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## The Dean's Welcome Address (2022 Intercultural Human Rights Law Review Symposium)

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**THE DEATH PENALTY: A VIOLATION OF  
HUMAN DIGNITY?**  
*2022 Annual Symposium*  
**March 25, 2022**

**THE DEAN’S WELCOME ADDRESS**

TAMARA F. LAWSON\*

I echo the congratulations and thanks to the students and the directors of this program. I don't know if the students or our panelists are familiar with Governor George Ryan. He took a stand that was not popular at that time, in 2003, addressing, almost 20 years ago, the issue of fairness in the death penalty at the highest level.

Governor George Ryan commuted all death sentences in the State of Illinois in 2003, 167 at the time. The reasons were circling around his assessment that the death penalty was arbitrary, capricious, and immoral—so, for our students, that should trigger your Eighth Amendment concern—and he also stated that he had no option because innocent people were being sentenced to die. He had assessed that “our capital system is haunted by the demon of error -- error in determining guilt and error in determining who deserves to die.”<sup>1</sup> In Illinois, they had identified seventeen individuals that were wrongfully convicted and also there was a disparate impact on defendants of color—Black defendants in particular. He also noted that there were more exonerated individuals in Illinois than in any other state, with the caveat of Florida. So, this symposium is very much needed and important in the legal dialogue.

I will just share with you, as a former prosecutor, one of my first cases at the State Supreme Court was a death penalty appeal for

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<sup>1</sup> Governor George Ryan (Illinois), *Speech, cited in* THEODORE L. DORPAT, CRIMES OF PUNISHMENT: AMERICA’S CULTURE OF VIOLENCE 123 (2007).

the state. I still remember that case vividly. I remember the victims in that case, and I remember that the defendants in that case picked them out for no reason, and tortured them, and blew them away. These are very complicated cases, these are very complicated issues, but there are constitutional issues and important issues for us as a law school to be leaders on. And I echo President Armstrong's sentiment for us as a Catholic law school to be leaders on this issue.

I will close with this: remembering *McCleskey v. Kemp*,<sup>2</sup> another very important case involving—your constitutional ears should perk up again—equal protection as well as Eighth Amendment cruel and unusual punishment. So, we learned in the *McCleskey v. Kemp* case not only the standard by which you have to show racial discrimination—intentional racial discrimination has to be proven. We also learned from the Baldus study<sup>3</sup> that race is a very significant factor in who is selected for the death penalty—because it's a prosecutorial discretion decision which case is actually selected as a death case—and then, statistically, the data from juries and how they rule on certain cases depending on the race of the defendant and the race of the victim.<sup>4</sup>

This is such a rich discussion, and I'm excited to be here. I will be here to listen to every speaker, and I know their expertise far surpasses anything I could share in this welcome. But I just wanted you to know that I am substantively engaged and welcoming you to this dialogue today. It is very important and significant. Thank you.

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<sup>2</sup> *McCleskey v. Kemp*, 481 U.S. 279 (1987).

<sup>3</sup> David C. Baldus et al., *Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience*, 74 J. CRIM. L. & CRIMINOLOGY 661 (1983); DAVID C. BALDUS ET AL., *EQUAL JUSTICE AND THE DEATH PENALTY: A LEGAL AND EMPIRICAL ANALYSIS* (1990).

<sup>4</sup> *Id.*