

# Criminal Matters and Corrections

## Md. Attorney General Asks For End to Death Penalty

By LORI MONTGOMERY  
Washington Post Staff Writer

1/3/03

**Criminal Matters and Corrections**

Maryland Attorney General J. Joseph Curran Jr. urged state leaders yesterday to abolish the death penalty, saying that mistakes are inevitable in the capital murder system and that the prospect of executing an innocent person is an "intolerable risk."

Curran (D), who has long disapproved of capital punishment, said he was moved to call for its abolition when he realized that as many as seven men are to die by injection over the next few months—more than twice the number that Maryland has executed in the past 40 years.

"In the fractured history of the death penalty in Maryland, this is indeed a watershed moment," said Curran, whose office is responsible for prosecuting capital cases before the U.S. Supreme Court and the highest courts in Maryland. "Despite our best efforts, this system does make mistakes. We catch most of them, but we cannot catch all of them."

Curran said he has no reason to believe that any of the 12 men on death row is innocent. And he said he would do nothing to block upcoming executions, the first of which is scheduled for mid-March. As attorney general, Curran has overseen three executions. So long as the death penalty is on the books, he said, he has instructed his attorneys to follow the law.

But his statement is likely to intensify debate over the death penalty in Maryland, where Gov. Robert L. Ehrlich Jr. (R) has rescinded a moratorium on executions despite a recent University of Maryland study that found compelling statistical evidence of racial bias.

Just last week, Lt. Gov. Michael S. Steele expressed his own concerns about the report's findings and suggested further analysis might be warranted.

Curran's remarks could add fuel to a national debate over capital punishment, which intensified this month when Republican Gov. George Ryan of Illinois cleared out death row before leaving office.

David Bruck, a South Carolina lawyer who represents capital murder defendants nationally, said Curran is the first sitting at-

torney general in a state with active capital punishment laws to push for abolition in the modern era. "For someone still in office, presiding over executions, to recognize the bankruptcy of this system is historic," Bruck said.

Curran made his declaration in front of the State House surrounded by representatives of the Catholic Church and other religious leaders. He also was joined by several lawmakers, including state Sen. Sharon M. Grosfeld (D-Montgomery), who plans to introduce a bill today that would eliminate the death penalty and bar future executions.

Curran expressed support for Grosfeld's legislation, which would leave life without parole as the state's most severe punishment.

Since the U.S. Supreme Court reinstated the death penalty in 1976, Curran said, 821 people have been executed nationwide and 103 people have been exonerated, including one in Maryland, Kirk Bloodsworth, who was freed from a rape-murder conviction by new DNA evidence.

Death penalty opponents reacted with surprise and delight to Curran's announcement, while supporters were dismayed. Del. Carmen Amedori (R-Carroll), threatened to complain to the state's attorney grievance commission, saying Curran is "supposed to be an advocate on behalf of victims, not criminals."

Few observers expect Curran's statement to have much practical effect. Support for the death penalty is strong among the Democratic leaders of the legislature, and lawmakers said Grosfeld's bill has little hope of passage. "Abolition is a pretty steep hill to climb," said Brian E. Frosh (D-Montgomery), chairman of the Senate Judicial Proceedings Committee.

Frosh said lawmakers may be persuaded to vote to halt executions temporarily while the General Assembly reviews the University of Maryland study. But Ehrlich said yesterday that he would veto any proposal to abolish the death penalty or delay its imposition.

Steele, who opposes capital punishment on religious grounds, said he "can appreciate the sentiment" of Curran's statement. But

he accused the longtime attorney general of playing "politics with the death penalty," saying that Curran should have made this move "during a Democratic administration, when you'd think you could get something like that passed."

Local prosecutors who depend on Curran to defend their death sentences before appellate judges said they have known his personal views for years.

"Joe Curran is not coming out saying he has conducted a review of inmates on death row and he personally has doubts about their innocence," said Stephen Bailey, a deputy prosecutor in Baltimore County, which sends more convicts to death row than any other Maryland jurisdiction.

Among them is Steven H. Oken, who is sentenced to die in March for the 1987 rape and murder of a 20-year-old newlywed. Oken has described the humiliation, torture and murder of his victim, Bailey said, and "there is absolutely no doubt in anyone's mind—including Steven Oken's—that Steven Oken is guilty."

Still, Curran's statement and Grosfeld's proposal gave hope to Oken's attorney, Fred Warren Bennett. "We think there is momentum in Maryland for further reflection," he said.

*Staff writers Susan Levine and Craig Whitlock contributed to this report.*