



# In review

## BOOKS

### No more death row

**I**N 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

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.

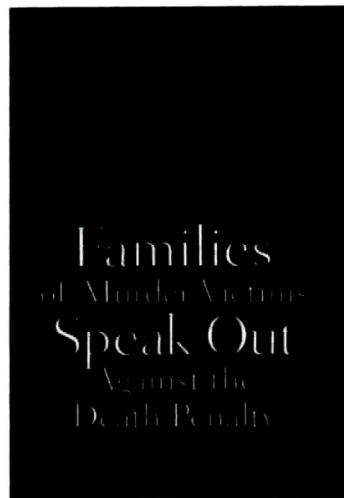
Turow carries the reader with him as he turns all this over in his mind. Those who carefully follow his reasoning will not be surprised when, at the end, he declares that he is now opposed to capital punishment. But his compelling logic leaves us with a crucial question: Why do so many Americans and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

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



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

By Scott Turow. Farrar, Straus & Giroux, 164 pp., \$18.00.

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

By Rachel King. Rutgers University Press, 284 pp., \$27.00.

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