## WHO DOES DESERVE TO DIE AND WHY

by Professor Robert Blecker, Professor of Law, New York Law School

he new millennium began on January 31st, 2000, when conservative Republican Governor George Ryan declared a moratorium in Illinois, after an investigation by a journalism class at Northwestern uncovered the innocence of Anthony Porter, a man about to be put to death. Meanwhile, a federal investigation revealed commercial driving licences were sold to unqualified

drivers, one of whom crashed and killed six children, while \$170,000 of that bribery money went into George Ryan's campaign for governor. A cloud of corruption closing in on him, friends and associates under indictment, the governor publicly flirted with a wholesale commutation, ordering a review of every capital sentence, opening a public wound through which the families of the victims

bled, forced to publicly air their pain again, plead again for the justice they had been long assured—that the killer of their loved one should die.

Leaving office as a likely defendant, the one-term governor found himself screnaded by the abolitionists who assured the politician that lasting greatness could still be achieved (not to mention big bucks on the lecture circuit). So, although

he had promised the victims' families a real case by case review, with adulation and encouragement pouring in from world leaders, the governor instead commuted all 167 death sentences in Illinois, to the adoring cheers of abolitionists.

Above and beyond its cruelty and callousness, it was a morally indiscriminate act.

Among the returning veterans of Death Row who would now be allowed to live in prison, no longer specially condemned were Fedell Caffey and Jacqueline Williams, She already had three children, but the couple decided they wanted a baby. So they stabbed to death Debra Evans in her apartment, cut her foetus from her body, and then murdered her 10year-old daughter, Samantha, Next



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