

UA 98/01

Death pen.

USA (Maryland) Steven Oken, white
Wesley Baker, black

On 16 and 17 April 2001, prosecutors will reportedly ask for execution dates to be set for Steven Oken and Wesley Baker, two death row inmates in Maryland. Their executions could be carried out within weeks.

The prosecutors will seek the dates despite the fact that a study into the fairness of Maryland's death penalty is still ongoing. The study, which is not due to be completed until at least the end of June 2002 and possibly later, was commissioned by Governor Glendening and is being carried out at the University of Maryland. Its prime focus is the impact of race on capital sentencing. It is considered likely that execution dates will be set for two other death row inmates, Vernon Evans and Anthony Grandison, both black, before the study is completed.

Earlier this week, a bill to impose a one-year moratorium on executions in Maryland failed when time - not support - ran out in the Senate due to filibustering [obstruction] by opponents. The lower House of Delegates had approved its version of the bill, which provided for a two-year moratorium, on 24 March by 82 votes to 54.

The prosecutors' plans to seek execution dates against Steven Oken and Wesley Baker followed immediately after the moratorium effort failed. The moratorium bill cannot return to the legislature until the next session, which begins in January 2002.

In Maryland, the Governor has the power to impose a moratorium by Executive Order.

BACKGROUND INFORMATION

The past two years has seen unprecedented domestic concern about the fairness and reliability of the US death penalty, particularly since the Governor of Illinois suspended executions in his state in January 2000 because of its "shameful" record of wrongful convictions.

Research into the US death penalty over the past two decades has consistently shown a pattern of sentencing anomalies which cannot be explained without reference to racial factors. In 1990, the General Accounting Office (an independent agency of the US government) issued a report on death penalty sentencing patterns. After reviewing and evaluating 28 major studies, the report concluded that 82 per cent of the surveys found a correlation between the race of the victim and the likelihood of a death sentence. The finding was "remarkably consistent across data sets, states, data collection methods and analytic techniques. . . [T]he race of victim effect was found at all stages of the criminal justice system process". Since the USA resumed executions in 1977, 706 prisoners have been executed. In over 80 per cent of the cases, the crime involved white victims. Whites and blacks are the victims of murder in approximately equal numbers in the USA.

In December 1996, a Task Force on the Fair Imposition of Capital Punishment, set up by Governor Glendening, concluded that in Maryland "the high percentage of African-American prisoners under sentence of death and the low percentage

of prisoners under sentence of death whose victims were African-American remains a cause for concern". Of the 16 prisoners on death row in January 2001 in Maryland, 11 (69 per cent) were black and five (31 per cent) were white. The state's population is about 70 per cent white and 25 per cent black. In 13 of the cases the victims of the crimes were white, although most murder victims in Maryland are black (about 80 per cent of the state's murder victims in 1995 and 1996 were black). Since the USA resumed executions in 1977, Maryland has executed three prisoners, two black and one white. All three were convicted of killing whites.

In June 2000, Governor Glendening commuted the death sentence of Eugene Colvin-El. Colvin-El, who is black, was tried in front of an all-white jury for the murder of a white woman. At his resentencing, the jury was made up of one black and 11 whites (see EXTRA 50/00, AMR 51/78/00, 23 May 2000 and update).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing sympathy for the victims of violent crime and their families, and acknowledging the challenge faced by society in confronting such violence;
- expressing concern that the recent moratorium effort in the state legislature failed due to filibustering by opponents;
- noting that the study into Maryland's use of the death penalty commissioned by the Governor is still ongoing, and that it would be unconscionable to allow any executions to go ahead before its results and recommendations are known;
- expressing concern that at least four men may face execution before the study is completed, and that in two cases prosecutors are moving to obtain execution dates;
- urge the Governor not to allow any executions to proceed and, at a minimum, to impose a moratorium in Maryland until the study is completed and its recommendations fully considered and acted upon.

APPEALS TO:

The Honourable Parris Glendening
Governor of Maryland
State House, Annapolis, MD 21401, USA
Fax: + 1 410 974 3275
Telegrams: Governor Glendening, Annapolis, MD, USA
Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also send letters of concern (not more than 250 words) to:

Letters to the Editor, *Baltimore Sun*, 501 North Calvert Street
P.O. Box 1377, Baltimore, Maryland 21278, USA
E-mail: feedback@sunspot.net
Fax: + 1 410 332 6455

PLEASE SEND APPEALS IMMEDIATELY.