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Only 32 states left after Maryland's repeal of the death penalty

by John Dear

On the Road to Peace

Maryland's had the death penalty since 1638; that is, until Thursday, when Maryland Gov. Martin O'Malley signed a law abolishing it. This is cause for great rejoicing and gratitude. Maryland becomes the 18th state to abolish the death penalty. Six states have done so in the last six years. That leaves 32 states.

"Maryland has effectively eliminated a policy that is proven not to work," O'Malley said. "Evidence shows that the death penalty is not a deterrent, it cannot be administered without racial bias, and it costs three times as much as life in prison without parole," he said in a statement. "Furthermore, there is no way to reverse a mistake if an innocent person is put to death. Working together with law enforcement partners, Maryland has driven down violent crime and homicides to three decade lows."

You could say that after almost 400 years, Maryland has finally entered the age of enlightenment. Ben Jealous, president of the NAACP, put it this way: "This is the day we join the rest of Western civilization."

Does that mean that the other 32 states have yet to join Western civilization? Unfortunately, yes.

Many activists worked hard to make this day come, and they all deserve our thanks. I hope they celebrated well. But I hope, too, that this historic day will inspire other activists, lobbyists and legislators in states currently considering new legislation, such as Delaware, Colorado and New Hampshire, to push for abolition, as well.

In particular, I hope California will redouble its efforts to abolish the death penalty, especially after November's close statewide vote. I wish Gov. Jerry Brown would join the campaign and lend his important voice to the movement. I've known Jerry for years and I like him, but I wrote him not long ago

and reminded him he does not want to go down in history like another certain governor who enforced executions -- Pontius Pilate. Jerry Brown needs to take the lead and speak out, as Martin O'Malley did, and help California join the civilized world.

One of the most moving aspects of Thursday's signing was the figure at the center of it -- not the governor, but one-time Maryland death row inmate Kirk Bloodsworth. In 1985, Bloodsworth was working as a waterman on Maryland's eastern shore. A little Baltimore girl had been brutally raped and killed, and police released a terrible drawing based on two boys' description. A neighbor told the police the drawing looked like Bloodsworth, and he was arrested. Despite the testimony of alibi witnesses, Bloodsworth was tried, convicted and sentenced to death. In 1986, his conviction was reversed on grounds of withheld evidence pointing to another suspect. He was then retried, reconvicted and sentenced to life in prison.

In 1993, newly available DNA evidence proved he was not the rapist-killer. The prosecution dismissed the case, and after nine years in prison, Bloodsworth was released. Later, he was awarded \$300,000 for wrongful punishment. Eventually, the DNA was matched to the real killer, someone Bloodsworth knew in prison.

Kirk Bloodsworth is the first person in the U.S. freed from death row because of DNA evidence.

According to the Death Penalty Information Center, 142 death row inmates across the country have been exonerated since 1973. That's 142 innocent people not only convicted but sentenced to die.

I cannot imagine what it would be like to be arrested for something you didn't do, for something you are equally horrified at (the rape and killing of a little girl). I can't imagine surviving trial and condemnation and ending up on death row awaiting execution, all the while knowing you are completely innocent. How would you survive?

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How many innocent people have been executed in our country over the years? As civilized people, we need to abolish the death penalty now, if for no other reason than we cannot ever again risk the murder of one innocent person.

"If it could happen to me, it could happen to anybody," Bloodsworth told *The New York Times* in February.

Since his release, Bloodsworth has spent his life working for the abolition of the death penalty and advocating for justice. He is a staff member of the Witness to Innocence Project, and by all accounts, one of the leading activists and most compelling voices for the abolition of the death penalty in the world.

"I kept telling people that I was innocent and it was very frustrating," Bloodsworth said in an interview at One For Ten. "I used to write letters from the time I was arrested till the time I was released, and tell anybody and everyone that I was an innocent person. I would sign all of my correspondence from jail, 'respectfully submitted, Kirk Bloodsworth, A.I.M -- an innocent man.' And it's very frustrating. I used to write to prosecutors at Christmas and judges and everybody, and I'd get no response, and if I did, it was negative. 'We can't help you, we regret to inform you.' These kind of things. It was very frustrating."

He continued:

I have a faith, you know, in God, and I had to grab a hold of my own sanity and anchor myself in some kind of way. I worked out like a maniac and I read all the time. I was constantly in books and I was constantly reading the law that pertained to my case and you know, my endeavor to grab my freedom. I had to prove the truth you know. The truth will set you free. I read the Bible 7 times. I communed with God. I had a realization that I was to endure whatever was coming and there was no way out of it and I had to get through to the other side.

How did it feel when I [learned that] the death penalty would be abolished in Maryland? I can tell you that 28 years later, I killed the thing that almost killed me. It was the most gratifying thing I've ever felt in my life. I was so happy, I got instantly tired. You know how when you take a long journey and you take that last step, like a pilgrimage, so to speak. I was so happy. Nobody in the state of Maryland will have to go to death row again, let alone an innocent man. No innocent man will ever be convicted and sentenced to death again. Not in my state.

In the February *New York Times* profile of Bloodsworth, Maryland state legislator Barbara Frush described his visit two years ago and how it immediately changed her mind about capital punishment, which she had long favored.

"I sat across the desk from him and looked in his eyes and listened to his story," she said. "It sent shivers down my spine. I thought, I can't take the chance that I might send an innocent man to death."

The 32 states that currently have the death penalty should take note. We do not need any more Kirk Bloodsworths, those long-sufferers who endure wrongful arrest, conviction and the torture of death row, only to be released and spend a lifetime in advocacy. One is enough. We should all listen to his story, as Martin O'Malley and Barbara Frush did.

The story of Kirk Bloodsworth should send shivers down everyone's spine. We can't take the chance of sending one more innocent man to death. Let's give thanks for Bloodsworth's hard work and for all those who made abolition become a reality in Maryland last week, and redouble our efforts to abolish the death penalty in the remaining 32 states.

To see John's speaking schedule for 2013 or to invite him to speak in your church or school, go to John Dear's website. John is now working with the Franciscan-based peace group *Pace e Bene*. He is profiled in *Doing Time for Peace* by Rosalie Reigle and with Dan Berrigan and Roy Bourgeois in *Divine Rebels* by Deena Guzder. John's book *Lazarus, Come Forth!* and other recent books, including *Daniel Berrigan: Essential Writings*, *Put Down Your Sword* and *A Persistent Peace*, are available from Amazon.com.

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