

January 11, 2003

In Ryan's Words: 'I Must Act'

Following is the prepared text of Gov. George Ryan's speech at Northwestern University College of Law.

Four years ago I was sworn in as the 39th Governor of Illinois. That was just four short years ago; that's when I was a firm believer in the American System of Justice and the death penalty. I believed that the ultimate penalty for the taking of a life was administered in a just and fair manner.

Today, 3 days before I end my term as Governor, I stand before you to explain my frustrations and deep concerns about both the administration and the penalty of death. It is fitting that we are gathered here today at Northwestern University with the students, teachers, lawyers and investigators who first shed light on the sorrowful condition of Illinois' death penalty system. Professors Larry Marshall, Dave Protesse and their students along with investigators Paul Ciolino have gone above the call. They freed the falsely accused Ford Heights Four, they saved Anthony Porter's life, they fought for Rolando Cruz and Alex Hernandez. They devoted time and effort on behalf of Aaron Patterson, a young man who lost 15 years of his youth sitting among the condemned, and LeRoy Orange, who lost 17 of the best years of his life on death row.

It is also proper that we are together with dedicated people like Andrea Lyon who has labored on the front lines trying capital cases for many years and who is now devoting her passion to creating an innocence center at De Paul University. You saved Madison Hobbey's life.

Together you spared the lives and secured the freedom of 17 men, men who were wrongfully convicted and rotting in the condemned units of our state prisons. What you have achieved is of the highest calling. Thank You!

Yes, it is right that I am here with you, where, in a manner of speaking, my journey from staunch supporters of capital punishment to reformer all began. But I must tell you, since the beginning of our journey, my thoughts and feelings about the death penalty have changed many, many times. I realize that over the course of my reviews I had said that I would not do blanket commutation. I have also said it was an option that was there and I would consider all options.

During my time in public office I have always reserved my right to change my mind if I believed it to be in the best public interest, whether it be about taxes, abortions or the death penalty. But I must confess that the debate with myself has been the toughest concerning the death penalty. I suppose the reason the

death penalty has been the toughest is because it is so final, the only public policy that determines who lives and who dies. In addition it is the only issue that attracts most of the legal minds across the country. I have received more advice on this issue than any other policy issue I have dealt with in my 35 years of public service. I have kept an open mind on both sides of the issues of commutation for life or death.

I have read, listened to and discussed the issue with the families of the victims as well as the families of the condemned. I know that any decision I make will not be accepted by one side or the other. I know that my decision will be just that - my decision, based on all the facts I could gather over the past 3 years. I may never be comfortable with my final decision, but I will know in my heart, that I did my very best to do the right thing.

Having said that I want to share a story with you:

I grew up in Kankakee which even today is still a small midwestern town, a place where people tend to know each other. Steve Small was a neighbor. I watched him grow up. He would babysit my young children, which was not for the faint of heart since Lura Lynn and I had six children, 5 of them under the age of 3. He was a bright young man who helped run the family business. He got married and he and his wife had three children of their own. Lura Lynn was especially close to him and his family. We took comfort in knowing he was there for us and we for him.

One September midnight he received a call at his home. There had been a break-in at the nearby house he was renovating. But as he left his house, he was seized at gunpoint by kidnappers. His captors buried him alive in a shallow hole. He suffocated to death before police could find him.

His killer led investigators to where Steve's body was buried. The killer, Danny Edward was also from my hometown. He now sits on death row. I also know his family. I share this story with you so that you know I do not come to this as a neophyte without having experienced a small bit of the bitter pill the survivors of murder must swallow.

My responsibilities and obligations are more than my neighbors and my family. I represent all the people of Illinois, like it or not. The decision I make about our criminal justice system is felt not only here but the world over.

The other day, I received a call from former South African President Nelson Mandela who reminded me that the United States sets the example for justice and fairness for the rest of the world. Today the United States is not in league with most of our major allies: Europe, Canada, Mexico, most of South and Central America. These countries rejected the death penalty. We are partners in death with several third world countries. Even Russia has called a moratorium. The death penalty has been abolished in 12 states. In none of these states has the homicide rate increased. In Illinois last year we had about 1000 murders,

only 2 percent of that 1000 were sentenced to death. Where is the fairness and equality in that? The death penalty in Illinois is not imposed fairly or uniformly because of the absence of standards for the 102 Illinois State Attorneys, who must decide whether to request the death sentence. Should geography be a factor in determining who gets the death sentence? I don't think so but in Illinois it makes a difference. You are 5 times more likely to get a death sentence for first degree murder in the rural area of Illinois than you are in Cook County. Where is the justice and fairness in that ? Where is the proportionality?

The Most Reverend Desmond Tutu wrote to me this week stating that "to take a life when a life has been lost is revenge, it is not justice. He says justice allows for mercy, clemency and compassion. These virtues are not weakness."

"In fact the most glaring weakness is that no matter how efficient and fair the death penalty may seem in theory, in actual practice it is primarily inflicted upon the weak, the poor, the ignorant and against racial minorities. " That was a quote from Former California Governor Pat Brown. He wrote that in his book "Public Justice, Private Mercy" he wrote that nearly 50 years ago, nothing has changed in nearly 50 years.

I never intended to be an activist on this issue. I watched in surprise as freed death row inmate Anthony Porter was released from jail. A free man, he ran into the arms of Northwestern University Professor Dave Protesse who poured his heart and soul into proving Porter's innocence with his journalism students. He was 48 hours away from being wheeled into the execution chamber where the state would kill him.

It would all be so antiseptic and most of us would not have even paused, except that Anthony Porter was innocent of the double murder for which he had been condemned to die.

After Mr. Porter's case there was the report by Chicago Tribune reporters Steve Mills and Ken Armstrong documenting the systemic failures of our capital punishment system. Half of the nearly 300 capital cases in Illinois had been reversed for a new trial or resentencing.

Nearly Half!

33 of the death row inmates were represented at trial by an attorney who had later been disbarred or at some point suspended from practicing law.

Of the more than 160 death row inmates, 35 were African American defendants who had been convicted or condemned to die by all-white juries.

More than two-thirds of the inmates on death row were African American.

46 inmates were convicted on the basis of testimony from jailhouse informants.

I can recall looking at these cases and the information from the

Mills/Armstrong series and asking my staff: How does that happen? How in

God's name does that happen? I'm not a lawyer, so somebody explain it to me.

But no one could. Not to this day.

Then over the next few months. There were three more exonerated men, freed because their sentence hinged on a jailhouse informant or new DNA technology proved beyond a shadow of doubt their innocence.

We then had the dubious distinction of exonerating more men than we had executed. 13 men found innocent, 12 executed.

As I reported yesterday, there is not a doubt in my mind that the number of innocent men freed from our Death Row stands at 17, with the pardons of Aaron Patterson, Madison Hobley, Stanley Howard and Leroy Orange.

That is an absolute embarrassment. 17 exonerated death row inmates is nothing short of a catastrophic failure. But the 13, now 17 men, is just the beginning of our sad arithmetic in prosecuting murder cases. During the time we have had capital punishment in Illinois, there were at least 33 other people wrongly convicted on murder charges and exonerated. Since we reinstated the death penalty there are also 93 people, 93, where our criminal justice system imposed the most severe sanction and later rescinded the sentence or even released them from custody because they were innocent.

How many more cases of wrongful conviction have to occur before we can all agree that the system is broken?

Throughout this process, I have heard many different points of view expressed. I have had the opportunity to review all of the cases involving the inmates on death row. I have conducted private group meetings, one in Springfield and one in Chicago, with the surviving family members of homicide victims. Everyone in the room who wanted to speak had the opportunity to do so. Some wanted to express their grief, others wanted to express their anger. I took it all in.

My commission and my staff had been reviewing each and every case for three years. But, I redoubled my effort to review each case personally in order to respond to the concerns of prosecutors and victims' families. This individual review also naturally resulted in a collective examination of our entire death penalty system.

I also had a meeting with a group of people who are less often heard from, and who are not as popular with the media. The family members of death row inmates have a special challenge to face. I spent an afternoon with those family members at a Catholic Church here in Chicago. At that meeting, I heard a different kind of pain expressed. Many of these families live with the twin pain of knowing not only that, in some cases, their family member may have been responsible for inflicting a terrible trauma on another family, but also the pain of knowing that society has called for another killing. These parents, siblings and children are not to blame for the crime committed, yet these innocent stand to have their loved ones killed by the state. As Mr. Mandela told me, they are also branded and scarred for life because of the awful crime committed by their

family member.

Others were even more tormented by the fact that their loved one was another victim, that they were truly innocent of the crime for which they were sentenced to die.

It was at this meeting that I looked into the face of Claude Lee, the father of Eric Lee, who was convicted of killing Kankakee police officer Anthony Samfay a few years ago. It was a traumatic moment, once again, for my hometown. A brave officer, part of that thin blue line that protects each of us, was struck down by wanton violence. If you will kill a police officer, you have absolutely no respect for the laws of man or God.

I've known the Lee family for a number of years. There does not appear to be much question that Eric was guilty of killing the officer. However, I can say now after our review, there is also not much question that Eric is seriously ill, with a history of treatment for mental illness going back a number of years. The crime he committed was a terrible one, killing a police officer. Society demands that the highest penalty be paid.

But I had to ask myself : could I send another man's son to death under the deeply flawed system of capital punishment we have in Illinois? A troubled young man, with a history of mental illness? Could I rely on the system of justice we have in Illinois not to make another horrible mistake? Could I rely on a fair sentencing?

In the United States the overwhelming majority of those executed are psychotic, alcoholic, drug addicted or mentally unstable. They frequently are raised in an impoverished and abusive environment.

Seldom are people with money or prestige convicted of capital offenses, even more seldom are they executed.

To quote Governor Brown again, he said "society has both the right and the moral duty to protect itself against its enemies. This natural and prehistoric axiom has never successfully been refuted. If by ordered death, society is really protected and our homes and institutions guarded, then even the most extreme of all penalties can be justified."

"Beyond its honor and incredibility, it has neither protected the innocent nor deterred the killers. Publicly sanctioned killing has cheapened human life and dignity without the redeeming grace which comes from justice metered out swiftly, evenly, humanely."

At stake throughout the clemency process, was whether some, all or none of these inmates on death row would have their sentences commuted from death to life without the possibility parole.

One of the things discussed with family members was life without parole was seen as a life filled with perks and benefits.

Some inmates on death row don't want a sentence of life without parole. Danny

Edwards wrote me and told me not to do him any favors because he didn't want to face a prospect of a life in prison without parole. They will be confined in a cell that is about 5-feet-by-12 feet, usually double-bunked. Our prisons have no air conditioning, except at our supermax facility where inmates are kept in their cell 23 hours a day. In summer months, temperatures in these prisons exceed one hundred degrees. It is a stark and dreary existence. They can think about their crimes. Life without parole has even, at times, been described by prosecutors as a fate worse than death.

Yesterday, I mentioned a lawsuit in Livingston County where a judge ruled the state corrections department cannot force feed two corrections inmates who are on a hunger strike. The judge ruled that suicide by hunger strike was not an irrational action by the inmates, given what their future holds.

Earlier this year, the U.S. Supreme Court held that it is unconstitutional and cruel and unusual punishment to execute the mentally retarded. It is now the law of the land. How many people have we already executed who were mentally retarded and are now dead and buried? Although we now know that they have been killed by the state unconstitutionally and illegally. Is that fair? Is that right?

This court decision was last spring. The General Assembly failed to pass any measure defining what constitutes mental retardation. We are a rudderless ship because they failed to act.

This is even after the Illinois Supreme Court also told lawmakers that it is their job and it must be done.

I started with this issue concerned about innocence. But once I studied, once I pondered what had become of our justice system, I came to care above all about fairness. Fairness is fundamental to the American system of justice and our way of life.

The facts I have seen in reviewing each and every one of these cases raised questions not only about the innocence of people on death row, but about the fairness of the death penalty system as a whole.

If the system was making so many errors in determining whether someone was guilty in the first place, how fairly and accurately was it determining which guilty defendants deserved to live and which deserved to die? What effect was race having? What effect was poverty having?

And in almost every one of the exonerated 17, we not only have breakdowns in the system with police, prosecutors and judges, we have terrible cases of shabby defense lawyers. There is just no way to sugar coat it. There are defense attorneys that did not consult with their clients, did not investigate the case and were completely unqualified to handle complex death penalty cases. They often didn't put much effort into fighting a death sentence. If your life is on the line,

your lawyer ought to be fighting for you. As I have said before, there is more than enough blame to go around.

I had more questions.

In Illinois, I have learned, we have 102 decision makers. Each of them are politically elected, each beholden to the demands of their community and, in some cases, to the media or especially vocal victims' families. In cases that have the attention of the media and the public, are decisions to seek the death penalty more likely to occur? What standards are these prosecutors using? Some people have assailed my power to commute sentences, a power that literally hundreds of legal scholars from across the country have defended. But prosecutors in Illinois have the ultimate commutation power, a power that is exercised every day. They decide who will be subject to the death penalty, who will get a plea deal or even who may get a complete pass on prosecution. By what objective standards do they make these decisions? We do not know, they are not public. There were more than 1000 murders last year in Illinois. There is no doubt that all murders are horrific and cruel. Yet, less than 2 percent of those murder defendants will receive the death penalty. That means more than 98% of victims families do not get, and will not receive whatever satisfaction can be derived from the execution of the murderer. Moreover, if you look at the cases, as I have done, both individually and collectively -- a killing with the same circumstances might get 40 years in one county and death in another county. I have also seen where co-defendants who are equally or even more culpable get sentenced to a term of years, while another less culpable defendant ends up on death row.

In my case-by-case review, I found three people that fell into this category, Mario Flores, Montel Johnson and William Franklin. Today I have commuted their sentences to a term of 40 years to bring their sentences into line with their co-defendants and to reflect the other extraordinary circumstances of these cases.

Supreme Court Justice Potter Stewart has said that the imposition of the death penalty on defendants in this country is as freakish and arbitrary as who gets hit by a bolt of lightning.

For years the criminal justice system defended and upheld the imposition of the death penalty for the 17 exonerated inmates from Illinois Death row. Yet when the real killers are charged, prosecutors have often sought sentences of less than death. In the Ford Heights Four Case, Verneal Jimerson and Dennis Williams fought the death sentences imposed upon them for 18 years before they were exonerated. Later, Cook County prosecutors sought life in prison for two of the real killers and a sentence of 80 years for a third.

What made the murder for which the Ford Heights Four were sentenced to die less heinous and worthy of the death penalty twenty years later with a new set

of defendants?

We have come very close to having our state Supreme Court rule our death penalty statute - the one that I helped enact in 1977 - unconstitutional. Former State Supreme Court Justice Seymour Simon wrote to me that it was only happenstance that our statute was not struck down by the state's high court. When he joined the bench in 1980, three other justices had already said Illinois' death penalty was unconstitutional. But they got cold feet when a case came along to revisit the question. One judge wrote that he wanted to wait and see if the Supreme Court of the United States would rule on the constitutionality of the new Illinois law. Another said precedent required him to follow the old state Supreme Court ruling with which he disagreed.

Even a pharmacist knows that doesn't make sense. We wouldn't have a death penalty today, and we all wouldn't be struggling with this issue, if those votes had been different. How arbitrary.

Several years after we enacted our death penalty statute, Girvies Davis was executed. Justice Simon writes that he was executed because of this unconstitutional aspect of the Illinois law -- the wide latitude that each Illinois State's Attorney has to determine what cases qualify for the death penalty. One State's Attorney waived his request for the death sentence when Davis' first sentencing was sent back to the trial court for a new sentencing hearing. The prosecutor was going to seek a life sentence. But in the interim, a new State's Attorney took office and changed directions. He once again sought and secured a death sentence. Davies was executed.

How fair is that?

After the flaws in our system were exposed, the Supreme Court of Illinois took it upon itself to begin to reform its' rules and improve the trial of capital cases. It changed the rule to require that State's Attorney's give advance notice to defendants that they plan to seek the death penalty to require notice before trial instead of after conviction. The Supreme Court also enacted new discovery rules designed to prevent trials by ambush and to allow for better investigation of cases from the beginning.

But shouldn't that mean if you were tried or sentenced before the rules changed, you ought to get a new trial or sentencing with the new safeguards of the rules? This issue has divided our Supreme Court, some saying yes, a majority saying no. These justices have a lifetime of experience with the criminal justice system and it concerns me that these great minds so strenuously differ on an issue of such importance, especially where life or death hangs in the balance.

What are we to make of the studies that showed that more than 50% of Illinois jurors could not understand the confusing and obscure sentencing instructions that were being used? What effect did that problem have on the trustworthiness of death sentences? A review of the cases shows that often even the lawyers

and judges are confused about the instructions - let alone the jurors sitting in judgment. Cases still come before the Supreme Court with arguments about whether the jury instructions were proper.

I spent a good deal of time reviewing these death row cases. My staff, many of whom are lawyers, spent busy days and many sleepless nights answering my questions, providing me with information, giving me advice. It became clear to me that whatever decision I made, I would be criticized. It also became clear to me that it was impossible to make reliable choices about whether our capital punishment system had really done its job.

As I came closer to my decision, I knew that I was going to have to face the question of whether I believed so completely in the choice I wanted to make that I could face the prospect of even commuting the death sentence of Daniel Edwards, the man who had killed a close family friend of mine. I discussed it with my wife, Lura Lynn, who has stood by me all these years. She was angry and disappointed at my decision like many of the families of other victims will be.

I was struck by the anger of the families of murder victims. To a family they talked about closure. They pleaded with me to allow the state to kill an inmate in its name to provide the families with closure. But is that the purpose of capital punishment? Is it to soothe the families? And is that truly what the families experience.

I cannot imagine losing a family member to murder. Nor can I imagine spending every waking day for 20 years with a single minded focus to execute the killer. The system of death in Illinois is so unsure that it is not unusual for cases to take 20 years before they are resolved. And thank God. If it had moved any faster, then Anthony Porter, the Ford Heights Four, Ronald Jones, Madison Hobley and the other innocent men we've exonerated might be dead and buried. But it is cruel and unusual punishment for family members to go through this pain, this legal limbo for 20 years. Perhaps it would be less cruel if we sentenced the killers to TAMS to life, and used our resources to better serve victims.

My heart ached when I heard one grandmother who lost children in an arson fire. She said she could not afford proper grave markers for her grandchildren who died. Why can't the state help families provide a proper burial?

Another crime victim came to our family meetings. He believes an inmate sent to death row for another crime also shot and paralyzed him. The inmate he says gets free health care while the victim is struggling to pay his substantial medical bills and, as a result, he has forgone getting proper medical care to alleviate the physical pain he endures.

What kind of victims services are we providing? Are all of our resources geared toward providing this notion of closure by execution instead of tending

to the physical and social service needs of victim families? And what kind of values are we instilling in these wounded families and in the young people? As Gandhi said, an eye for an eye only leaves the whole world blind.

President Lincoln often talked of binding up wounds as he sought to preserve the Union. "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

I have had to consider not only the horrible nature of the crimes that put men on death row in the first place, the terrible suffering of the surviving family members of the victims, the despair of the family members of the inmates, but I have also had to watch in frustration as members of the Illinois General Assembly failed to pass even one substantive death penalty reform. Not one. They couldn't even agree on ONE. How much more evidence is needed before the General Assembly will take its responsibility in this area seriously?

The fact is that the failure of the General Assembly to act is merely a symptom of the larger problem. Many people express the desire to have capital punishment. Few, however, seem prepared to address the tough questions that arise when the system fails. It is easier and more comfortable for politicians to be tough on crime and support the death penalty. It wins votes. But when it comes to admitting that we have a problem, most run for cover. Prosecutors across our state continue to deny that our death penalty system is broken, or they say if there is a problem, it is really a small one and we can fix it somehow. It is difficult to see how the system can be fixed when not a single one of the reforms proposed by my Capital Punishment Commission has been adopted. Even the reforms the prosecutors agree with haven't been adopted. So when will the system be fixed? How much more risk can we afford? Will we actually have to execute an innocent person before the tragedy that is our capital punishment system in Illinois is really understood? This summer, a United States District court judge held the federal death penalty was unconstitutional and noted that with the number of recent exonerations based on DNA and new scientific technology we undoubtedly executed innocent people before this technology emerged.

As I prepare to leave office, I had to ask myself whether I could really live with the prospect of knowing that I had the opportunity to act, but that I failed to do so because I might be criticized. Could I take the chance that our capital punishment system might be reformed, that wrongful convictions might not occur, that enterprising journalism students might free more men from death row? A system that's so fragile that it depends on young journalism students is seriously flawed.

"There is no honorable way to kill, no gentle way to destroy. There is nothing good in war. Except its ending."

That's what Abraham Lincoln said about the bloody war between the states. It

was a war fought to end the sorriest chapter in American history--the institution of slavery. While we are not in a civil war now, we are facing what is shaping up to be one of the great civil rights struggles of our time. Stephen Bright of the Southern Center for Human Rights has taken the position that the death penalty is being sought with increasing frequency in some states against the poor and minorities.

Our own study showed that juries were more likely to sentence to death if the victim were white than if the victim were black--three-and-a-half times more likely to be exact. We are not alone. Just this month Maryland released a study of their death penalty system and racial disparities exist there too.

This week, Mamie Till died. Her son Emmett was lynched in Mississippi in the 1950s. She was a strong advocate for civil rights and reconciliation. In fact just three weeks ago, she was the keynote speaker at the Murder Victims' Families for Reconciliation Event in Chicago. This group, many of whom I've met, opposes the death penalty even though their family members have been lost to senseless killing. Mamie's strength and grace not only ignited the civil rights movement--including inspiring Rosa Parks to refuse to go to the back of the bus--but inspired murder victims' families until her dying day.

Is our system fair to all? Is justice blind? These are important human rights issues.

Another issue that came up in my individual, case-by-case review was the issue of international law. The Vienna Convention protects U.S. citizens abroad and foreign nationals in the United States. It provides that if you arrested, you should be afforded the opportunity to contact your consulate. There are five men on death row who were denied that internationally recognized human right. Mexico's President Vicente Fox contacted me to express his deep concern for the Vienna Convention violations. If we do not uphold international law here, we cannot expect our citizens to be protected outside the United States. My Commission recommended the Supreme Court conduct a proportionality review of our system in Illinois. While our appellate courts perform a case by case review of the appellate record, they have not done such a big picture study. Instead, we tinker with a case-by-case review as each appeal lands on their docket.

In 1994, near the end of his distinguished career on the Supreme Court of the United States, Justice Harry Blackmun wrote an influential dissent in the body of law on capital punishment. 20 years earlier he was part of the court that issued the landmark Furman decision. The Court decided that the death penalty statutes in use throughout the country were fraught with severe flaws that rendered them unconstitutional. Quite frankly, they were the same problems we see here in Illinois. To many, it looked liked the Furman decision meant the end of the death penalty in the United States.

This was not the case. Many states responded to Furman by developing and enacting new and improved death penalty statutes. In 1976, four years after it had decided Furman, Justice Blackmun joined the majority of the United States Supreme Court in deciding to give the States a chance with these new and improved death penalty statutes. There was great optimism in the air.

This was the climate in 1977, when the Illinois legislature was faced with the momentous decision of whether to reinstate the death penalty in Illinois. I was a member of the General Assembly at that time and when I pushed the green button in favor of reinstating the death penalty in this great State, I did so with the belief that whatever problems had plagued the capital punishment system in the past were now being cured. I am sure that most of my colleagues who voted with me that day shared that view.

But 20 years later, after affirming hundreds of death penalty decisions, Justice Blackmun came to the realization, in the twilight of his distinguished career that the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake." He expressed frustration with a 20-year struggle to develop procedural and substantive safeguards. In a now famous dissent he wrote in 1994, " From this day forward, I no longer shall tinker with the machinery of death."

One of the few disappointments of my legislative and executive career is that the General Assembly failed to work with me to reform our deeply flawed system.

I don't know why legislators could not heed the rising voices of reform. I don't know how many more systemic flaws we needed to uncover before they would be spurred to action.

Three times I proposed reforming the system with a package that would restrict the use of jailhouse snitches, create a statewide panel to determine death eligible cases, and reduce the number of crimes eligible for death. These reforms would not have created a perfect system, but they would have dramatically reduced the chance for error in the administration of the ultimate penalty.

The Governor has the constitutional role in our state of acting in the interest of justice and fairness. Our state constitution provides broad power to the Governor to issue reprieves, pardons and commutations. Our Supreme Court has reminded inmates petitioning them that the last resort for relief is the governor.

At times the executive clemency power has perhaps been a crutch for courts to avoid making the kind of major change that I believe our system needs.

Our systemic case-by-case review has found more cases of innocent men wrongfully sentenced to death row. Because our three year study has found only more questions about the fairness of the sentencing; because of the

spectacular failure to reform the system; because we have seen justice delayed for countless death row inmates with potentially meritorious claims; because the Illinois death penalty system is arbitrary and capricious - and therefore immoral - I no longer shall tinker with the machinery of death.

I cannot say it more eloquently than Justice Blackmun.

The legislature couldn't reform it.

Lawmakers won't repeal it.

But I will not stand for it.

I must act.

Our capital system is haunted by the demon of error, error in determining guilt, and error in determining who among the guilty deserves to die. Because of all of these reasons today I am commuting the sentences of all death row inmates. This is a blanket commutation. I realize it will draw ridicule, scorn and anger from many who oppose this decision. They will say I am usurping the decisions of judges and juries and state legislators. But as I have said, the people of our state have vested in me to act in the interest of justice. Even if the exercise of my power becomes my burden I will bear it. Our constitution compels it. I sought this office, and even in my final days of holding it I cannot shrink from the obligations to justice and fairness that it demands.

There have been many nights where my staff and I have been deprived of sleep in order to conduct our exhaustive review of the system. But I can tell you this: I will sleep well knowing I made the right decision.

As I said when I declared the moratorium, it is time for a rational discussion on the death penalty. While our experience in Illinois has indeed sparked a debate, we have fallen short of a rational discussion. Yet if I did not take this action, I feared that there would be no comprehensive and thorough inquiry into the guilt of the individuals on death row or of the fairness of the sentences applied. To say it plainly one more time- the Illinois capital punishment system is broken. It has taken innocent men to a hair's breadth escape from their unjust execution. Legislatures past have refused to fix it. Our new legislature and our new Governor must act to rid our state of the shame of threatening the innocent with execution and the guilty with unfairness.

In the days ahead, I will pray that we can open our hearts and provide something for victims' families other than the hope of revenge. Lincoln once said: " I have always found that mercy bears richer fruits than strict justice." I can only hope that will be so. God bless you. And God bless the people of Illinois.