committee. That hurdle has not disappeared, but the cause remains just, and there's no reason the governor should not try again.

Maryland has not executed anyone since Mr. O'Malley took office in 2006, shortly after the Maryland Court of Appeals temporarily halted executions because of flaws in the process the state used to adopt procedures for administering lethal injections. The court left it to the governor to issue new regulations for the process, but when those were completed in 2009, a legislative review panel determined the revised guidelines were equally flawed. That, coupled with a shortage of one of the key drugs used in lethal injections, has effectively turned what began as a temporary hiatus in executions into a de facto moratorium.

No one is satisfied with this situation — not the governor or his allies who oppose capital punishment; not supporters of the death penalty in the legislature who accuse Mr. O'Malley of dragging his feet on the resumption of executions; not the grieving families of murder victims, who have waited for years to see finality in the punishment of those responsible for the death of their loved ones.

Yet a resumption of executions in Maryland would not resolve any of the moral, ethical or practical problems that remain inherent in the state's death penalty law, even with the new restrictions. In 2008, a state commission headed by former U.S. Attorney General Benjamin Civiletti found that the death penalty is no more effective in deterring crime than a sentence of

life without parole, that it is inherently discriminatory along racial and class lines and cannot be fairly applied, and that the risk of executing an innocent person can never be eliminated.

Many of the witnesses who testified before the committee also noted the huge expense of prosecuting death penalty cases, where appeals can drag out for decades and consume taxpayer dollars that might be better spent preventing crime. At the same time, the lengthy appeals process prevents victims' families from finding closure after their loss.

Moreover, capital punishment has been declining across the nation in recent years. So far, 40 prisoners have been executed in 2012, compared to 85 executions nationally in 2000. Clearly, public opinion on the issue has evolved over the last decade, and the success of progressive reforms in this year's referendums on immigration, gay marriage and other issues suggests that attitudes about social issues among Maryland voters are changing rapidly. Mr. O'Malley should seize the opportunity to leave a lasting legacy at a time when his political capital has never been higher. Justice and public safety can both be served without resorting to state-sanctioned killings that neither guarantee justice will be done nor make the public safer from crime.

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