

BRIEFING PAPER

Blanket Clemency for Illinois Death Row Prisoners

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DECEMBER 2002

The high rate of error in capital cases has transformed the nature of the death penalty debate in the United States. This has been particularly true in Illinois. Since the death penalty was restored in 1977, Illinois has seen thirteen men exonerated after having been sentenced to death. In one case, a defendant came within two days of execution and was spared by a truly miraculous series of events that proved his innocence. In virtually all of the other cases, the individuals were similarly freed because of extraordinary efforts by those working outside of the system and by incredible luck.

The Center on Wrongful Convictions at Northwestern Law School has played a role in nine of the thirteen cases, which led Governor George Ryan to declare a moratorium on executions in January 2000. This was the first such moratorium in the United States and was made all the more extraordinary by the fact that Governor Ryan had long supported the death penalty. In announcing the moratorium, he noted that Illinois had executed only twelve men during the period in which it exonerated thirteen and vowed that he would sign no death warrant until he was persuaded to a moral certainty that the system worked fairly and accurately.

The governor then created a fourteen-member bipartisan commission, including two present and four former prosecutors, a former federal judge, and a former director of the FBI, to study the Illinois capital punishment system. In April 2002, the commission issued its report, calling the Illinois capital justice system broken and urging the legislature to reform it in very dramatic ways. Although a majority of the commission's members voted to abolish the death penalty, the commission concluded that the question of abolition was beyond its mandate. The governor promptly adopted the commission's reform proposals — there were eighty-five in all — and submitted proposed legislation to implement them. At this time, unfortunately, it appears that the legislature is not willing to take any serious action.

Regardless of whether the legislature takes prospective action to repair flaws in the system, however, there remain 160 men and women on death row in Illinois,

convicted and sentenced under the very system that has been condemned as broken. As Governor Ryan prepares to leave office on January 13, 2003, he has committed himself to reviewing each of these cases carefully. He has indicated that he will be commuting sentences — from death to life imprisonment — for any individuals whose cases raise serious doubts about their innocence or about the propriety of their sentence. He has also made it clear that he may well decide that the only sensible answer is to commute the sentences of all those now on death row in Illinois.