

Our capital system is haunted by the demon of error: error in determining guilt, and error in determining who among the guilty deserves to die.

Illinois Gov. George Ryan's Commutation of Death Penalty Sentences (11 January 2003)

The following excerpts do not do justice to the full text of George Ryan's excellent speech, which can be found at:

<http://www.cs.utsa.edu/~wagner/church/deathpenalty/death.html>

Ryan was a strong death penalty *proponent*, and even now is only against the Illinois system, and similar ones:

Four years ago I was sworn in as the 39th Governor of Illinois. That was just four short years ago; that's when I was a firm believer in the American System of Justice and the death penalty. I believed that the ultimate penalty for the taking of a life was administered in a just and fair manner.

In Illinois, Ryan found a terribly flawed ["broken"] system:

The death penalty has been abolished in 12 states. In none of these states has the homicide rate increased. In Illinois last year we had about 1000 murders, only 2 percent of that 1000 were sentenced to death. Where is the fairness and equality in that? The death penalty in Illinois is not imposed fairly or uniformly because of the absence of standards for the 102 Illinois State Attorneys, who must decide whether to request the death sentence. Should geography be a factor in determining who gets the death sentence? I don't think so but in Illinois it makes a difference. You are 5 times more likely to get a death sentence for first degree murder in the rural area of Illinois than you are in Cook County.

I watched in surprise as freed death row inmate Anthony Porter was released from jail. A free man, he ran into the arms of Northwestern University Professor Dave Protesse who poured his heart and soul into proving Porter's innocence with his journalism students.

He was 48 hours away from being wheeled into the execution chamber where the state would kill him.

Half of the nearly 300 capital cases in Illinois had been reversed for a new trial or resentencing.

33 of the death row inmates were represented at trial by an attorney who had later been disbarred or at some point suspended from practicing law.

Of the more than 160 death row inmates, 35 were African American defendants who had been convicted or condemned to die by all-white juries.

More than two-thirds of the inmates on death row were African American.

46 inmates were convicted on the basis of testimony from jailhouse informants.

We then had the dubious distinction of exonerating more men than we had executed. 13 men found innocent, 12 executed.

In the United States the overwhelming majority of those executed are psychotic, alcoholic, drug addicted or mentally unstable. They frequently are raised in an impoverished and abusive environment. Seldom are people with money or prestige convicted of capital offenses, even more seldom are they executed.

Some people have assailed my power to commute sentences, a power that literally hundreds of legal scholars from across the country have defended. But prosecutors in Illinois have the ultimate commutation power, a power that is exercised every day. They decide who will be subject to the death penalty, who will get a plea deal or even who may get a complete pass on prosecution. By what objective standards do they make these decisions? We do not know, they are not public.

He felt that “closure” was a bad justification — providing little help to victims:

I was struck by the anger of the families of murder victims. To a family they talked about closure. They pleaded with me to allow the state to kill an inmate in its name to provide the families with closure. But is that the purpose of capital punishment? Is it to soothe the families? And is that truly what the families experience.

I cannot imagine losing a family member to murder. Nor can I imagine spending every waking day for 20 years with a single minded focus to execute the killer. The system of death in Illinois is so unsure that it is not unusual for cases to take 20 years before they are resolved. And thank God. If it had moved any faster, then [many] innocent men we've exonerated might be dead and buried.

What kind of victims services are we providing? Are all of our resources geared toward providing this notion of closure by execution instead of tending to the physical and social service needs of victim families? And what kind of values are we instilling in these wounded families and in the young people? As Gandhi said, an eye for an eye only leaves the whole world blind.

In the days ahead, I will pray that we can open our hearts and provide something for victims' families other than the hope of revenge. Lincoln once said: “I have always found that mercy bears richer fruits than strict justice.”

Ryan tried and failed to get Illinois to reform the system:

Three times I proposed reforming the system with a package that would restrict the use of jailhouse snitches, create a statewide panel to determine death eligible cases, and reduce the number of crimes eligible for death. These reforms would not have created a perfect system, but they would have dramatically reduced the chance for error in the administration of the ultimate penalty.

The Illinois capital punishment system is broken. It has taken innocent men to a hair's breadth escape from their unjust execution. Legislatures past have refused to fix it. Our new legislature and our new Governor must act to rid our state of the shame of threatening the innocent with execution and the guilty with unfairness.