

Botched cases won't lead to ban on death penalty

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Most state legislators, like most of their constituents, support the death penalty.

The consensus in our society is that the death penalty is needed, and you won't find many politicians who are willing to go up against such a widely held belief.

It's what is known as an "80 percent." When an issue is supported (or opposed) by 80 percent of the populace, then it becomes something that figures into how people vote. If you are on the wrong side of an 80 percent, like imposing the death penalty or saving Social Security, then you are much less likely to be elected. For the most part, people spend very little time deciding which candidates to vote for; so they use these touchstone issues to quickly weed out the undesirable.

It's no surprise, then, that politicians are not naturally inclined to make life easier for death row prisoners.

After Anthony Porter was released from death row recently, just months after Rolando Cruz and Alejandro Hernandez were found to have been wrong-

ly condemned to die, Gov. George Ryan's first reaction was to dismiss the outcry for reform. His spokesman said the system had worked fine, even though Porter was released after serving 17 years for a crime he didn't commit and came within 48 hours of being executed. End of story, move on.

But Americans generally support fairness, and polls have even shown that a majority of them worry about people being mistakenly executed (58 percent in a 1993 poll that was conducted by a Republican polling firm).

The complete absurdity of his spokesman's comments apparently struck Ryan. The governor agreed to convene a summit on the death penalty and even review all the death row cases that are out there now before more executions are carried out — a de facto moratorium.

Don't expect Ryan or anyone else to go too far, however. Ryan and most of the General Assembly still support the death penalty, and they believe that the public does as well. And they also worry what could happen if they loosen things



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up too much and accidentally create a backlash if an awful murderer somehow escapes the noose.

On some level, though, they have to identify with people like Anthony Porter and Rolando Cruz. Politicians these days know all too well what it's like to be targeted by over-zealous prosecutors who will do almost anything to win convictions. And I'm not just talking about the president's predicament.

Illinois legislators don't have to look far to see a prime example of this in their own ranks. Not long before Porter was released, former state Rep. Miguel

Santiago (D-Chicago) was found innocent in a federal corruption trial, after spending thousands of dollars on his defense and losing his reputation.

Lots of legislators from both political parties attended Santiago's victory party in Springfield, and they all raised their glasses to toast his triumph, many with chills running up their spines for fear that they could be next on the hit list.

There are polls that suggest our support for the death penalty isn't as strong as the media and the politicians generally have us believe. A survey taken in 1993 by The Ferrance Group, a Republican polling firm, found that support for capital punishment dropped from 77 percent down to 41 percent when people were given the option of choosing life sentences without parole plus retribution. A Gallup poll found similar results.

But, again, most legislators were elected on pro-death penalty platforms, and the vast majority are true believers. So very few, if any, will take the radical step of renouncing their former

positions. However, since even the conservative Senate Republicans are showing a willingness to work on the issue, we'll probably see some significant, but not huge, reforms in the death penalty law this spring.

Attorney General Jim Ryan's plan for more money for public defenders and a new board to examine claims of innocence by people sentenced to die is probably the best bet for passage because it's reasonable enough to be accepted by both sides. Ryan's history as a former state's attorney who oversaw the conviction and sentencing of both Cruz and Hernandez also gives him some ironic credibility on the issue.

Don't kid yourself, though, that the death penalty will be abolished in this state anytime soon. Passing bills in the legislature is a numbers game. And the numbers just aren't there for getting rid of capital punishment.

Rich Miller is publisher of the Capitol Fax newsletter on political events in Springfield. His column is provided by the Illinois Press Association.