

Scot X. Esdaile, President of the Connecticut NAACP

Testimony in SUPPORT of SB 280

An Act Revising the Penalty for Capital Felonies

Chairman Coleman, Chairman Fox, distinguished members of the Judiciary Committee, thank you for the opportunity to present testimony today. My name is Scot X. Esdaile and I am the President of the Connecticut NAACP, and am speaking on behalf of our 16 Branches, 8 College Chapters, and 8 Youth Councils throughout the state. We strongly support SB 280, which would repeal Connecticut's death penalty.

Let me first be very clear: repeal of the death penalty is one of the Connecticut NAACP's top priorities this legislative session. The Connecticut NAACP and its local branches actively have been working for repeal. In 2009 and 2011, NAACP national President Benjamin Jealous joined local NAACP officials in calling for passage of a repeal bill. We were deeply disappointed when Governor Jodi Rell, despite bi-partisan support for repeal, ignored our concerns with the racial bias in the state's death penalty and vetoed a bill to repeal it in 2009. Since then, local NAACP chapters have held numerous forums and rallies across the state and collected hundreds of signatures in support of repealing the death penalty.

The NAACP's opposition to capital punishment should not come as a surprise. Throughout the death penalty's history in the United States, it has been applied in a racist and biased manner. The death penalty in the Jim Crow South clearly targeted Blacks. Across the South after the Civil War, 80% of those executed were Black. In particular, interracial rape or murder, when the defendant was Black and the victim White, virtually guaranteed a death sentence. When a Whiteman raped a Black Woman usually nothing ever happened! Between 1930 and 1967, 455 individuals were executed for the crime of rape – 90% of those cases involved a Black man raping a White woman. Jim Crow's message then was very clear: kill your own and we'll turn the other way, but touch a White man or woman and you're dead.

The death penalty systemically placed greater value on White victims over Black victims. The Supreme Court understandably was troubled by this system, and in 1972 struck down the death penalty as unconstitutional. States, including Connecticut, believed that they could eliminate the racism in the death penalty by revising their statutes. If only we provide more guidelines to juries in capital cases, they reasoned, we could eliminate the bias. So that's what they did, and in 1976 the Supreme Court deemed these new statutes to be constitutional.

Yet after these reforms, the problems continue. Across the country, studies consistently find that prosecutors are more likely to seek the death penalty when the victim is White than if the victim is a minority. And it would be foolish to believe that the problem is relegated to the South. It's also a problem in Connecticut. A comprehensive study by Professor John Donohue, which looked at over 4,000 murders in Connecticut between 1973 and 2007, found that the egregiousness of a crime plays little role in determining the handful of death sentences doled out. Rather, race and geography play the biggest role in who receives the death penalty. Connecticut prosecutors are more likely to seek the death penalty when the victim is White. Also troubling, seven of the 11 men on death row are minorities. This is not a just system. This is not a system that we can continue to tolerate.

You have tinkered with the death penalty for decades and failed. I'm here to say that enough is enough. The Black community knows how the criminal justice system works, how biased it can be. Obviously such bias should have no place at all in our justice system, but we simply cannot accept it when life hangs in the balance. If you truly care about racial equality, the State of Connecticut must stop making promises to fix the death penalty that goes unfulfilled. Instead, we must abolish the Death Penalty this year.

Thank you for your time.

Scot X Esdaile, President

CT NAACP State Conference