

NEW VOICES EMERGE AS ILLINOIS RETHINKS CAPITAL PUNISHMENT

"Until this happened, I really believed in the criminal justice system."

- Gary Gauger
Exonerated Death Row Inmate
Illinois

In the two years since Illinois Governor George Ryan imposed his moratorium on executions and appointed a commission to review the state's death penalty system, a variety of new voices has emerged to raise similar concerns about the unfair application of capital punishment in states throughout the nation and at the federal level. Among those urging a closer scrutiny of capital punishment are former President Carter, other Governors, Supreme Court Justices, former Attorney General Janet Reno, former death row supporters, and a number of prominent American political leaders.

The following statements are a sample of their comments. This growing skepticism regarding the death penalty has spawned state commission studies in ten states, including Illinois, and has caused legislators in nearly every state that maintains the death penalty to consider reform legislation.

"During my earlier years in public office I have supported the death penalty for some especially heinous crimes. The Supreme Court's approval of the death penalty came in 1977, but I was quite relieved that there were no executions in the United States when I was Governor or President. Beginning with special studies of human rights abuses at The Carter Center, I became increasingly concerned about the extremely distorted and abusive executions of poor, minority, and mentally deficient accused persons in America."

- Former President Jimmy Carter

"I am convinced that (the execution of innocent people) has been done in the past, and it will happen in the future. I am convinced that in the future New Mexico will make a mistake."

- Governor Gary Johnson, New Mexico

"[I]f you intend to take another person's life ... the only way we who believe in it can ensure that it will survive is that no innocent person be mistakenly put to death. And for us, to raise that bar and require that a capital crime, when you are taking a person's life, be a moral certainty standard, I think is not only appropriate, I think it is essential."

- Governor Frank Keating, Oklahoma

"I think it's probably healthy for everyone in this country to re-examine what's happening in their state. No one wants anyone to enter into our judicial system and be wrongly convicted of any crime and suffer any consequences, especially being put to death, if they're not guilty."

- Governor Bill Graves, Kansas

"More often than we want to recognize, some innocent defendants have been convicted and sentenced to death."

- U.S. Supreme Court Justice Sandra Day O'Connor

"People who are well represented at trial do not get the death penalty. I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial."

- U.S. Supreme Court Justice Ruth Bader Ginsburg

"Has an innocent man ever been executed? Probably. The judicial system is designed to promote fairness, but anyone who expects perfection is asking for an impossibility. Any revamping might make the system better, but because human nature is involved, it won't make it perfect...By far the question people ask me most is how I feel about the death penalty. I can only tell you this: Apparently, our society believes that some people need to be removed permanently and completely. As the warden, and a servant of the taxpayer, I tried to do the best job that I could. As a human being, I see it as a sad affair. But it is as a Christian that I struggle most. . . . I have watched men being put to death for hideous crimes and wondered at that moment if we were doing the right thing."

- Texas Death Row Warden Jim Willett,
presided over 89 executions as the warden on Texas's death row

**"Disbarred
lawyers, jailhouse
informants -- those
kinds of problems
are in the system,
and we've got to get
them out."**

- Governor George Ryan, Illinois

"If the capital punishment debacle of the last few years has taught us anything, however, it is that adherence to the formal process, as it existed under the old law, can produce results that seem rational but are, in fact, completely unreliable.

"Our tolerance for prosecutorial gamesmanship and professional incompetence has evaporated. From now on, the success of prosecutors will be gauged by how well they cooperate in the search for truth and justice, not by the number of convictions they secure. It cannot be any other way. The old priorities do not work. When convictions are prized above justice, innocent men are sentenced to die. It has happened too often in Illinois. It must stop."

- Illinois State Supreme Court Chief Justice
Moses Harrison II (People v. Hickey, 2001 Ill.
LEXIS 1080, Harrison, C.J., dissenting)

"I think a [death penalty] moratorium would indeed be very appropriate."

-Rev. Pat Robertson,
speaking on religion and the death penalty at
the College of William and Mary

"Piece by piece, through state and federal statute and Supreme Court cases, both in Washington and (in Harrisburg), we have dismantled those protections that assured us of a mathematical certainty that an innocent man would not and could not be put to death in this state or in this nation. I was once a constructor of this apparatus of death,...[b]ut I can no longer support that which I helped to create."

- Ernie Preate
Former Pennsylvania Attorney General

"[T]here's a moratorium on the death penalty in San Francisco during my administration.... I am cognizant of what's happening all over the country, where people are questioning the fairness and appropriateness of the death penalty. I feel LWOP (life without parole) is a better resolution in those cases..."

- Terence Hallinan,
San Francisco District Attorney