

Lifelines

NEWS FROM THE NATIONAL COALITION TO ABOLISH THE DEATH PENALTY • NUMBER 105 • WINTER/SPRING 2011

Abolition Momentum Accelerates As Illinois Becomes 16th State to Reject the Death Penalty

Years of dedicated work to expose the unfairness and error in the Illinois death penalty came to an end when Governor Pat Quinn signed repeal legislation. Illinois became the 16th state to abandon capital punishment and the fourth in four years, joining New Jersey, New Mexico and New York in rejecting capital punishment. What's different about Illinois is that for the first time, in addition to repeal of the death penalty, the legislation takes funds previously set aside for capital litigation and creates a line item in the Illinois budget called "The Death Penalty Abolition Fund," which sets aside money for training for law enforcement and enhanced services for the survivors of homicide victims.

Diann Rust-Tierney, Executive Director of the National Coalition to Abolish the Death Penalty, said: "This development signals the possibility of a new approach to policy debates about crime and justice and capital punishment in particular. It is a new

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From left: NCADP Deputy Director Sachin Chheda, Illinois State Representative Karen Yarbrough, Jeremy Schroeder, ICADP Executive Director, Master of Ceremonies Magdaleno Rose-Avila, and Illinois State Senator Kwame Raoul celebrate Yarbrough, Raoul and Schroeder receiving Special Recognition Awards at NCADP's Awards Dinner for their efforts in the Illinois repeal.



NCADP Executive Director Diann Rust-Tierney welcomes conference participants to Chicago.

NCADP's Conference Draws Large Audience, Diverse Participants

Encouraged by significant declines in death sentences and executions, as well as increasing popular support for alternatives to capital punishment, nearly 350 people from around the country participated in NCADP's 2011 Conference entitled "Training For the Long Run: Building Momentum for Repeal." The annual event, which was held January 13 – 16 at the Renaissance Downtown Chicago Hotel, is the preeminent annual gathering of death penalty abolitionists, their allies and supporters.

"The conference captured the momentum that is taking place on this issue across the board," said NCADP Executive Director Diann Rust-Tierney. "Once again we brought together people representative of a broad swath of Americans: law enforcement,

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A Message from Diann Rust-Tierney

Dear Friends:

We stand today on the precipice of a new beginning. We are re-inventing the criminal justice system—forging a new vision. It is a vision of criminal justice that holds individuals accountable for the harm they do to others, but does so in a way that is consistent with our core values of even-handed justice and the deepest respect for human life. It is a system of justice where no one is excluded from the policy discussion of how best to achieve this goal.

Illinois has become the model of responsible leadership on this issue.

While Illinois has followed as the fourth state in four years to abandon the death penalty—in many ways Illinois leads as it did eleven years ago when it instituted the first executive moratorium on the death penalty.

And so Illinois becomes the 16th state to be death penalty-free. The action marked another step in the inexorable march toward abolition nationally as the Prairie State is the second largest thus far to renounce capital punishment.

What happened in Illinois was perfectly logical. Once the public and their leaders took a closer look at the system, they found they could neither support maintaining the status quo nor literally, pour good money after bad.

The Illinois repeal had its roots in the action taken by former Governor George Ryan in 2000 when he imposed a moratorium on executions because more people had been released from death row who were innocent of the crime for which they were convicted, than had been executed since the death penalty was restored in 1976.

George Ryan did the responsible thing. Though originally he was a supporter of the death penalty, Ryan stopped the machine, calling for a nonpartisan commission to study the Illinois death penalty system. The Illinois Commission on Capital Punishment made more than 80 recommendations for changes in the law and policy. Subsequently, the legislature enacted some, but not all of the proposals and so the system churned on, imposing death sentences but with no real enthusiasm and mercifully, no executions. All that ended March 9, 2011. (See *How We Ended the Death Penalty in Illinois*, Page 3)

The Illinois victory confirms the substantial progress we are making. In virtually every death penalty state there is a debate about the value of capital punishment. The conversation centers not just on economic costs, which are notoriously high, but on the opportunity costs of not having the money to hire more police officers and fund their training.

The legal underpinnings for capital punishment have also fallen away. In 2009 the American Law Institute, the prestigious legal organization charged with providing leadership to ensure the fair administration of justice, adopted a resolution withdrawing the capital punishment provision from its Model Penal Code, “in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment.”

The Institute’s action was based in large part on its own study that concluded, “The preconditions for an adequately administered regime of capital punishment do not currently exist and cannot reasonably be expected to be achieved.” ALI’s decision is all the more significant because it has never taken a position on the merits of capital punishment as a policy, let alone opposed it.

For all of those who contributed to the Illinois victory, thank you for your hard work, dedication and financial support. This milestone was only possible because of the vibrant and active network of NCADP affiliated organizations across the country. We are proud to support these efforts as well as to provide national leadership on repeal.

Peace,

A handwritten signature in black ink that reads "Diann Rust-Tierney".

Diann Rust-Tierney
Executive Director

NCADP Lifelines

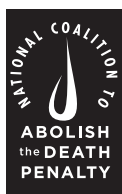
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How We Ended the Death Penalty in Illinois

BY JEREMY SCHROEDER
EXECUTIVE DIRECTOR, ILLINOIS COALITION TO
ABOLISH THE DEATH PENALTY

First, there was no "Secret Plan." In Illinois we had a strategic, organized, focused, creative and hard working campaign that brought in extremely talented people and worked them pretty hard for over two years.

The one thing the Illinois campaign did that I think sets us apart was that we had a unique opportunity and we took advantage of it. The obstacle of the Illinois legislature's inaction on the death penalty did not erase the state's history of convicting the innocent or problems with the Illinois system. Instead of waiting for the situation in Illinois to change, we focused on what ICADP needed to do to be successful and came up with a plan to win.

Granted, it was a highly ambitious strategy, but we did the groundwork to know where every single legislator stood on repeal. We then focused our scarce resources on our "maybe" votes and kept pushing them in their districts and in the state capitol, Springfield. We knew starting out that we were not going to repeal the death

penalty for at least two years and we took advantage of that time to organize communities to talk to their legislators as well as lobbying legislators in Springfield with our unique brand of ICADP charm. Illinois' history got us in the door with legislators and we were able to build on ICADP's years of organizing to get the votes we needed.

"What does an Illinois win mean nationally for abolition?"



Jeremy Schroeder, ICADP Executive Director, speaking to the conference days after repeal passed the Illinois legislature.

What does an Illinois win mean nationally for abolition? Two things. Illinois is a large state that did what many states wish they could do; we studied the system, enacted reforms and then even studied the reforms. It cost us resources, millions of dollars, and a decade of time. Hopefully, state legislatures will learn from Illinois and realize the death penalty is too flawed to fix.

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Illinois From Page 1

approach that pays more attention to addressing the harm done to families and communities. This approach holds people accountable for the harm they do but does it in a way that is consistent with our core values of equal justice and nonviolence, recognizing that our respect and desire to honor the precious gift of life is paramount.”

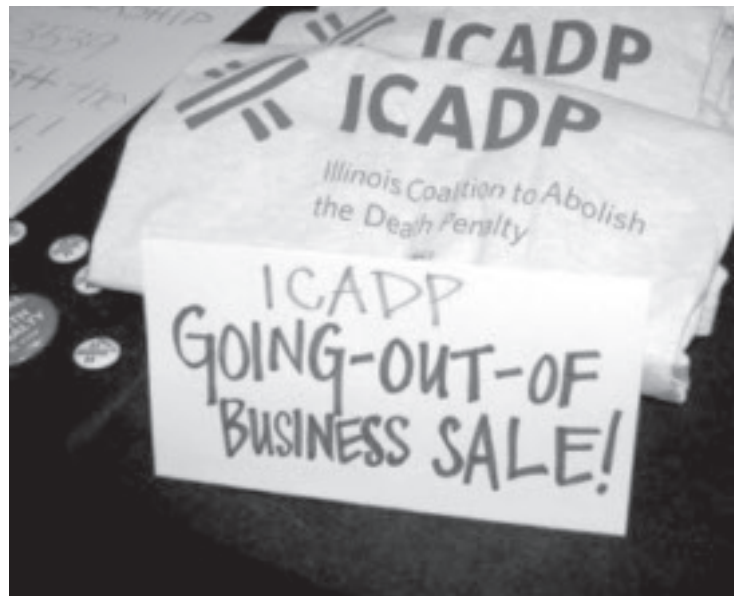
In signing the repeal legislation, Governor Quinn said :“Since our experience has shown that there is no way to design a perfect death penalty system, free from the numerous flaws that can lead to wrongful convictions or discriminatory treatment, I have concluded that the proper course of action is to abolish it.”

The measure had passed the legislature on January 11 when, after more than a decade of trying to reform its capital punishment laws, the Illinois Senate passed Senate Bill 3539 by a 32-25 vote. “We won because we brought all of the different arguments for abolition together and made them heard,” said Jeremy Schroeder, executive director of NCADP’s Affiliate, the Illinois Coalition to Abolish the Death Penalty. “Family members of murder victims said the death penalty brought them no healing, and law enforcement said that capital punishment was no deterrent and wasted tax dollars. Religious leaders said that it was immoral, and death row inmates who had been exonerated, like Randy Steidl, stood up as living proof that the system can, and does make terrible mistakes.”

“There were many individuals and organizations involved in the effort in Illinois,” said Rust-Tierney, “and NCADP congratulates and thanks everyone who helped.”

Two former NCADP board members were among those who were instrumental over the years. Jane Bohman, a former vice-chair of NCADP’s board , was the previous executive director of ICADP, and she helped lay the foundation for the past two years. Jennifer Bishop-Jenkins, who also recently ended her time on NCADP’s board, has long been a leading voice among Illinois murder victims’ family members opposed to the death penalty. NCADP also loaned staff to the effort and mobilized its network of state and national Affiliates in a coordinated campaign to provide extra hands wherever and whenever they were needed.

The legislation proved to be one of the most suspenseful political cliffhangers in recent history. Under Illinois law, the repeal legislation required 60 votes in the Illinois House of Representatives and in the first tally, the measure failed to pass by one vote. The primary architects of the success were Representative Karen Yarborough, who sponsored the bill in the House and State Senator Kwame Raoul, who sponsored the bill on the Senate side.



A sign at the NCADP conference anticipating that the Illinois Coalition Against the Death Penalty would make itself unnecessary, and it did!

The state had not had an execution since 1999 and momentum for abolition was building for years. Much of the impetus was based on the state’s appalling record of mistakes and corruption. Since capital punishment was ruled constitutional in 1976, Illinois executed 12 people, but during that same period, 20 individuals were exonerated.

The move toward abolition received tremendous support from across the political spectrum. One of the most important voices came from Lieutenant Governor Sheila Simon, a former assistant state’s attorney. Before signing, Quinn spoke with many who opposed the death penalty including Nobel laureate Archbishop Desmond Tutu, and Sister Helen Prejean. He also received a letter signed by 65 Illinois attorneys and jurists including retired State Supreme Court Justice Mary Ann McMorrow, former governor and federal prosecutor James Thompson, and several former U.S. Attorneys.

Bishop Stephen Blaire, chairman of the Committee on Domestic Justice and Human Development for the U.S. Bishops’ Conference encouraged Governor Quinn as he was deliberating whether to sign the legislation saying: “Respect for life applies to all, even the perpetrators of terrible acts.” The week before he signed the bill, Governor Quinn’s staff reported that he had received over 12,000 letters and calls advocating repeal and fewer than 800 favoring retaining capital punishment.

The New York Times said in an editorial following the repeal action: “Since 1977, Illinois’s criminal justice system has wrongly condemned at least 20 people to death. Governor Quinn courageously put aside

“We won because we brought all of the different arguments for abolition together and made them heard.”

**—Jeremy Schroeder,
Illinois Coalition to Abolish the
Death Penalty.**

his own long-time support for the death penalty to ensure that the state does not commit any more such horrors.”

There had been some uncertainty about whether Quinn was going to sign the measure because he had originally supported capital punishment while running for office. One reason he changed his mind may have been that many other individuals and organizations who had formerly supported the death penalty had also changed theirs, including the *Chicago Tribune*. Faced with mounting evidence that capital punishment brought neither justice nor safety, it concluded that, “The risk of wrongful execution is both inescapable and unacceptable. The death penalty cannot stand.”

See photos from the final weeks of the legislative effort, and also short videos of the final votes in the House and Senate, on NCADP’s web page at <http://www.ncadp.org/index.cfm?content=174>

How We Ended *From Page 3*



The winning team. From left: Jeremy Schroeder, ICADP Executive Director, and Illinois State Representative Karen Yarbrough, ICADP staff and volunteers, Illinois State Senator Kwame Raoul.

But even if they don’t, we learned something in Illinois that will get us to abolition in the United States. When we all come together, we win. The win in Illinois belongs to all of us. Thousands of letters, e-mails and calls went to legislators and the Governor from y’all across the country. Some of you even came to Illinois to help work on the campaign when we needed you most.

With Illinois emerging death penalty-free, I hope you find a moment of peace to congratulate yourself for your part in the victory and then jump back into the struggle to help insure abolition comes sooner than we dare dream.

Kansas Activists Introduce Abolition Measure

Kansas has had an on-again-off-again relationship with capital punishment ever since it became a state in 1861. With the help of fair-minded state legislators and dedicated local activists, the state may once again show the wisdom it exhibited more than a century ago when the Kansas legislature first abolished capital punishment in 1907.

Last year the Kansas Senate attempted to end the death penalty, but the 20-20 tie vote failed to overturn the law which was put into place in 1994. However, on February 11, 2011, HB 2323 was introduced into the Kansas legislature by the House Corrections and Juvenile Justice Committee. The law would replace the death penalty with a sentence of life without the possibility of parole.

“In Kansas there has been a strong concern about the death penalty for the past few years,” said Donna Schneeweis, Chair of the Kansas Coalition Against the Death Penalty. “More and more elected officials from across the spectrum are realizing it’s not working. That is why we have support from both Republicans and Democrats and from across the political spectrum.”

State Senator Carolyn McGinn (R) has long been a key leader for abolition in the State Senate. This year’s House bill was not sponsored by a specific individual.

As in other states, Kansas’ continued push for repeal has been driven by a number of factors. For example, in recent years, the Kansas Supreme Court vacated three death sentences due to errors. The Faith Community has also been very active in the debate. In 2010, eight Kansas bishops representing the Episcopal, Roman Catholic, Evangelical Lutheran, and United Methodist denominations urged state lawmakers to support repeal, and religious leaders are supporting the new abolition measure introduced this year.

Another important influence has been the growing number of murder victims’ family members who have endorsed repeal. “The death penalty continues to impact the victims’ families long after a crime has occurred,” said Carolyn Zimmerman of Topeka, whose father was murdered. “A capital trial only prolongs a family’s pain and trauma, and rarely brings the closure families long for,” she said.

To keep up with the latest developments in the Kansas campaign and other state efforts, check NCADP’s website at www.ncadp.org and click on “State Affiliates” on the left column on our home page. You can also go there directly by typing www.ncadp.org/affiliateDirectory.cfm.

New Voices Speak Out Against Capital Punishment

One reason legislators in Illinois and Montana have been emboldened against capital punishment may be that they know they are not alone. During the past few months, a growing number of high profile jurists and public servants have called for an end to the death penalty. Many of these voices did not come from traditionally progressive communities on the East or West Coast, but from America's heartland and the Midwest, as confirmed by the abolition in Illinois.

In November, the University of Notre Dame was home to a criminal justice summit called by Indiana's Attorney General, Greg Zoeller. Among the presentations, two prosecutors pointed out that the cost of capital cases was a tremendous burden on smaller counties. A short time after the conference, Zoeller issued a statement against the death penalty, quoting retired Cardinal Theodore McCarrick, who said, "We cannot teach that killing is wrong by killing. We cannot defend life by taking life."

In December, retired U.S. Supreme Court Justice John Paul Stevens reviewed David Garland's "Peculiar Institution: America's Death Penalty in An Age of Abolition," in *The New York Review of Books*. Stevens, who had supported the Court's *Gregg v Georgia* decision in 1976, which reinstated the death penalty, condemned capital punishment partly because of the growing evidence of racism and wrongful convictions. In the *Review*, Stevens described the death penalty as, "the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes."

In January, Charles Gruber of St. Charles, Illinois, a 40-year veteran of law enforcement and the former president of the International

Association of Chiefs of Police, came out in support of the Illinois repeal bill, saying, "There will always be the possibility of executing an innocent person. There will always be a tremendously long trial that subjects victims' families to an excruciating process. There will always be tremendous costs involved. All of this might be justified if the death penalty was a deterrent or helpful law enforcement tool in any way, but this is not the case."

Also in January, as one of his last actions in office, outgoing Pennsylvania Governor Ed Rendell urged the General Assembly to consider replacing capital punishment with life without parole. Rendell believed there was no way to make the system more efficient while at the same time preventing the execution of innocent individuals. Four days later, Rendell's sentiments were amplified by Ohio Supreme Court Justice Paul Pfeifer, who had been chairman of the Senate's Judiciary Committee when Ohio reinstated capital punishment in 1981. But on January 18 he said that Governor John Kasich should commute Ohio death row inmates' sentences to life without parole. Like Justice Stevens, Judge Pfeifer came to the conclusion that the death penalty could not be administered fairly.

Pfeifer's decision may have resulted from the fact that Ohio carried out eight executions in 2010, the most in 50 years. Later, Terry Collins, the former director of Ohio's state prison system, supported Pfeifer, noting that a growing number of families of murder victims were opposed to capital punishment. He said, "My experience tells me that our justice system can be even more effective and fair without death rows and the death penalty." Ohio's 10 Catholic Bishops followed with a statement urging the state to end the death penalty, which they described as "wrong in all cases."

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Conference From Page 1

victims' rights advocates, defense lawyers, prosecutors, religious representatives and citizen advocates from around the nation. It was wonderful to meet in Illinois on the heels of its legislature's passing SB 3539, the death penalty repeal measure. Illinois had been a source of much of the momentum for re-examining the death penalty."

The diversity of individuals and organizations allied with the abolition movement in ending the death penalty was reflected in the composition of conference speakers and plenary sessions. Keynote speaker Bryan Stevenson, Executive Director of the Alabama-based Equal Justice Initiative, an organization providing legal representation to indigent defendants and defendants of color, discussed what he called a historic link from African enslavement in the U.S., to the disproportionate numbers of African Americans sentenced to death.

Remarking on the amazing fact that the conference coincided with the Illinois Legislature's historic vote to end capital punishment, Stevenson suggested that NCADP hold a future convention in the Deep South. "Maybe one day," he said, his voice choked with emotion, "We will even celebrate repeal in Alabama."

The plenary session entitled "Understanding the Broader Political Landscape in Which We Work" brought together panelists from a variety of activist backgrounds who discussed their common concerns about the death penalty. Panelists included Larry Cox, Executive Director, Amnesty International USA; Gary Flowers, Executive Director and CEO of the Black Leadership Forum; Barry Lynn, Executive Director of Americans United for Separation of Church and State; Karen Narasaki, President and Executive Director of the Asian American Justice Center and Vice Chair of the Executive Committee of the Leadership Conference for Civil and



From left: Author Brian MacQuarrie, Bob Curley, and NCADP Rachel's Fund Director, Mary Achilles, in plenary session discussing the book, *The Ride*, which describes how the murder of Curley's son impacted his family.

Human Rights; and Christina Swarns, Director of the NAACP Legal Defense and Educational Fund's Criminal Justice Project.

Other plenary sessions which also focused on partnership with diverse communities included "The Latino Face of U.S. Death Row: Research and Outreach," featuring Carmelo Campos Cruz and Mariana Nogales Molinelli of the Puerto Rican Coalition against the Death Penalty; and "Building Stronger Partnerships with New Allies," featuring Rev. Lennox Yearwood, Jr., President and CEO of the Hip Hop Caucus; Dr. Walter M. Kimbrough, President of Philander Smith College; Jeffrey R. Dion, Deputy Executive Director of the National Center for Victims of Crime; and Wayne McKenzie, Director of the Program on Prosecution and Racial Justice, Vera Institute, and past president of the National Black Prosecutors Association.

"I can not pretend to understand what it would be like to lose your loved ones in this horrible way. But I do know one thing; more death will not assuage their grief. Another death will pin them to the pain and anger they feel right now, it will not allow them to heal, to feel any relief from the misery."

—Andrea Lyon, Director of DePaul University's Center for Justice in Capital Cases

Many conference workshops and plenary sessions were designed to deepen mutual understanding between the abolition and victims' rights movements. A standout plenary was entitled "The



From left: Reverend Lennox Yearwood, Jr., President and CEO of the Hip Hop Caucus, moderates the plenary session entitled "Building Stronger Partnerships with New Allies." Second from left: Wayne McKenzie, Vera Institute Program on Prosecution and Racial Justice; Jeffrey R. Dion, National Center for Victims of Crime; and Dr. Walter M. Kimbrough, President, Philander Smith College.



Bryan Stevenson, Executive Director, Equal Justice Initiative, delivers the keynote address on fairness and the death penalty in the criminal justice system.

“The victim’s family didn’t want Leroy White executed. The jury didn’t want Leroy White executed. The prosecutor didn’t want Leroy White executed. Leroy White was executed by the State of Alabama because he was a poor man whose lawyer abandoned him without filing his appeal.”

—Bryan Stevenson, Founder and Executive Director of the Equal Justice Initiative



Vickie Schieber, NCADP’s 2011 Abolitionist of the Year, holding a photo of her daughter Shannon, who was murdered in 1998 at age 23 while attending graduate school in Philadelphia.

Ride – A Shocking Murder and a Bereaved Father’s Journey from Rage to Redemption.” Featured in the plenary was Bob Curley, whose 10-year-old son was murdered. Curley’s moving account of how he became an abolitionist is detailed in a book, *The Ride* by *Boston Globe* reporter Brian MacQuarrie, who also participated in the plenary. Both men spoke to the audience about abolition work, and the state programs that can help individuals and communities heal after tragedy.

“Historically Black Colleges and Universities were founded on a bedrock concern for social justice. I extend you an open invitation to enter into a partnership with us. Come and visit. Have meetings and give speeches here. We are natural allies who need to learn more about each other. Bringing the abolition movement to our campuses would be one of the very best ways you could reach out to the next generation of young African Americans.”

—Dr. Walter M. Kimbrough, President, Philander Smith College



Panelists in the conference plenary session, “Understanding the Broader Political Landscape in Which We Work.” From left: Larry Cox of Amnesty International USA, Karen Narasaki, Asian American Justice Center, Barry Lynn of Americans United for Separation of Church and State, Gary Flowers of the Black Leadership Forum, and Christina Swarns of the NAACP Legal Defense and Educational Fund Criminal Justice Project.



Jo-Ann Wallace, Executive Director of the National Legal Aid & Defender Association introducing a plenary session.

AWARDS DINNER

The capstone of the conference was the annual Awards Dinner. The 2011 honorees included:

Abolitionist of the Year recipient Vicki Schieber, whose commitment to abolition leads her to travel the nation speaking before audiences in opposition to capital punishment.

Lifetime Achievement Award recipient Sister Helen Prejean, CSJ, who has devoted her life to ending the death penalty and to addressing the harm it causes to death row prisoners and their families, and the families of homicide victims.

Outstanding Legal Service Award recipients Thomas P. Sullivan and David J. Bradford of Jenner & Block LLP, and Andrea D. Lyon, DePaul University College of Law's Associate Dean for Clinical Programs and Director of the Center for Justice in Capital Cases, were recognized for their impressive contributions to the major progress made towards ending the death penalty.

Lighting the Torch of Conscience Award recipient Bill Mefford of the United Methodist Church General Board of Church and Society, was recognized for his dedication to, and participation in, the church's constituent-based abolition work.

Outstanding Achievement Awards Jeremy Schroeder, Executive Director of the Illinois Coalition to Abolish the Death Penalty, its volunteers and staff were honored for their diligent work to achieve passage of SB 3539, the death penalty repeal measure. Illinois State Senator Kwame Raoul and State Representative Karen Yarbrough were honored for authoring and championing the bill.

“Without adequate defense, fair trials are not possible. Defendants will be sentenced to death not for committing the worst crimes but for having the worst lawyers.”

—Sister Helen Prejean, author of *Dead Man Walking*, and *The Death of Innocents*



From left: Karen Clifton, Executive Director, Catholic Mobilizing Network Against the Death Penalty, and NCADP Lifetime Achievement Award winner, Sister Helen Prejean.



Team members from Oregonians for Alternatives to the Death Penalty, from left: David McNeil, Katherine Ginsberg and Terri Rodello. All are board members.



NCADP Lighting the Torch of Conscience Award recipient Bill Mefford and his wife, Marti.

“The current brokenness in our criminal justice system reveals a justice system in direct opposition to biblical justice. As people of faith we cannot abide an ever-growing justice system characterized by a targeting of the poor and inherent racism.”

—Bill Mefford, Director of Civil and Human Rights for the United Methodist Church's General Board of Church and Society

Building Momentum for Repeal

Jenner & Block Law Firm Leads the Fight for Justice in Capital Cases

There is a very good reason two of the attorneys honored with NCADP's 2011 Outstanding Legal Service Award belong to the same firm. David J. Bradford and Thomas P. Sullivan are both partners at Jenner & Block, a law firm whose commitment to providing *pro bono* representation is unsurpassed. Every associate is encouraged to seek out and work on a variety of *pro bono* matters, and the firm does not limit the amount of *pro bono* work its attorneys undertake. As a result, *The American Lawyer* has named Jenner & Block America's number one *pro bono* law firm for the last three years in a row.

The firm is also often recognized for its long tradition of taking on capital cases. For example, in 2002, another Jenner & Block partner, Terri L. Mascherin, received the Outstanding Legal Service Award from NCADP and, in 2005, the honor went to the firm itself. From 2008 to 2010 alone, its attorneys devoted approximately 18,000 hours to the *pro bono* representation of indigent clients in death penalty matters. The firm has helped achieve many significant reforms, beginning with the landmark 1968 U.S. Supreme Court decision in *Witherspoon v. Illinois*. Mr. Sullivan was a member of the Jenner & Block team representing William Witherspoon in the case which resulted in ending the practice of allowing the prosecution unlimited challenges to remove jurors who objected to the death penalty. As a result of *Witherspoon*, more than 350 prisoners had their death sentences reversed.

Since then, Jenner & Block has handled more than 80 other death penalty matters, among them *Wiggins v. Smith* in 2003, another landmark Supreme Court decision that established standards for effectiveness of counsel during the sentencing phase of capital trials.

Its attorneys' efforts in Illinois and beyond are helping to guarantee that capital defendants have the best representation possible, that the procedures used in carrying out death penalties are constitutional. They do this not only by direct representation of individual clients, but also by working to effect systemic change.

Mr. Sullivan, for example, was Co-Chair of the Illinois Governor's Commission on Capital Punishment, widely considered to have been instrumental in former Governor George Ryan's historic decision to grant clemency to all of the people on Illinois' Death Row in 2003. Mr. Sullivan also served as Chair of the Illinois Capital Punishment Reform Study Committee from its first meeting in 2005 to the delivery of its final report to the Illinois General Assembly last Fall.



NCADP Outstanding Legal Service Award winner Thomas Sullivan.



NCADP Outstanding Legal Service Award winner David J. Bradford.

Mr. Bradford was founding counsel of the MacArthur Justice Center and still serves as counsel to the Center, which has long been a leading voice against capital punishment. He is also a board member of the Death Penalty Information Center. Many other Jenner & Block partners serve in leadership positions with the ABA's Death Penalty Representation Project and Northwestern University

Law School's Center on Wrongful Convictions. Of 35 convicted criminal defendants exonerated by the Center, 13 had been sentenced to death.

“The day the lawyers took my case changed my life. Until that day, I did not know I was worth fighting for.”

— Jenner & Block client

In one of the firm's most recent victories in a capital case, on March 22, 2010, Illinois agreed to drop its pursuit of the death penalty for a murder defendant who had pleaded guilty without any deal for leniency. The lead prosecutor praised Jenner & Block's in-depth and effective mitigation presentation, and the client said, “The day the lawyers took my case changed my life. Until that day, I did not know I was worth fighting for.”



Enjoying the Jenner & Block reception, given during NCADP's Annual Conference (from left): NCADP Board Chair Rich Curtner, NCADP Outstanding Legal Service Award winner Thomas Sullivan, NCADP Executive Director Diann Rust-Tierney, Rob Warden, Executive Director of Northwestern University Law School's Bluhm Legal Center on Wrongful Convictions, NCADP Outstanding Legal Service Award winners David J. Bradford and Andrea Lyon, and Henderson Hill of Ferguson Stein, conference speaker.

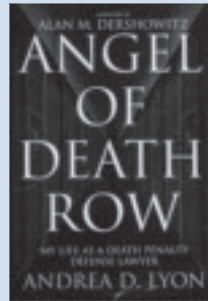
Her words underscore that the work of these attorneys not only safeguards principles of law and ideals of equal justice, but, fundamentally protects the lives and dignity of human beings. It also shapes the lawyers that perform it, both as people and as attorneys. They observe, close-up, the power of laws that can be used to take life, and the frailties of a justice system that is as imperfect as the lawyers, judges, jurors and witnesses, who function within it.

In speaking of his opposition to capital punishment, and his conviction that the system is not fixable, Mr. Bradford has said, "We are all human and make mistakes...no system is perfect enough to make a choice of life and death...There are so many innocent people on death row."

Mr. Sullivan, who is a former U.S. Attorney, urged Illinois' Governor to sign the bill abolishing capital punishment. He has spoken eloquently about hearing from those who have lost a family member as a result of a murder, and from those who have been wrongfully convicted of murders and spent years behind bars. His conclusion— "The death penalty is extremely expensive, does not deter crime or serve any valid purpose, and cannot be reformed to prevent more mistaken death sentences."

As long as capital punishment remains a part of this country's criminal justice system, Jenner & Block attorneys will remain devoted to the representation of those most in need of it.

Books From the Death Penalty Library

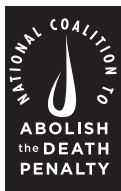


Angel of Death Row: My Life as a Death Penalty Defense Lawyer, by Andrea Lyon, Kaplan, 2010.

In the forward to this memoir, Harvard Law professor Alan M. Dershowitz says that Andrea Lyon was, "born to be an angel of death row, and a devil to those who see execution as quick fix for the social ills of our age." This is a metaphor of course, but in Lyon's case, it is almost literally true. She was a very argumentative child, and was only 15 years old when she announced that she was going to become a lawyer. At the time, (1967) only 5% of attorneys were female. By 20, Lyon was the youngest student at Antioch Law School. The curriculum was specifically designed to produce activist attorneys and required students to spend some time living with a working class family in Washington, D.C. This experience had a profound impact on Lyon's ability to help juries identify at least some humanity in guilty murderers.

After graduation, she became a Chicago public defender, then found her life's vocation in the Homicide Task Force. This new group was formed to provide defendants charged with murder with attorneys who would follow them from preliminary hearings to final appeals, rather than hand them off to a new lawyer at each stage of the case. This memoir tells a very intense and personal story as Lyon becomes the first woman to be lead attorney in a death penalty trial, then goes on to argue more than 130 murder cases, including 40 involving the death penalty.

Few people envision a heaven-sent spirit as an aggressive, six-foot warrior-woman who can argue a murder trial when she's seven months pregnant. However, in the 19 capital cases Lyon took to final appeals, not a single client was executed. Facing a death sentence, the innocent need an avenging angel to expose the prosecution's lies or malfeasance; the guilty deserve a guardian angel to testify to their humanity. In Lyon's work, an angel does whatever she needs to do.



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Why I Give to NCADP

BY RICK JOHNSON

NCADP works smart and strategically to leverage its resources for the greatest impact, and I'm proud to contribute to their success which benefits all of us who support ending capital punishment.



Rick Johnson

I know firsthand that it has an impact as the organization works with its Affiliate network in campaigns such as the one which recently ended capital punishment in Illinois. NCADP staff played a key role there leading up to the drive to end the death penalty, and in the endgame in marshaling public support to overturn the law.

That expertise is ready to be tapped in other states where adding to the 16 states now death-penalty free is an imminent possibility—Colorado, Connecticut, Kansas, and Maryland. I know that what I give today will be put to use immediately.

Managing Director of Lake Research Partners, a national public opinion and political strategy firm, Rick Johnson has conducted public opinion research for a variety of clients including politicians at all levels of government, labor unions, and organizations dedicated to replacing the death penalty. He is a recipient of Amnesty International's Ralph J. Bunche Fellowship and is a member of the board of NCADP.

Keeping Up Between the Lifelines

Lifelines

NCADP provides several ways to keep up with breaking news and action opportunities. Visit NCADP's web page at www.ncadp.org to join our email list and for links to breaking news, commentary by Executive Director Diann Rust-Tierney and others on our blog and in the Huffington Post, and ways to weigh in with your own involvement.

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