

ILLINOIS' DEATH PENALTY



**CATHOLIC
MOBILIZING
NETWORK**

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

The Facts

- 12 executions since 1976
- 348 executions before 1976
- Jury decided the sentence
- Life without parole is an option
- Method of execution was lethal injection
- 21 persons were released from death row based on evidence of innocence
- 187 clemencies granted

The Death Penalty's Return

Following the U.S. Supreme Court's decision in *Gregg v. Georgia*, which overturned its decision that capital punishment was unconstitutional, the Illinois state legislature voted to reinstate the death penalty in 1974. The first execution under the new statute was of Charles Walker in 1990. There were, in total, 11 executions which took place in Illinois between 1990 and 1999, when Illinois finally executed its last inmate.

Illinois' Death Penalty History

Unfortunately, on June 21, 1977, Governor James Thompson signed a new reinstatement bill which was upheld by the Illinois Supreme Court in 1979. In 2000, Gov. Ryan imposed a moratorium after a monumental exoneration case. Despite this moratorium, Illinois added 15 defendants to the vacated death row. With the moratorium being a hot button policy issue in the Gubernatorial race, the newly elected governor, Pat Quinn, chose to pave the way for repeal. He signed legislation which made Illinois the 16th state to abolish the death penalty. Since that piece of legislation was not retroactive, Governor Quinn then commuted the sentences of all 15 men on death row to life sentences.

ILLINOIS' HISTORIC COMMUTATIONS

Following the exoneration and release of Anthony Porter in 1999, Illinois went under a state-wide debate on the death penalty. Governor George Ryan declared a moratorium on all upcoming executions. In 2003, just two days before leaving office, Gov. Ryan determined that the death penalty was "fraught with error." He commuted the sentences of all 167 death row inmates convicted after capital punishment was ruled unconstitutional by the U.S. Supreme Court in 1976.

INNOCENTS SENTENCED TO DEATH

Illinois claims 20 exonerations, the second highest number of any state. A well known exoneration story is the case of Anthony Porter. Porter was convicted in 1983 for a double murder committed in Chicago's South Side. Porter spent nearly 17 years on death row maintaining his innocence. Investigator Paul Ciolino, working with Professor David Protess and journalism students from Northwestern University, discovered that the state's only witness was interrogated for 17 hours. Porter was finally released in February 1999 after the true murderer was discovered.

The Church and State Speak

The Church Speaks

Catechism of the Catholic Church

"The Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person' and she works with determination for its abolition worldwide." (CCC 2267)

Evangelium Vitae

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "The case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." (*Evangelium Vitae*

United States Conference of Catholic Bishops

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

Words of the Popes

Pope Francis: "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

Pope Emeritus Benedict XVI: "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011



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The States Speak

Innocence

- Nationally, over 160 people have been exonerated from death row.
- For every nine executions carried out in the United States, one person has been found to be innocent.

Racial Bias

- 76% of death row defendants have been executed for killing white victims, even though African--Americans make up about half of all homicide victims.

Criminalization of Mental Illness and Intellectual Disabilities

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

Overrepresentation of the Poor

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

Costly Public Policy

- Multiple studies have shown the cost of trial sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

Geographic Basis

- 2% of all U.S. counties have produced 56% of the U.S. death row population