

Leaning towards abolition

George Ryan Senior is an unlikely hero. As he speaks, his even tones and his expressionless, almost impassive, features betray very little. He could be talking about anything on earth. Yet the former Governor of the State of Illinois is speaking about one of the most emotional issues of all time, something he calls “the human rights issue of the 21st Century”: the death penalty. And despite being a staunch Republican, 70 years old, and a politician with almost 40 years experience, he has become one of the most vocal campaigners against the death penalty today, demanding an international moratorium on the issue, and raising major questions for people on both sides of the political spectrum.

The first time I hear Ryan speak is at a press conference in Rome. He sits at the centre of a long table with an assortment of local politicians, campaigners and journalists who have been invited by Italian anti-death penalty organisation Nessuno tocchi Caino (Hands off Cain). His audience is visibly itching to find out where Ryan stands on the issue, specifically. “Are you against capital punishment in every case, or would it be okay if a person was definitely is clearly guilty?” someone asks. “I am still debating whether I am for or against it,” says Ryan. A little later he adds: “For cases like this I may be for it. I am tending towards abolition but if someone committed a terrible crime...” He doesn’t finish the sentence. These are disarmingly honest answers that are deeply dissatisfying for those with a sense of absolute moral certainty. Yet despite ongoing self-examination and self-doubt, Ryan has been capable of taking some decisions with far-reaching political and ethical consequences and implications.

Some weeks later I am on the phone with the former governor and he says that he never thought much about the death penalty until a few years ago. “I was raised in a little town south of Chicago and the death penalty was never a part of my life, or that of anybody I knew,” he says. “It was an abstract thing, we knew it was there but figured that it was a necessary part of the system and never paid much attention to it.” He concludes: “Every time I ran for public office nobody asked me if I was for or against it.” However, as he admits in typically matter-of-fact style, he always “subconsciously, or consciously, supported the death penalty”, and as a member of the Illinois House of Representatives he voted for its reinstatement in 1977. He recalls how an opponent asked whether those supporting the reinstatement would be prepared to “be the executioner and throw the switch themselves?” He says that was “a sobering thought” but assumed he’d never have to do it. He had no idea that 22 years down the line, as governor, he would be precisely in that position.

In February 1999, a month after becoming governor, a man named Anthony Porter was released 48 hours before he was to be executed. One David Protess, a professor, and several of his undergraduate journalism students at Chicago’s Northwestern University, had discovered evidence that proved he was innocent. “He had been fitted for his last suit and they had taken the order for his last meal,” Ryan states calmly. Porter had spent 16 years in prison. He also had a very low IQ and was not “competent”, according to Ryan. “What was a fellow like that even doing on death row?” he asks, incredulous.

A couple of months later Ryan was to be confronted with another man’s destiny. “Anthony Korkorales drove around in a van with his friends pulling young women off the streets. They would rape, mutilate and eventually kill the women,” he explains. The case landed on Ryan’s desk after all of Korkorales’ appeals had run out. All he had to do was sign the execution form. But he couldn’t do it. Having just witnessed the Porter fiasco, he “wanted to make sure this guy was guilty”. He requested a delay and spent several weeks reviewing the case and interviewing people on all sides. He ultimately decided Korkorales was guilty without a reasonable doubt, and the man was executed. “He was a Greek fellow,” recounts Ryan “and the Greek Church came down on me pretty hard. But I made that decision and it’s one that has bothered me ever



since." One that bothered him so much he started "asking some serious questions", which in turn got some serious answers.

Ryan was shocked to discover that in the preceding 23 years, 13 prisoners on death row in Illinois had been exonerated, many as a result of investigations by those same Northwestern University journalism students, while 12 had been executed. As Ryan says matter-of-factly: "13 innocent out of 25, that's a bad system!" A series in the Chicago Tribune pointing out the faults in the state's system followed. What it uncovered was "terrible", Ryan says. Out of over 160 death row inmates, 35 were African Americans who had been sentenced by all-white juries; 46 death row inmates were convicted based on the testimony of so-called jail-house "snitches" (prisoners who tell on other inmates in order to obtain early release); 33 death row inmates had been represented by lawyers who were later disbarred.

In a wider context, he found out that the average stay on death row in the US is a staggering 15 years, and that 98 percent of executions in the world are carried out by dictatorships. In January 2000, Ryan felt he had no choice but to call for a moratorium on all executions and create a commission to look into the question. After two years of work they came up with 85 recommendations that "wouldn't make the system perfect, but would certainly lessen the chance of an innocent person being executed," says Ryan. Recommendations included the videotaping of all police interrogations and not allowing testimonies by jailhouse informants. Ryan presented the report to the Illinois General Assembly, which paid very little attention to it.

In January 2003, three days before the end of Ryan's term as state governor, he made an astounding decision, one that he had talked of for months, but had never gone through with. Ryan recalls what he was thinking: "I'm in a position now that in four days I won't be in, and if I don't make a decision that I can live with for the rest of my life...it's going to be miserable". His decision was to commute the sentences of all 167 prisoners on death row in Illinois to life imprisonment without possibility of parole. Four inmates were pardoned on the basis of overwhelming evidence that their confessions had been obtained through police torture. Announcing his decision to the press Ryan said that he would "sleep well tonight knowing he had made the right decision". Or, as he says more modestly says over the phone over a year later, "knowing he had saved at least one innocent man from execution".

But sleeping at night was not to come so easily. Though treated like a hero by some, there was a great deal of anger at his decision and Ryan received threats. Victims' families spoke of a "mockery", saying that the governor was merely trying to ensure his place in history and wanted a Nobel Peace Prize. Even Aaron Patterson, one of the four pardoned men, was reluctant to give the man much gratitude, implying in an interview that it had been the least he could do: "Things start to smell, and then you have no choice-you have to take the garbage out." One state attorney pointed out that many of the 167 inmates did not even contest their guilt, thus undermining Ryan's point that lack of certainty was the issue. On his part, Ryan explains the blanket clemency in these terms: "I had no way of determining who was guilty, and who wasn't. After I studied each individual situation, I said 'I either have to do all or nothing.' Saying [one man] is guilty and [another] is not would have been a very tough choice to make."

Other critics have argued that Ryan had nothing to lose, since his political career was basically over after a corruption scandal during the first few months of his term as governor. (Some of his employees were found to have illicitly sold lorry licenses to unqualified drivers, one of whom later killed six children in a road accident. Ryan claimed he knew nothing of the affair and has not been charged.) When asked if he would like to have stood again for governor, Ryan dismissively says, "I'm too old for that, I'm ready to retire, cut the grass and trim the hedges." In Rome a few weeks earlier a journalist had asked him if he would have won had he run for governor again. "We will never know" he responded, but added: "In 30 years I never lost." And in some ways Ryan is winning this battle, too. He may not manage to transform his home-country into a haven of abolitionism, but people are definitely intrigued by this seasoned

politician who has challenged one of the basic tenets of Republican conservatism in such a pragmatic fashion.

In the preface to the Nessuno Tocchi Caino organisation's 2003 report Ryan writes of an inmate on death row whose guilt he is certain of, who begged him either to release or execute him. "Spending the rest of my life in prison" the man entreated, "is a fate worse than death." But Ryan did neither. As he says in his flat Illinois drawl, and repeats several times during our conversation: "I believe that life in prison in an 8x10 [foot] cell is a pretty miserable existence." It is obvious then that for the former governor of Illinois, the issue has become about much more than keeping innocent people out of death row. It is about the fallibility of a system that very few on the right have had the courage to question so far. As Ryan says, "There's no way the capital punishment system can be perfect as long as humans are involved." And though he admits he is leaning ever more towards abolition as the only "safe" way to go, for now he is making do with requesting an international moratorium on capital punishment. But, he adds: "The more I see the misuses of our systems, and the failure to attempt to correct them, the more I think we are better off without it. I could live with abolition." And so could millions of anti death-penalty campaigners around the world.

A Swedish version of this article appeared in ETC Magazine in December 2003