

## Opinion of the people 4/22/71

### 'Gertz' fanciful notions'

The response by Elmer Gertz (Opinion of the People, April 13) to your April 6 editorial on abolition of the death penalty is an incredible document in many ways. As a member of the Bill of Rights Committee of the Sixth Illinois Constitutional Convention, which Gertz chaired, I witnessed first hand his erratic reasoning, quixotic schemes and frequently contradictory positions.

None of his arguments was so illogical nor defiant of the people's will, however, as that which he presented in his letter to you. Never did he argue in the convention that the phrase added to our Bill of Rights that "All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship" might be interpreted by the courts as a "ban on the death penalty."

In fact, to argue so now is to defy the plain intent of the very referendum by which the language of which Gertz is so proud, was adopted. In that referendum, as you know, the people overwhelmingly rejected a ban on the death penalty by voting down a separate insertion to that effect. Gertz would have us believe that the clever members of the Bill of Rights Committee nevertheless succeeded in frustrating the will of the people.

Such is not the case. The lan-

guage in question was intended to mitigate prison confinement as a punishment for criminals. Gertz knows this well, and to suggest otherwise now is intellectually dishonest.

The death penalty is, and long has been, a recognized deterrent to crime. Only a fool would tear down a lighthouse because he cannot count the ships saved by its beacon! The arguments against its retention have neither changed nor gained in common sense, since the French Revolution, when its abolition was first and understandably, proposed.

It is wondrous to observe the reformer whose heart bleeds so profusely for the people, but who nonetheless will not hesitate to impose his will upon the same people after they repudiate his visionary ideas. Gertz is unalterably in error, and he knows it. The death penalty is not unconstitutional and remains the ultimate weapon in the hands of the people for preventing that anarchy which Gertz' fanciful notions would cause if adopted.

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### Public job affidavit

There may be merit in the recent judicial decision that the tough financial disclosure rules of Gov. Ogilvie invade the privacy of state employes.

However, just as government has a right to protect itself against overthrow by revolution, it would seem that government has a right to protect itself from overthrow by corrupt practices and conflicts of interest.

Candidates for state office have to file an oath saying they are not Communist revolutionaries. Why not have candidates — and state employes, too — swear they are honest and have no conflicts of interest?

If they refuse to submit such an affidavit: No job. If they lie when they do submit it: They lose the job.

Whether or not they are prosecuted under existing laws, they can be taken off the public payroll if it is proved they are taking kickbacks or under-the-table graft. The affidavit becomes a condition of employment or holding office and leaves the question of proving a crime to the state's attorney.

Either way, the public employe or officeholder would have somewhat more privacy and the public would have more assurance of honest government.

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