



State of Connecticut
Senator Donald E. Williams, Jr.
President Pro Tempore

Testimony of

Senator Donald E. Williams, Jr.
Senate President Pro Tempore

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Judiciary Committee

Senator Coleman, Representative Fox, members of the Judiciary Committee, thank you for allowing me to testify today on *S.B. 280, An Act Revising the Penalty for Capital Felonies*.

I have always been opposed to the death penalty. I believe Connecticut's ultimate criminal penalty should be life in prison without the possibility of parole.

Reasonable people can disagree about the death penalty, and I respect the views of those who favor it. My view, however, is that there are many reasons it does not belong in Connecticut's system of justice.

First, it is a penalty that once exacted can never be revisited. No system of justice is perfect, and mistakes are made in our criminal courts. We have all read about cases where individuals are wrongfully convicted based on false testimony or flawed evidence. When those wrongfully convicted are lucky enough to have witnesses recant, or new technology proves their innocence, they are released. There is no way to give them back the time they lost in jail, but they may attempt to rebuild their lives.

Mistakes are made in death penalty cases. Last year, Illinois became the sixteenth state to repeal the death penalty after it was shown that a number of inmates on death row had been wrongfully convicted; one inmate was days away from execution when another person confessed to the crime. That particular mistake was not caught by the criminal justice system. It was not part of an appeal or court action. It was random luck. The confession came about because of a project conducted by law students. Illinois is not alone; similar concerns have been raised in almost every state that has the death penalty, and over the years at least 138 individuals on death row have been exonerated and released.

When the death penalty is carried out, there is no opportunity to correct mistakes. In a system of justice that is not perfect, we must not employ a penalty that requires perfection.

There are many other reasons to change Connecticut's ultimate penalty from death to life in prison without the possibility of parole.

The death penalty is not a deterrent to crime. In recent polls, police chiefs ranked the death penalty as the least effective tool in reducing the rate of violent crime, compared to other crime fighting tools such as curbing drug abuse and increasing the number of officers on the street.

Economics plays a discriminatory role in who is charged with and convicted of a capital offense. Individuals who can afford a "dream team" of defense lawyers are not often sentenced to death when they have committed crimes similar to others on death row. Prosecutors are deterred from pursuing the death penalty when defendants have the financial means to employ costly experts and defense counsel.

Race often plays a role, and when combined with economics is doubly discriminatory. Blacks and whites have been the victims of murders in almost equal numbers in America, yet eighty percent of the people executed since 1977 were convicted of murders involving white victims. Black defendants are more likely to be sentenced to death if their victim is white rather than black, and murderers of Black and Latino victims are treated less harshly than murderers of white victims.

There is simply an unacceptable randomness to the death penalty. In a study of all Connecticut death penalty cases over a thirty-four year period ending in 2007, Stanford law professor John Donohue found virtually no difference between the severity of crimes committed by defendants on Connecticut's death row, compared to other violent offenders sentenced to life in prison or lesser terms. During those thirty-four years there were 4,686 murders in Connecticut. Of those, only ninety-two cases resulted in a conviction of a capital felony. And of those ninety-two cases, just nine defendants were sentenced to death. Professor Donohue concluded that "the state's record of handling death-eligible cases represents a chaotic and unsound criminal justice policy that serves neither deterrence nor retribution.... arbitrariness and discrimination are defining features of the state's capital punishment regime."

The punishment of life in prison without the possibility of parole makes more sense. It is a severe punishment. It does not require those victimized by violence to relive the crime through multiple post-conviction hearings and appeals that are required by the death penalty, and often last many years. Life in prison without parole is a sentence that is certain and final.

Here in Connecticut, it is important that we strive to have a system of justice that is consistent, fair, and free from prejudice as is humanly possible. That is why I support repealing the death penalty. Thank you.