

Moses W. Harrison II 1992 – 2002

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Moses Wilkins Harrison II was born in Collinsville, Illinois on March 30, 1932, the



grandson of a physician and son of dentist Clarence Harrison and nurse Loretta O'Hara Harrison. After attending local public schools and working at a concrete-block plant, he earned money for college tuition as a Colorado ranch hand, truck driver, and organizer for the Teamsters union. Harrison graduated in 1954 with a degree in political science from Colorado College. "I saw a lot of hard times in my life," whose ancestors included coal miners; "My

heart bleeds for the working man." He proudly carried his Teamsters card throughout his life.¹

Influenced by one college instructor who was also an attorney, Harrison returned to the Midwest to attend Washington University School of Law in St. Louis. Graduating in 1958, he was admitted to the Illinois and Missouri bars. For fifteen years he engaged in private practice, initially in an office next door to his father's dental practice, and eventually becoming senior partner of Harrison, Rarick, and Cadigan. On December 30, 1961 he married Sharon Phillips, who he met in his father's dental office, and they became the parents of two sons.²

"My shingle was out for everybody," Harrison explained. "I didn't do that much of any one thing, but I did a lot of everything," practicing corporate, domestic relations and criminal

law. I sued a few banks, and I represented a few banks too.” An East St. Louis case that he remembered years later involved an Appaloosa horse death at a sale barn. “The fellow that operated the sales put two stallions together in the same bin and, of course, they fight until one kills the other one.” Harrison represented the horse’s owner in suing the operator but was unable to obtain witnesses because many people were afraid to testify against the defendant because he prominent as horse operator. Harrison “got a guy who owned thoroughbreds to testify, was a good witness. And we tried the case to completion and I got a verdict. . . . You think about it. Lawyers must have a big ego to go in there cold and try to convince twelve people that they’re right about something.”³

While practicing law, Harrison was elected to the Board of Governors of the Illinois State Bar Association and as president of the Madison County Bar Association. He was also on the Collinsville City Council and served as the city’s finance commissioner. Appointed by the Illinois Supreme Court in 1973 as a judge of the Third Judicial Circuit, the following year Harrison was elected as a Democrat to the position. He would serve two terms as chief judge of the circuit, comprising Bond and Madison counties.

In 1979, the Supreme Court appointed Harrison to the thirty-seven-county Fifth District Appellate Court in Mount Vernon, and he was elected to that Court in 1980. Serving two terms as presiding judge of the Appellate Court, he won his retention election in 1990. In the 1992 contest to fill the vacancy of Illinois Supreme Court Justice Horace L. Calvo, Harrison defeated “three worthy opponents,” two in the primary and Republican Don W. Weber in the general election.⁴

Five years later, Harrison figured in the judicial misconduct allegations against Supreme Court Chief Justice James Heiple for his behavior during four traffic stops, including a 1996 arrest. Harrison chaired the Illinois Courts Commission, handling cases of alleged judicial misconduct. Although critics characterized him as Heiple's closest ally on the court, Harrison refused to recuse himself from the case, stating that the Constitution offered no guidance on replacement. The Commission eventually censured Heiple, who resigned as Chief Justice, then retired in 2000.⁵

In November 1998, Harrison gained national attention for his sole dissenting opinion in *People v. Bull*, a condemnation of the Court's opinion affirming the death sentence of Donald Bull for the murders of a mother and her three-year-old son. Citing the cases of nine men wrongly convicted of murder and sentenced to death, Harrison wrote, "Some would suggest that the freedom now enjoyed by these nine men demonstrates that our criminal justice system is working effectively with adequate safeguards. If there had been only one or two wrongful death penalty cases, I might be persuaded to accept that view. When there have been so many mistakes in such a short span of time, however, the only conclusion I can draw is that the system does not work as the Constitution requires it to. . . . When a system is as prone to error as ours is, we should not be making irrevocable decisions about any human life."⁶ Three months later, death row inmate Anthony Porter came within two days of execution before being exonerated in the slayings of two men.

In early 1999, shortly after *People v. Bull*, Harrison issued a stay of execution for Chicago gang member Andrew Kokoraleis, convicted of six murders, but a majority on the Supreme Court overturned the stay. "My colleagues seem to regard the existence of Kokoraleis'

appeal [for the murder of Lorraine Borowski] as nothing more than a bureaucratic nuisance,” Harrison lamented in his dissent. “They forget that under Supreme Court Rule 651(a), appeals from judgments of the circuit court in post-conviction proceedings involving judgments imposing death sentences are not optional or a matter for the court’s discretion. Such appeals lie to the Supreme Court ‘as a matter of right.’”⁷

After Governor George Ryan denied clemency, Kokoraleis became the last person executed in Illinois. The following year, Ryan would order a moratorium on executions, and in 2011, Governor Pat Quinn signed legislation abolishing the death penalty. “If the system can’t be guaranteed, 100-percent error-free,” Quinn said, “then we shouldn’t have the system.”⁸

In November 2000, Harrison became Chief Justice for a two-year term, succeeding Charles E. Freeman.⁹ Harrison guided the adoption of sweeping new rules governing the conduct and trial of death penalty cases.¹⁰ During his decade-long Supreme Court tenure, he authored 136 majority opinions, twenty-two special concurrences, and 195 dissents.

At age seventy and approaching the end of his ten-year term, Harrison announced his retirement from the Court in September 2002. Proud of his contribution to the death penalty debate, Harrison noted that when he made his landmark plea against the death penalty in *People v. Bull*, few shared his view.¹¹ In 1999, the year before Illinois Governor George Ryan ordered a moratorium on executions pending a review of the system, Harrison had told a *St. Louis Post-Dispatch* reporter, “It is no answer to say we are doing the best we can do. If this is the best our state can do, we have no business sending people to their deaths.”¹²

During his lengthy career, Harrison held memberships in the Illinois State Bar Association, Metropolitan Bar Association of St. Louis, Tri-City Bar Association, Madison

County Bar Association, American Bar Association, American Judicature Society, Justinian Society of Lawyers, and the Illinois Judges Association. Among many honors, in 2001, he received the Illinois State Bar Association's Access to Justice Award. The Justinian Society named an annual award in his honor for outstanding pro bono work.

A former senior warden of Christ Episcopal Church of Collinsville, in retirement he was a member of St. Michael's Episcopal Church, O'Fallon. After a lengthy illness, he died at age eighty-one on April 25, 2013, at Missouri Baptist Hospital in St. Louis. "Moses Harrison was a great Supreme Court justice," said Illinois Governor Pat Quinn. "He served as a strong and passionate advocate against the death penalty and devoted his life to ensuring that justice was served fairly. He was a steadfast defender of everyday people. As he said best himself, his job as judge was to 'protect ordinary citizens against wrongdoing by the government, large corporations and powerful individuals.' He did this job well."¹³

¹ "Oral History Transcript, Moses Harrison," 30 June 2010, Harrison file, Illinois Supreme Court Historic Preservation Commission, Springfield, Illinois.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ *State Journal-Register* (Springfield, Illinois), 14 May 2002, p. 9.

⁶ *People v. Bull*, 185 Ill. 2d. 179 (1999).

⁷ *People v. Kokoraleis*, 189 Ill. 2d. 721 (1999).

⁸ *Chicago Daily Law Bulletin*, 24 April 1999, p. 22; washingtonpost.com, 9 March 2011.

⁹ *Chicago Daily Law Bulletin*, 12 January 2000, p. 1.

¹¹ *Chicago Sun-Times*, 14 May 2002, p. 16.

¹² *St. Louis Post-Dispatch*, 14 May 2002, p. B4.

¹³ *Illinois Issues* (June 2013), p. 34.