

Beat: Politics

Death Penalty Repeal Clears Maryland Senate

House expected to vote within next week

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USPA NEWS - The Maryland Senate voted 27 to 20 Wednesday to approved Gov. Martin O'Malley's legislation that would repeal the state's death penalty, putting Maryland on course to become the 18th state to abolish capital punishment.

The bill now goes to the House where it is expected to have a much easier time.

Supporters of the Repeal Argue...

Supporters of the legislation argued that capital punishment is not an effective deterrent, is costly and creates the risk of executing innocent people.

"We have a broken system here in Maryland," said Sen. Victor R. Ramirez (D-Prince George's), who cited statistics showing capital punishment has been more likely to be imposed in Maryland in cases with a black assailant and white victim.

Sen. Robert Zirkin (D-Baltimore County) who was the deciding vote in committee, allowing the bill to come to the full Senate, took to the floor Wednesday to say he had no sympathy for killers such as the five men currently on death row in Maryland for murders committed as far back as 1983, none of whom are considered to have a credible claim of innocence.

"There are horrible monsters," Zirkin said. "If you were always 100 percent sure, I think we would all agree they don't deserve to live."

But Zirkin said he couldn't accept even the remote possibility that Maryland could execute somebody who was innocent. That, he said, was the only reason he voted for the bill.

Senator Allan Kittleman (R-Howard) was one of two Republicans who voted for this bill and spoke passionately Wednesday before casting his vote.

"DNA evidence isn't always conclusive, and we've made that the Holy Grail," Kittleman said. He said he was swayed to believe that DNA evidence "indicates presence, not guilt."

"I don't think I'm protecting the criminals. I think I'm protecting the innocent," Kittleman said.

Supporters of Capital Punishment Argue:

Opponents of the Governor's legislation countered that the death penalty can be an important law-enforcement tool and should be kept on the books for heinous cases, several of which were recounted in graphic detail on the Senate floor.

They went on to say that since 2009, Maryland has had one of the most restrictive laws in the country in terms of the evidence required for the state to seek the death penalty. Under the law, prosecutors are able to seek the death penalty only when they have DNA or biological evidence, a videotape of the crime or a video-recorded confession by the killer.

"That ultimate punishment still needs to be available," said Sen. Christopher B. Shank (R-Washington) argued to his colleagues. "We are talking about the worst of the worst. We are talking about crimes against humanity."

Senate Minority Leader E.J. Pipkin (R-Caroline), one of the bill's most vocal opponents, said Wednesday "This isn't a case about facts and figures," Pipkin said. "This is about people and criminals doing harm to innocent victims that have ramifications for the families involved and the communities involved."

Sen. Pipkin often referred to the D.C. sniper who terrorized the area in 2001 killing innocent people in Maryland and Virginia. Ultimately, he was tried in Virginia first, where he was sentenced to death and died.

Next Stop on its Road to Repeal

The bill moves next to the House of Delegates, where supporters and repeal advocates say they are confident they have the votes. The Senate has long been viewed as the tallest hurdle for the legislation.

O'Malley's repeal bill was introduced this session with 67 co-sponsors in the House, leaving repeal advocates just four delegates to sway to get a majority.

Del. Samuel I. Rosenberg (D-Baltimore), a champion of the legislation, said he is confident they have the votes in the House of Delegates to prevail in coming weeks.

Much like gambling, the dream act, and same-sex marriage, if this bill passes, Maryland voters could have the final say on the issue.

With the bill's expected passage in the House, opponents have already vowed to make use of a provision in the state Constitution that allows citizens to petition recently passed laws to the ballot.

A Washington Post poll released last week showed that a majority of Marylanders want to keep the death penalty on the books despite widespread skepticism across the state about whether capital punishment is a deterrent to murder or is applied fairly.

On the national level, a 2011 Pew Research Center poll found 62 percent of Americans support keeping the death penalty, while 31 percent want it eliminated.

The last execution in Maryland took place in 2005. There are still five inmates on Maryland's death row.

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