

Illinois abolishes death penalty

By James Nykvist
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On March 9, Illinois Governor Pat Quinn signed Senate Bill 3539 into law to repeal the death penalty. While the law does not go into effect until July 1, Quinn commuted the sentences of 15 inmates facing execution to life in prison without parole. Illinois is now the 15th state to abolish the death penalty.

It joins New York, New Mexico, New Jersey, and Rhode Island among the handful of states that have dropped the death penalty after reinstating it in 1976 in the wake of a Supreme Court decision condoning state executions. The other states that had earlier abolished the death penalty include Michigan (1846), Wisconsin (1853), Maine (1887), Minnesota (1911), Hawaii (1948), Alaska (1957), Vermont (1964), Iowa (1965), North Dakota (1973) and New Mexico (2009). Michigan holds the distinction of being the only state to have never carried out an execution.

According to Amnesty International, the US stands at fifth place for most executions carried out annually, after China—which executes more people than the rest of the world combined—and Iran, Iraq and Saudi Arabia. US states have executed 1,243 people since 1976, Illinois responsible for 12 killings in this grim tally. Texas by itself accounts for more than a third of the total, having put to death 466 people.

Repealing the death penalty in Illinois is a huge blow to the proponents of this barbaric practice, widely abhorred around the world and banned in most developed countries.

Overwhelmingly, the death penalty in Illinois, as in other states, was applied to those who lacked the financial means to mount an effective legal defense. Various independent reports from groups such as the Center on Wrongful Convictions and the Innocence Project at Northwestern University showed that false confessions were extracted in Illinois through brutal methods of police torture before the accused even had a

chance to obtain legal representation—clear violations of basic democratic rights afforded to the accused such as the due process of law and the writ of *habeas corpus*. Such reports showed that obstruction of justice was endemic to the prosecutorial process, particularly in Cook County, where Chicago is located.

Repeal of the death penalty in Illinois comes after an 11-year moratorium on executions was put into effect by Governor George Ryan in 2000, after reports of abuse and wrongful convictions first emerged. During the period of the moratorium, capital cases continued to be prosecuted. On January 6, the Illinois House voted to abolish the death penalty by a close margin of 60-54. The Senate followed suit by voting 32-25 to approve the ban on January 11.

After the legislature passed the bill two months ago, Quinn said that he still supported “capital punishment when applied carefully and fairly,” according to the *Chicago Tribune*. Fearing being seen as too “soft on crime,” Quinn continued to profess his personal support for the gruesome practice and hesitated to sign the bill into law until recently.

In a public statement following passage of the law, Quinn admitted the punishment is neither fair nor carefully applied in practice. “I have concluded that our system of imposing the death penalty is inherently flawed,” he said. “The evidence presented to me by former prosecutors and judges with decades of experience in the criminal justice system has convinced me that it is impossible to devise a system that is consistent, that is free of discrimination on the basis of race, geography or economic circumstance, and that always gets it right.”

Quinn and Illinois lawmakers were not acting out of principled opposition to the death penalty, as they themselves declared. In addition to noting that the system was widely discredited due to the large number of innocent men waiting for executions on death row,

Illinois politicians routinely cited fiscal concerns.

It is widely reported that in the last decade alone, Illinois has spent more than \$100 million from its Capital Litigation Trust Fund, with pretrial investigations of over 500 potential capital cases waiting. The onerous costs of maintaining such a legal apparatus in a time of economic crisis and austerity measures have made it harder to justify the prosecution of capital punishment cases.

According to Gallup, public opinion polls show that there has been a steady nationwide decline of support for capital punishment since the 1990s. Public support in the mid-1990s for capital punishment was at an all-time high of 80 percent—during the Clinton administration’s promotion of a draconian “law and order” culture—with only 16 percent opposed. Support in favor of the practice has since dwindled to 64 percent in 2010 with nearly 30 percent opposed. Moreover, according to a 2010 poll by Lake Research Partners, a majority of people (61 percent) would choose a punishment other than the death penalty for murder.

The Clinton administration passed the Antiterrorism and Effective Death Penalty Act of 1996 with a Republican-controlled Congress, which led to a sharp increase in executions. The year 1999 was the highest for executions—with 98 deaths—since the punishment was reinstated in 1976. However, death sentences in the United States have dropped 64 percent since 1994, when states sentenced 313 people to die, and 2010, when 112 were put on death row, according to the Death Penalty Information Center (DPIC). In 2010, there were 46 executions and 9 this year.

A DPIC report documents that more than 130 people have been exonerated from death sentences since 1973 with decisive evidence showing their innocence. From 1973 to 1999, there was an average of 3.1 exonerations per year; and from 2000 to 2007, there has been an average of 5 exonerations per year. Many of these exonerations occurred before DNA testing became more available during conviction and sentencing processes.

A study by The Justice Project on 4,578 capital cases—the first major statistical study done on death penalty cases nationwide between 1973 and 1995—found that 68 percent of verdicts were based at least in part on “serious, reversible error.” Many of

these factors included egregiously incompetent defense counsel, suppression of exculpatory evidence, eyewitness misidentification, false confessions, police brutality, snitch and accomplice testimony, and unreliable forensic science.

According to the same study, Illinois’ error rates are close to the national average, at nearly 66 percent. Since 1976, 20 Illinois prisoners have been exonerated from death row, the second-highest number in the US.

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