Law and order in Illinois—frame-up, torture and legal murder

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In commuting the death sentences of all current capital prisoners in Illinois, Governor George Ryan said he was motivated in part by the failure of the Illinois State Assembly to enact any reforms in the death penalty system, despite a governor's commission that exposed a system rife with misconduct on the part of police and prosecutors.

Ryan commissioned the report after revelations in 2000 that 13 of the 263 individuals sentenced to death in Illinois since the reinstatement of capital punishment in 1977 had been exonerated and released from death row after they were shown to have been wrongfully convicted. During this same period, 12 inmates were executed.

The majority of those exonerated owe their freedom not to the judiciary, but to the determination of Northwestern University students to prove their innocence.

The Illinois Governor's Commission on Capital Punishment, which issued its 207-page report on April 15, 2002, revealed that these wrongful convictions were not the result of innocent "mistakes," but rather were the product of the deliberate actions of state prosecutors and law enforcement officials—backed by a judicial system stacked against capital defendants—who engaged in such practices as falsifying evidence, extracting coerced confessions and relying on the testimony of jailhouse "snitches." [*See:* "Illinois death penalty report reveals widespread abuse"]

But while the governor's commission presented overwhelming evidence of corruption and outright criminality, state legislators—many driven by the desire to be seen as "tough on crime"—refused to enact any of the commission's 85 recommendations. Ryan commented in his January 11 speech that he had "to watch in frustration as members of the Illinois General Assembly failed to pass even one substantive death penalty reform. Not one."

The commission found that at least a third of capital defendants were represented at trial by an attorney who had been at some point suspended from practicing law, or who had been subsequently disbarred. The rights of mentally retarded individuals were routinely violated. The report noted that while suspects with limited mental capacities often confessed to crimes they had not committed, such confessions were regularly used as the basis of convictions. Frequently, mentally retarded suspects were not provided with legal counsel until after they were intimidated and confessions had been extracted.

The US Supreme Court ruled last June that execution of the mentally retarded is unconstitutional, but the Illinois State Assembly has failed to pass any measure defining what constitutes mental retardation. In his speech at Northwestern University, Ryan asked: "How many people have we already executed who were mentally retarded and are now dead and buried? Although we now know that they have been killed by the state unconstitutionally and illegally. Is that fair?"

The governor's report also found that the Illinois death penalty system disproportionately violates the rights of minorities and the poor. Public defenders are often not made available to indigent suspects until after a confession has been obtained, in violation of the basic right to prompt appointment of counsel as guaranteed by the US Constitution. The commission noted that more than two-thirds of the inmates on Illinois death row were African-American, 35 of whom had been convicted or sentenced to death by all-white juries.

The cases of the four men granted full pardons by Governor Ryan—Aaron Patterson, Madison Hobley, Leroy Orange and Stanley Howard—give a horrifying

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glimpse into a criminal “justice” system where suspects are forced under torture to confess, railroaded to prison and condemned to die for crimes they have not committed. Combined, these men spent more than six decades on death row.

The four men, who are all African-American, were arrested on Chicago’s South Side and interrogated by homicide detectives who served under John Burge, then head of Chicago’s Area 2 Violent Crimes unit on the city’s South Side. During the 1980s, numerous defendants charged that Burge and his subordinates extracted confessions through physical torture. These allegations were repeatedly rejected by the Illinois courts. However, a police investigator eventually carried out a thorough probe and issued a report supporting these defendants’ claims.

The investigator’s report stated that the time span of the abuse in Area 2 covered more than ten years, and declared, “The type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture.” These included such sadistic practices as “hanging by handcuffs for hours, a cattle prod to the testicles, [and] Russian roulette with a gun in the suspect’s mouth.”

As a result of the findings of this report, civil settlements were made with some defendants and John Burge was eventually fired. However, ten defendants who had been convicted and sentenced to death based on confessions obtained by Burge’s detectives remained on death row. The four men pardoned by George Ryan were part of this group, who came to be known as the “death row ten.”

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