

Chicago Council of Lawyers and Chicago Appleseed Applaud Abolition of Death Penalty

In a historic moment last week, Governor Pat Quinn of Illinois signed into law Illinois Senate Bill 3539, making Illinois the 16th state to abolish the death penalty. The law marks the successful completion of a 35-year effort to end the death penalty's use in Illinois. The death penalty was reinstated in Illinois in 1977 following the landmark 1976 US Supreme Court ruling in [Gregg v. Georgia](#) the constitutionality of capital punishment. Since 1977, 12 individuals were executed, and 13 death row inmates were exonerated—a chilling reminder of the criminal justice system's flaws.

Were it not for a dogged coalition of abolitionists, the death penalty would still be in effect. The list of abolitionists is [long and enduring](#), and Chicago Council of Lawyers and Chicago Appleseed are proud to be prominent among that list. In 1997, the Council became the first local or state bar association in the country to call for a moratorium on the death penalty. Shortly thereafter, the Council and Chicago Appleseed drafted legislation for a moratorium which was introduced in the Illinois General Assembly. They then joined a coalition of organizations and individuals in filing an [amicus curiae](#) brief with the Illinois Supreme Court, [calling for a moratorium](#). Meanwhile, they petitioned then-Governor Edgar to stop executions.

The Council and Chicago Appleseed--a public interest bar association and an impact research and advocacy organization, respectively—collaborated or defended other organizations' efforts as well. In 1998, they 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 the Governor to declare a moratorium and establishing a study commission. The *Chicago Tribune* ran a series of articles in November, 1999, that were very critical of the system.

Still, wrongful convictions and death sentences persisted in Illinois. The Council and Chicago Appleseed stepped up their efforts to build a coalition of support for a death penalty moratorium, pending reforms to the system. The coalition focused on the terrible truth that no right-thinking person could ignore, regardless of his philosophy regarding capital punishment: that, in Illinois, innocent people were being sentenced to death. There was no denying the injustice.

By the time Chicago Council of Lawyers and Chicago Appleseed published their 2000 Report, "Due Process and the Death Penalty in Illinois," *thirteen* wrongfully convicted death row prisoners had been exonerated. Just before the report went to print, Governor Ryan declared a moratorium on executions, until he could be "morally certain" that no innocent prisoner faced execution. In 2003, convinced of the Illinois criminal justice system's grave failings, Governor Ryan granted clemency to all death row prisoners.

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Governor Quinn and the Illinois General Assembly expended significant political capital to abolish the death penalty. Capital punishment is a topic fraught with controversy and strong feelings. Victims' families are understandably terrified at the prospect that, in absence of the death penalty, murderers may one day walk free. Prosecutors fear losing a powerful tool when plea bargaining with defendants. Governors and legislators are wary of seeming unsympathetic to either of these groups, and while going easy on crime.

The Council and Chicago Appleseed persisted in their efforts right up until they were among a select group of organizations and individuals to be invited by Governor Quinn to attend the private signing of Illinois Senate Bill 3539. Between 1977, when the death penalty was reinstated, and 2000, when the moratorium was instituted, more people were exonerated (13) than executed (12). And we may never know how many innocent defendants plead guilty, acquiescing to prosecutors' threats to seek the death penalty at trial.

And now begins a new era, where organizations must switch from offense to defense. Two bills have already been introduced to reinstate the death penalty, and the Council and Chicago Appleseed will work to ensure that the death penalty—a punishment that cannot be meted judiciously—is gone for good.

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