

Court of Appeals; changing the form of an indictment for first degree murder; eliminating review of death penalty cases by a panel of trial judges; and generally relating to first degree murder and the death penalty in Maryland.

May 26, 1977

Honorable Steny H. Hoyer
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 106.

This bill rewrites the State law on capital punishment, which has been declared unconstitutional by the Court of Appeals, in order to conform it to the requirements enunciated by the United States Supreme Court and the Maryland Court of Appeals. In short, it is an attempt to make the death penalty an optional sentence for certain types of first degree murder that can and will be implemented.

I believe, with unequivocal conviction, that the death penalty should be part of the Maryland law, available as a sentence for particular types of first degree murder. When, in 1972, the Supreme Court decided Furman v. Georgia, 408 U. S. 238, causing our Court of Appeals, in Bartholomey v. State, 267 Md. 175, to declare the then current State law unconstitutional, I sponsored a bill to restore capital punishment in accordance with the requirements set down by the Court of Appeals.

In 1976, the Supreme Court wrote new Constitutional parameters for the death penalty, again causing the Court of Appeals, in Blackwell v. State, 278 Md. 466, to invalidate the law drafted in accordance with its prior decision.

I then asked the Attorney General to work with my office to prepare a bill that would clearly conform to the underlying Constitutional requirements, that would be free from ambiguity and interpretive problems, and that could be effectively administered. After a great deal of work, such a bill was drafted and introduced as an Administration measure in both houses of the General Assembly.

The Legislature chose to ignore the Administration bill, however, and long and careful work that had gone into its preparation, and instead passed Senate Bill 106.