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USA: Maryland Commission on Capital Punishment votes for abolition

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On 12 November 2008, by a vote of 13 to 7, the Maryland Commission on Capital Punishment voted to recommend abolition of the state's death penalty. The Commission's final report on its findings and recommendations is due to go to the Maryland legislature on or before 15 December 2008.¹

The Commission was established under an Act signed into law by Governor Martin O'Malley on 13 May 2008. Its mandate was to study the following areas in relation to the capital justice system in Maryland:

- Racial disparities;
- Jurisdictional disparities;
- Socio-economic disparities;
- A comparison of the costs associated with death sentences and the costs associated with sentences of life imprisonment without the possibility of parole;
- A comparison of the effects of prolonged court cases involving capital punishment and those involving life imprisonment without the possibility of parole;
- The risk of innocent people being executed;
- The impact of DNA evidence in assuring the fairness and accuracy of capital cases.

The commission is chaired by former US Attorney General Benjamin Civiletti, and includes two members of the Maryland Senate and two of the lower House of Delegates, as well as a former judge, members of the police and prison authorities, a state prosecutor and a public defender, relatives of murder victims, religious leaders, a former Maryland death row prisoner who was later exonerated, and individuals representing the general public.

The commission held a series of public hearings in July, August and September 2008 at which it heard testimony from an array of expert and other witnesses.

In response to the Commission's vote in favour of abolition, Chairperson Civiletti is quoted in the Maryland press as saying that "I would hope the recommendation of the commission... would have some persuasive merit before the legislature." The vote, he said, reflected the majority's view that "the capital punishment system as it is administered and exists in Maryland doesn't really work", and is "arbitrary and capricious."²

Amnesty International welcomes the Commission's vote in favour of abolition and looks forward to this recommendation becoming a reality in Maryland. The organization opposes the death penalty in all cases, unconditionally. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, to the public purse as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It diverts resources that could be better used to work against violent crime and assist those affected by it. It is an affront to human dignity.

Today, some 137 countries are abolitionist in law or practice. In 2007, the United Nations General Assembly called for a worldwide moratorium on executions and for retentionist countries to work towards abolition. The Maryland Commission's recommendation follows the recommendation for abolition made by a special commission in New Jersey in 2007. Among other things, the New Jersey commission concluded that there was no compelling evidence that the state death penalty rationally served a legitimate purpose; that there was increasing evidence that the death penalty is inconsistent with evolving standards of decency; that abolition would eliminate the risk of disproportionality in capital sentencing; and that the state's interest in executing a small number of people guilty of murder did not justify the risk of making an irreversible mistake.³ The state legislature responded by passing an abolitionist bill, which was signed into law by the New Jersey governor in December 2007.

Today, 14 states in the USA plus the District of Columbia are abolitionist. Thirty eight jurisdictions – 36 states, the federal government and the US military – retain the death penalty. Since the USA resumed executions in 1977 after nearly a decade without them, there have been 1,131 executions nationwide. A few states account for the majority of executions. Texas alone has put 421 prisoners to death. So far this year there have been 32 executions in the USA, half of them in Texas.

Maryland has carried out five executions since 1977. The last execution in Maryland was in December 2005.

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¹ A minority report, reflecting the views of those who did not vote for abolition, will also be produced.

² Repeal of death penalty urged. Baltimore Sun, 12 November 2008.

³ USA: New Jersey Death Penalty Study Commission recommends abolition, 3 January 2007

<http://www.amnesty.org/en/library/info/AMR51/003/2007/en>.