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Joint Statement Against Reinstating the Death Penalty in Illinois

Chicago Appleseed Fund for Justice and Chicago Council of Lawyers are deeply disappointed by Governor Bruce Rauner's move to reinstate capital punishment in Illinois. Since Illinois abolished the death penalty in 2011, developments in criminal justice and in forensic science, as well as a reluctance by doctors and drug companies to participate in the mechanisms of execution, have only increased the weight of evidence against its use. The families of victims of violent crime remain one of the most powerful voices against execution, with [recent scholarship](#) finding that the death penalty has a negative impact on families and friends of murder victims.

Chicago Appleseed and the Council of Lawyers have a long history of opposing capital punishment. The Council first called for a moratorium on the death penalty in Illinois in 1997, becoming the first local or state bar association in the country to do so. Shortly thereafter, the Council and Chicago Appleseed drafted legislation for a moratorium which was introduced in the Illinois General Assembly. We joined a coalition of organizations and individuals in filing an amicus curiae brief with the Illinois Supreme Court, calling for a moratorium and petitioned then-Governor Edgar to stop executions. The Council and Chicago Appleseed collaborated and defended other organizations' efforts as well.

In 1998, the Council participated in the Northwestern Law School-sponsored National Conference on Wrongful Conviction and the Death Penalty. The following year, the Illinois Death Penalty Moratorium Project persuaded the House of Representatives to pass a resolution urging then-Governor George Ryan to declare a moratorium and establishing a study commission.

In 2000, the Council prepared an analysis of death penalty cases in Illinois, [Due Process and the Death Penalty in Illinois](#), which concluded that dozens of changes would have to be made before the death penalty system could possibly be considered fair and that the nature of this punishment defies fairness. In February of 2000, we [wrote to then-Governor Ryan](#) in support of the Illinois death penalty moratorium.

In March 2011, Governor Pat Quinn of Illinois signed into law Illinois Senate Bill 3539, making Illinois the 16th state to abolish the death penalty. That same month, Chicago Appleseed and the Council of Lawyers released their [joint statement](#) supporting the abolition of capital punishment in Illinois. We see no reason to move backwards.

Since 2011, Delaware, Connecticut and Maryland have joined in the abolition of the death penalty, while Colorado, Oregon, Pennsylvania, Washington have put gubernatorial moratoria in place against it. Additionally the following 10 states that maintain a death penalty have had no executions in ten years or more: California, Colorado, Kansas, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, Pennsylvania, Wyoming. Nor has the District of Columbia executed anyone in more than a decade. The last execution by the Federal government was in 2003 and the U.S. Military has not imposed the death penalty since before 1976. In all, better than half of U.S. jurisdictions no longer impose the death penalty, having abolished it completely or holding a moratorium against it or simply refusing to impose it.



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Three states—Texas, Missouri, and Georgia—accounted for 86% of the executions in [2015](#), according to the Death Penalty Information Center statistics but the decline in use of the death penalty in the U.S. has been consistent this century.

Clearly, execution is well out of favor in the United States. In 2002, the Supreme Court found it is unconstitutional to execute defendants with intellectual disabilities and in 2005, the Court found it unconstitutional to execute juveniles. In [2010](#), there was greater support by the general public for life sentences, with or without restitution *and* with or without possibility of parole, than for the death penalty. This is in accordance with a poll of police chiefs in which they ranked capital punishment as the [least effective means of reducing violent crime](#).

Since abolition in Illinois, a number of studies have demonstrated significant racial biases in the imposition of death sentences, with courts and juries sentencing African-Americans to death at a rate nearly 15 times that of white defendants for interracial murders. High profile exonerations and [continually rising rates of reversed wrongful convictions](#) adds to discomfort about the death penalty. Some states, such as New York, have been aggressive in righting the wrongs which came from corruption or bias in policing—such as the [reversal of murder convictions](#) tied to the now notorious police detective Louis Scarcella. Unfortunately, Illinois has [not been as swift to correct miscarriages of justice](#).

Further, recent studies still find that it is only becoming even more expensive to conduct capital trials. A recent study in [Utah](#) found death sentences cost \$1.6 million per trial than life with parole—figures on par with findings in other states. The cost of executions far exceeds the cost of housing prisoners. A [study of federal trials](#) demonstrated a significant increase in the cost of capital trials: the cost of a federal death penalty case that went to trial was a median \$269,139 between 1989 and 1997 and then \$620,932 between 1998 and 2004. A 2017 report by the 11-member bipartisan Oklahoma Death Penalty Review Commission concluded that “It is a simple fact that seeking the death penalty is more expensive [than not seeking it.] There is not one credible study, to our knowledge, that presents evidence to the contrary.”

Chicago Appleseed and the Council of Lawyers remain convinced that there is no place for the death penalty in our system of justice. The moral case against capital punishment is stronger now than it was in 2011, as we have increasingly seen proof that not only are we unable to carry it out fairly, but we cannot do it humanely, either. The current proposal moving to reinstate capital punishment in Illinois is a step backward. It is an unconscionable attempt to score short-term political points by bringing back a measure long-since proved to be ineffective, discriminatory, wasteful and rife with abuses.

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