

Commutation of death sentences in Illinois deals blow to capital punishment

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The decision by outgoing Illinois Governor George Ryan to void the death sentences of all of the state's condemned prisoners has focused attention on the systemic injustice of capital punishment. On January 11, Ryan exercised his power under state law to carry out the largest commutation of death row prisoners in US history. The sentences of 163 men and 4 women were reduced to life in prison, except for three who received terms of 40 years imprisonment.

The previous day, the governor granted full pardons to four other death row prisoners, based on overwhelming evidence that Chicago police had coerced false confessions from them through the use of physical torture.

Ryan, a Republican elected in 1998 as a supporter of capital punishment, explained his commutation decision in a speech in which he indicted the state's criminal justice system in scathing terms. He detailed a process of arbitrary prosecutions, concocted evidence, false testimony from prison "snitches" and confessions coerced by the police truncheon and other barbaric methods. "The Illinois capital punishment system is broken," he declared.

Ryan delivered his address at Northwestern University, where students and faculty organized in the Center on Wrongful Convictions have been responsible for investigations exonerating 17 Illinois death row prisoners.

"Our capital system is haunted by the demon of error," he said, "error in determining guilt, and error in determining who among the guilty deserves to die." He added that the system "has taken innocent men to a hair's breadth escape from their unjust execution." One death row inmate, Anthony Porter, spent 15 years on death row before evidence was uncovered proving his innocence. Porter came within two days of execution.

Ryan's speech articulated the feelings of growing numbers of people in America when he described a judicial system which metes out the ultimate punishment to workers, the poor and those members of society least able to defend themselves. He stated:

"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."

Ryan is responding to increasing popular opposition—both within the US and internationally—to the practice of capital punishment. Beyond his personal sense of moral revulsion, he reflects the fear within sections of the political establishment that the barbaric practice is discrediting the entire system of police, courts and "justice" in America.

Within the framework of American bourgeois politics, Ryan's decision required a considerable degree of personal courage. He was immediately attacked by Republican and Democratic politicians alike, including the incoming governor of Illinois, Democrat Rod Blagojevich, who called the blanket commutation "a big mistake."

Richard Devine, the state's attorney for Illinois' Cook County, which covers Chicago—and accounts for 100 of the 167 commuted death sentences—denounced the decision as "outrageous and unconscionable." He did not, however, address Ryan's criticisms of the capital punishment system, or the fact that a majority of the 17 Illinois death row prisoners proven innocent were convicted in Cook County.

Many Illinois prosecutors have vowed to begin filling up the state's death row as soon as possible. Steve Ferguson, the state's attorney in Coles County, said he

would seek the death penalty in a murder trial scheduled to begin January 27. Meg Corecki, the prosecutor in suburban Kane County, said she would pursue death sentences in four capital cases awaiting trial or sentencing in her jurisdiction.

US Senator Joseph Lieberman of Connecticut, in one of his first statements after declaring his candidacy for the Democratic presidential nomination, denounced the commutation as “shockingly wrong,” adding, “It did terrible damage to the credibility of our system of justice.”

Ryan’s sweeping action and blunt criticism have punctured the official and media propaganda about heroic policemen and tough-minded prosecutors protecting the public and defending “law and order.”

While opinion polls continue to show a majority of the US public supporting the death penalty, that majority has shrunk considerably in the last five years, despite near-unanimous support for capital punishment in the media and the Democratic and Republican parties. This shift has already begun to have an impact on the frequency of executions. In 2001, for the first time since the death penalty was restored in 1976, the number of death row prisoners actually declined, and the number of executions also dropped.

Despite the furor from police, prosecutors, politicians and the media over Ryan’s commutation order, incoming Illinois Governor Blagojevich said he would continue the moratorium on executions that Ryan imposed in January 2000, when he set up a special commission to review all death penalty convictions in the state. In Maryland, however, the incoming Republican governor, Robert Ehrlich, said he would immediately lift the moratorium on executions ordered by his predecessor.

The Illinois decision provides a yardstick for measuring the character of President George W. Bush. Ryan was a conventional Midwestern Republican politician when he took office in 1998. By the standards of American capitalist politics he was a moderate conservative, ideologically committed to the same nostrums of “law and order” to which Bush pays homage.

However, just over a year’s experience with the operation of the Illinois capital punishment system led Ryan to impose a moratorium on executions, because of the obvious frequency of injustice, wrongful

conviction and arbitrary sentencing. Three years later, he issued his commutation order.

Bush, by contrast, felt no pangs of conscience as he sent more than 150 men and women to their deaths in Texas from 1995 to 2000. He even boasted, defending capital punishment during the 2000 campaign, that there was not a single case of wrongful conviction in a Texas capital case, despite the evidence of defense attorneys sleeping through trials, being too drunk to stand, or being later disbarred for incompetence and malfeasance.

Capital punishment is a key component of the Bush administration’s right-wing political agenda, and is backed by the majority of Democrats in Congress. They promote the death penalty in an effort to strengthen the police powers of the state and manipulate public opinion, to encourage the most backward instincts among the population on social questions.

In the recent Washington sniper shootings, the Justice Department intervened to make sure that the two suspects—including juvenile Lee Malvo—face the death penalty. The Bush administration’s eagerness to keep the assembly line of state killings rolling is motivated, not by sympathy for the victims of violent crime and their relatives, but by a drive to terrorize the population and divert attention from the societal causes of criminal behavior.



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