

LWVIL GOVERNMENT POSITION: DEATH PENALTY ABOLITION

Support for abolition of the death penalty in Illinois.

Position in Brief: The League supports abolition of the death penalty in Illinois.

DEATH PENALTY ABOLITION (2001): The League supports abolition of the death penalty in Illinois. The League supports abolition of the death penalty because it does not function as an appropriate punishment for the following reasons:

- 1) In practice, the death penalty is unfair, it targets the poor and other vulnerable people—people who are mentally ill, mentally retarded, brain-damaged, and members of an ethnic or racial minority group.
- 2) The death penalty is not a deterrent. States without the death penalty—Iowa, Wisconsin, Michigan—have crime rates equal to or less than that of Illinois.
- 3) The nations with which we most identify—the nations of the European Union and Canada, for example—have abolished the death penalty and consider it a violation of human rights.
- 4) The death penalty does not serve the interests of family members of victims since the necessary and lengthy appeals process postpones the realization of justice and so, can retard the healing process.
- 5) An error cannot be corrected if the death penalty is carried out on an innocent person.
- 6) The death penalty is extremely expensive, due to the so-called precautions and extra measures taken to insure that only appropriate defendants receive the death penalty. Adding to the expense is the necessity for re-sentencing and retrials due to the extensive error-rate – nearly 50% of all cases in Illinois. Resources expended for the death penalty could be better used for positive programs that reduce crime and serve the victims of crime.
- 7) Reform has been tried and has not worked. In 1972, the U.S. Supreme Court declared unconstitutional the death penalty statutes of 40 states. The Court held that extensive jury discretion over death sentences resulted in arbitrary sentencing and therefore resulted in “cruel and unusual” punishment. However, in 1976, after various states enacted reforms that limited discretion, the Supreme Court held that the death penalty was constitutional.

Illinois’ present statute was a result of extensive reforms; and yet, the Governor’s Commission on Capital Punishment in April of 2002 identified eighty-five reforms that were needed to correct the present system. Even though in 2003 a few significant reforms passed, the vast majority of the Commission’s recommendations were not addressed. Moreover, the Governor’s Commission recognized that even if every

reform were adopted, the system would still not be error-free: *“The Commission was unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death.” (Report of the Commission on Capital Punishment, Conclusion, pg. 207.)*

Background Delegates to the 2001 LWVIL Convention adopted by concurrence the LWV of Evanston’s position supporting the abolition of the death penalty.

LWVIL action

- Supported legislation to abolish the death penalty and opposed an anti-terrorism bill that contained a provision expanding the death penalty to murder committed in the course of terrorism. Local League action helped enable an abolition bill to be voted out of the House Judiciary II committee in Spring 2003.
- Wrote the Governor in Fall 2002 urging commutation of all death penalty sentences to life sentences without parole. Local Leagues participated in a postcard campaign, initiated by the Illinois Coalition Against the Death Penalty, directed to the Governor to ask for commutation of death sentences.
- Leagues throughout the state continued to hold programs on the death penalty.
- Was a sponsor of Death Sentence 2002 at DePaul University.
- Participated in the National Coalition to Abolish the Death Penalty Conference in Chicago in October 2002.
- In 2003, LWVIL wrote and thanked Governor Blagojevich for extending the moratorium and urged him to support the abolition of the death penalty.
- LWVIL supported abolition legislation 2003 – 2005; responded to the General Assembly’s 2003 reform efforts stating that no reform could ensure a foolproof death penalty and that any proposed reform legislation should be applied to the entire criminal justice system; responded to the “no doubt” legislation in the Spring 2005 session, that the determination of guilt/innocence is only one of the many problems with the death penalty and does not repair the broken system.
- During 2003 and into 2004, LWVIL prepared and mailed materials to all local Leagues in the U.S. urging the adoption of a national abolition position by concurrence at the 2004 LWVUS Convention. Leagues with abolition positions and League members sympathetic to abolition were identified and enlisted in promoting the position. Although the proposal won a majority vote, it fell short of the 2/3 vote necessary for adoption.
- Preparations during the fall of 2005 through the spring of 2006, aimed at taking the LWVIL death penalty abolition concurrence back to the LWVUS convention in June, 2006. These developed into a multi-League effort, and the concurrence was adopted by a wide-margin at convention. Now all state Leagues are able to take action to end capital punishment.
- The death penalty page on the LWVIL website has been updated and contains a link to the LWVUS listserv which began in the spring of 2007. This discussion list is a tool for League members to stimulate conversation and action on the death penalty.
- On February 26 of 2007, LWVIL presented testimony before the Capital Punishment Reform Study Committee, encouraging the committee to go beyond an analysis of reform effectiveness and recommend abolition to the General Assembly. The committee’s final report is due in the fall of 2008, and in the meantime, LWVIL will monitor the committee’s activities and bring testimony when appropriate.
- The LWVIL continues to partner with Illinois Coalition to Abolish the Death Penalty.

- In 2007 only three death sentences were handed down in Illinois and six capital defendants in Cook County were actually found Not Guilty.
- At the end of 2007, 169 capital cases were pending in Cook County but few of these remain capital cases by the time they come to trial. Twenty-two cases were pending outside of Cook County.
- In 2008, no death sentences were handed down in Cook County, and only three persons were sentenced to death outside of Cook County.
- In late June of 2008, the 201-member Assembly of the Illinois State Bar Association (ISBA) voted in favor of abolition of the death penalty in Illinois. Abolition is now the official policy of the 35,000 member State Bar, and its lobbyists will actively be supporting the effort for abolition.
- The LWVIL submitted testimony to the House Judiciary II Committee when it held hearings on the death penalty on September 18, 2008.
- On March 12, 2009, a TFA alerted LWVIL members to ask legislators to co-sponsor HB262, the abolition bill, which was voted out of committee and later re-referred to the Rules Committee. The chief sponsor is Karen Yarbrough and the bill has nineteen co-sponsors.
- In 2009, former death row inmates Nathson Fields (April) and Ronald Kitchen (July) became the nineteenth and twentieth men to be exonerated from death row in Illinois.
- Despite large numbers of pending death penalty cases, Illinois judges and juries have become increasingly reluctant to hand down death sentences. The number of death sentences in the past five years has ranged from a high of four in 2004 to a low of one in 2005, for an average of less than three per year. There have been no capital trials in Springfield, Rockford, Peoria, Decatur, or Bloomington-Normal in at least three years. Currently thirteen men are on death row.
- The Illinois Coalition to Abolish the Death Penalty with partners (including the League) has developed a 1-3 year strategy for the abolition of the death penalty. Early in 2010 three events considered positive for abolition will occur: (1) a cost study ordered by the Senate is due; (2) the final report of the Illinois Death Penalty Reform Study Committee will be issued and (3) the trial of Jon Burge who allegedly tortured men into false confessions. .