The Governor Wrings His Hands on the Death Penalty
By James Warren
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While Rahm Emanuel was undergoing a political near-death experience Thursday, Gov. Pat Quinn confronted death itself. Or that’s what he’d have us believe.

Mr. Emanuel, of course, was awaiting his late-afternoon victory in the Illinois Supreme Court on his eligibility to run for mayor. The public was awaiting the equivocating Hamlet of Springfield as he mined his conscience and decided whether to sign historic legislation to abolish the death penalty.

The governor supported the death penalty during his campaign last year when few imagined the legislature would get to abolition, and in a lame-duck session no less. Fellow Democrats not only backed it but risked voter retribution after carrying the burden for a Quinn tax increase far stiffer than anything he had broached as a candidate.

Saying he must deal with his conscience, Mr. Quinn and aides are asking various individuals for their take on the bill and abolition. He has 60 days, or until March 18, to keep us in suspense.

And, remember, this is after years of news media revelations, studies and a moratorium on executions that have proved that the system is kaput and should be, as Michael Keaton put it in the film “Beetlejuice,” “dead, dead, deadski.”

“Is this theater?” said Jeremy Schroeder, executive director of the Illinois Coalition to Abolish the Death Penalty, when I asked about Mr. Quinn’s supposedly probing the innermost recesses of his soul.

“For goodness gracious, he claimed he was a reformer!” declared State Senator Dan Duffy of Lake Barrington, a Roman Catholic South Sider and die-hard Republican conservative who voted for abolition. “Quinn’s always trying to make everybody happy.”

The notion that there’s a bit of a sham under way has crossed minds. Might the governor’s helter-skelter ways include a search for cover before he disappoints death penalty supporters?

“You’d think it would be something he would have signed immediately,” said Senate President John J. Cullerton, a Chicago Democrat. “It would be dumb politically and dumb morally if he didn’t.”

Hamlet even got whacked Monday by a DuPage County judge, a Republican, who said it was “grossly irresponsible” to be dithering.

The judge is John J. Kinsella, a former prosecutor involved in the shameful prosecution of Rolando Cruz in the 1983 rape-murder of 10-year-old Jeanine Nicarico. He was chief prosecutor in Mr. Cruz’s third trial, when the defendant was finally acquitted long after having been wrongly convicted and stuck on death row.
Judge Kinsella was not emitting what some would call “a cry from the heart” over merits of the death penalty. He was just saying that the uncertainty over the death penalty was clouding the murder trial of an Addison man scheduled for his courtroom and that he wished the governor would fish or cut bait.

“I don’t begrudge anybody for taking their time to think the issue through,” said Senator Jeffrey M. Schoenberg, Democrat of Evanston, one of the few people I contacted who was not critical.

Mr. Schoenberg grappled with the issue for 17 years after a shocking brush with a 1993 murder. A neo-Nazi killed a Wilmette plastic surgeon not long after showing up at Mr. Schoenberg’s office asking to see the luckily absent politician.

Mr. Schoenberg said “the scales tilted” in his position on the death penalty only recently after he read a law review article by Leigh B. Beinen, a senior lecturer at Northwestern University Law School, who underscored the financial wastefulness of the current system.

“If Quinn reads Professor Beinen’s analysis, he can’t come to any other conclusion,” said Mr. Schoenberg, who voted for abolition.

And how might Mr. Quinn’s Catholicism play into this? “I associate ‘conscience’ with Catholic moral teaching, and Catholic moral teaching finds the death penalty abhorrent,” said Richard Rosengarten, a University of Chicago divinity professor. “The governor’s got his terms and traditions at sixes and sevens.”

The Catholic hierarchy deems the death penalty hardly, if ever, necessary since the theological reasons for it were largely to protect others from the truly evil, said Susan A. Ross, chairwoman of the theology department at Loyola University of Chicago.

“Now we have prisons that keep them locked up for life,” she said, while adding that many Catholics still agree with capital punishment.

As for Mr. Quinn, she said she hoped he was wrestling with what the church taught “and not just with political popularity.”

Fortunately for Mr. Emanuel, the seven-member Supreme Court resolved his uncertainty a lot quicker than a solo Mr. Quinn will resolve ours.