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Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Andrew Schneider and I'm Executive Director of the ACLU of Connecticut. I am here today to express our support for SB 280, An Act Revising the Penalty for Capital Felonies.

The death penalty is the ultimate denial of civil liberties. It's an irreversible punishment used by a justice system that makes mistakes, thus creating the very real risk of executing an innocent person. The implementation of the death penalty is arbitrary, discriminatory and it does not deter crime.

Regardless of one's viewpoint about the morality or constitutionality of the death penalty, most people would agree that if we are going to continue executing people in the U.S., we should be doing it fairly and rationally. However, three factors, unrelated to the crime itself greatly influence who gets executed and who does not: race, geography, and poverty.

Whether someone convicted of a capital crime receives a death sentence depends not just on the state they live in but also the county in which the trial and conviction takes place. Some prosecutors are more zealous in seeking the death penalty than others. This pattern exists in Connecticut with a startlingly high representation of people on death row from the Waterbury area.

Stanford law professor John J. Donohue reported last year that the "vastly higher" rate of death sentences handed out in Waterbury "virtually leapt out of the raw aggregated data" when he set out to study the application of the death penalty in Connecticut between 1973 and 2007. His scientific and irrefutable study confirmed in Connecticut what less exhaustive analyses across the nation had long suggested: that the death penalty has been imposed here in a completely arbitrary and capricious manner.

As part of his study, Professor Donohue composed a scale to measure the egregiousness of each capital case to test whether the state adhered to the U.S. Supreme Court's directive that the death penalty be applied only to the worst of the worst cases. He found exactly the opposite – the egregiousness of the crime appeared to be completely unrelated to the application of the death penalty.

The correlations he did find, and which have been found over and over in other studies, concern race. Minority defendants who murdered white victims were six times more likely to receive the death penalty than minority defendants who murdered minority victims. Minority defendants who murdered white victims were three times more likely to receive the death penalty than were white defendants who murdered white victims.

Professor Donohue concluded that "Overall, the state's record of handling death-eligible cases represents a chaotic and unsound criminal justice policy that serves neither deterrence nor retribution."

Most capital-crime defendants are indigent when arrested and cannot hire their own counsel. Wealthy people who can afford a private attorney are generally spared the death penalty, no matter how heinous their crimes. Poor people do not have the same opportunity to buy their lives.

Social Science research has discredited the claim that execution deters murder. The majority of murders are committed in the heat of passion, and/or under the influence of alcohol or drugs, with little thought given to the possible consequences. States that have death penalty laws do not have lower murder rates than states without such laws. And states that have abolished capital punishment or reinstated it show no significant changes in either crime or murder rates.

The irreversibility of the death penalty is especially significant in light of the number of innocent people put on death row in recent times throughout the country. In the last 39 years, 140 people have been released from death row with evidence of their innocence. From 1973 to 1999, there was an average of 3.1 exonerations per year. From 2000-2007 there has been an average of 5 per year.

Capital punishment costs our state lots of money we cannot afford - much more than keeping someone in prison for life without parole – and Connecticut has carried out only one death sentence in the last four decades, it seems like a high price for a system we rarely use.

So it is with good reason that other states have abolished their death penalties. New Jersey, New Mexico and Illinois have done so in recent years. It's time for Connecticut to abolish it, too.

Thank you.