

URGENT ACTION

URGE ILLINOIS GOVERNOR TO SIGN ABOLITION BILL

The Illinois legislature has passed a bill to abolish the death penalty in the state. This historic bill now goes to the state governor who can sign it into law or veto it. Governor Pat Quinn has said he will look at the bill “very carefully”. He has a maximum of 60 days to act on it. Appeals to the Governor at this stage could help convince him to sign the bill into law.

The Illinois Senate approved the abolitionist bill – Senate Bill 3539 – on 11 January by 32 votes to 25. The Senate’s vote follows passage of the bill through the state House of Representatives on 6 January, by 60 votes to 54. The bill would abolish the death penalty, and would also reallocate funds earmarked for capital punishment cases to be used for services for families of murder victims and for the training of law enforcement personnel.

Illinois has executed 12 people since judicial killing resumed in the USA in 1977. During the same period, 20 people have been released from the state’s death row, the second highest number of such exonerations among the USA’s death penalty states. Illinois has not carried out an execution since 1999, and in 2000 then-Governor George Ryan declared a moratorium on executions after concluding that the capital justice system was fundamentally flawed. In 2003, he pardoned four death row inmates whom he concluded were innocent, and commuted the death sentences of 167 other prisoners. Although capital prosecutions have continued – there are currently 15 men on death row in Illinois – Governor Ryan’s successors, Rod Blagojevich and Pat Quinn, have supported the continuation of the moratorium on executions.

If Governor Quinn signs the bill, Illinois would become the 16th abolitionist state in the USA, and the third state to enact legislation to abolish the death penalty since 2007, following New Jersey in 2007 and New Mexico in 2009.

At a press conference on 12 January, Governor Quinn said that he will look at the bill “very carefully”, that it is a “very important matter” that “deserves lots of study”. He said that he will consider opinions expressed to him in the coming period by people in Illinois, and “listen, reflect and follow my conscience”. He referred to the state’s history of wrongful convictions in capital cases, which would have “resulted in terrible tragedies” if any of the prisoners concerned had been executed. He noted that he has a maximum of 60 days from when the bill arrives before him to take action on it. He can sign the bill into law or he can veto it. If he does not act on the bill during the 60-day period, it would pass into law.

PLEASE WRITE IMMEDIATELY in English or your own language, in your own words, using any of the information in this Urgent Action as you see fit:

- Welcoming the vote by the legislature to pass the bill to abolish the death penalty;
- Urging Governor Quinn to sign the bill into law;
- If you know anyone in Illinois, ask them to call the Governor’s Office and urge that he sign the bill.

PLEASE SEND APPEALS AS SOON AS POSSIBLE, AND BEFORE 24 FEBRUARY TO:

Governor Pat Quinn
Office of the Governor
207 State House
Springfield, IL 62706, USA
Fax: +1 217 524 4049 or +1 312 814 5512
Email: via <http://www2.illinois.gov/gov/Pages/ContacttheGovernor.aspx>

Salutation: Dear Governor

Also send copies to diplomatic representatives of the US accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amnesty International opposes the death penalty in all cases, unconditionally. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, in social and psychological terms as well as to the public purse (a fact which is drawing increasing public concern in the USA in the current economic climate). It has not been proved to have a unique deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim's family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it.

Today, 139 countries are abolitionist in law or practice, a clear majority. Such countries have concluded either that the death penalty is unnecessary, or that it is incompatible with modern standards of justice, or both. While international law recognizes that some countries retain the death penalty, this acknowledgment of present reality should not be invoked "to delay or to prevent the abolition of capital punishment", in the words of Article 6.6 of the International Covenant on Civil and Political Rights. In 2007, 2008 and 2010, the United Nations General Assembly passed resolutions calling for a worldwide moratorium on executions, pending abolition.

There have been more than 1200 executions in the USA since judicial killing resumed there in 1977, and more than 3200 men and women are on death row today. However, the number of death sentences passed each year in the USA continues to fall well below the peak in the mid-1990s. The number of people sentenced to death in the USA in each of the past five years, for example, was only about a third of what it was in each of the five years from 1992 to 1996. This pattern is reflected in Illinois too. In the 10 years between 2000 and 2009, on average, 3.3 death sentences were passed each year in Illinois. In the preceding decade, the average was more than three times greater, at 11.3 death sentences per year.

Arbitrariness, discrimination and error mark the death penalty in the USA, along with its inescapable cruelty. More than 130 people have been released from death rows on grounds of innocence since 1976. Public and political support for the death penalty has weakened in recent years, possibly a result of an erosion of belief in its deterrence value, an increased awareness of the frequency of wrongful convictions in capital cases, and a greater confidence that public safety can be guaranteed by life prison terms rather than death sentences. In 2008, Senior Supreme Court Justice John Paul Stevens revealed that he had decided, after more than three decades on the country's highest court, that the death penalty was a cruel waste of time. "I have relied on my own experience", he wrote, "in reaching the conclusion that the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes". Since retiring from the Supreme Court in June 2010, he has said that there was one vote during his nearly 35 years on the Court that he regretted – his vote with the majority in *Gregg v. Georgia* in 1976 that allowed executions to resume in the USA.

Among other things, the *Gregg v. Georgia* ruling cited Section 210.6 of the Model Penal Code issued by the American Law Institute in the 1960s. This had sought to provide legislators in states which decided to retain the death penalty with rules aimed at maximizing fairness and reliability in capital sentencing. In 2009, the American Law Institute voted to withdraw §210.6 "in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment". In assessing whether to withdraw §210.6, the Institute had considered, among other things, the inadequacies of the US Supreme Court's constitutional regulation of the death penalty and of federal habeas corpus review generally, the politicization of the death penalty, racial discrimination, systemic juror confusion in capital cases, the under-funding of defence counsel services, and death sentences against the innocent. See also USA: A learning curve, towards a 'more perfect world', October 2010, <http://www.amnesty.org/en/library/info/AMR51/095/2010/en>

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