

No more death row

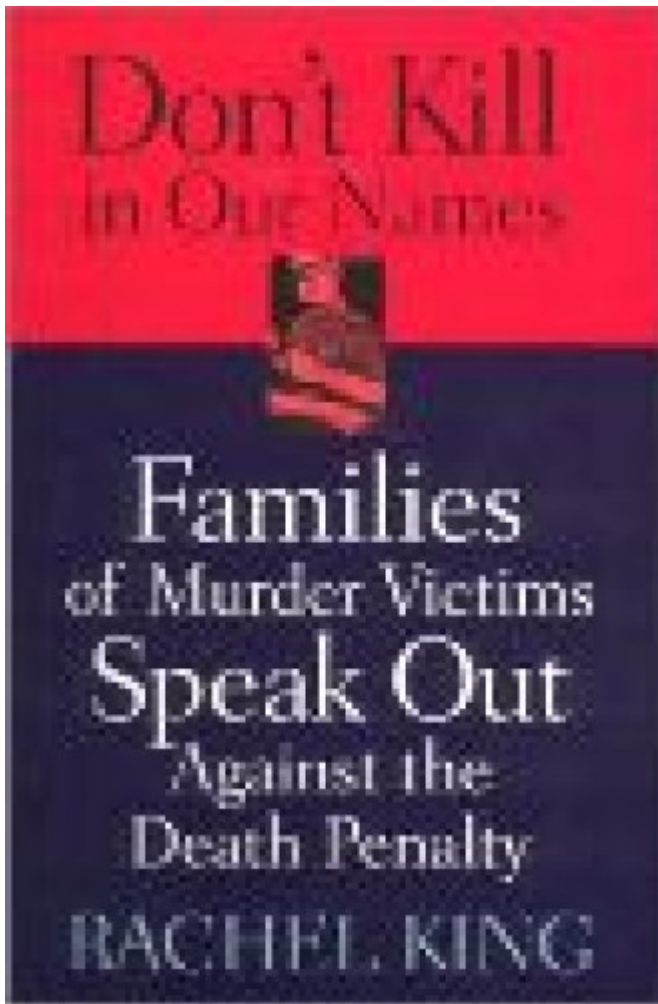
By [William Vance Trollinger Jr.](#) in the [February 10, 2004](#) issue

In Review



Ultimate Punishment: A Lawyer's Reflection on Dealing with the Death Penalty

Scott Turow
Farrar, Straus & Giroux



Don't Kill in our Names: Families of Murder Victims Speak Out Against the Death Penalty

Rachel King

Rutgers University Press

In 2000 Governor George Ryan of Illinois declared a moratorium on executions. He was horrified that innocent men had nearly been executed on his watch, and he was impressed by stories in the *Chicago Tribune* detailing the problems of his state's capital punishment system. Ryan established a commission to study the system and propose reforms. In 2002 the commission issued its report, which included 85 specific recommendations. Fearful of the political consequences, the Illinois legislature refused to enact even one of the proposals. So in January 2003 Ryan dramatically commuted the sentences of the remaining 167 death row inmates.

Among the people Ryan appointed to the commission was Scott Turow, a best-selling novelist and practicing attorney, with experience in death penalty cases. He was, at the time of his appointment, a self-described “agnostic” on capital punishment. *Ultimate Punishment* is Turow’s account of his struggle to resolve for himself the question, Should we retain the death penalty?

In a nice summary of the commission’s findings, Turow details how some innocent people are sentenced to die based on coerced confessions, mistaken eyewitnesses, the unreliable testimony of accomplices and “jailhouse snitches,” occasional “bad faith” prosecutors, and the charged emotions that accompany capital cases. But Turow does not stop there. In a chilling chapter he reports on his visit to a maximum security prison to ascertain if the worst criminals can be kept alive without the risk that they will kill others (the answer is probably yes); he also examines the statistical evidence to see if one can defend the death penalty as a deterrent (the answer is probably no).

Digging deeper, Turow observes that “our adherence to the death penalty arises not because it provides proven tangible benefits like deterrence but rather from our belief that capital punishment makes an unequivocal moral statement.” He takes this idea very seriously, but concludes that it is difficult to square such a notion, which necessarily assumes an “unfailingly accurate” system, with the reality that dumb luck, the competence (or lack thereof) of one’s attorneys, and factors such as race, gender and geography—males convicted in rural areas of killing whites are much more likely to be sentenced to death—play a crucial role in determining who lives and who dies. Moreover, if we think of capital punishment in moral terms, we have to consider the possibility that convicting and imprisoning a murderer may some day result in his moral redemption, a possibility that is, of course, foreclosed when that person is executed.

Turow carries the reader with him as he turns all this over in his mind. Those who carefully follow his reasoning will not be surprised when, at the end, he declares that he is now opposed to capital punishment. But his compelling logic leaves us with a crucial question: Why do so many Americans and American politicians continue to support the death penalty?

Turow suggests that one answer can be found among the families of murder victims and the victims’ rights movement. Both aggressively and publicly emphasize the need for executions, in part to provide “closure” for the survivors. But (though one

would not know it from the media) a significant minority of murder-victim family members oppose the death penalty, even in the case of their loved one's killer. They have formed an organization, Murder Victims' Families for Reconciliation (MVFR). And now they have a book: Rachel King's *Don't Kill in Our Names*.

King, a legislative counsel for the American Civil Liberties Union, tells the stories of ten MVFR members; each story recounts the murder and the trial, appeal and (sometimes) execution of the murderer. The frank description of the violence highlights how remarkable it is that these individuals not only forgave the murderers but worked to save them from execution. One example is Audrey Lamm, who as a two-year-old hid in the closet while her mother and a friend were stabbed to death, and who as a 20-year-old traveled throughout the state of Nebraska with her father to speak out against the execution of her mother's killer. One example is also SueZann Bosler, who lost half her skull and brain in a stabbing attack that killed her father, and who recovered and testified at three sentencing hearings in a successful effort to keep her assailant off Florida's death row.

Many of these individuals speak of their religious commitments. Bill Pelke, a graduate of fundamentalist Hyles-Anderson College, whose grandmother was murdered, began his journey toward forgiveness, reconciliation and anti-death penalty activism as he contemplated his grandmother's Christian faith. Ron Carlson explains why he opposed the execution of his sister's murderer, Karla Faye Tucker: "What it all comes down to for me is that I just can't see Jesus pulling the switch."

Perhaps it is not surprising that these ten people seem to be healthier than those relatives who have devoted decades to having their loved ones' killers executed. In his commutation speech Ryan observed that "it would be less cruel [to victims' families] if we sentenced the killers to life, and used our resources to better serve victims." Wise words, but at odds with majority sentiment in America. Still, Ryan's bold action not only shone a bright light on our broken capital punishment system but opened up the possibility that the U.S. will join the rest of the Western world in ridding itself of the death penalty.