

September 22, 2008

TO: Benjamin Civiletti, Chairman, and Members of the Maryland
Commission on Capital Punishment

FROM: Robert J. Rhudy, Criminal and Restorative Justice Committee,
Baltimore Yearly Meeting, Religious Society of Friends

RE: Recommended Elimination of the Death Penalty in Maryland

I am an attorney, a resident of Baltimore, and a former executive director of the Maryland Legal Services Corporation. I am making this statement as a member of the Religious Society of Friends (“Quakers”), a member and assistant clerk of the Patapsco Friends Meeting in Ellicott City, Maryland, a member of the board of the Friends Committee on National Legislation, and a member of the Baltimore Yearly Meeting of the Religious Society of Friends’ Criminal and Restorative Justice Committee. Baltimore Yearly Meeting (BYM) is the association of more than forty Friends meetings in Maryland, Virginia, the District of Columbia, and central Pennsylvania. I have been authorized by the clerk of the BYM Criminal and Restorative Justice Committee to make this statement. This committee is designated as the “conscience of the Baltimore Yearly Meeting on issues relating to prison concerns and the death penalty.”

I first want to express my appreciation for your dedicated and extensive work on this very important state commission to gather and consider information as a basis for making recommendations to Governor O’Malley and other state leaders on the future of the death penalty in Maryland. I urge you to recommend the elimination of the death penalty.

I attended your hearing on September 5th and have sought to otherwise follow the reports of your prior hearings. Among various presentations and discussions, I know that you have given consideration to concerns about such matters as the risk of wrongly finding persons guilty and potentially sentencing persons to death because of witness errors or other causes, as has happened in

this state and across the country; of disparate application of the death penalty particularly to African-Americans (especially when charged with murdering whites), to persons with inadequate legal counsel, to low-income persons generally, and because of disparate application of the death penalty in various jurisdictions in our state. While there may be public policies available, if sufficient funding permitted, to reduce some or all of these factors, I do not believe they could be eliminated. Being wrongly convicted or unjustly imprisoned is awful, but unlike the case of execution, society has an opportunity to make some amends when the wronged person is alive.

I know that you have also received testimony suggesting that the death penalty does not appear to be a deterrent to crime, and suggestions that states without the death penalty appear to have lower murder rates than states which do. You have also received testimony that the public cost to execute a person is substantially higher than to provide punishment of a life sentence without parole; and that to maintain a death penalty, even when very rarely applied as in our state, is very expensive, requiring an allocation of scarce public resources that could be used as in some other states cited to otherwise better protect the public and address the causes of crime. I believe that you have also heard testimony from the families of murder victims in support of eliminating the death penalty for a variety of reasons, including the burden on their families of continuing appeals regarding final sentencing when the death penalty is sought. I believe all these factors, among others, speak strongly for eliminating capital punishment in our state.

As a member of the Religious Society of Friends, however, I urge you to recommend the elimination of the death penalty because it is wrong to intentionally kill another human being. Friends, in common with almost all religious traditions, very strongly believe that killing another person is morally and spiritually wrong. We believe also that such killing causes great harm to the person killing as well as to the person being killed and their families and communities. As a Friend, I believe that where it is wrong for one person to kill, it

is just as wrong for a collective of persons called “the State” to kill. I also believe that I and other citizens of this state are harmed by being parties to the killing called “capital punishment.”

Members of the Religious Society of Friends have been involved in prison and punishment reform in England, the American colonies, the United States, and elsewhere for over 350 years. Many of our members were imprisoned and some executed for their religious expression, but our activities in these areas come primarily from our shared belief that God endows each human being with a measure of the Divine Spirit—that there is “That of God” in every person.

In 1996 the Baltimore Yearly Meeting of the Religious Society of Friends approved a minute (i.e., resolution) at its yearly meeting reaffirming “its unwavering opposition to capital punishment. This has been a testimony of the Religious Society of Friends since its establishment in the seventeenth century. Our experience of God convinces that the state should not claim for itself a power which belongs to God. We urge Friends to work for the abolition of the death penalty.” The record of the yearly meeting continued that “Kurt Rosenberg (Bethesda) of the Friends Committee to Abolish the Death Penalty [since merged with other groups] shared with Friends that the historical root of Friends’ opposition to the death penalty can be traced to George Fox’s [a founder of the Religious Society of Friends in England] statement opposing the death penalty in the 1650s.”

Many of our members in Maryland and across the country today are regularly involved in meetings with persons in state, federal and military prisons, and are otherwise involved in seeking to address prison condition as well as the causes and effects of crime. For the past three years, I have participated with a group of nine men and women from Patapsco Friends Meeting in Ellicott City who meet in worship every Saturday morning with several men at Maryland Correctional Institution in Hagerstown, including persons who have been imprisoned for more than twenty years upon convictions of murder. In 2006, the men at MCI-H asked our visitation group’s support in creating a Friends

fellowship at the prison. We and they understand that society expects and deserves to provide punishment for their crimes; and we have come to witness through our experiences with them how severe imprisonment for years or life is in our state's penal institutions. We have heard the remorse they have expressed for their crimes, and we have seen and been spiritually enriched by their lives and contributions to others even while living in very hard conditions. As we feel sorrow for those they harmed, we give thanks that these men have the chance to live and grow and develop spiritually richer lives. Even in prison, they are making contributions to fellow inmates, their families and our state.

As a citizen of Maryland, as a member of the Religious Society of Friends, and on behalf of Baltimore Yearly Meeting's Criminal and Restorative Justice Committee, I urge you to recommend the repeal of the death penalty in our state. Thank you for your work and for your consideration.