

ACLU Chapter at Yale University In Support of SB 280

The ACLU Chapter at Yale University opposes the continued use of the death penalty in Connecticut and urges this committee to support Senate 280.

The death penalty is an antiquated, unconstitutional practice that violates the fundamental rights of American citizens. Since the lifting of the moratorium on the death penalty in 1976, over 133 people have been released from death row by means external to the typical appeals process: new developments in scientific testing, investigative journalism, and the dedicated work of skilled attorneys. This raises deeply troubling questions about the possible execution of innocent people by the state – a possibility that cannot be discounted.

Further, the death penalty is racially and economically discriminatory. The Constitution guarantees each and every citizen equal protection under the law, protecting insular and political minorities from the uses and abuses of an impersonal, arbitrary, and often biased legal system. But overwhelming statistical evidence suggests that the imposition of the death penalty penalizes black and poor defendants simply for being a political minority. This discrimination is particularly appalling given that the punishment is irreversible.

Moreover, the death penalty is unconstitutional because it violates our Eighth Amendment guarantee against cruel and unusual punishment. The death penalty belongs to a barbaric tradition of punishment established in a time where slavery and branding were commonplace. The United States is the last Western industrialized nation to retain this practice, which by definition, makes it unusual – as does its arbitrary and uncommon application in cases where it is pursued. The death penalty finally violates the Constitution's guarantee of due process by robbing executed defendants of their right to an appeal when new evidence is uncovered.

In addition, the vast majority of the country's criminological societies reject the deterrent effect of the death penalty. In the context of deterrence, no meaningful difference exists between life imprisonment and imposition of the death penalty, and any societal benefit derived from this difference is marginal or nonexistent.

Finally, the death penalty is an unnecessary and unconscionable waste of money. Studies have shown that the cost of capital cases are 70% more expensive than non-capital cases – including the cost of life imprisonment. The most comprehensive study done in the country found that the cost of a capital case was more than \$2 million more than a non-capital case. Our already strained and overburdened legal system cannot bear the strain that additional capital cases would produce.