

August 2004

Governor Dirk Kempthorne
700 West Jefferson
Second Floor
Boise, ID 83702

Dear Governor Kempthorne:

Recently, I had the opportunity to view the documentary film "Deadline," on NBC. "Deadline" investigates Illinois Governor George Ryan's three-year investigation into his state's capital punishment system. As you may already know, Governor Ryan's Commission on Capital Punishment discovered substantial evidence of racial inequity, police and prosecutorial misconduct, inadequate legal defense in Illinois' criminal justice system. I am troubled that these problems and the resulting wrongful convictions which moved Governor Ryan to implement a moratorium, assemble the Commission on Capital Punishment, and eventually commute all death sentences in his state are in no way unique to Illinois.

In Illinois in 1999, Anthony Porter came within two days of being executed for a crime he didn't commit -- his wrongful death avoided only when an unrelated judicial stay of execution bought a group of students enough time to prove his innocence. Can we be sure that of the over 900 people put to death in the United States over the last 30 years, none have been innocent?

"Our capital system is haunted by the demon of error," said Ryan in announcing his blanket clemency. "Error in determining guilt, and error in determining who among the guilty deserves to die."

It is essential that we know with certainty that our state's capital punishment system free from error. As your constituent and a fellow conscientious human being, I implore you to immediately oversee a thorough investigation of the entire criminal justice system that you administer.

Thank you for your time and consideration.

Sincerely,