

Statement to the members of the Connecticut Joint Committee on Judiciary in Support of SB 280
The Yale Chapter of Amnesty International
Katharine Naples-Mitchell, Co-Coordinator
Yale University 2013

My name is Katharine Naples-Mitchell, and I am a junior at Yale majoring in political science and the Co-Coordinator of Yale's Amnesty International chapter. Amnesty International campaigns against the death penalty worldwide because the death penalty is a fundamental, irreversible denial of human rights. It is an affront to human dignity and perpetuates a cycle of violence that constitutes state affirmation of the expendability of human life. It is also an affront to American values. This country was founded on soaring aspirations, on the inherent truth that we are all created equal and endowed with inalienable rights. One of these is the right to life, and as a *right*, it cannot be abridged, it cannot be undermined, it cannot be revoked. Our founding documents exist to affirm our individual rights and to protect us from abuse by the state. The death penalty is in undeniable tension with these documents, with the right to life and the basic tenets of our system of government.

Three years ago the Connecticut state legislature voted to abolish the death penalty, but could not override then-Governor Rell's veto. In her veto message, Governor Rell described the death penalty as being reserved for those who "committed crimes that are revolting to our humanity and civilized society." What she failed to realize is that the death penalty—a system of state execution reserved for, yes, only the most heinous and despicable criminals—is also revolting to our humanity.

The belief that the death penalty ultimately and unequivocally violates human rights is not only a deeply held passion, as Governor Rell acknowledged. The death penalty is an attack on our foundational and universal human dignity—our common humanity. Governor Rell steadfastly rebuked those who "killed for the sake of killing," highlighting intent as the greater contributor to the egregiousness of such crimes. The effect, though—the elimination of a human life—is not to be diminished. The death penalty also has this cruel and inhuman result.

This is not to say that those who engage easily or frivolously in capital offenses, in acts that shock the conscience of humankind, should be given any reprieve. The Connecticut justice system has valid alternatives to the death penalty, such as life imprisonment without parole, that constitute adequate punishment even for the most repugnant crimes. Moreover, it is dangerous to engage in ethical equivalencies and hierarchically rank human beings; in discussions about the death penalty, the point should not be to judge whether one life has greater worth than another, but rather to affirm that all human life must be valued. A systemic process that ends a human existence cannot stand in a righteous and just society.

Supporters of the death penalty have argued that it serves as a valid deterrent for potential criminals, and that it is an application of firm but due justice. They assert the need to avoid being soft on crime and to instead uphold a system of retributive criminal justice. Yet our justice system is supposed to provide remedy to victims, not vengeance. Moreover, this view fails to give due credence to the reality that the death penalty system has not been and cannot be proven to be a successful deterrent, is more expensive than relevant alternatives because of state expenditures required for the appellate process, is subject to human error, and is often riddled with economic and racial bias in its application, as Governor Rell briefly acknowledged in her veto message. The risk of executing innocents is simply too high. Moreover, in general there is a dire lack of representation available to death row inmates, and therefore their due process rights

often go unsatisfied. This furthers the potential for executing an innocent. The irrevocable nature of the death penalty renders it an unsustainable and indefensible remedy in an imperfect justice system.

As a Yale student who has been campaigning for abolition for the past year and a half, I have seen firsthand the New Haven community's response to the death penalty. There is no doubt that the issue's complexity is braced with deep thought and emotional resonance from both sides—supporters and opponents of repeal. As a believer in human rights, the question for me comes down to a fundamental belief in human dignity and the value of every human life. However, for those who do not weigh this moral component of the issue so strongly, the question then must come down to what baseline should be considered when developing policy.

There are two extreme cases which comprise opposite poles on a spectrum of rationale behind the law. One side argues for enshrining in law a baseline that establishes necessary punishment for the most egregious violators. Proponents of this line of thinking point to the recent Petit case and the unimaginable horror that the Petit family endured at the hands of severe criminals. How can these murderers be permitted to live? The alternative pole, however, is one that considers a baseline of innocence. Think of the case of Troy Davis, executed September 21, 2011 in Georgia. Mr. Davis continued to claim his innocence until the day he died, and seven of the nine original witnesses in his case recanted their testimony. His case was a miscarriage of justice and a testament to the catastrophic flaws of the U.S. death penalty system.

To this day, 140 people have been exonerated from death sentences in this country. I met one of them in November—an inspiring man named Juan Melendez, the 99th exoneree from this country's death row. Mr. Melendez had 17 years of his life taken from him by an imperfect criminal justice system in Florida and a wrongful conviction. This was compounded by the constant duress because of the threat of execution. His trial was a perversion of justice, in which vital testimony was excluded. Moreover, at the time of the trial Mr. Melendez was unable to read or write in English and could barely speak the language—factors which inevitably contributed to his wrongful conviction. Somehow he has miraculously channeled his anger and pain from this gross injustice into activism, and has become a public speaker working to abolish the arbitrary system that almost took his life. There easily could have been a world, however, in which this important voice was forever silenced.

How can we risk putting innocent people to death? Shouldn't a baseline be established not just to punish the horrendous but to successfully protect the innocent? There is no going back with a death sentence. Execution is final. Thus the baseline in the law must consider innocence. Because our justice system is subject to racial bias, arbitrariness, and human error, the death penalty cannot stand because it will be used erroneously. Please vote to repeal the death penalty.