A COURAGEOUS JUSTICE

Moses Harrison II fought fiercely for ordinary citizens throughout his legal and judicial career.

After 10 years on the Illinois Supreme Court, including the last two years as chief justice, Moses Harrison II leaves a legacy as a fiery trailblazer. “I have some strong opinions,” says Harrison, JD ’58.

Time and again, he found himself pitted against his fellow justices in classic David vs. Goliath cases. A former Teamsters organizer who never forgot his blue-collar roots, Harrison saw his post as a way to protect the unprotected: “That’s the role of a judge. To shield the ordinary citizen from corporations, the government, and large, powerful people. That’s what I tried to do.”

When he retired last year, Harrison was applauded by many for his maverick ways. Most notably, he is credited with shifting the state’s views on the death penalty—a position that reaped both praise and reproach.

In what became one of his career’s defining moments, Harrison wrote a landmark dissent in People v. Bull. He wrote that Illinois’ death penalty system should be thrown out because “the execution of an innocent person is inevitable.”

Despite the court’s efforts to fashion a death penalty scheme that is just, fair, and reliable, the system is not working,” he wrote in 1998.

His dissent drew the ire of both news media and colleagues. “It was a very unpopular decision,” he says.

But it was also eerily prophetic.

Just three months later, Anthony Porter, a death-row inmate convicted of murder in a separate case, was exonerated and released when another man admitted to the killings. Since then, the convictions of 13 men on death row have been overturned, causing then-Governor George Ryan to place a moratorium on executions and then commute all death sentences as he left office. A debate ensued that became so emotional that Harrison’s colleague on the bench, Justice Charles E. Freeman, warned him not to elevate “personal beliefs above thoughtful constitutional analysis.”

The very thought makes Harrison bristle. “The law has always been my guide,” he says.

Harrison’s strong legal opposition to the death penalty began late in his career. As he never had a capital case in the appellate court, it wasn’t until Harrison was on the Supreme Court that he gained an intimate view of the legal shortcomings in death-penalty cases.

“Once I saw the cases up close, I realized how many problems there were,” he says.

While his death-penalty dissents received the most notoriety, Harrison broke rank on other cases, too. In Springfield Bank and Trust Co. vs. Gaullen, Harrison wrote a strong dissent in a case involving a girl from France who was struck and killed by a driver whose view was blocked by an illegally parked truck. His fellow justices ruled that the girl’s family couldn’t collect any damages in the case.

Harrison was outraged against what he called “the antiquated and misguided deference to the demands of private industry. Corporate enterprise shouldn’t be given precedence over human welfare.”

In a recent instance, the Supreme Court of the United States reversed the Illinois Supreme Court’s ruling in Sprietsma v. Mercury Marine in a 9–0 decision rendered in December 2002. The federal court agreed with Harrison, who had written the sole dissent in the state’s case, that the Federal Boat Safety Act of 1971 did not pre-empt the claim by the family of a woman killed in a boating accident.

Harrison’s compassion for the underdog was born at his family’s dinner table, where his parents taught him that helping others should be a way of life.

“People think pro bono, and they think the big criminal cases. But really, people need small things done every day. It may seem inconsequential to others, but, to them, it’s absolutely important.”

Moses Harrison II, JD ’58

by Nancy Mays
“My family loved to talk politics and within that, they expressed how important it is to watch out for each other,” he says.

After earning his undergraduate degree at Colorado College, Harrison studied law. “I wish I had a good story about why I became a lawyer, but the truth is a man I admired at college suggested it and I thought, ‘Sure. That would be a good way for me to help my fellow man.’ ”

He practiced law in East St. Louis and Collinsville, his hometown, until the Illinois Supreme Court appointed him a circuit judge in 1973; he was then elected to the circuit bench in 1974. In 1979, the Supreme Court appointed Harrison to an appellate court vacancy; voters confirmed this appointment in 1980 and 1990 elections. In the next progressions in Harrison’s career, he was elected to the Supreme Court in 1992 and appointed chief justice in 2000.

“His passion has always been to help those who need empowering. He wrote many dissents, but that’s what has driven him.” Sandor Korein, JD ’56

Following Harrison’s lead, the Illinois Supreme Court appointed a committee on pro bono work and is considering a rule that would give interested attorneys the opportunity to participate without employer penalty.

Harrison also worked to have the state’s attorney annual registration fee raised by $42, with the increase earmarked solely for legal aid. The measure was delayed in the legislature, but is now being revived.

With his legal career behind him, Harrison plans to spend more time with his family and with his new hobby, fly fishing.

He looks back to his time as lawyer and judge with gratitude. “I loved every minute of it,” Harrison says. “I wish it could have gone on forever, but it was time to make room for someone else.”

Moses Harrison II, former chief justice of the Illinois Supreme Court, recently addressed law students on public service.