Death Penalty Abolition  
2008 Issues Briefing  
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Only three death sentences were handed down in Illinois in 2007: one in Cook County, one in DuPage County, one in Hancock County (rural western Illinois). There are now thirteen men on Illinois’ Death Row.

At the end of 2007, 169 capital cases were pending in Cook County. Racially they break down approximately 75% Black, 15% Latino, 10% white. An estimated 10 to 20% of these defendants are mentally ill. There were 22 cases pending outside Cook County. Thirteen were in four of the collar counties (six in DuPage and four in Kane); nine were in seven "downstate" counties. Ninety counties had no pending capital cases. Death penalty prosecutions have been steadily dropping “downstate”, while holding steady or increasing in the suburbs.

During 2007, six capital defendants in Cook County were found Not Guilty. Two of those cases involved written "confessions" signed after at least two days in custody. At trial, the judge threw out one of the confessions; the jury in the second case apparently found the confession not credible. These two defendants were in custody five and a half years and seven years respectively.

Despite continuing public support for the death penalty, significant developments, both in Illinois and around the country, continue to encourage supporters of abolition.

In Illinois:

- The Chicago Tribune and the Springfield Journal-Register called for the abolition of the death penalty in Illinois;
- Twelve former state bar association presidents called for abolition;
- the Sun-Times published an editorial calling for the death penalty to be "fixed now, or else ended;"
- The Board of Governors of the Chicago Council of Lawyers has voted to support the abolition of the death penalty in Illinois if the “General Assembly does not take aggressive action to immediately implement all of the recommendations found in the Governor’s and the Council’s reports (and) urges its members, other bar associations, and individual lawyers to join in support of this position;”
- On January 9, 2008, the Chicago City Council approved settlements totaling as much as $19.8 million with four men, formerly on death row, who said they were tortured into murder confessions by former police Commander Jon Burge and his subordinates;
- The General Assembly has passed and the Governor signed SB 1023, which creates a Capital Crimes Database within the Illinois Criminal Justice Information Authority. Assuming that funding for the Database is restored, this will greatly assist the Capital Punishment Reform Study Committee in its duties. Having had no official reliable source of statistical information, the Committee has expressed appreciation to the Illinois Coalition to Abolish the Death Penalty for the data found in its annual reports.

The great challenge for abolitionists going into the future is determining how to move abolition in the General Assembly at a time when basic decision-making there is
extremely difficult and the final report of the Capital Punishment Reform Study Committee has been delayed at least until 2009.

Around the country:

- The U.S. Supreme Court’s decision to hear a case (Baze v. Rees) to judge the constitutionality of the lethal injection protocol used by 37 states has caused a de facto moratorium on executions. Arguments were heard in January of 2008, and a court decision is expected in June.
- The American Bar Association released in November the findings from their three-year study on state death penalty systems. Based on a detailed analysis of death penalty systems in eight sample states (Alabama, Arizona, Florida, Georgia, Indiana, Ohio, Pennsylvania and Tennessee), the ABA is calling for a nationwide moratorium on executions. Key problems included major racial disparities and inadequate indigent defense services.
- In December, the U.S. Supreme Court heard arguments in Snyder v Louisiana, a case involving a black defendant sentenced to death by an all-white jury after the prosecution used its peremptory strikes to exclude all the qualified black jurors.
- Death row inmates continue to be found innocent: In December, a Tennessee jury acquitted Michael Lee McCormick of the 1985 murder of Donna Jean Nichols, a crime for which McCormick spent 16 years on death row. DNA technology, not available in his first trial, was critical to the acquittal. Also in December, prosecutors in North Carolina dropped all charges against Jonathon Hoffman, who had been sentenced to death for the 1995 murder of a jewelry store owner. Hoffman won a new trial in 2004 because information favorable to Hoffman was withheld from the defense. No physical evidence linked Hoffman to the crime, and the state’s key witness during the first trial subsequently recanted his testimony. A British citizen who spent 20 years on death row in Ohio was freed in January, 2008. At one point, he had come within an hour of execution. His case had prompted the intervention of the British Prime Minister, the Pope and the European Parliament. In August of 2007 a federal appeals court overturned his death sentence, finding the witness testimony questionable, the scientific evidence unsound and Richey’s defense lawyer at trial incompetent. Wary of American justice, Richey accepted a plea bargain rather than chance a new trial.
- In December 2007, New Jersey became the first state to repeal its death penalty in the modern era of capital punishment.
- The Massachusetts House of Representatives overwhelmingly rejected an attempt to reinstate the death penalty; the Governor had vowed to veto the bill were it approved.

The 2008 Annual Report of the Illinois Coalition to Abolish the Death Penalty is the source of the statistics in the first three paragraphs of this report. It will soon be available to the public. Request a copy by sending an email to: info@icadp.org.