

PRESIDING CHAIRMEN: Representative Lawlor

Senator McDonald

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SENATOR MCDONALD: As I mentioned, there are a number of people who have signed up today. I do want to remind members of the public that we have from now until 7:00 for this public hearing. It looks like, based upon the number of people who have signed up, that time will be sufficient to allow everybody an opportunity to present testimony before the committee, if we adhere to the rules.

The rules, as I have mentioned, you are allowed three minutes of time to testify. We apologize that it's such a hard and fast rule, but to accommodate everybody, we ask you to abide by that. I will ask you at three minutes to stop your testimony. If you need to finish a sentence, I'll allow that. We really do need to adhere to that time.

Again, there are no signs to be displayed. We ask that if you have cell phones or beepers, that you set them to silent or turn them off preferably. I should note, for members of the public, that though you see a number of seats empty, this is being telecast. Members of the Judiciary Committee may very well be watching.

I can tell you many of them will be watching as well as other legislators who will be watching this testimony around the building. So just because somebody might not be physically present, that doesn't mean that your testimony isn't being heard by many more legislators than just the Judiciary Committee.

I understand, if you've been in the building much today, that there are a number of other meetings going on. There is another public hearing before the Public Health Committee on stem-cell research. There are some members of this committee who also sit on the Public Health Committee. So it is, unfortunately, the way things happen around here sometimes. Legislators are called to other meetings to attend to other business. So you will see members of the committee coming in and going on, trying to attend to all of it.

I should also mention that many of you have submitted written testimony to the committee, which we have in front of us. Legislators from the committee will have that testimony available to them as well. So having said that, Representative Lawlor, did you have anything else you wanted to say?

REP. LAWLOR: Just to be complete on the presentation Senator McDonald was making, if you are new to this building, you may not realize that aside from the fact that these proceedings are telecast, not just throughout the building, but throughout the state. If you watch CTN, you know they are rebroadcast throughout the week. Every word that is spoken before the committee is transcribed.

Those transcripts stay with the bills forever, essentially, at the State Library. After a time, there may be only a few members of the

committee here, but we just want you to understand that everyone will ultimately get an opportunity to hear your words and understand your sentiments.

That is a very important part of our process. So it may not be obvious from watching the sparse turnout at moments here in the committee, but it's very important that you are aware that all of your words will, in effect, live on forever.

SEN. MCDONALD: Thank you very much. The first member of the public to testify is Antoinette Bosco. Ms. Bosco? Antoinette Bosco? All right

UNIDENTIFIED SPEAKER: She was here.

SEN. MCDONALD: After all that with the lottery, the first person isn't here. The next speaker is Matthew Oller.

REP. DYSON: Mr. Chair, even though she's not here, will there be an opportunity for her to speak when she gets back? When would that be?

SEN. MCDONALD: There will be an opportunity for individuals who missed their spot to testify, but it will be after everybody else has testified. The people who are participating in the lottery system had an expectation of when they were going to testify.

Otherwise, it would allow people to come in and testify whenever they chose. That wouldn't be fair to other members of the public who are here and are prepared to testify.

So the next speaker is Matthew Oller. I'm sorry, Sir. Please, have a seat at the table. Please, make sure that the white light is on for the microphone. Just identify yourself and the town from which you come.

MATTHEW OLLER: Yes. Good afternoon. My name is Matthew Oller. Can everyone hear me?

SEN. MCDONALD: Yes.

MATTHEW OLLER: Okay. One cannot legislate love. If it were so, people would still break the laws. Today, I honor my brother's memory. He died of cancer. In his effects, it was evident that he was in every death-penalty opposition he could be. Killing to teach not to kill is a poor lesson.

Execution is a case of, do as I say, not as I do, but love is the proper powerful feeling agent for all ills. Time, money, effort, and love would be better spent on life rather than death. I wish Representatives would focus on life becoming a light to the world, rather than a source of darkness that the death penalty entails.

I do not defend Michael Ross's actions anymore than I would defend Representatives who kill. There is no due process for the death penalty. When we become the killers, our society has failed, and we become Michael Ross. Thank you.

SEN. MCDONALD: Thank you very much. Actually, I should have mentioned this. I'm sorry. After people testify, we allow members of the committee to ask any questions that they might have of the speaker. I don't know that there are any questions, Mr. Oller, but I did want to mention that. Are there any questions from members of the committee? Senator Handley?

SEN. HANDLEY: I just want to thank you particularly for coming in your brother's memory. That was a very generous thing for you to do.

SEN. MCDONALD: Thank you. Thank you very much. The next speaker is Woody Anderson.

WOODY ANDERSON: Thank you very much. Senator McDonald, Representative Lawlor, members of the Judiciary Committee, thank you for the opportunity to comment on H.B. 6012, an act concerning murder with special circumstances. My name is Sherwood Anderson, and I am an attorney, past chair, and current member of the Executive Committee of the Human Rights and Responsibilities Section of the Connecticut Bar Association.

On behalf of that section, I respectfully request the Judiciary Committee to favorably report H.B. 6012. This section strongly supports this bill and other similar bills raised by this committee that would abolish the death penalty in Connecticut while specifying a maximum capital felony sentence of life in prison without the possibility of parole.

As we all know, execution is irreversible. Also, it is a fact that since 1973, 117 people in the United States have been released from death row and exonerated of capital felony charges due to new evidence and other reasons. Thousands of others have had their convictions overturned by appellate courts and their cases remanded for retrial due to procedural or prejudicial mistakes during the trial or ineffective assistance of counsel.

There are many other reasons besides the possibility of convicting an innocent person. Studies do show that the death penalty is not a deterrent to violent crime. For example, the South, over the past 30 years, is responsible for over 80% of the executions of people on death row. Yet, the South has the highest rate of murder in the United States. Whereas the Northeast has almost no executions in the last 30 years, it also has the lowest murder rate.

Also, it is a fact that the costs of capital-felony-murder cases are significantly higher than the cost of non-capital felony murder cases. That is the time. I thank you again. On behalf of the section, I wish to thank the committee for raising 6012. I respectfully request that the bill be favorably reported. Thank you.

SEN. MCDONALD: Thank you very much. Are there any questions for Mr. Anderson? Thank you for your testimony.

WOODY ANDERSON: Thank you.

SEN. MCDONALD: Next is Dennis Calhoun. I'm sorry. I will try to tell people the next two speakers, so that you can be prepared. After Mr. Calhoun is Richard Tulisano and then Lawrence Adams. Good afternoon, Mr. Calhoun.

DENNIS CALHOUN: Good afternoon, ladies and gentlemen. I am Dennis Calhoun from Middlebury. I am the pastor of a congregation of the United Church of Christ, the second largest religious body in the State of Connecticut. I've come to bear witness against the death penalty and to urge you to repeal the law that currently gives the State of Connecticut the unwarranted authority to kill in my name.

In the last ten years, I've been called on for pastor care and support of the family of a murder victim and also the family of one who committed murder before taking his own life. The two cases were not related, but the unspeakable grief of both families certainly

was.

In addition, not long ago, a woman came to our church seeking support after being paroled on a murder conviction. The state apparently made the decision to send her home to die of the breast cancer she developed while in prison. I conducted the funerals of all three of these individuals, one victim of a senseless killing and two who committed that most egregious of crimes.

Not surprisingly, given all this exposure to murder and its victims, my congregation has deeply mixed feelings. Murder has struck close to home. We've seen and felt it up close and from both sides. The truth is that the people in my congregation espouse a range of opinions about the issue you are deliberating here today.

So I don't come to speak on behalf of my congregation because like you, we do not speak with one voice on the matter of the death penalty. There is one voice I find terribly compelling, a voice I want you to hear. It is the voice of a teenager who was brought to me by his exasperated parents for some counseling after he found himself in trouble for violent behavior at school.

I tried to convince this still-impressionable young man that violence never accomplishes anything and only leads to more violence. I told him that as a person of faith, my view is rooted in God's law, a code of moral behavior that was laid down ages ago for the good of all society.

He said, you mean, like the Ten Commandments, like thou shall not kill? I said, yes, that is precisely the moral law that we must obey for the good of everyone. His reply was, if our government can break the law by imposing the death penalty, he didn't see why anybody else should have to obey it.

That, ladies and gentlemen, is the question I would like to pose to you. If our government, under your stewardship, can disregard the injunction against killing, the most violent crime of all, why should anyone else have to obey it? I'd be happy for you to come and explain your answer to this still-impressionable young man. Thank you.

SEN. MCDONALD: Thank you very much. Are there any questions?  
Representative Cafero?

REP. CAFERO: Thank you. Thank you, Sir, for your testimony. Sir, assuming your wish were to come true, and the death penalty would be abolished, what do you feel is the appropriate penalty for people charged with the kinds of crimes that currently now call for the death penalty?

DENNIS CALHOUN: I think that life without possibility of parole.

REP. CAFERO: In the most recent case, the case of Michael Ross, which has dominated the headlines, there have been various arguments made that the circumstances by which Michael Ross has lived for the past 20 years with restricted movement, obviously, restricted visitation, etc., has caused him, in the minds of some people, to become mentally incompetent.

Do you find either that to be true or does that make any difference in what you just stated to me?

DENNIS CALHOUN: The question of his competency I don't think should enter into the debate about the justifiability of the death penalty

in general.

REP. CAFERO: What I'm saying, I'm making the assumption that the death penalty is abolished. Is there a kind of situation that you could foresee where life in prison without parole would be considered cruel and unusual and, therefore, should be modified itself?

DENNIS CALHOUN: I couldn't speculate about the conditions of life without parole. I have visited prisoners myself and found that the conditions were far beyond anything I had imagined. Cruel and unusual, I'm not certain how to define those terms, but I certainly think that the conditions would have a terrible deterring effect on future crimes.

REP. CAFERO: Thank you.

SEN. MCDONALD: Any other questions? Thank you very much.

DENNIS CALHOUN: Thank you.

SEN. MCDONALD: Next is Richard Tulisano followed by Lawrence Adams, and then Clare Laura Hogenauer. It is always a pleasure to see you, Mr. Tulisano.

RICHARD TULISANO: Thank you, Mr. Chairman. Members of the committee, I am here in support of S.B. 6012, which I am sure is no surprise to anybody. I have spent almost 30 years on opposition to the death penalty. I have seen public opinion ebb and flow. I think that is an essential element of one of the reasons why I am against the death penalty.

Of course, Mr. Connelly's testimony this morning sort of put, for want of a better phrase, the nail in the coffin for me. You heard him very vehemently say today that he never plea-bargains in certain kinds of cases, when a cop gets killed, what he perceives to be a horrendous murder, but somebody else might.

It doesn't matter what district it's in. I know we've all talked about which district it's in. What he's really shown is the subjectivity that is involved in the imposition of the death penalty all along, whether it be the issue to withhold or not to go down certain ways for evidence purposes, when the police are investigating a crime.

When it's the State's Attorney making a decision whether or not to impose the death penalty or to seek the imposition of the death penalty, whether it's the [inaudible] because under the new law, unlike we've heard all week long, this is the hardest case, the Ross case before us. After this, it gets easier. Mr. Connelly said it's expensive to do that kind of thing. No, it's easier to take one's life. Under that, how do we weigh and outweigh whether it's heinous or there are mitigating factors?

That depends on who the 12 folks are on the jury. How could it ever be fair, and just, and equally applied? We try, but how could it be? When you talk about the jury and you go to the jury, do you remember the theory of jury nullification? If the one check against a tyranny would be the jury, we're going to make sure that some jurors are never going to sit to check the way the government imposes the death penalty. Where does that occur?

We know you can't argue jury nullification to juries. You know you're not supposed to discuss it, but certain lawyers, in their hearts, always know when the government is been unjust, when the law for

which they wish to impose the death penalty, whatever the circumstances, they are unjust.

They may find guilt, but in their check on government, they may will to say, we're not prepared to impose the ultimate penalty. I have about six more minutes, but I accept the rules. Thank you.

SEN. MCDONALD: I knew you would. I knew you would, Sir. I believe, however, you're not going to escape the questioning of Senator Cappiello.

RICHARD TULISANO: Six more hours, Mr. Senator.

SEN. CAPPIELLO: Thank you very much, Mr. Chairman. Thank you, Richard, for your testimony. First, I want to say I have a great deal of respect for you, and your years of service, and also because on this issue, like the issue of euthanasia and abortion, you are very consistent on where you stand. I have a great deal of respect for that. On euthanasia and abortion, you are very consistent on where you stand.

I have a great deal of respect for that, for people who stand by their convictions. I wanted to ask you a question that I would have liked to ask some of the expert witnesses before because I think you are an expert witness. The issue of death row syndrome has come up.

RICHARD TULISANO: Yes.

SEN. CAPPIELLO: Can you tell me the difference between someone who has committed the crimes of Michael Ross, if we had no death penalty, and he was serving life in prison without parole, what is the difference in his prison time, if he were going to be serving that time, in regard to the difference between that and death row syndrome?

Why is it so, that because he is on death row, his sentence is a little bit different than life in prison? How do they treat him differently?

RICHARD TULISANO: I will beg a lack of knowledge. I do know, on death row, you spend 23 hours, you only get 1 hour out a day, I gather, for exercise. Essentially, you are by yourself. I stand to be corrected. You don't get out of your cell for 23 hours a day. Now, when you're in the regular population, I mean, we all know that is not what happens.

I suppose you're, again, on death row, there is much more restriction. Those arguments are new to me this year, frankly. I have not really studied it very much. It's very interesting to find, of what I have read, the British Courts have already found that as existing theory.

We have looked to them in the past for how we impose our law. I've not researched it, but I think that is the difference. They are just not out at all.

SEN. CAPPIELLO: So do you think that Michael Ross should serve life in prison without parole because of his crimes? Do you think that he should serve them as he is right now, currently, only having one hour a day?

RICHARD TULISANO: No. Let me just say this. Yes, I think he should stay in jail the rest of his life. Obviously, no one who is against

the death penalty condones in any way any of the actions of anybody. That is clear. I think it belittles all of us when we impose, whatever that penalty is, including for Michael Ross, to say that he has to stay in that kind of a situation.

The damage is not to him. It will be damage to him. It is the damage to us who impose it, the death penalty or an unfair way to keep somebody in prison. There are places that don't see this Draconian measure of this world as we do.

They have a better lifestyle, generally, when it comes to how they treat criminals and what happens when they get out. Most criminals come out, not death penalty. In any event, I just think that belittles, makes less of us in those situations, not what happens to him.

SEN. CAPPIELLO: Okay. I know we have a lot of people to testify, so I just have one more question, if I may. What do you think we should do, if we were to abolish the death penalty, what should the penalty be for someone who is serving life in prison without the possibility of parole, if they killed someone in prison or killed a correction's officer?

RICHARD TULISANO: I'm not sure. I probably would just keep it the same way it is, make sure that maybe we know life in prison without parole doesn't stop a pardon from coming, maybe have a special statutory provision where they are not eligible to seek a pardon for certain reasons.

Again, as you know, as the Chairman said, pardons, those things are in the legislative purview, not the executive. That is an exercise of legislative power. You may take away one more freedom from them. Those cases are so rare. I mean, they really are rare. They do happen.

Everything happens, but we shouldn't be judging our whole life on the exception to the rule. It is the rule that we should be judging our lifestyle, how we treat others, and how we treat ourselves.

SEN. CAPPIELLO: Thank you.

SEN. MCDONALD: Thank you.

RICHARD TULISANO: Thank you, Mr. Chairman.

SEN. MCDONALD: Well, actually, I don't think you're done. I did just want to let members of the committee know, and members of the public, that at least according to the associated press, as of about five minutes ago, the Department of Corrections has canceled the scheduled execution for this evening. [applause] Please.

I did want people to know because I understand there are a number of people who were planning on leaving from here and going up to the prison. So based on the advice of the Chief State's Attorney and the Attorney General, the Department of Corrections has canceled the execution that was scheduled for this evening.

It will now go back for a new death warrant at some future point in time. I just wanted to make members of the public aware of that fact. I believe Senator Newton had a question for Mr. Tulisano.

SEN. NEWTON: Thank you, Richard. It is good to see you.

RICHARD TULISANO: Nice seeing you again, Senator.

SEN. NEWTON: Let's just for the record say that in my earlier years in the General Assembly, you and now Judge Wollenberg probably gave the best arguments pro and con.

RICHARD TULISANO: Unfortunately, he won.

SEN. NEWTON: Let me ask you a question. In those states that do execute prisoners, has it ever been shown to be a deterrent?

RICHARD TULISANO: Let me be honest. It is a deterrent, as Senator Capiello mentioned. I guess it's a deterrent for that individual to commit another offense. That would be called in literature, a specific deterrent, and it is. I don't think it's a general deterrent.

There is certainly enough evidence that shows that, in fact, that is where the crime rates are higher. I think someone testified that earlier today. There are a number of programs in which it is clear that some people have moved from non-death-penalty states, murderers, to death-penalty states and committed crimes. So I don't think it has shown a general deterrence at all.

SEN. NEWTON: Thank you.

SEN. MCDONALD: Thank you. Representative Lawlor?

REP. LAWLOR: Thank you, Mr. Chairman. It was just occurring to me, Richard, when did you first become a member of this committee?

RICHARD TULISANO: When was I first a member of this committee?

REP. LAWLOR: Yes.

RICHARD TULISANO: As a member or working?

REP. LAWLOR: Member.

RICHARD TULISANO: Member, '75.

REP. LAWLOR: Before that, you were a staff person.

RICHARD TULISANO: I was a staff person.

REP. LAWLOR: When did that start?

RICHARD TULISANO: 1968.

REP. LAWLOR: So you were here when Connecticut first reenacted its death penalty.

RICHARD TULISANO: Yes.

REP. LAWLOR: One of the things that comes up all the time--

RICHARD TULISANO: I was younger than any member of this committee.

REP. LAWLOR: --that is before we had the child labor laws, right? One of the arguments that comes up all the time, aside from the philosophical one, which you very eloquently restated here, there is a whole practical side of this, I mean, really. If we're going to have a public policy that promises justice, if you define justice



this way, can we ever actually deliver on that, and if so, when?

My recollection is that ten years ago, former Governor Rowland said, if elected, I'll establish a workable death penalty. There was lots of frustration about the old statute and how it did or didn't work. I know before that, Governor O'Neill and Governor Weicker had vetoed bills, which were almost identical to the one that Governor Rell signed.

There is so much controversy about, if we could only just fix it, then we could finally deliver on this and give justice to the victims, etc. So putting apart the philosophical argument, I guess, if it's possible to do that, I mean, do you recall what kinds of things people said?

If we can only deliver justice, I mean, is there anything we can do to make this work?

RICHARD TULISANO: To make the death penalty work, yeah, you could do what the State's Attorney Office said, take away appeals. I mean, they would take it on no appeal, if you could. I mean, that is the way it used be, right, a long time ago. You had the judge and jury find guilt with some very minor ability to appeal. Essentially, executions were imposed pretty quickly.

Gradually, our concept of due process [inaudible] in theory. You could do what the Federal Courts have done to make it work faster, if you will, have [inaudible]. You can put in automatic aggravating as you did for policemen, for any person. I mean, frankly, my own opinion is that your life has as much value as lots of other lives.

When we start deciding who is more valuable than others, we get into other problems. I mean, the mere fact that you took a life is aggravating. It is almost redundant, but it's true. You can say you don't have writs of habeas corpus, one shot. One bite of the apple, and that is the ballgame.

If you didn't raise the issue before the DNA law, the DNA law, if you didn't make your arguments within four months, too bad you were innocent. The law was applied properly. It was a fair trial, as we then understood it. The fact that it became, and you found out later, unfair is another thing.

You take all the things away, take away all these due process things, what we've built in for sureness, and I suppose, impose it really quickly, don't put a telephone line in the execution room. Just do it. I guess that worked. I don't think that does it for any of you. Those who oppose it, I don't think you agree with that.

REP. LAWLOR: You heard Mr. Connelly say a few moments ago that maybe we could somehow short-circuit all this habeas and some of that. You know, it occurs to me that the issue in the current mess that we have, this Michael Ross mess, is competency.

I understand that there is nothing really that the state could do to change any rule because this is something that the United States Supreme Court said.

RICHARD TULISANO: Right. The United States Supreme Court has said that in all death-penalty cases, extraordinary due process. I guess that is still being defined, that extraordinary due process is required. That is what we've built into this state.

REP. LAWLOR: Thank you.

SEN. MCDONALD: Thank you. Are there other questions? Representative Hamzy?

REP. HAMZY: Thank you, Mr. Chairman. Richard, good to see you again.

RICHARD TULISANO: Nice seeing you.

REP. HAMZY: I have a question with regard to this issue of deterrence. The system that we have established, it has established certain punishments for certain types crimes. The more serve the crime, the more serve the punishment.

RICHARD TULISANO: That is theoretically what is done. There are many political crimes in our books where we have various stiff penalties for things that you might think are less serious. The potential may be greater, but they are less serious than others. The imposition of penalties is different.

REP. HAMZY: I would agree with that. As a general rule, we treat shoplifting different than we treat murder.

RICHARD TULISANO: Yeah.

REP. HAMZY: With respect to this issue of deterrence, if the penalty for murder was a \$50 fine, that would not be considered to be a deterrent, in my mind at least. So we make the penalty for murder something greater than that, which acts, we hope, as a deterrent.

RICHARD TULISANO: Well, that is if you believe it does that. That is correct.

REP. HAMZY: Well, we have a proportionality of punishments codified in our criminal statutes.

RICHARD TULISANO: Yes.

REP. HAMZY: So the issue of, you know, severely punishing certain types of crimes is reflected in our criminal statutes. So whether they actually act as a deterrent or not, that is what the basis of the criminal penalties is, correct?

RICHARD TULISANO: The basis, yeah, we have seen certain offences as being more serious, and, therefore, you get more serious, I guess I'll use the word Mr. Connelly used, retribution. Retribution is escalated on the basis of how you perceive the crime.

REP. HAMZY: So if we took the rare, but foreseeable offense of someone who has already been sentenced to death, I'm sorry, someone who has already been sentenced to life in prison without parole committing the murder of a correction officer, without the death penalty there, there is no other penalty that we can impose.

RICHARD TULISANO: I guess you can let him out for half an hour. I'm not being facetious. I agree. That is a rare occasion. All I'm saying to you, and I said it before, and I'll reiterate, for the once or twice that happens in many times, should that be what guides us?

Now, if you come down and say, yeah, that is what defines us, that rare occasion, that is not the rule. That is not what happens. If you're going to let that judge how you react to all things, then I understand how you get there.

I just don't concur that that is the way, that you should allow the exception to be what judges everything you do. I know we do that a lot.

REP. HAMZY: How many people do we currently have on death row?

RICHARD TULISANO: I think there are six or seven.

REP. HAMZY: Six people. So the exception--

UNIDENTIFIED SPEAKER: Seven.

REP. HAMZY: --six or seven out of all the serious crimes that are committee. The exception, in my opinion at least, has been imposing the death penalty on people who commit very serious and heinous crimes.

RICHARD TULISANO: Okay. My response would be that it goes back to my first statement. You're right. You've got seven people, people who have maybe done more heinous things who aren't there. I think Mr. Connelly, in his statement, tried to cite Judge Chatigny, I guess it was, about saying that, in fact, Mr. Ross was the least culpable. I think that was the language he used.

Assuming we understand what Mr. Connelly said, therefore, Ross is the least culpable and probably shouldn't be there, but he is. I don't think that is what Judge Chatigny said. I think he just took it out of context.

What Judge Chatigny said, maybe, I believe this is what he said, his capacity to be held accountable for his actions should not be death, his capacity, not that the actions weren't least culpable. I think he left us with that impression from what I heard.

REP. HAMZY: Thank you.

SEN. MCDONALD: Representative Cafero?

REP. CAFERO: Thank you, Mr. Chairman. Richard, it's good to see you.

RICHARD TULISANO: Mr. Cafero, nice seeing you.

REP. CAFERO: I want to follow up on something Chairman Lawlor brought up, this whole notion of the workability of the death penalty.

RICHARD TULISANO: Yes.

REP. CAFERO: I heard many people say, well, obviously, in light of the fact that no one has been executed in 45 years and that Michael Ross has been on death row waiting death for 20 years, our death penalty doesn't work. Do you measure the workability of a death penalty by how many people have died under it?

RICHARD TULISANO: I don't, but I think people do. I think, if I might say, with your permission, that, in fact, that is one of the other things I've always had in my head. If, in fact, it is workable in this case, you execute the person who everyone agrees is someone who should be executed, I mean, general consensus publicly.

The next case, somehow or other, they are not found, the death penalty is not imposed, the death penalty has now become unworkable because it didn't do what the general public has thought it should do in this particular case.

You're never going to have that, and maybe that is where the Chairman was going, a workable situation because everybody is going to judge, again, subjectively, certain things. I think people are judging it on how you impose it, how many times you impose it. I've always believed that sooner or later, we'd execute somebody. I think it's happening.

REP. CAFERO: One of the measurements of whether or not it's workable, as you already said, is how many people have died under it.

RICHARD TULISANO: Some have said it.

REP. CAFERO: You had already mentioned another thing. Over the years, in order to better, I don't know if the word is strengthen or weaken, but in order to make better the penalty that we have on the books that calls for death, we have put more due process in allowing people who are faced with that ultimate penalty the right to appeal more than maybe others would wish.

Does that right, giving people the right to appeal, does that make, in your mind, a law unworkable?

RICHARD TULISANO: Not in my mind. There are people who would say that. I mean, I'll admit that is what the State's Attorney was saying. In fact, some of those due process rights, if they were restricted or removed, would make it more workable, easier to impose. I don't mean to put words in his mouth either. That is the impression I got.

REP. LAWLOR: Let's not assign those words to him, but to whomever. Doesn't that make the assumption, though, that you measure workability or success by how many people you kill?

RICHARD TULISANO: Yeah. I think people believe that.

REP. LAWLOR: But don't you believe there is a whole other group of people that might believe in the concept of the penalty, but if the penalty, either because the crimes weren't committed or the it wasn't justified was never imposed, that still doesn't make the underlying law unworkable? Would you agree with that?

RICHARD TULISANO: That it was never imposed, no. You are right. The law would still be a workable law, but never imposed. Public policy makers would continue to be under pressure by the general public, as you are now, to make sure certain things do occur because they perceive the death penalty to be, and I'll acknowledge that, they have been advised and told that it works good. It does retribution or whatever.

If it is not imposed, it is not workable. I mean, you have to deal with what reality is. That is technically correct. I think you cite that, technically, you could have one where the death penalty has never been imposed, but could at some magical time in the future as opposed to what the public perceives, what the general public perceives.

That is, if it's not being used and imposed, they have made the decision of whom it should be imposed upon, then it is not working. You have two things going on at the same time.

REP. LAWLOR: Thank you.

RICHARD TULISANO: Thank you.

SEN. MCDONALD: Thank you. Are there other questions? Representative Dyson?

REP. DYSON: I just wanted to say I'm pleased to see Mr. Tulisano here. It is always a pleasure.

RICHARD TULISANO: Thank you, Bill. It's nice seeing you.

SEN. MCDONALD: Thank you. Mr. Tulisano, I just had one question myself. We were talking about what it might mean for someone to potentially be charged with a capital offense in one judicial district in the state and not another and how it could be arbitrary. It occurs to me that the European Court of Human Rights has said that it's unlawful for a European citizen to be subjected to capital punishment in this country.

RICHARD TULISANO: That is right.

SEN. MCDONALD: So if an individual committed a capital offense, be it Michael Ross or someone else, who would have been otherwise charged with that capital offense, and yet, they were a citizen of--

RICHARD TULISANO: Italy.

SEN. MCDONALD: Britain or Italy or Spain or any of--

RICHARD TULISANO: Or Canada.

SEN. MCDONALD: --or Canada, and fled to that country, isn't it a fact that we couldn't have them extradited back unless we agreed that they would not be executed?

RICHARD TULISANO: Absolutely correct. I've made that argument a couple of times in the past, and I thank you for bringing it up again. In Canada, we've had at least twice that I know in Canada, and currently, a Connecticut accused is in Italy and was involved in, I think, a murder for hire, which would be a capital felony, a capital case. The extradition hearing is scheduled now.

The argument is and has been, they supposedly have said, I don't know if that's true, I just read it in the paper, that the State's Attorney Office has said they would not seek death. Some courts in Europe, Italy in particular, have not always believed what our prosecutors say. They take it as a [inaudible] view, and they have not gone along with extradition. They try them in that country under their law, so they won't be executed.

SEN. MCDONALD: Thank you.

RICHARD TULISANO: Thank you.

SEN. MCDONALD: And you got more than your three minutes, but not your six hours.

RICHARD TULIASNO: Thank you.

SEN. MCDONALD: Next is Lawrence Adams followed by Clare Laura Hogenauer and then John Stamm. Good afternoon, Sir.

LAWRENCE ADAMS: Good afternoon, ladies and gentlemen of the Judiciary Committee. My name is Lawrence Adams. I come to you from Boston, Massachusetts. I'm glad to be here today. I was sentenced to death by electrocution in 1974. Even though I knew I was innocent of all

charges, nevertheless, I was found by a jury of my peers, and I was sentenced. I have a short transcript I would like to give to the committee.

The jury found me, and they were convinced that I was a murderer, even though I knew better. The Supreme Judicial Court of Massachusetts upheld the decision. I did 32 years before I was finally exonerated of the charges. It was the death penalty being abolished that probably saved my life. It allowed me the time and opportunity to prove my innocence, to have my lawyer find different materials that were never produced before.

You heard testimony today about 117 individuals across this country on death row being freed by DNA evidence, but not yet has one talked about the human error of nondisclosure and the principle of due process failing. There is human error. The law may be pure in its pure form, but when we, as people, have to collect the evidence and have to present the case, we're not infallible

All the things that we bring to the table come with us. I'm here to say today, right, that I am here because the death penalty in Massachusetts was abolished. My lawyer found things that others didn't, and I'm here today. I'm glad to give all respect to him.

I think that it's important that this committee understands that when you talk about the death sentence, right, we have to talk about human error. That is what we have to do.

SEN. MCDONALD: Thank you very much, Sir. Are there any questions from members of the committee? Yes, Senator Newton followed by Senator Hamzy.

SEN. NEWTON: Thank you. I want to thank you for coming to Connecticut to give your testimony. When was it that they found the DNA, after how many years?

LAWRENCE ADAMS: It wasn't DNA. It was exculpatory evidence. It took 31 years.

SEN. NEWTON: Thirty-one years?

LAWRENCE ADAMS: Yes.

SEN. NEWTON: Did you have a public defender?

LAWRENCE ADAMS: Excuse me?

SEN. NEWTON: Did you have a public defender or a lawyer?

LAWRENCE ADAMS: In the beginning, I had a public defender.

SEN. MCDONALD: All right. Senator, I really don't even know how to address that.

SEN. NEWTON: The point I'm trying to get at, and you all laugh, but this is very serious, is that in some cases, it's been proven that those who can afford attorneys have a better chance. I'm not saying anything bad about public defenders, but in some incidents, you know, cases have been proven.

If you have a high-price lawyer, you stay out of jail. You know, that is the point I was trying to get to, not to disparage anything about our public defenders throughout this country. When you have your own

lawyer, it seems that he might be able to collect that evidence, as you said. You know, that was the only point that I was making.

LAWRENCE ADAMS: It has been my experience, right, that I would say that I was unique in the fact that my lawyer, Mr. John Battarac, did work that I don't think anybody else could have done. I was fortunate to that extent.

SEN. MCDONALD: Thank you very much. I should just note for the record that actually the Chief Public Defender's Office has probably the greatest breadth of information in history on the defense of capital cases than any other group of attorneys in the state. Are there other questions? Senator Handley followed by Senator Capiello.

SEN. HANDLEY: Thank you for being here. I thanked you out in the hall, but I want to thank you again. It is very good of you to come here to relive, in a sense, what you've gone through one more time for the benefit of us who need to understand.

I just really have one question in terms of the fact that you're here today, including the Massachusetts decision to abolish the death penalty. The fact that you were freed, would you consider that it was essentially a matter of luck, good luck that something happened that made it possible or that the system in the long run prevailed, the justice system prevailed or a combination of both? I'm just kind of curious how you would see it.

LAWRENCE ADAMS: I see it, by the death sentence being abolished, that allowed me the time that was necessary. As I said, it took 31 years to bring to light, you know, fruition, that exculpatory evidence was withheld that exonerated me.

SEN. HANDLEY: My question is, how was that found? You attributed it to the hard work of your attorney.

LAWRENCE ADAMS: By my attorney.

SEN. HANDLEY: So it was, in a sense, the persistence of this one person and the fact that--

LAWRENCE ADAMS: Yes.

SEN. HANDLEY: --and the fact that he was there and believed in you.

LAWRENCE ADAMS: Yes.

SEN. HANDLEY: Yeah. Thank you.

SEN. MCDONALD: Thank you, Senator. Senator Capiello followed by Representative Berger.

SEN. CAPIELLO: Thank you, Mr. Chair. First, I want to thank you for coming to testify, even though you were fortunate [Gap in testimony. Changing from Tape 1A to 1B] I cannot imagine what you went through during that time.

My question for you, Connecticut, we seem to prefer, for better or for worse, whether you agree with the death penalty or not, we seem to have one of the most difficult to apply in the nation. You hear about down in Texas, the death penalty is applied quite regularly.

Here in Connecticut, it's been 45 years since it has been applied, even in the case of Michael Ross, which everyone knows is guilty.

There is no question of his guilt. My question for you, in the case of Michael Ross, the issue of guilt or innocence isn't an issue. We know what he did. He's admitted doing what he did.

Do you still think in that case or in any of the cases in Connecticut because I think we are [inaudible] each and every person on death row is guilty. So do you still oppose the death penalty on that basis?

LAWRENCE ADAMS: I only oppose the finality. I think that the reality of jurisprudence in America is that we have killed innocent people, and we probably will again because we have human error. We have, you know, I mean, not everybody is perfect. There is not perfection.

I mean, the law is perfect as far as those that are guilty can go free. Justice will always forge another opportunity bring them to justice. The innocent only get one shot. That is what we deal with when we deal with something where the penalty is so extreme that it is irreversible.

SEN. CAPPIELLO: So even in the case of Michael Ross, knowing that he did what he did, you still oppose it.

LAWRENCE ADAMS: Let's just say that what he did, I have no feelings for it one way or the other because I can't understand it. You know, I can never understand how somebody would just do something like that for no apparent reason or for whatever reason he thought it was good for. I don't think putting him to death is the answer. I mean, I don't see it.

You can't kill one man to put fear in somebody else. He did it, right? If he did it, okay, then the law will take its course. We'll lock him up, and he should never see the light of day again.

I don't believe that we, as civilized people, need to satisfy and relinquish our fears by saying that he is so evil that this happened, and this is the only thing that we can do for him. I don't believe that.

SEN. CAPPIELLO: Thank you. I appreciate your answer.

SEN. MCDONALD: Thank you. Representative Berger followed by Representative Gonzalez.

REP. BERGER: Thank you, Mr. Chairman. Thank you for coming and providing testimony to this committee this afternoon. The evidence that you were able to bring forth to the State of Massachusetts through your attorney representing your innocence should be applauded. Actually, shame on the State of Massachusetts for incarcerating you for 32 years when, in fact, you were found to be not guilty.

Just to explore a little bit about that, if you would indulge me, what was the crime that you were accused of?

LAWRENCE ADAMS: Felony murder.

REP. BERGER: Can you just give a description of what was involved? Have they found the person, the State of Massachusetts, that committed that murder?

LAWRENCE ADAMS: Yes. Yes, they did.



REP. BERGER: They did. I guess this is in the way of maybe just a comment. In your situation, there was evidence brought forward, and we've heard that you were found to be not guilty. They, in fact, found the person that was guilty. It was not DNA evidence that did that.

However, I think it must be made perfectly clear that while I certainly understand your situation, and I certainly believe that everyone on this committee does, let it be known clearly that the individuals that are sitting on death row right now in the State of Connecticut, no DNA evidence, no other circumstantial evidence will ever exonerate those individuals.

Those individuals committed crimes against society and the people of the State of Connecticut, and were found guilty by a jury of their peers, given legal council, given every right and privilege under the laws of the State of Connecticut, those people were found guilty. They will, hopefully, see their just rewards for the crimes they committed against this state and the people.

Congratulations to you, Sir, but make no mistake, for everyone in this room, those individuals that are on death row deserve to be on death row and were proven to be convicted of the crimes they did. Thank you.

LAWRENCE ADAMS: Senator, I understand your position. In your place, I would have no one, but that position. The evidence that exonerated me, they had from day one.

SEN. MCDONALD: Thank you. Next is Representative Gonzalez followed by Representative Walker.

REP. GONZALEZ: Thank you for being here today to testify in front of us. Representative Berger, he asked one of my questions. Thanks for that. My second question, what was your experience in those 32 years when you were locked up, what was the experience? Do you think that they treated you differently than others?

LAWRENCE ADAMS: With all due respect, Senator, I don't think that in the time that is allotted with me that I could go through what I went through in 32 years that I was incarcerated.

RE. GONZALEZ: Thank you.

SEN. MCDONALD: Thank you. Representative Walker?

REP. WALKER: Good afternoon, Sir. First of all, I want to also thank you for coming here and testifying about something that is so serious and has so many ramifications in our society. I thought you were very eloquent in your responses to some of the people today. Obviously, you have worked hard at this.

I guess, as one of my colleagues pointed out, many of the people on death row, by no stretch of the imagination, they are guilty. I'm sure they said that about you at one point also. DNA, there are a lot of things that change that make us look at crime in a different way each year, each time because we evolve and we grow.

I realize that we have to debate this. It is a difficult issue to debate. How many other people were on death row with you at the time that you were there? Can I ask that?

LAWRENCE ADAMS: There were like five of us, but they were abolishing

death row at that time.

REP. WALKER: Were any of the others found innocent with DNA evidence?

LAWRENCE ADAMS: No. At the time of my incarceration, DNA evidence, technology hadn't yet been applied.

REP. WALKER: Okay. So the other four are now in prison for life, as far as you know. The other people that were on death row are spending life in prison right now.

LAWRENCE ADAMS: Yes.

REP. WALKER: Can you tell me, just give me a brief idea, what were your accommodations like when you were on death row? Where you allowed an hour out during the day?

LAWRENCE ADAMS: Well, death row, they took the old death row housing area and turned it into a segregation unit, which pretty much kept it the same way. A 24-hour lock, you get 15 minutes out for a shower, 15 minutes in the yard. That was it.

REP. WALKER: Did you participate, once you were found guilty and they committed you to death, did you do a lot of your own research and everything to help defend yourself as you were in there?

LAWRENCE ADAMS: Yes, I did.

REP. WALKER: Did you get a degree while you were there?

LAWRENCE ADAMS: Yes, I did.

REP. WALKER: Congratulations. I kind of thought that. Very good. Do you go out and talk to the kids in the community now about this whole situation?

LAWRENCE ADAMS: Yes, I do.

REP. WALKER: Thank you very much for your testimony. Thank you for this. It is important that we carry this message, especially out to our kids. I think, as a lot of people have said today, the death penalty helps to deter crime.

When depression, and poverty, and no other future are there, death row, all of these things don't deter crime. I think we're looking at the wrong direction. Thank you, and keep up the good work.

LAWRENCE ADAMS: Okay.

SEN. MCDONALD: Thank you. [applause] Please. Please. Please. I understand that you support Mr. Adams' testimony, but, please, refrain from clapping. It would just be more efficient for all of us. I appreciate that. Are there any other questions from members of the committee? If not, I just wanted to ask you a couple of things.

First, let me thank you for coming and testifying before the committee. I think perhaps more than anybody, you have the unique perspective on the issues that we are talking about this afternoon. I want to explore just for a moment this notion of the death row phenomenon, if you will. I've had an opportunity to read some materials about it. We've heard some testimony about it. You perhaps lived it.

So could you explain to me, if you can, and I know this is a difficult question, what was the impact on you psychologically for being incarcerated up to 23 and one-half hours a day every day for 31 years? Did you, in your time since your release, did you have an opportunity to sort of reflect on how you started your time in prison and how you came out at the other end?

LAWRENCE ADAMS: I don't believe that there is any reflection. As, you know, I was talking to a friend before I came in here, we were out in front of the building. We were walking back and forth and talking because we hadn't seen each other for a while. We stopped.

I had this thing in my head that we have to keep moving because that is what they do when you're inside. You can't sit still. You've got to keep moving. You've got to keep walking. You can't stand on the quad. That is one of the things in the institutions in Massachusetts. So I am still suffering.

You know, I find myself always questioning myself, even though I put the work in for degrees, and I tried to give myself council as well as go to council. I'm still, taking it day for day. I'm still trying to undo, right, what the Massachusetts' prison has done to me.

I'm pretty sure that as many members of the Senate also understand that at one time, Massachusetts Walpole Prison was one of the most feared penitentiaries in the world.

SEN. MCDONALD: And, forgive me, you may have said this, how long have you been out of prison now?

LAWRENCE ADAMS: Nine months.

SEN. MCDONALD: Nine months. You are receiving counseling?

LAWRENCE ADAMS: Excuse me?

SEN. MCDONALD: Are you receiving any counseling?

LAWRENCE ADAMS: Yes, I am.

SEN. MCDONALD: And did you ever have an actual scheduled execution date?

LAWRENCE ADAMS: Oh, excuse me, no. No, because at the time, Massachusetts was in the process that Connecticut is in now. They were talking about the death penalty being unconstitutional.

SEN. MCDONALD: I'm just asking because I'm trying to figure out what happens to an individual on death row, the closer that individual comes to a scheduled date for execution. You are saying that was not your experience. You didn't have a scheduled date. You didn't come within an hour of being executed. Is that correct?

LAWRENCE ADAMS: That is one way to put it, Senator.

SEN. MCDONALD: Well, you put it in your own words, Sir.

LAWRENCE ADAMS: Well, when I was signed into Walpole, every day of my life was death row. Walpole was averaging three murders a week, every day of my life.

SEN. MCDONALD: Thank you. One other thing, you mentioned that the exculpatory evidence, which ultimately was revealed 31 years after

your incarceration began, that it was in the possession of the state from day one. I think that is what you said.

LAWRENCE ADAMS: Yes.

SEN. MCDONALD: Can you tell me a little bit about why that evidence was never revealed previously? Did the prosecution withhold it from your defense? What happened?

LAWRENCE ADAMS: Well, we say that it was in their possession because we received it from them after 31 years, right? We received it from the Prosecutor's Office. Like I said, we recognized the dates on it, and we saw who went to the Grand Jury. We knew that they had all the information from that time, from the very beginning.

SEN. MCDONALD: And just out of curiosity, was it your attorney who moved for you to be released or did the prosecution, after disclosing the evidence, move to have the charges dismissed against you and your conviction overturned?

LAWRENCE ADAMS: Yeah. I think it was a mutual arrangement between the District Attorney's Office and my council.

SEN. MCDONALD: And was the prosecutor who did that the same prosecutor who originally tried you?

LAWRENCE ADAMS: No.

SEN. MCDONALD: So it depended on what prosecutor was in office at the time.

LAWRENCE ADAMS: Yeah, in order for the information to be turned over.

SEN. MCDONALD: Okay. Thank you very much, Sir. I want to thank you for reminding each of us that none of us are infallible. Thank you. Representative Farr?

REP. FARR: Yeah. Could I just clarify this? You were convicted of murder and sentenced to death 31 years ago.

LAWRENCE ADAMS: Yes.

REP. FARR: But then at some point, then you were only released nine months ago, so at some point, you were awaiting execution. Massachusetts repealed the death penalty 20 years ago, didn't it?

LAWRENCE ADAMS: Yeah.

REP. FARR: So you haven't been on death row for 31 years. You were convicted on death row--

LAWRENCE ADAMS: Yeah.

REP. FARR: --and then you've been serving, in effect, a life sentence.

LAWRENCE ADAMS: Yes.

REP. FARR: So the conditions that you've been describing are the conditions that you would have encountered, had you been given a life sentence from the beginning.

LAWRENCE ADAMS: No. That is why I said I have sent some transcripts

on issue to the committee. It was the stipulation that although Massachusetts' death penalty was on hold, it was still up to the Superior Court. They were waiting for the decision to come in. They didn't define if it was constitutional or unconstitutional.

REP. FARR: All the way up to the time you were released?

LAWRENCE ADAMS: No. To about, I think it was 1977 when the clerk came to me and told me that, you know, the paperwork had been put in. You know, actually, officially, they couldn't change the sentence, right, but there was not going to be an execution, and it was actually a life sentence.

REP. FARR: So for the last 29 years or so, you've been serving a life sentence.

LAWRENCE ADAMS: Yeah.

REP. FARR: Okay. And then the exculpatory information was testimony of someone else, is that what it was?

LAWRENCE ADAMS: Yes, it was.

REP. FARR: And I think I've read something about your case, but that testimony was that someone else had done it or that you were somewhere else?

LAWRENCE ADAMS: No, that somebody else had done it.

REP. FARR: Okay. Thank you very much.

SEN. MCDONALD: Thank you. Senator Newton for the second time.

SEN. NEWTON: Thank you. I just have one question that I didn't get a chance. Over here, he's looking. Here you go.

LAWRENCE ADAMS: Oh, excuse me.

SEN. NEWTON: Yeah. I didn't get to ask. You said you were just released nine months ago.

LAWRENCE ADAMS: Yes.

SEN. NEWTON: What did the State of Massachusetts do? Did they do any restitution for you? Did they give you a settlement? Did they just say, I'm sorry, we had the wrong person?

LAWRENCE ADAMS: Well, that is still in process.

SEN. NEWTON: So did you have to sue them?

LAWRENCE ADAMS: Excuse me?

SEN. NEWTON: Did you have to sue them in order to--

LAWRENCE ADAMS: Well, the Legislature is trying to put together a bill for, you know, compensation. I'm just one of 22 others that were falsely in prison, so they are trying to, you know, settle with 22 newly freed persons.

SEN. MCDONALD: Senator Cappiello for the second time.

SEN. CAPPIELLO: Thank you, Mr. Chairman. I apologize for asking the

second time, but we have such a unique witness. I just wanted to ask you two more questions, if I could. Just to follow up on the Chairman's questions and Representative Farr's questions, when you were serving your sentence, and Massachusetts still had the death penalty in place, were you treated any differently as a prisoner before they abolished the death penalty?

Was there anything different in your sentence and the way you were treated in how much time you had that was free than after they abolished it?

LAWRENCE ADAMS: Yeah. Before they abolished it, they had a housing unit. That was segregated from population, right? When they found it might be unconstitutional, they said, okay, we're going to do away with what they called the death house, which was Nine Block.

They made it a segregation unit. I mean, when you say death house, it usually means you're segregated from general population, right? I mean, that is the difference.

SEN. CAPPIELLO: Okay. My second question, you said just serving there is being on death row even without the death penalty because there are three murders a week, did you say?

LAWRENCE ADAMS: Yes.

SEN. CAPPIELLO: Is that an exaggeration?

LAWRENCE ADAMS: No. That is not an exaggeration. That is what Walpole was averaging.

SEN. CAPPIELLO: So what do you think should be done to those prisoners? Assuming they were serving a life sentence, what do you think the punishment or penalty should be for someone who is serving a life sentence and then murders someone else in prison?

LAWRENCE ADAMS: I think I spoke on that, Sir.

SEN. CAPPIELLO: Okay. I'm sorry.

LAWRENCE ADAMS: I don't believe that you can do something to one man to cause fear in another. I don't believe that.

SEN. CAPPIELLO: I'm not asking you to--

LAWRENCE ADAMS: In other words, I'm saying--

SEN. CAPPIELLO: --I'm asking, what do you think should be done to them?

LAWRENCE ADAMS: You know, like I said, the only thing that I can think of is restraints, you know, that you have to curtail that behavior. You know, as far as, like I said, because the death penalty is so irreversible, right, I don't believe that it should be applied in many cases, if any at all, unless due process has been met 100%. We can't get that. We can only get 99.9% to infinity.

SEN. CAPPIELLO: Okay. I only ask because, hopefully, as far as I know, we don't have that problem in our prisons in Connecticut. I would think that would be a real issue if prisoners were committing three murders a week while in prison.

I don't know how a state would then control that situation. Do you

give someone a double life sentence? I don't know how you would curtail that kind of activity.

LAWRENCE ADAMS: Well, Massachusetts managed to do it without putting in the death sentence.

SEN. CAPPIELLO: So you're saying--

LAWRENCE ADAMS: Now, they--

SEN. CAPPIELLO: --you're saying that was before the death penalty was imposed?

LAWRENCE ADAMS: No. I'm just saying that now, they're not even averaging a murder every five years because the control.

SEN. CAPPIELLO: So that was 20 years ago. That is not today.

LAWRENCE ADAMS: Yes.

SEN. CAPPIELLO: Okay. Thank you.

SEN. MCDONALD: Representative [inaudible] you're all set. Are there any other questions for Mr. Adams? Again, Sir, thank you for your testimony.

LAWRENCE ADAMS: Okay.

SEN. MCDONALD: Next is Clare Laura Hogenauer followed by John Stamm and then Gail Canzano. Good afternoon, Ma'am.

CLARE LAURA HOGENAUER: Thank you. Thank you for allowing me to speak.

SEN. MCDONALD: Could you, please, pull the microphone towards you?

CLARE LAURA HOGENAUER: Oh, I'm sorry. Thank you for allowing me to speak with you. My name is Clare Laura Hogenauer. I'm a lawyer. I'm here because I have opposed the death penalty since I first understood the concept. I would say that was perhaps age three in 1949.

I am here, despite the fact that I have incurable bone cancer and have described myself as being death row for the last years that I have been diagnosed with this cancer. I can't help but notice one particular difference.

No doctor would say to me, Clare, you're going to die Wednesday morning at 2:00 and then a day later say, oh, no, you're going to die on Saturday at 2:00, and then the next day say, oh, no, it will be Sunday at 2:00, and then the next day they will say, no, it will be Saturday at 2:00, and then the next day say, oh, no, got it wrong, read the wrong chart, it's going to be Monday at 9:00, then on Monday tell me, oh, no, you know, maybe it will be awhile longer and maybe not at all.

If that isn't cruel and inhumane treatment, I don't know what is. I don't just mean to Michael. I'm speaking on behalf of all the unmentioned victims of this entire circumstance. They are people who really haven't been spoken for. The obvious victims are Michael, his father, the families of his victims that my heart goes out to, all the people who were immediately involved, the lawyers.

I'm speaking about a prosecutor who gets sick to his stomach after

rehearsing this charade. I'm speaking about a woman who is 85 in a nursing home who despises the death penalty and has to watch this. I suggest there are hundreds of thousands of victims of this choice. They aren't spoken for, and I'm speaking for them, people in a frail condition, a debilitated condition whose life will be negatively affected by an execution.

SEN. MCDONALD: Thank you.

CLARE LAURA HOGENAUER: I have been opposed to it since age three. I am proud to tell you that at the age of 16 in high school in 1962, I prepared a paper against the death penalty, and I presented it in my history class. At the time, I mimicked the last minute of a man's life.

Now, what I've done is mimicking lethal injection. While I speak, this is dripping. My intention is to mimic what it will be like for someone dying of lethal injection.

SEN. MCDONALD: Thank you very much, Ma'am. I appreciate your testimony. Are there any questions from members of the committee? Thank you very much for your time. The next speaker is John Stamm followed by Gail Canzano and Arthur McClanahan. Good afternoon, Sir.

JOHN STAMM: Good afternoon. I am John Stamm. I am a resident of West Weston and am a retired scientist. I thought I would report to you briefly about a personal experience I had. Last Friday, I was in [inaudible] and preparing to walk to the prison on a cold night. I had a memory of my young years.

I lived in Germany. I was 14 years old, 71 years ago. I was a 14-year-old Jewish boy. One night, a friend of mine took me with him to the Dachau concentration camp, and I spent several hours in front of the camp where my friend tried to get his brother released. I also thought earlier, after the Nazi takeover in 1933, a good friend of mine was sent to a concentration camp and was killed.

After this, I've had several experiences, and I was arrested too. Then when I was 15 years old, a wonderful thing happened to me. It's incredible. I got a visa to come to the United States, to the land of democracy and freedom. The United States was good to me. I got an education. I had a profession. I had a family. I had friends. I was socially active.

Ever since that time, I also fought against the death penalty. I would like to remind this committee that my friends who were killed were killed by a legal process. The Nazis may have had to invent the law after they killed someone, but they did everything legal. This was a beginning.

As all of you know, it ended in Auschwitz. I am a loyal American. I am glad to be here. I am saddened that the United States is one of the few countries, which still kills people. Certainly, many countries in Europe and elsewhere have found ways to deal with criminals without killing them. One of my activities after my retirement was that I visited prisons in New York State.

I participated in projects of nonviolence. I got to know many prisoners, including those who were in a super-maximum prison. I don't need to tell you what they're like. No two people are alike, and no two prisoners are alike.

A final comment, the question was asked, what should we do with a prisoner who kills somebody in prison? Well, my answer is that's the



responsibility of the prison authorities. They certainly can and do prevent killings in prisons. It is just like [inaudible] in New York.

Serious sex offenders are totally isolated from other prisoners and protected. So I think this question has been answered.

SEN. MCDONALD: Thank you very much, Sir. Are there any questions for Mr. Stamm? Thank you for your testimony. Next is Gail Canzano followed by Arthur McClanahan and Rebecca Michel.

GAIL CANZANO: Good morning. I am a clinical psychologist. I am a family member of a homicide victim. I am so deeply sorry for the families ravaged by the unspeakable acts of Michael Ross. I am saddened further to think that there are those who feel his execution will lessen their pain.

I know firsthand something about the rage they must feel. I know better than most the outrage toward a man like Michael Ross. My brother-in-law was murdered five years ago. He died an ugly, brutal, and horrifying death. His murder was not only savage, but it was filled with horrifying details, details I now know by heart because I have played them over and over again in my mind.

Like the families of Mr. Ross's victims, my family suffered with every piece of publicity, every nightly news report, and every court appearance. Compared with them, we had it easy because ours was not a capital case. Two years after Tom's death, his murderer was sentenced to 30 years in prison with no possibility of release. And my family could finally let go.

We could turn our energy away from the murderer and toward healing. Had Mr. Ross been sentenced to life in prison without the possibility of release, this would have been over 18 years ago. Instead, we have a deranged maniac choreographing a legal circus and torturing the families of his victims. Shame on us.

In spite of my own horrifying experience with murder, I have never heard one rational argument in favor of the death penalty. There are none. The only thing satisfied by capital punishment is the desire for vengeance.

Hatred and rage are normal responses to psychological trauma. Together with a desire for vengeance, they are part and parcel of homicide grief. The families of Mr. Ross's victims are calling for blood because of deep psychological distress that not one of you can imagine.

I beg you, do not inflame their cry for vengeance because the quest for vengeance makes us ill. The obsession with revenge is an indication of a person overwhelmed by pain. Their healing will not come from the legal system.

If you care about these families, if you want to see justice done, get rid of Michael Ross, but do not execute him. Close the door. You don't have to execute him to do that.

SEN. MCDONALD: Thank you very much. Are there any questions? Thank you for your testimony. Arthur McClanahan followed by Rebecca Michel and then Paul Ariola.

ARTHUR MCCLANAHAN: Thank you, Senator. When Mother Teresa was asked to join a protest against the war in Vietnam, she refused, even though her sympathies were well-known. In the next breath, she gently said, when you choose to march for peace, I will join you. Please,

here me today when I encourage you to vote for a legal remedy that will bring justice to even the most heinous crimes one human being can commit against another.

The ancient standard of an eye for an eye is one that expects and demands restoration for committed wrongs. Well, some might choose retribution and swift harsh punishment. The most sacred example demands that we stop the evil that we do, even imposing a life-long time-out, so that in our future, we will go and sin no more.

Repentance, remorse, and respect for the sanctity of all life are lesson that we all need to learn. Some among us may need an indeterminate sentence of life without the possibility of parole to understand it. When we choose to lay claim to the license of ultimate judgment, we intentionally condemn ourselves to perpetuating evil that we declare a decent God-fearing human being would never do.

So today, honorable Representatives and Senators of the State of Connecticut, I respectfully request that you who are our elected Representatives choose for life, even if without the possibility of parole. That simple choice will redeem the wrongs of the worst and the best of us all. Thank you, Sir.

SEN. MCDONALD: Thank you very much. Are there any questions from members of the committee? Representative Cafero?

REP. CAFERO: Thank you. Thank you, Sir, for your testimony.

ARTHUR MCCLANAHAN: Yes, Sir.

REP. CAFERO: Sir, assuming that there was no death penalty, did I hear you say that you feel an appropriate penalty for, say, someone like Michael Ross would be life in prison without the possibility of parole?

ARTHUR MCCLANAHAN: Yes, Sir.

REP. CAFERO: Are there any other conditions you would put upon that individual?

ARTHUR MCCLANAHAN: Some of the conversation that I overheard from some of the Senators and Representatives earlier asked about if certain additional offenses were committed within a period of incarceration. I was trying to think of what the answer might be to the question that you posed a few times.

I would say that restriction without even the hour, restriction even being confined by mechanical means would limit even more what little exercise of freedom that person so incarcerated would have.

REP. CAFERO: Do I take it from those comments, Sir, that you believe that an appropriate punishment would be total deprivation of freedom for an individual for the rest of their natural life?

ARTHUR MCCLANAHAN: If in the context of the presentation that was raised of additional offenses, I would say that would be appropriate.

REP. CAFERO: Therefore, let's say, if someone were, in the hypothetical--

ARTHUR MCCLANAHAN: Sure.

REP. CAFERO: --that you were reacting to were to be confined in

solitary confinement, even physically restrained, and denied an hour of exercise of activity a day for the rest of their natural life. Do you find that would be an appropriate penalty?

ARTHUR MCCLANAHAN: Yes, Sir.

REP. CAFERO: And the difference between that? In other words, is it your objection to the death penalty that you find it to be cruel and unusual?

ARTHUR MCCLANAHAN: Yes, Sir.

REP. CAFERO: And what we've just described would not, in your mind, be cruel and unusual punishment.

ARTHUR MCCLANAHAN: Because there is the opportunity for a redemption of spirit and an opportunity for the restoration of God-given goodness from the beginning. There could be change within the life of that individual.

We've heard testimony here that within certain circumstances or behaviors within a prison system, that privileges are granted at certain periods. It may be possible that in the midst of an extended-life-without-parole imprisonment, perhaps some of those restrictions might be eased to some extent. I would say based on the particular circumstance, one is responsible for one's actions.

REP. CAFERO: Thank you.

ARTHUR MCCLANAHAN: Thank you, Sir.

SEN. MCDONALD: Thank you. Representative Green?

REP. GREEN: Thank you, Mr. Chair. I just want to follow up on the statements you just made about redemption. I've heard a number of people give us an option to the death penalty, life without parole.

If there is a thought that one may be able to redeem themselves, should we consider not putting the life without parole and maybe look at the situations on a case-by-case basis?

ARTHUR MCCLANAHAN: I think there are standards to which we must all adhere. I am convinced, and I should say that I'm the pastor of the Fairfield Grace United Methodist Church in Fairfield, so that gives context perhaps for my answer. I'm convinced from my own spirituality, when the word in Scripture says in reference to Jesus as he comes by John the Baptist, and some of John's disciples see him, there is the Lamb of God that takes away the sins of the world.

That is the one who can remove the sins from our world. Jesus is the one, speaking from my own context. In terms of spiritual redemption, I am not in the position to remove, nor are any of us in the sense of removing a life from this world. I would answer your question by saying that there are responsibilities that we have to sisters and brothers in this world.

I think that the imposition of a penalty of life without the possibility of parole is one that should be among the remedies for the actions that we commit. To take a life puts us, I think, squarely at the place where someone has chosen to take a life.

REP. GREEN: Thank you.

SEN. MCDONALD: Thank you. Senator Cappiello?

SEN. CAPPIELLO: Thank you, Mr. Chairman. Thank you for your very honest answers. Just to go along the same line of questioning as Representative Cafero and Green, I just want to try to get a little bit more out of you, if I can.

ARTHUR MCCLANAHAN: Surely.

SEN. CAPPIELLO: You had mentioned the idea of redemption. In the hypothetical that I had given earlier, if someone is in prison for life, and they commit another capital offense, then they are put into their cell without any time, maybe even put into restraints.

You mentioned the idea of redemption, that they would still have the chance to redeem themselves for good behavior or I'm not really sure how you would do that. Do you think that we would then consider that we should take them out of that situation and put them back into the general population, if they had good behavior after committing multiple offenses?

ARTHUR MCCLANAHAN: I don't want to use the absolutes of always or never. I think if there are behaviors that are so contrary to the respect for other human life, any moment allowing the possibility of such deplorable behavior, you wouldn't give someone the license, the freedom, the space to recreate that horror all over again.

If you saw that there was, within reasonable, observed, trained, appropriate experts in the system of all varieties, there is a possibility, I would think, you would allow inch by inch. It would be over an extended period of time.

I don't think you would say, oh, I've changed my mind. I'm good, and I'll be good from now on. I would say that there should always be an element of hope in anyone's life.

SEN. CAPPIELLO: Again, I appreciate your honesty. I guess maybe to this line of questioning and through Representative Green's question, you can understand my hesitation in moving on this issue. I think once we remove this barrier, I truly believe that there will be some that will try to remove the next barrier, to say, you know what?

Even though they committed a capital offense, they committed murder, a heinous murder, eight rapes, eight murders, and then they were put in prison for life without parole. Then they committed another crime, and we put them into complete solitary. Then we might still give them the opportunity to go back in the general population.

It gives me pause to change my mind on where I stand on this issue. I understand where you are coming from. I do think by removing this one barrier, there will be attempts to remove other barriers as well. I am trying to balance this. This is a very difficult issue. I respect people, especially people of consistency on a host of issues, that oppose the death penalty.

I can understand it, as I said, especially those that are against abortion, against euthanasia, against stem-cell research, if you will. There is consistency there. It is something I struggle with, and I think other members of the committee struggle with every year.

How do we balance the respect for human life, if you will, with the respect for the people who are injured by these people? [Gap in testimony. Changing from tape 1B to 2A.]

ARTHUR MCCLANAHAN: That is the conundrum of life. If the question in the midst of that is, at some point, does one go back in the general population, I'm not the expert of day-to-day life within the prison system to say, here is the exact parameter where that would take place.

Nor am I one who is willing to say that there should never be a possibility of life, a landmark at which we walk precariously close on Friday night, Saturday morning, and thought we were walking again today.

SEN. CAPPIELLO: Thank you.

SEN. MCDONALD: Thank you. Are there any other questions? Thank you for your testimony.

ARTHUR MCCLANAHAN: Thank you, Sir.

SEN. MCDONALD: Next is Rebecca Michel.

REBECCA MICHEL: Michel.

SEN. MCDONALD: Sorry. Followed by Paul Ariola and Elizabeth Brancato.

K. REBECCA MICHEL: I am Rebecca Michel, and I am against the death penalty. I invite you to reflect on how the human race is constantly evolving in its myths, its perceptions, and behaviors with regard to life. Over the centuries, we have emerged from darker places to more enlightened areas.

Although we still have a long journey ahead of us, we have arrived at a better understanding of the universe, of human development, of women's leadership roles in shaping society as examples. We have come to grips with the immorality of the institution of slavery by abolishing it.

Now, I ask the people of Connecticut, it is time to abolish the societal institution of execution. Globally, we are on the threshold of a new response to those who kill. This response, the substitution of a death sentence with a life sentence without parole is based on human rights. The United States is one of the few countries in the world that has failed to eliminate the death penalty.

Execution is irrevocable and exists in a world of human error, as we have heard, error in interpretations and decisions. Because the judicial system is a human institution, it is also flawed. The death penalty is the greatest avoidable human error. Even in cases where without a doubt, the defendant has committed murder, there still remains the great unknown dwelling in the murderer's psyche to warrant a nonviolent response.

Besides human error, there exists the margin for growth and healing. As long as there is life, every person has the potential for change, even one who has committed murder. James Gilligan, a psychiatrist and author of, *Violence: Reflections on a National Epidemic*, has made inroads in understanding the source of violent acts as he worked with violent criminals in changing their behavior.

Until we are willing to examine the seeds of violence, we will continue to compete with the perpetrator's violence by sanctioning execution. I agree with Bertrand Russell that we need to approach crime the way we approach disease, quote, when a man is suffering from an infectious disease, he is a danger to the community.

It is necessary to restrict his liberty of movement, but no one associates any idea of guilt with such a situation. On the contrary, he is an object of commiseration to his friends. Such steps as science recommends are taken to cure him of his disease. The same method in spirit ought to be shown in the treatment of what we call crime.

SEN. MCDONALD: Thank you.

K. REBECCA MICHEL: I have a quick conclusion. It is very quick. In conclusion, the death penalty ought to be abolished because of the sacredness and mystery of each person with the potential for growth.

The death penalty ought to be abolished because we, in society, possess a human mind and heart with infinite capacity to create life-giving solutions. Let us not resort to unimaginative minds with closed hearts. Let us not tragically choose death.

SEN. MCDONALD: Thank you. Are there questions from members of the committee? Representative Cafero?

REP. CAFERO: Thank you, Ms. Michel. Ms. Michel, I appreciate your testimony today. Obviously, you've stated your case very clearly that you are opposed to the death penalty.

Again, if that were to be abolished, excuse me, what do you think is an appropriate penalty for someone who has committed the crimes that currently now call for the death penalty?

K. REBECCA MICHEL: Life sentence without parole. I also think we have to really look at the seeds of violence. I really encourage all of you to, please, take a look at James Gilligan's book. He worked with criminals. He saw that our system is based on shame.

Shame and punishment, that kind of approach is exasperating what's happened. When there is less shame and self-respect, then there is nothing to live for. Whereas once he understood that, and he worked with these people, they were able to change their behaviors.

If a person has cancer, we don't lock them up, and isolate them, and say, well, you've got cancer, what did you do wrong? We work with them. We sit with them. I think in our prison systems we need to do more to rehabilitate and restore.

REP. CAFERO: So do you believe, for instance, in the case of Michael Ross, that a person who murdered and raped eight women could be rehabilitated?

REBECCA MICHEL: I am not in a position to judge any of that. I do believe that is possible because every human person has the potential. I think given the circumstances of assistance and help wherever he is needed, I do believe there is a mental illness there. With that, it is possible.

REP. CAFERO: That being the case, I would assume then you disagree, say, were we to abolish the death penalty, a person should have his or her freedom restricted to the point where they are absolutely isolated from the world and have absolutely no opportunity for parole. I assume you would be opposed to that.

REBECCA MICHEL: For a life sentence without parole, I would be opposed to having the criminal or the person released from prison. I think what we need to do then is to look at our structures of our

prisons and provide ways for people who are making headway and changing their behaviors. Give them incentives and provide nurturing environments for them and productive lives.

REP. CAFERO: See, the reason I ask the question, and I know there are a lot of people who want to testify, and I would encourage them to try to think of this question when you come up and testify. What we're talking about here is the abolishment of the death penalty.

There are many people that say, okay, the crimes that currently now call for the death penalty, if we were to abolish the death penalty, what will happen to these people? What will happen to them? I've heard a variety of responses. I've heard some that say, actually, I've heard opponents of the death penalty actually say it's actually a tougher duty to have life in prison with parole.

When I've heard them say that, I say, well, is the object of this to punish them worse than killing them? Is that the purpose of life without parole? I've heard some people say that they should have all their freedoms restricted for the rest of their life. In some cases we've heard, someone says, maybe even physical restraint for the rest of their life, deprived of any interaction with another human being.

I say to myself, is that cruel and unusual? How do you justify that? I've heard you say, well, no, not necessarily. I think if we are going to abolish the death penalty, we owe it to society and those victims to say what happens to the individual who is found guilty of those crimes that we currently have a death penalty for.

If we're going to get rid of it, we better make darn sure we are clear, and clear to the entire state, as to what we are going to do with those people. Are we going to punish them more because they deserve it? It's harder, and tougher, and crueler on them if we make them live in an eight-by-ten cell for 24 hours.

Are we going to try to rehabilitate them? Are we going to give them certain freedoms, so they can earn their way back into society? What are we going to do? We have to have that answer. I ask you all, I guess, when you come up, if you say, I'm opposed to the death penalty, that is fine, but you have to have an alternative.

You have to think through the alternative. You have to think through the alternative because society needs to know what is the consequence of your behavior when you commit the kinds of crimes that Michael Ross commits.

REBECCA MICHEL: Well, I think that the main reason for prison and life sentence is, first of all, society has to protect itself from those who kill. That is the first thing. Secondly, society also needs to treat them as human beings and provide what they need in order to mend their ways, in order to restore their own selves as human beings with correct choices in their life, and to be able to be a productive member in some way in society.

So I think we have to also look at what we do in our prisons. Are we restoring the person and rehabilitating the person?

REP. CAFERO: Thank you.

SEN. MCDONALD: Thank you. Are there any other questions? Senator Cappiello?

SENATOR CAPPIELLO: Thank you. I'm sorry. I'll try to be brief. Just to follow up on your line of thinking, so if Michael Ross were to

spend his entire life in prison, and the prison system tried to rehabilitate him, nurture him, make him a productive member of society, is there a point at which you think he could possibly be released, if he is proven to be a productive member of society, proven that he has been remorseful?

Do you think he should be released possibly in the future, even if it's 20, 30, 40 years down the road?

REBECCA MICHEL: At this point, no, I don't think so. If we are going to try to seek an alternative to the death penalty, then we really have to be firm on the fact that they will have a life sentence without parole. Society needs that reassurance as well.

What we need to do is have incentives within the prison structure, so that if someone as Michael started to see and feel remorse or started to regret what had happened, which I think he has, then they can live a productive life. He can be treated as a human person. He is a human person.

SEN. CAPPIELLO: So don't keep him locked up 23 hours a day?

REBECCA MICHEL: Well, I think that is inhumane, to lock people up 23 hours a day. I am not for life sentence in order for punishment, to make it really bad on people that kill.

We must find a humane way to treat all of our members of society. Those who kill are the most vulnerable and the most in need of our help and our understanding.

SEN. CAPPIELLO: See, here is where I have a problem with this. In my opinion, the most vulnerable and the most in need of our help are the families of the victims of people like Michael Ross. I don't see Michael Ross as a victim or as someone who is need of our help. I do respect people who don't believe in the death penalty, but the fact that I should be looking to nurture him, I have a real problem with that.

I also have a real problem with the idea that as an alternative to the death penalty, we say life in prison without parole. Once the death penalty is to be abolished, then what is going to be the alternative to people who are serving life in prison without parole? Is it going to be giving them a chance at parole because it's inhumane to keep them locked away for 23 hours or maybe 20 hours or 15 or whatever it may be? Do you understand the dilemma that we are in?

REBECCA MICHEL: I understand perfectly, and I have the same compassion for those families who have had loved ones lost to murder. We also have to look at them and try to support them as well. We have a big responsibility in our society to treat everybody humanely.

SEN. CAPPIELLO: Thank you.

SEN. MCDONALD: Thank you. Representative Lawlor?

REP. LAWLOR: Thank you, Mr. Chairman. I just want to clarify that the bill, which is the subject of the public hearing today, does contain the answer to the several questions that have been posed. That is, what is the alternative?

The alternative is clearly stated in the bill, life in prison, not without the possibility of parole, but without the possibility of release. As a matter of fact, it is the more common of the two



penalties available to persons convicted of capital murder.

The vast majority of people who have been prosecuted for those crimes over the last 20 years have received that sentence. I think there are seven people on death row. I think there are more than 40 serving the alternative sentence of life without the possibility of release.

So the bill simply takes away one of the two possibilities, which is the death penalty. It leaves in place what is the more common penalty for persons convicted of capital murder. Since it's no longer going to be the death penalty, then it's inappropriate to call it capital murder. That is why we use the name that is used in other states, which is murder with special circumstances.

Capital implies the death penalty. There is no question what the bill provides for. Obviously, that could be amended. If the bill passed as written, persons convicted of this crime would receive a penalty of life in prison without possibility of release, no exceptions.

SEN. MCDONALD: Thank you for that clarification. Thank you for your testimony. Paul Ariola followed by Elizabeth Brancato and Cindy Moecki. I apologize if I mispronounce individuals' names. Good afternoon, Sir.

PAUL ARIOLA: Good afternoon. My name is Paul Ariola. I'm a Waterbury police detective. I've been on the job there for 26 years. I'm the president of Connecticut Council 15, which represents 57 local police unions.

I'm here, I'm in favor of the death penalty. Public safety is a big issue. These people have any direction with anybody, they have no compassion. They are not sorry for their sins. They are not sorry that they killed somebody.

They are going to try it again. They are going to kill a correction's guard. They are going to kill a social worker. They're going to kill a police officer. They're going to kill people in their own homes at night. I'm an advocate of it. I was raised as a Christian. I still do believe in the death penalty. That is all.

SEN. MCDONALD: Thank you. Are there questions from members of the committee? Thank you very much.

PAUL ARIOLA: Thank you.

SEN. MCDONALD: Next is Elizabeth Brancato followed by Cindy Moecki and Leslie Egansteiner. Good afternoon.

ELIZABETH BRANCATO: Thanks.

SEN. MCDONALD: Could you, please, move the microphone toward you? Thank you.

ELIZABETH BRANCATO: Thank you for the opportunity to speak with you. Had she not been murdered, my mother, Barbara McKitis would have been 79 years old yesterday. Instead, she died at 53. Her death and the way she died broke the lives and hearts of every member of my family.

Even now, more than 25 years later, our lives are still colored by it. We've all gone on with our lives, but the shock, horror, and pain will probably never completely go away. I tell you about my mother, so that you know that I did not come to my position about capital punishment lightly or casually. I have always known it was wrong.

I will admit that for some time after my mother's murder, I had angry vengeful thoughts and wished my mother's killer dead. I thought I wanted vengeance and justice. What I really wanted was to have my mother back and to not have to think about the horror of her death. I found it impossible to process the grief, and anger, and loss while the wheels of justice were slowly grinding.

Feelings I had were so big, so consuming, and so overwhelming that I could only experience them a little at a time. I could not allow myself to process them all while the long legal process was going on. I had to conserve all my emotional strength in order to have enough to get through all that the criminal justice system demanded.

That long-lasting roller-coaster ride of all the parts of my mother's case is what delayed my healing and prolonged my pain. It was only when that stopped that I was able to deal with my grief and loss. At some point, when I had seen that the process had pretty much played itself out, I was able to stop steeling myself every waking hour of every day for whatever else might be coming and to begin to process the grief, the sorrow, and the anger I felt about my mother's death.

I was able to do it a little at a time as I could handle it. Any healing that I've been able to accomplish has been accomplished by the process ending, not by the death of my mother's murderer. It is the end of the process that brings closure, if indeed there is closure. It is not the death of the murderer.

In closing, I would urge you to support the abolition of the death penalty and the passage of a bill that would substitute life in prison with no chance of release. We want not to be confronted over and over again with the gruesome facts of our loved one's death or even the fact of their death.

We do not want to be on public display. We want the time, and space, and solitude to confront the death and to deal with it in our own best ways. We want to get to the place where we can keep our loved one in our heart without breaking it. Please, help us do that by repealing the death penalty and substituting life in prison without chance of release.

SEN. MCDONALD: Thank you. Are there any questions? Thank you for your testimony. Next is Cindy Moecki followed by Leslie Egansteiner and Helen Williams.

CINDY MOECKI: My name is Cindy Moecki. I'm a resident of West Hartford. I speak as the niece of a man murdered by someone on parole from a conviction for armed robbery. I am an opponent of the death penalty.

Previous speakers have expressed more eloquently than I can how state sanctions, ritual killings demean and dehumanize us all. Therefore, let me discuss instead closure and some hypothetical that have been raised.

The execution of Michael Ross or any person cannot and does not bring closure. The only thing that can bring closure is to free one's self from the burden of vengeance in the heart. Having society cooperate in exacting revenge will do nothing to help victim's families.

Representative Cafero, and Senator Cappiello, who is absent at the moment, so I guess I will put the burden on you, Senator, in order to prevent the hypothetical murder of a prison guard, are you willing to take responsibility and to cause your fellow citizens to take responsibility for the actual execution, murder through lethal

injection, of a possibly innocent person, as has happened without a doubt?

You do not have to first solve the problem of what to do with convicts if capital punishment is abolished to understand that the death penalty is barbarous and must be removed. The only time there is no time to find remedies is once capital punishment is imposed. Thank you.

SEN. MCDONALD: Thank you. Are there any questions from members of the committee? Thank you for your testimony. Leslie Egansteiner followed by Helen Williams and Julie Lewin.

UNIDENTIFIED SPEAKER: [inaudible]

SEN. MCDONALD: Thank you. Helen Williams followed by Julie Lewin and Manny Margolis.

HELEN WILLIAMS: Good afternoon.

SEN. MCDONALD: Good afternoon.

HELEN WILLIAMS: My son was--

SEN. MCDONALD: I'm sorry. Could you move the microphone toward you?

HELEN WILLIAMS: My son was slain in the line of duty. He was a police officer in Waterbury. I heard a new phrase today, death row syndrome. Well, I'm sure when my son was laying on the cold freezing ground in December, knowing he was shot in the back of the head, the back of the head nevertheless, by Richard Brenos, I'm sure he was thinking of [inaudible] where he is spending the rest of his life.

He will be forever 34. I hope you people do not abolish the death penalty. No, it is probably not a deterrent in every case, but I'm sure in some cases, it is. What do we value most? Our life. If you know it is going to be taken from you, you may think twice if you are premeditating murder.

What the gentleman over there said, I didn't catch his name, if you do abolish the death penalty, then what is next? Abolishing life in prison? They talk about restraining them for life in prison. Isn't that cruel? When you go into one-day surgery, does that feel cruel to you? That is what death today is on death row, one-day surgery.

Mr. Tulisano, excuse me, speaking, I think he said, he was talking about the limitations of who go on death row. Well, if a police officer is not to be considered for the death row, then who is? They are our first line of defense. Who will Mr. Tulisano call when he needs help? Ghostbusters? I don't think so.

So I wish, I'll be very brief, these people who want to abolish the death penalty, think twice and put their time and energy into teaching our young in high school perhaps, high school students, to live a righteous, not righteous, but to give a good life. Teach them that murder is not the way.

Spend your energy there, not after the fact that they've done these cruel and heinous crimes to try to get them off. Like I said, if you're going to get them off death row, then you're going to try to get them off life in prison.

This woman here who spoke in the pink shirt, she doesn't want the

death row, but she doesn't have an answer about life in prison. Well, then let Mr. Ross go live with her and see how she feels for the rest of her life, if that is the answer to rehabilitate them. I don't believe there is rehabilitation. Thank you.

SEN. MCDONALD: Thank you very much. Next is Julie Lewin followed by Manny Margolis and Robert Nave. Good afternoon.

JULIE LEWIN: Senator McDonald, Representative Lawlor, and members of the committee, I am Julie Lewin of Guilford. I am testifying here as an individual along with my lobbying tag. I'm here to speak in opposition to the death penalty.

In 1979, the then Connecticut corrections commissioner brought me to Connecticut to set up a prison accreditation program. I was his executive assistant. I know opposition and support for the death penalty crosses party lines and ideological lines to some degree.

John Manson was a very conservative Republican. He was a very religious observant man. He, according to my recollection, very strongly opposed the death penalty. He felt it did not deter. He felt that it infused violence in culture. I just hope, in his memory, that is all right for me to invoke his name in that way. That is really all I have to say.

SEN. MCDONALD: Thank you. Are there any questions? Thank you very much. Manny Margolis followed by Robert Nave and Judy Hyde. Good afternoon, Mr. Margolis.

MANNY MARGOLIS: Good afternoon, Senator McDonald and other members of the committee. I am Emanuel Margolis, listed as Manny, but that is all right. I am the legal advisor and past chair of the American Civil Liberties Union of Connecticut.

I'm speaking on its behalf and on behalf of its 9,000 members in favor of the bill to repeal the death penalty in this state. No citizen of our state who has lived through the past two weeks can ever doubt the wisdom of the aphorism in our penal jurisprudence. Death is different, very different.

It's different enough to command the attention of our Supreme Court twice, the Federal District Court in Connecticut, the United States Court of Appeals twice and the United States Supreme Court twice, all within this time span of a little over a week.

It's different indeed, different enough for lawyers to be called upon to meet briefing and oral arguments, schedules that only Herculean attorneys, certainly not guys as old as me, could meet. It's different enough to trigger a telephone conference call by our Chief Federal Judge and our District Judge, Robert Chatigny castigating Michael Ross's attorney in a transcript that the judge knew would be made public.

It reads in part, this is the judge speaking, and you don't know what you're talking about, and you're an officer of this court. I see this happening, and I can't live with it myself, which is why I'm on the phone right now. What you are doing is terribly wrong.

The judge's condemnation unabatedly warned the attorney, quote, you better be prepared to live with yourself the rest of your life.

This is an admonition that I take very seriously, and I think we all need to take seriously, citizens, legislators, attorneys, judges, jurors, prosecutors, and Correction Department officials, including

the Department's lethal injectionist, whom the Department refuses to identify, a refusal that is reminiscent of the hooded executioner of Medieval times and tragically more recently reenacted in Iraq.

Connecticut has executed no one in 45 years. I am proud to say that I brought the case to the United States Supreme Court, Delgado v. Connecticut, that resulted in the Court holding our capital punishment system unconstitutional because it violated the cruel and unusual provisions of the Eighth Amendment.

Subsequent decades, this legislature and Justice Blackmun's words, has tinkered with the machinery of death, continuously expanding the statutory scope of death eligibility. No prisoner has been executed, not yet, not even Michael Ross, a seeming poster boy for execution. In the interim, the sky has not fallen.

SEN. MCDONALD: Mr. Margolis, do you have a conclusion?

MANNY MARGOLIS: Yes. Thank you, Mr. Chair. Since 1976, the death penalty was again upheld by the United States Supreme Court. There have been almost 1,000 executions in this country. During that same period, there have been 117 death-row prisoners who have been exonerated. We were speaking to one of them this afternoon.

Apparently, these people should never have been convicted in the first place. Death-penalty proponents will tell you that this penalty is rejected by entirely the whole civilized world, is fair and consistent with due process of law, but there are 117 testaments to the contrary.

SEN. MCDONALD: Thank you.

MANNY MARGOLIS: I just need 30 seconds, I promise. Ten years ago, a prisoner on Connecticut's death row contacted me in response to a letter I wrote him. He wrote the following. There are acceptable alternatives to capital punishment that are more in line with the value of our supposedly enlightened and humanistic society.

The state is supposed to be the pillar of our ideals, and its institutions should emulate the best values of our society. Is not the greatest of these values our compassion, our concern for human rights, and our capacity for mercy? By continuing to conduct under either the pretense of deterrence or retribution, aren't we undermining the very foundations of our greatness?

The author of that article was Michael Ross. I have left copies of my statement as well as Mr. Ross's communication to me in that regard. I would be very happy to answer any questions, if there are any.

SEN. MCDONALD: Thank you. Are there any questions from members of the committee? Thank you very much.

MANNY MARGOLIS: Thank you for your courtesy.

SEN. MCDONALD: Next is Robert Nave followed by Judy Hyde and Marion Hubbard. Good afternoon, Sir.

ROBERT NAVE: Good afternoon. Thank you for allowing me to speak. My name is Robert Nave, and I am the State Death Penalty Abolition Coordinator for Amnesty International. I am also the Executive Director of the Connecticut Network to Abolish the Death Penalty. You'll excuse me.

I'm going to stray from my text because as I've been sitting back there listening to this. I am sorry that the Representative from the 142<sup>nd</sup> district and the Senator from the 24<sup>th</sup> district aren't here. I've been incensed to what I'm hearing, so I'm going stray from my text a little bit.

First of all, this is not a forum on Michael Ross. This is not about Michael Ross. This is about a system that sponsors poor public policy. That is what the death penalty is, poor public policy.

We've heard people asking people to testify about Michael Ross and the psychiatric condition. What do they know about the psychiatric condition? These are people who are getting up in front of a panel of our legislators, in front of the media, in front of the cameras in a high-stress situation and are manipulated into saying things that they may not have otherwise wanted to say, Under very tense circumstances and a very tense day.

Well, let me make this very clear. Nobody who wants abolition thinks we should give Michael Ross or anybody else a get-out-of-jail-free card. Life in prison can be an appropriate sentence. I believe that is what the bill is calling for.

There has also been an attempt to imply that if we let these people off of death row, they are going to be running around the prison killing everybody in sight. That is not the case. If that is the case, that is not the problem of our society. That is a problem of our system of corrections. That is not the case.

In states without the death penalty, you don't have people running around killing everybody in prison. That is not the way it works. I want to remind everybody that we are not in sync with the rest of the world. Slobadan Milosevic cannot face death, so life in prison without release is an alternative.

It is often asked, what do you do with people who murder? A life sentence, yes, that question was asked many times. Well, let me ask you, what do we do with a state that sponsors murder?

I feel very bad for Mrs. Williams. Believe me, my heart goes out. Her son died protecting my life. I live in Waterbury. What I heard was a woman in desperate pain, not necessarily completely reasoned and logical, as she suggested that Mr. Ross should go live with a woman who testified. That is insulting. I totally agree with her.

What we need to do is educate our children that murder is wrong, individually and by the state.

SEN. MCDONALD: Thank you very much. [applause] Please, please. Thank you for your testimony. Are there any questions from members of the committee? Thank you very much, Sir.

ROBERT NAVE: Thank you.

SEN. MCDONALD: And thank you for staying on the three-minute mark. Judy Hyde followed by Marion Hubbard and then Elaine Deasy. Good afternoon.

JUDY HYDE: Hi. I'm Judy Hyde from Coventry, Connecticut. You know, in cartoons, the executioner is usually pictured with a black bag over his head, little slits for his eyes. I don't think there was ever a woman actually who is the character of the executioner. I'm not sure why that is.

I can see why the executioners would want to hide their identity and have their human face hidden. In Connecticut, I understand that we do a similar thing. We protect the person who is going to actually be the executioner. It is someone anonymous.

Well, I just wonder how that anonymous someone will be negatively affected by this nasty job we assign him. I am sure it must be a him. The death penalty may kill the person, but what does it do to the designated killer? Don't we bear responsibility also for that harm?

If the state continues to permit or require killing, then I would ask you to consider passing a companion law to the existing one, which names the Governor as the executioner in all capital cases. Thank you. [applause] Were there any questions?

SEN. MCDONALD: I've asked courteously that you not clap. If you continue to do so, I'll ask you to leave the room. I don't say that lightly. I understand people want to testify, but not only for the benefit of this hearing, but all of the other hearings we have, the way this building conducts its business, it would not run smoothly if we allowed that type of outburst. Please, respect this process, and this committee, and those who are testifying on either side of this issue. Marion Hubbard followed by Elaine Deasy and then Tonya McClary. Good afternoon.

MARION HUBBARD: Good afternoon, Mr. Chairman and members of the committee. I thank you for this opportunity. As a local licensed pastor of the United Methodist Church, and as a person who has strong faith in God, I felt I needed to come today and make this statement.

We know from Micah 6:8, that God would have us do justice, show mercy, and walk humbly with our God. What justice does it serve to kill one for another? What mercy are we showing by killing one for another? Most certainly, no matter how you label God, you cannot walk humbly with God, if you are not showing mercy and doing justice in God's name.

In the Bible, it is clearly stated, thou shall not kill. Nowhere does it state, with exceptions. These Commandments were given to the people through Moses. On January 20, 2005, as in all previous inaugurations, President Bush was sworn in by placing his hand on the Bible to uphold the laws of this great nation.

If the President of the United States and that office know the value of God's words, how can the State of Connecticut not abide by God's words? Our great nation was founded on religious freedom. I don't know of any religion where God speaks of killing as a means of justice and mercy. The death penalty is wrong. No one can be rehabilitated by killing.

If one looks back on history, all the wars that have taken place have never, to this day, brought this world any closer to peace. Killing someone won't bring back those who have died. Where is there mercy in killing a person? What justice does it serve to kill?

The death penalty is wrong and should be abolished forever. In honor of my mom, who died four days before Christmas, my mother taught me that two wrongs don't make a right. Certainly, what Michael Ross did was wrong. However, I believe it would be wrong to execute him. Thank you.

SEN. MCDONALD: Thank you very much. Are there any questions? Thank

you for your testimony. Next is Elaine Deasy, RSM followed by Tonya McClary.

ELAINE DEASY, RSM: Good afternoon.

SEN. MCDONALD: Good afternoon.

ELAINE DEASY, RSM: I speak as a Sister of Mercy on the leadership team serving the Sisters of Mercy of Connecticut. In 1990, we came out with a corporate stance against the death penalty. I will reiterate today, we, the Sisters of Mercy of Connecticut declare our solidarity with all concerned persons throughout the world who reverence the value and dignity of human life.

By this statement, we express corporately our opposition to capital punishment. Our corporate commitment to nonviolence and our preferential option for the poor challenge us to action. We are committed to nonviolence. The whole process around capital punishment is violent. It brutalizes everyone involved.

Execution is a violent action, and no method of execution can be considered humane. The death penalty does not deter individuals from violent action. Studies have shown that after an execution, the rate of homicides in a state frequently rises.

As Sisters of Mercy, we are concerned about the poor. We oppose the death penalty also because it is disproportionately imposed upon the poor. In mercy, we reverence the dignity of each person. We uphold the right of each person to have the opportunity for conversion and rehabilitation.

It is not a question of who the offender is or what has been done, but rather who we are as people of God. We are appalled by the killing of murderers to demonstrate that killing is wrong. We are grieved by the fact that there have been persons executed in our country who were later proven innocent.

Finally, we challenge our State of Connecticut to use its power appropriately, not to kill, but to safeguard the lives of all its people. We call upon our state leaders to pursue authentic solutions to violence in our society. The death penalty is not a solution. Thank you.

SEN. MCDONALD: Thank you. Are there any questions? Thank you for your testimony. I should point out that we still have a little more than 50 people left to testify and about two and three-quarters hours to do that.

If everybody respects the three-minute time limit, we should have plenty of time for everybody to testify. I would appreciate it if you would try to keep your comments to three minutes. Tonya McClary followed by Steve Sidorak and Marian Howard. Good afternoon.

TONYA MCCLARY: Good afternoon. I work for the national office of the American Foreign Service Committee where I am the National Director for criminal justice. I am also one of the vice chairs for the American Bar Association's Death Penalty Committee as well as a board member of Amnesty International, USA.

I am also a criminal defense lawyer, and I am really here to speak from that perspective. There was a lot of talk today about shortening the appeal process. For my fellow public defenders, I used to be a public defender, we do a lot of hard work and so do attorneys in private practice.



On the national average for having someone be exonerated is nine years. Those are mostly DNA cases. What happens to the cases of people like Mr. Adams that you heard from today where it takes 32 years? We've all heard about the cases where it took journalism students digging through boxes that had been in files for years and year to exonerate people. What about those kinds of cases?

There was a national conference not too long ago of people exonerated from all over the country. Several of them stood on the stage and said something as heinous as, I'm glad the victim was raped in my case because at least there was DNA evidence. If that person had not been raped, I'd be executed today.

So when we think about exoneration and we think about DNA, there are men and women on death row today that will not be exonerated through DNA. It really would have to take years and years to actually clear their name.

I'm speaking as an attorney who has actually had to follow a client to execution who I feel to this very day was an innocent man that a state put to death. I am representing a client right now where I had to have a very sobering talk with him in December.

I looked this man, this human being in his face and said to him, I believe that you're innocent. The rest of our team believes that you're innocent, but I am so afraid that we can never prove that. People talk about all the appeals, all the appeals, but what people don't realize is that a lot of times when you get to the appeals in the later stages, those courts aren't reviewing any evidence.

They are reviewing what happened at the local court. So in a case like Mr. Adams where there was exculpatory evidence, courts weren't hearing it. They were dealing with procedure [Gap in testimony. Changing from Tape 2A to 2B]

--need to admit that to dispel. A lot of times higher courts are not reviewing the facts or the actual evidence in a particular case.

I want to end by saying, I want to invoke and mention a group of people that may not be in this room today. That is the family of actual death row inmates. The death penalty in the United States creates two sets of victims, the people whose loved one is actually sentenced to death served that sentence with that person.

So when that person gets a date, they get a date. So they have to come back to the prison. They have to figure out how to comfort that person. Those people are innocent in this situation. I want us to remember that.

In closing, I want to say that we believe in redemption, as the Quakers do, for which our organization was founded, the American Foreign Service Committee. We believe that there is that of God in everyone.

What I believe as a criminal defense lawyer, as someone who has sat across the table from people accused of committing heinous crimes, whether I think they did it or didn't do it, I believe that we are all better than the worst thing that we have ever done. Thank you.

SEN. MCDONALD: Thank you very much. Are there any questions? Thank you for your testimony. Steve Sidorak followed by Marian Howard and Dorothy Lovett-Buckley.

ANDREW SMITH: Senator McDonald, I am not Steven Sidorak. My name is Andrew Smith, and I've been told informally that I could replace him in his time because he is not here. I would like to ask you if that is possible.

SEN. MCDONALD: Sure.

ANDREW SMITH: Thank you very, very much. Thank you. My name is Andrew Smith. I am a Bishop of the Episcopal Church in Connecticut. I thank all of you on the committee for engaging this huge, huge issue that is before us. I speak for myself, but I also speak for the Episcopal Church.

In our national general convention, our Church has opposed the penalty of death in 1974, 1991, and again in 2000. A similar resolution was passed here in Connecticut in our Annual Dioceses Convention in 2003. We've talked about deterrence and proportionality, but I would like to address the question as one of moral value, within which proportionality and deterrence have to be considered.

When the government sanctions death as a penalty for crime, the practice implicitly teaches that causing the death of another person is an acceptable and sanctioned way of responding to another person when we have been wronged. I do not believe that that is an acceptable moral value at all.

So what I think that we're doing in considering H.B. 6012 is establishing a ceiling beyond which we will not go as a moral society in responding to those who commit violent crimes in our midst. I think we should establish that ceiling.

I also have to speak out of my own faith and my knowledge of God, particularly through the Christian Scripture, in which Jesus at every time when he came across someone who is dead or dying or had been sentenced to death gave and chose life for that person.

The H.B. 6012 has never been reported out of this committee. I am asking that this dialogue be continued in the Legislature in general. I'm asking members of the committee, even if you do not support the abolition of the penalty of death, please, do report it out, so it can have a wider discussion. Thank you very much.

SEN. MCDONALD: Thank you. Are there any questions for the Bishop? Thank you very much. Marian Howard followed by Dorothy Lovett-Buckley and Walt Everett. Good afternoon.

MARIAN HOWARD: Good afternoon, Mr. Chairman, Senator McDonald. To the members of the Judiciary Committee, I am Marian Howard. I live in Hartford, Connecticut. I am here today to raise my voice for the survivors of the victims of crime.

I do that because I sincerely feel and believe that I must ask for inclusion in the process as we seek to remedy a very horrendous situation in our state. As a survivor, and I've been now for five years, I have learned that everything, for the most part, goes to the defendant in terms of rights being protected.

Granted, they have killed our loved ones and come before a court and a jury of their peers. However, we need to consider the survivors of the victims of homicide in as much as every time that there is an appeal, we're pulled up again and asked to relive that situation. It takes years.

We're provided through state and federal resources with ten sessions of counseling, clinical counseling. I don't believe there is a provision in their for faith-based counseling to be paid for at any rate. I ask you in your deliberations to consider that for us on our behalf because I think it is essential for people.

I did not believe and I know today for a fact that five years ago, anyone in our family would have lived with surviving ten sessions of counseling. Just one closing piece here, the only way that we can rectify or try to change anything is to begin to include all facets of the situation and not just the defendant.

SEN. MCDONALD: Thank you very much. Are there any questions from members of the committee? Representative Walker?

REP. WALKER: Thank you, Ma'am, for coming to testify. I know this must be awfully painful. When you ask for more considerations for the victims' families, are you asking for more counseling? In what regard are you looking for? I'm confused. What would you like or what do you seek from us?

MARIAN HOWARD: Well, I think several things. I think the limitation of the appeals process is certainly to be considered because that is a very wrenching kind of thing. The other thing, yes, to provide for counseling for those who seek it, but may not have it covered through work sources and that kind of thing or private finances.

I think that is important. Of course, then to be able to speak in the court system prior to the jury finding, you know, prior to the judge's finding, if that is the case, and not after that time, in terms of impact that we would be able to have. So that is the perspective of me speaking for the victims.

REP. WALKER: When you received your ten sessions, was this just for you or for the whole immediate family?

MARIAN HOWARD: I chose not to because I could not find a clinician who had the same experience as I had had. I chose to go to Survivors of Homicide, Incorporated because there is a whole room of us, hundreds of people. That was what helped me to get through.

REP. WALKER: And what happened to the person who committed the crime to your loved one?

MARIAN HOWARD: Our son was murdered in the State of Massachusetts. That person was tried for murder and convicted for life without the possibility of release because that is the sentence that goes with the conviction of murder in that state now.

So that, of course, we lost him in May of '99, and the trial started on October 1, our son's birthday, in 2001. We were able to go and do what we needed to do. It's only now that I've finally reached a point where I think someone needs to speak forth, so here I am because I am retired now.

I was a state social worker. So I have the free time to walk down the hill and see you anytime.

REP. WALKER: Thank you. Thank you for your testimony. I know that must have been hard and awfully courageous on your part. Thank you for coming out and bringing it out to us. Thank you.

SEN. MCDONALD: Thank you. Are there any other questions? Senator

Cappiello?

SEN. CAPPIELLO: Thank you, Mr. Chairman. First, I want to thank you also for coming to testify. I'm sure it's not easy for you to do so. I just have a couple of questions. The first is, maybe it is implicit in some of your remarks, but do you support capital punishment? Do you support the death penalty?

MARIAN HOWARD: You know, I thought about that. I even talked to--

SEN. CAPPIELLO: Could you speak into the microphone?

MARIAN HOWARD: --I'm sorry. I was talking about that, and I've even talked to Jim [inaudible] about it. I said, it doesn't matter to me what my opinion is about the death penalty because I am not there yet.

My request for inclusion in the policy that governs all of these things is where I am at this point. So I very honestly could not share with you whether I am for or against. I know I had to pick out one of the envelopes to get here this afternoon, so I did.

I do believe that the deductive message that I have received from the episode that we're currently in is that life in prison without the possibility of release might be really difficult. You know, right now, I think in terms, you gave me a life sentence, you have a life sentence, I don't know. I really don't know.

SEN. CAPPIELLO: You did mention about the appeal process or limiting the timeframe. Are you saying that you do think there should be a limit as to how many times or the length of time for appeals?

MARIAN HOWARD: Yeah. I would say very honestly I do think so because the edge never goes away. I would just ask also, please, exclude the closure piece from any of your vocabulary right now.

I think that if we are going to do anything that is suitable for the society that we represent, then we need to work very interactively and see that we get all of the people included into that. I feel very strongly about that.

Although I am opinionated about a lot of things, I've never, prior to our becoming survivors or today, had any opinion. I'm so old that I go back to reading as a young person on the Caryl Chessman piece in California that took forever and a day. You know, so I don't know if I answered your question or not.

SEN. CAPPIELLO: It's okay. Just one final question, it's a subjective question with a subjective answer, so answer it if you can. While I was asking questions, I think a lot of us struggle with this issue, some people who testified referred to Michael Ross as a victim.

Do you see him or the person who was responsible in your son's murder, do you see them as victims at all in this situation?

MARIAN HOWARD: Oh, no, certainly not. I don't, and I watch, you know, the news a lot. Now that I'm retired, I can keep up with a lot of those kinds of things. I don't feel that he is a victim. I don't feel that the young man who killed our son is a victim. He got a life sentence. I know that.

Michael Ross victimized people. Both of them did. I guess the beginning of my struggle, I just simply said, I will not be your

victim. You know, I'm not going to be. I'm going to be the survivor of a victim, but I'm not going to be your victim.

Once I got over going in the house every night to look in every closet and under every bed and all of those kinds of things, kind of refusing to go home until someone else was in the house, that took maybe about 18 months to two years. Once I got over that, I said, okay, we're going to get ready and hopefully just give a little influence, if we can. That is what I firmly believe today.

SEN. CAPPIELLO: Thank you again for your testimony. I am very, very sorry for your loss.

REP. LAWLOR: Are there other questions? Thank you very much, Ms. Howard. I am glad you pointed out the tremendous work that Survivors of Homicide does. It is a great organization. Hopefully, we can channel some more resources their way.

Next is Dorothy Lovett-Buckley. Miss Lovett-Buckley will be followed by Walt Everett and David Hubie Santos.

DOROTHY LOVETT-BUCKLEY: I am a resident of Hartford. Senators and Representatives, I thank you for your patience today. It has been a long afternoon. A decent and orderly government, says the sign on the legislative office building as we move toward the Capitol.

The people of Connecticut need to abolish the death penalty to move from an avenging society to a compassionate or civilized society. Death by injection will not resurrect any young innocent women or men. The families of victims need closure.

State money can be better spent to compensate victims and their families rather than compensating lawyers to wrangle for months or years. I am outraged that I live in a state that has the death penalty on the books.

You Legislators, some of you I really respect, and I can say I adore, you legislators need to address this issue. We elected you to lead. H.B. 6012 needs to be acted on immediately. I pray that I can live in a state that I can be proud to claim as mine.

REP. LAWLOR: Thank you. Are there questions? Senator Cappiello?

SEN. CAPPIELLO: Thank you very much for your testimony. Just one question, the prior speaker said to us, we should take closure out of our vocabulary because the edge never leaves. What do you say to her when you talk about closure?

It seems to me that she was saying that it never, ever goes away, no matter what happens to the person who committed that crime.

DOROTHY LOVETT-BUCKLEY: It is an unfortunate--

REP. LAWLOR: Could you speak into the microphone?

DOROTHY LOVETT-BUCKLEY: Yes. It is unfortunate that Antoinette Bosco was not here to speak because I heard her speak Emmanuel Church a few years ago. She has had quite a life. She has known death in her family by murder. She talks about healing at the broken places. It takes years.

I don't know if you've ever broken a leg or an arm or anything like that. I haven't, fortunately. People who have say that they can feel

the pain in the winter or when it's cold or something like that. You never completely heal. No one can ever completely heal.

There is pain in living. For some people, living is a battle, as Mrs. Howard just said. She has to battle these fears that she has of going home, but she is living. She is overcoming these fears.

SEN. CAPPIELLO: So there is really no closure is what you're saying.

DOROTHY LOVETT-BUCKLEY: I am very presumptuous to say this. I am not a legislator. Thank God I don't have to make these hard decisions that you do. I feel the state has failed us as a society. The only justice for the victims is to work to prevent child abuse, to help everyone get a good education, so that they can get a job, and be employed, and have healthy relations with others.

I don't think I can answer this anymore, but I would like to get together with you sometime, and we'll talk about this.

SEN. CAPPIELLO: Sure.

DOROTHY LOVETT-BUCKLEY: Because I think we really need to see where our philosophies mesh or differ.

SEN. CAPPIELLO: Thank you.

REP. LAWLOR: Any further questions? Representative Green?

REP. GREEN: Thank you. I've been listening to some polls and seeing some things in the media about people in the state and the country, their opinion on the death penalty. It still appears that the majority of the citizens that responded believe that we should instill the death penalty.

Sometimes, as a Legislature, we sometimes use these polling results to sort of say, the citizens of Connecticut want this or the citizens of Connecticut want that. Sometimes we use that as public officials to support or not support an issue.

I'm just wondering, with the majority of the citizens of the State of Connecticut that respond saying they favor the death penalty, how do we, as legislators, try to lead our citizens who have such an opinion, the majority opinion like that?

DOROTHY LOVETT-BUCKLEY: Somewhere it is written, vengeance is mine, says the Lord. Now, I know a lot of people like to play God, but as far as I know, there is only one God. I think we have to look at the world. We are a little slow to learn in this country. We have been a very arrogant country.

We have a, I was going to say something, but we have to learn to live in love. I know I do tend to criticize people, but I can thank God that at least we have people here, legislators, elected legislators who are willing to listen. This is not going to be solved today, and there are 49 other people waiting.

REP. LAWLOR: Senator Handley?

SEN. HANDLEY: I am just reminded in your conversation of a statement that Winston Churchill said a long time ago. He said, I love Americans. They always come to the right conclusions after they've exhausted all other alternatives. I think that is what we're talking about here. Thank you for your comments.

DOROTHY LOVETT-BUCKLEY: I love America too.

REP. LAWLOR: Thank you, Senator. Next is Walter Everett. Mr. Everett will be followed by David Hubie Santos, Dade Singapuri, and Tom Carozza.

WALT EVERETT: Do you mind if I move one of these chairs? Everyone is having trouble figuring out which one to sit in. They always sit away from the microphone.

REP. LAWLOR: No problem.

WALT EVERETT: I am glad you got my name right. It's printed on the order as Wait Everett. I've been waiting, and I commend you. You have been waiting. I commend you for staying through the process.

Esteemed committee members, I address you today as a murder victim's family member. On July 26<sup>th</sup>, 1987, my son, Scott, 24 years old, was murdered in Bridgeport. I lived a life full of rage for almost a year. Toward the end of that year, I was invited to the State's Attorney's Office where I was told that the state had agreed to a plea bargain.

The offender would accept a sentence of ten years, suspended after five. I was furious, but the State's Attorney informed me, we know you don't like it, but you don't have any say in the matter. The state is the injured party. The state prosecutes. You are just a bystander.

Nobody who has lost a family member to murder is a, quote, just a bystander. At the same time, I am convinced that the death penalty does not meet the needs of the victims. For 20 years, the victims in the state's highest profile case have been dragged into court again and again at a tremendous financial cost to the State of Connecticut and a tremendous cost, both financial and emotional, to the families of the murder victims.

There are mandatory appeals, which necessitate this. I don't advocate removing those mandatory appeals. They are necessary to assure that a fair process is followed all the way through. A life sentence without the possibility of parole is far less costly to the state, such a sentence almost two decades ago would have essentially finalized the case.

The families would have been able to begin the long arduous process towards some semblance of healing. There is no such thing as closure or instantaneous healing with the death of a loved one. Healing is a life-long process. We owe it to the victims to allow this process to begin long before two decades have passed.

Additionally, if we eliminate the death penalty, some of the money saved could be targeted for additional counseling for victims. Currently, the state offers ten free sessions, not nearly adequate to combat the emotional trauma they have suffered.

I point to our neighbor in the north, Massachusetts, which has a two-tier system of sentencing. One is life with the possibility of parole at some future date. Two is natural life, in which the offender can never be paroled. The latter should be reserved for those who may remain a continuing threat to society.

REP. LAWLOR: Sir, if you could just sum up a bit, that would be great.

WALT EVERETT: Let me just say a couple more things. As the father of a murder victim, I know the pain that goes with the death of a loved one. I also know that victims deserve better than having to wait two decades for the promise of some elusive, quote, closure.

Life imprisonment without the possibility of parole for the offender would give the victims at least a fighting chance to begin the slow process toward some measure of healing.

REP. LAWLOR: Thank you, Sir. Are there questions? If not, thank you very much. Next is David Hubie Santos, who I think left earlier. Yeah. Dade Singapuri? Ms. Singapuri will be followed by Tom Carozza, Mary Morgan Wolff, Mike Fitzpatrick, Allyson Platt.

DADE SINGAPURI: I am Dade Singapuri from Amherst, Massachusetts. I have been visiting Michael Ross for the last eight years. I have gone to several of his court appearances.

I'd like to say something about the issue of his physical condition, paraphelia, sexual sadism, which requires a monthly injection to him. It has never been accepted as a mitigating circumstance, which would give him life without parole rather than the death penalty.

Yet, in a previous case, it was accepted as a mitigating circumstance in another case. Rather than focusing on Michael's mitigating circumstances, which contributed to his action, the court continually brings out the emotional factors, which the crimes have caused the family.

Therefore, to spare the families further emotional anguish and knowing that his mitigating circumstance has no weight in the proceedings, that is the reason Michael has not pursued further appeals, so that these families would not be subjected to further court proceedings.

I plead with this legislative body to abolish the death penalty. A society of justice should have no place for institutional state-mandated killing. Please, act today, and stop this system. It diminishes all of us to torture a person who has tortured others.

Answering your question, I wrote something extra. The locking down for the 23 hours and the isolation is very inhumane. It should not happen to anyone. It is cruel. All persons should be treated kindly and humanely by a kind, humane, just society.

If possible, the inmates should be helped to lead a productive life in prison. It happens that Michael Ross has done some very laudable things in prison. Thank you.

REP. LAWLOR: Thank you, Ma'am. Are there questions? Senator Capiello?

SEN. CAPIELLO: Thank you, Mr. Chairman. I just have a few questions. Do you visit other prisoners on death row or just Michael Ross?

DADE SINGAPURI: No. I've never visited another.

SEN. CAPIELLO: Can I just ask, I'm curious for my own edification, what made you decide to visit on a regular basis for the last eight years Michael Ross?

DADE SINGAPURI: Well, through the Catholic Worker Organization, which I am in contact with and work with, I discovered him and that he was



on death row. He was writing to different members of the Catholic Workers. I started writing to him.

I find that I've learned a great deal from visiting him. He is a very compassionate, kind, and contributes to society. He has worked in the library. He tried to get books for the inmates. He has also worked against the death penalty. He has talent that could be used to help us in society. I see him as a very kind humane person.

SEN. CAPPIELLO: This is a man who brutally raped and murdered eight young women. And you find him to be kind and compassionate?

DADE SINGAPURI: Yes.

SEN. CAPPIELLO: Okay.

DADE SINGAPURI: I think that it's pretty obvious, to me, that there was something very wrong with him in order to do that. You can't say that was a normal person who could do something like that.

SEN. CAPPIELLO: So what do you think should happen to him then if you don't believe he should be isolated 23 hours a day? Do you just think he should be a normal prisoner in society, in the prison society, able to come and go as other prisoners are able to do, whatever their confinements are, that should be the same for him?

DADE SINGAPURI: Well, I am not an expert on how it should be, but I feel strongly that he should not be, we shouldn't have the idea of vengeance against him to punish him further. I think that he should be helped to find his potential.

SEN. CAPPEILLO: So if he wasn't locked down 23 hours a day, and he was with the rest of the population, and he committed another heinous act in prison, do you then think he should be locked away for 23 hours a day or do you think we should just try to forgive him again and not punish him further?

DADE SINGAPURI: I just cannot imagine that he would do something. For 20 years, he has been a model prisoner in that prison. Other people have come to know and love him also, many people.

There are no guarantees in life, but I think we should definitely take a chance. In Massachusetts, as the man said, nobody kills anybody in prison anymore now.

SEN. CAPPIELLO: I don't know how they treat the prisoners who are there with what would have been prior a capital offense. I'm not really sure if they keep them isolated or not. I don't know.

I'm just trying to figure out what the ultimate punishment should be, if we abolish the death penalty, like we asked everyone else. You're saying, under no circumstances should we ever have anyone locked down in isolation either. You wouldn't even go that far.

No matter what the crime, no matter how many times they committed that crime? Okay. Have you ever visited the victims' families?

DADE SINGAPURI: Well, I know people who have had murders in their family who experienced that, yes. It's not people that I have sought. They are just people that I have come to know.

SEN. CAPPIELLO: So you do not know any of Michael Ross's victims.

DADE SINGAPURI: No, I do not.

SEN. CAPPIELLO: Thank you.

DADE SINGAPURI: You're welcome.

REP. LAWLOR: Are there other questions? Representative Dillon?

REP. DILLON: Thank you. Good afternoon. I've been watching some of the proceedings up in my office. I guess I wanted to say that at first, I was very happy to hear that the worker is involved in this case.

I was very influenced by the Catholic Workers when I was in college in New York. I don't know people in Connecticut, I don't think, that do that. I guess I wanted to ask you a couple of questions because we may be coming at things from a very different tradition.

That is, some of the things now may not be consistent if you are coming from a Catholic Worker point of view. I've heard a lot of people talk about, you know, not killing in my name and so forth. In a vacuum, theoretically, one of the characteristics of the state is monopoly on the use of force.

So I think, I don't know how to sum it up exactly, I think there was a George Carlin routine about Muhammad Ali where it was something like when he refused to go to Vietnam. I think Muhammad Ali said, well, I don't want to kill people. I just want to beat them up.

Then the draft board said, well, if you don't want to kill them, we won't let you beat them up. I think that was the Carlin routine. They were going to refuse to permit him to box, if he refused to go to war. There is this belief that the state properly has a monopoly on the use of force.

I can't shoot someone, but the state reserves the right to do that. We theoretically don't have militias. I don't know if that would get to the Workers' philosophy of what the state should and shouldn't do. We may not agree on that.

I guess I wanted to ask you about that a little bit. It gets to some of the concerns I'm hearing. For me, before I get to the moral end of it, I don't trust government enough to kill people. That is, I feel very uncomfortable about taking an act that you can't reverse. We can't fix our mistakes.

So I don't know if I'm taking a very moral position here, but I've always been troubled by the death penalty because I'm not sure I can trust a bureaucracy to handle it.

Whether I personally believe Michael Ross can be redeemed, which I do believe because of my faith, doesn't really affect the way that I would vote on this. It has to do with whether or not we should take an action we can't reverse. Do you believe, though, do you think it is proper for the state to have a monopoly on the use of force?

DADE SINGAPURI: No, I do not. And even if he could not be redeemed, he should not, I don't believe in killing anyone.

REP. DILLON: Thank you very much.

REP. LAWLOR: Thank you. Are there other questions? If not, thank you very much.

REP. GREEN: No.

REP. LAWLOR: Oh, Representative Green. I'm sorry.

REP. GREEN: Thank you, Mr. Chair. You mentioned some characteristics that you find in Mr. Ross. I had asked an earlier question. If there was the thought that individuals might receive life without the possibility of release, then there is this thought that individuals may change, and there may be some redemptive value, some other kinds of things that would happen.

One may believe that someone might be prepared to reenter society. Do you have any thoughts on whether or not we should not have the statement, life without release? Should we also eliminate that portion of the sentence?

DADE SINGAPURI: I feel like I haven't thought much about that. The thing that is motivating me the most is that I think we should not kill. We should not treat people in an inhumane way. We should not punish people. We should try to help them everywhere.

REP. GREEN: The concern I have, not concern, but there is a response and a reaction I get a number of times when someone who had been involved in the criminal justice system for whatever reason is still in the community. They are on parole or probation.

We recently saw an incident in Newington where an officer was shot. Then there was the reaction that this individual possibly should not have been in the community. We, as a state, have failed by allowing that person to be in the community without supervision that that person should have.

I guess I would be concerned as to when we, as a state, believe we can protect those individuals in society from those individuals who may have a tendency to maybe commit further acts of violence. Have you thought about how we might protect our citizens, so that they may feel safe in the community?

DADE SINGAPURI: My understanding is that your bill has life in prison without release, so that is not what I am here to address today. I am not arguing to allow someone out. I am just, you know, I feel like I've made my point about not killing and not hurting.

REP. LAWLOR: Are there other questions? If not, thank you very much, Ma'am. Next is Tom Carozza. Is Mr. Carozza here? Mr. Carozza? All right. After that is Mary Morgan Wolff. Ms. Morgan Wolff will be followed by Mike Fitzpatrick, Allyson Platt, Kathryn Halliday, James Wade.

MARY MORGAN WOLFF? Good afternoon. My name is Mary Morgan Wolff, and I am opposed to the death penalty. I believe that killing is killing, be it illegal or legal. The death penalty simply adds to the death of a victim, one more death.

Three years ago, I retired from the Department of Corrections. I did my time. I served 27 years in the state's correctional facilities, in fact, the jails and prisons for men, not for women. I served in capacities from volunteer to counselor to deputy warden to warden.

So I am here to tell you that I believe in hope. I've met a lot of inmates, many of whom you've read about or heard about in the news, perpetrators of very serious crimes and some very sick individuals. Never did I meet an inmate for whom I had no hope, one who was lost

forever, never.

For 27 years, I found many inmates benefit from excellent programs. Some successfully returned to our communities as useful law-abiding citizens. Others didn't. Others did their time and are still doing their time, sometimes a lifetime without being a threat to us, the public or a threat to the safety or security of a correctional facility.

Capital punishment implies the utmost hopelessness by society for both the victims' families and the offender. A sentence of life in prison without the possibility of release, in my opinion, is a fair, just, and doable sentence for serious capital felony offenses. The Department of Corrections can carry out the imposed sentence.

Furthermore, just as a citizen of Connecticut, I don't want my tax dollars spent in our courts and correctional facilities on costly death-penalty-related issues. There are more noble causes. Thank you for your time.

REP. LAWLOR: Thank you. Let me just ask you a couple of questions here. It seems like you might be able to answer some of the questions posed earlier on. Of course, we understand that you are certainly not speaking on behalf of the Department.

MARY MORGAN WOLFF: No, I am not, Sir.

REP. LAWLOR: If you feel uncomfortable answering them, that is perfectly okay. I am glad you mentioned that thing at the end.

You know, one fact that I've become aware of in the last few days, apparently, the Department of Corrections has spent perhaps even more than \$1 million so far just on overtime alone over the past week dealing with the staffing requirements surrounding this execution.

MARY MORGAN WOLFF: I am sure.

REP. LAWLOR: Ironically, that is basically what it would cost to lock up someone, a maximum-security offender for 40 years, if you figure about \$25,000 per year. It is an interesting fact.

MARY MORGAN WOLFF: Yes, it is, Sir.

REP. LAWLOR: People have asked this question. What happens to the inmates who are sentenced to this life without possibility of release? I don't know. Which facilities did you serve as deputy warden and warden in, just out of curiosity?

MARY MORGAN WOLFF: Warden at Jennings's Road Webster Correctional Institution, Jennings's Road when it was a prison. Webster Correctional Institution in Cheshire where you came and spoke at a graduation once. The Walker Prison up in Suffield.

REP. LAWLOR: Is that the reception center, is that right?

MARY MORGAN WOLFF: Yes, Sir. When it was just the reception center, not connected with MacDougall. Lastly, I was deputy warden at Manson Youth Institution. Mr. Dyson, you came and spoke there at one of our graduations for young people. Thank you.

REP. LAWLOR: So I think MYI is probably the exception, but none of those are maximum-security facilities, right?

MARY MORGAN WOLFF: None of them are, no, two.

REP. LAWLOR: Which ones?

MARY MORGAN WOLFF: Jennings's Road was a maximum-security facility, level four.

REP. LAWLOR: Which one is Jennings's Road.

MARY MORGAN WOLFF: It doesn't exist anymore. It is the Hartford PD.

REP. LAWLOR: The old Hartford, okay.

MARY MORGAN WOLFF: It is the lockup. And the Walker Facility was a level-five facility. There are two level-five facilities in the state, Walker and Northern.

REP. LAWLOR: I guess the reason I asked the question is because we're trying to focus in on this category, the sentence of life without the possibility of release.

People have speculated about whether someone is sentenced to that, if they would ever be in the sort of quote, unquote, general population. Isn't it true that general population is different depending on which facility you're in.

MARY MORGAN WOLFF: Yes.

REP. LAWLOR: So if you are in a level-five facility, being in the general population at, for example, Northern or being in the general population at a level four, a maximum security prison--

MARY MORGAN WOLFF: Yes.

REP. LAWLOR: It is not like being in the general population at a minimum-security prison.

MARY MORGAN WOLFF: Very different, yes.

REP. LAWLOR: And could you just explain, if you know, maybe you don't know, I'm not sure, but if someone is serving the life without possibility of release type sentence, would they ever get into a minimum-security facility?

MARY MORGAN WOLFF: Oh, I really don't think so, Sir. I don't know today. It's been three years. Three years ago, definitely not. According to the classification system, they would never get below a level four, I believe.

REP. LAWLOR: And that is the maximum security.

MARY MORGAN WOLFF: That is a maximum-security facility, yes.

REP. LAWLOR: So if they are ever in quote, unquote, the general population, that would be in a maximum-security prison.

MARY MORGAN WOLFF: I think so. I am not positively sure, but I am almost sure.

REP. LAWLOR: Well, it is probably unfair to ask you these questions, and I'll stop.

MARY MORGAN WOLFF: That's okay.

REP. LAWLOR: But maybe it would be really helpful to the committee for the Department of Corrections to answer these questions. I think I know what the answers are, but I think it would be very useful to hear them.

MARY MORGAN WOLFF: Good idea, Sir.

REP. LAWLOR: Thank you.

MARY MORGAN WOLFF: Thank you very much.

REP. LAWLOR: Are there other questions? Representative Michele?

REP. MICHELE: Thank you, Mr. Chair. Do you know if the only individuals that have the 23-hours-in-the-cell time, whatever, they have only one hour off, are only the seven inmates or do we have quite a few in prison that live 23 hours in their cell and they only get one hour off a day to exercise? Is that correct?

MARY MORGAN WOLFF: Three years ago, that type of a lockdown would happen. It would happen for an inmate who misbehaved badly. The facility would have put him on punitive segregation. That is the lockdown for 23 hours with one hour out. That ends. Usually, there is an end to punitive segregation.

It could be 1 to 30 days or up to 50 days, something like that. In terms of permanent lockdown, I can't speak today because I am three years out. I believe Northern was permanent lockdown. Any segregation area would have been a permanent lockdown, 23 hours lockdown. So there are other places, but most of that, I believe, occurs at Northern.

REP. MICHELE: So there are more than just the seven inmates who are on death row that are sitting in for 23 hours a day.

MARY MORGAN WOLFF: Not permanently, no. [Gap in testimony. Changing from Tape 2B to 3A.]

REP. LAWLOR: Other questions? If not, thank you very much.

MARY MORGAN WOLFF: Thank you.

REP. LAWLOR: Next is Mike Fitzpatrick. Mr. Fitzpatrick will be followed by Allyson Platt, Kathryn Halliday, James Wade, Amy Harris, and Joshua Rubenstein.

MIKE FITZPATRICK: Good evening, Chairman McDonald, Chairman Lawlor and committee members. I am an attorney, Mike Fitzpatrick, and I am the President of the Connecticut Criminal Defense Lawyers Association. The Association has submitted written testimony in this matter in support of R.B. 6012 and in opposition to R.B. 6488.

Before I address those bills and make some observations about capital punishment, I should tell you, in the interests of full disclosure, that I represented Michael Ross for 12 years from 1992 to 2004. I was involved in three of the direct appeals to the Connecticut Supreme Court.

It is CCDLA's belief, however, that this public hearing should not focus on Michael Ross. Michael Ross may be the vehicle that brings us all here, but Michael Ross certainly should not drive the debate or the discussion. Rather, the focus should be on the process of the death penalty itself and the need for it, if any, in Connecticut.

In listening to much of the testimony today, it is very clear that throughout Connecticut's criminal justice system, the needs of the victims are not being adequately addressed. Our efforts are well-intentioned. Certainly, we are doing everything that is possible to address the needs of the victims.

Given the parameters of our criminal justice system, there is only so much that can be done to alleviate their pain and suffering. Much has been said today about prolonged litigation, namely appeal after appeal, habeas-corpus petition after habeas-corpus petition. What can be done to streamline the process all in an effort to alleviate the suffering of the victims?

As a lawyer, as a criminal defense lawyer, and as somebody who has done death-penalty work and been directly involved in these cases, I will tell you honestly that there is nothing that can be done to streamline the capital litigation process. Indeed, even in the Ross case, while the litigation has been pending for 20 years, he still is on direct appeal.

But for the fact that he is a volunteer for execution, Connecticut would be looking at another five or six years of litigation in the Ross case. We should be honest about the process. We should come to the realization that if you want to end the suffering of the victims, the quickest way to do that is to abolish capital punishment.

Having done that, Michael Ross would have lost his voice in the press and everywhere else 15 years ago. The victims would not be continuing to suffer this emotional roller coaster. The healing of the victims can only begin when the litigation ends. If Connecticut had abolished the death penalty, at least for the Ross victims, that healing would have begun a long time ago.

People say that the polls in Connecticut support the death penalty. Well, that is not entirely true. As you all know, it depends on how the question is phrased. I will tell you this. I think it's time to put polls aside and look at what our actual practices have been.

Simply put, the death-penalty experiment in Connecticut has failed. We've been at it for 20 years and just now, we're close to having our first execution.

REP. LAWLOR: I'm going to ask you to summarize this.

MIKE FITZPATRICK: Yes. Let me get to the second bill, 6488. Many times in these broad bills, there are provisions that are often overlooked. One important provision is the right of allocution for defendants.

It seems to be squarely matched against the right of a representative of the victim to present a victim-impact statement. Contrary to some of the positions taken today, CCDLA is opposed to victim-impact statements.

If that means forfeiting the right of allocution on behalf of defendants, CCDLA would be in favor of forfeiting that right. In other words, we'd rather have no right of allocution and no victim-impact statements than to have both. Thank you very much for your consideration on these important issues.

REP. LAWLOR: Let me ask you something on the issue of the duration of the appeals and the number of appeals emerged as an interesting topic for discussion. It seems at least that there might be some

misconceptions about what has actually transpired in the Ross case, for example.

I think you just pointed out that Mr. Ross is still, in effect, on an active appeal. Let me ask you, in a typical death-penalty case where there is both a guilt-phase verdict and a penalty-phase verdict, how many appeals do you get? What do you mean when you say direct appeal?

MIKE FITZPATRICK: When you are sentenced to death in the Trial Court, you have an automatic direct appeal to the Connecticut Supreme Court. If you lose there, you can file a circuit petition in the United States Supreme Court.

REP. LAWLOR: And how is that different from your normal run-of-the-mill criminal convictions, you know, non-death-penalty cases?

MIKE FITZPATRICK: Well, in a non-death-penalty case, it's unlikely that you would have an issue of constitutional dimensions that would keep the interest of the United States Supreme Court.

REP. LAWLOR: How about in the first part, the direct appeal to the State Supreme Court, how is that different than a normal criminal conviction?

MIKE FITZPATRICK: Well, the State Supreme Court, through amendments to various statutes, is now entertaining fewer cases than they used to. In fact, some of the cases that have resulted in murder and capital felony convictions are being entertained by Connecticut's Appellate Court.

REP. LAWLOR: Right. I guess maybe you're misunderstanding my question. My question is, if there is something special about a direct appeal to the Supreme Court in a capital case, what would a normal murder case get? How is it different?

MIKE FITZPATRICK: It is different in the amount of work. It's different in the time it takes to perfect the appeal and to prepare it.

REP. LAWLOR: But the normal murder convictions go directly to the Supreme Court.

MIKE FITZPATRICK: No. They now can go to the Connecticut Appellate Court.

REP. LAWLOR: And then potentially to the Supreme Court.

MIKE FITZPATRICK: Potentially.

REP. LAWLOR: So in a way, there are fewer appeals in a capital case than there would be in a normal case because you can skip the Appellate Court stop altogether. Is that right?

MIKE FITZPATRICK: Well, that certainly could be true.

REP. LAWLOR: And then beyond the State Supreme Court and the outside shot you could get into the United States Supreme Court, is there any other extra appeal that a defendant is entitled to in a capital case?

MIKE FITZPATRICK: No, not beyond the United States Supreme Court, but then you enter the area of habeas corpus.

REP. LAWLOR: And is that more of a federal issue or a state issue



when you get into the habeas corpus?

MIKE FITZPATRICK: In a death penalty case, it's going to be both because whether a person loses in the Connecticut Supreme Court or in the United States Supreme Court, he or she is going to seek collateral relief in the State Court because they've got to exhaust all State Court remedies before they can file a federal habeas corpus petition.

REP. LAWLOR: And are you familiar with the states that have limited their own habeas-corpus procedures? People say that there are states that have made it difficult for convicted persons in capital cases to file habeas petitions and limit the number or the duration or the time in which they are going to be considered.

MIKE FITZPATRICK: I am. I couldn't tell you the names of the states, but generally, they've limited habeas-corpus review by either imposing a statute of limitations or a rule barring successive State Court habeas petitions or they have narrowed the types of issues that a habeas court can entertain.

Those would be the ways in which a state might limit habeas-corpus relief, even in a death-penalty case.

REP. LAWLOR: Are there other questions? Representative Farr?

REP. FARR: Yes. You made some representations about the finality of a death penalty case versus the life in prison without the possibility of parole. You said that in the death penalty case, it goes on forever, and the other one, it doesn't.

I think we had testimony earlier by an individual who was apparently wrongfully convicted 31 years ago, got the death penalty, was converted, in effect, after a couple years to life in prison without possibility of parole. And 31 years after conviction, he was still able to reopen that judgment.

So isn't the fact that it doesn't matter whether it's the death penalty or life in prison without parole? People always have a right to file habeas. They always have rights to attack it. They have rights to appeals. I don't see how one punishment versus the other brings finality to it.

Obviously, the death penalty brings finality after it's imposed, but until that point, if you have been given life in prison without the possibility of parole, you could still, 20 years later, be fighting that. Couldn't you?

MIKE FITZPATRICK: What we're saying is that as long as you're living, you still have the ability to litigate your innocence.

REP. FARR: But you do that either way.

MIKE FITZPATRICK: Not after you're executed.

REP. FARR: No. That is true. That is true, but your comment was that not having the death penalty would bring finality.

MIKE FITZPATRICK: No. If I said that this evening, then I misspoke. Certainly our written testimony is clear on that point. We're opposed to the finality associated with the death penalty because of the fact, for the obvious reason.

REP. FARR: I thought your comment was that you would bring relief to the victims if they didn't have to go through the continuing appeal process in a death penalty case.

MIKE FITZPATRICK: I think the point to be made is that when you abolish capital punishment, and your maximum penalty is life without the possibility of release, the litigation ends within several years of the decision in the Trial Court. That is really when the healing begins for the victims.

REP. FARR: That is my point. A prior witness had, in effect, a life sentence 31 years ago, and he was back in court 31 years later getting that judge to reopen.

So isn't it a little bit misleading to say that if you give somebody life in prison without possibility of parole, somehow that ends? Habeas can be filed all the time, and it is filed all the time. This is one of the problems we have in the criminal area.

People get notice that somebody has filed a habeas 20 years after they first went to jail. The victim is still feeling that individual may get a successful habeas and would be out on the street unless they do something.

MIKE FITZPATRICK: Well, I did listen to that gentleman's testimony. Obviously, his habeas-corpus claim was driven by a claim of actual innocence. If somebody is innocent, and they are incarcerated in a correctional facility, they should never, ever be barred from the opportunity of trying to win their freedom.

I think the important thing to keep in mind is that with capital murders or capital felonies, not every one of these cases lends itself to an actual innocent claim. Actual innocent claims are not as common as the public believes. Actual innocence claims, habeas, pardon me, in death penalty cases, while they can exist and do exist, and while it has been demonstrated that innocent people have been executed, actual innocence claims are not that common.

I think it's doubtful, especially in Connecticut, that you're going to have somebody who is exposed to the death penalty that received a life sentence, and now, 20 or 30 years later is contending that he or she didn't do the crime.

That may happen, but those cases are going to be far and few between. I don't think that should be the reason why this body should ever impose a statute of limitations for--

REP. FARR: Okay. I'm not suggesting that as a rationale for the death penalty.

MIKE FITZPATRICK: Yeah.

REP. FARR: I was just raising the question about whether, in fact, there was ever really finality under either system. In the individual who is doing the life sentence without the possibility of parole, it seems to me that they always have that right, as you indicated.

We haven't tried to take that away. They always have the right to raise those questions. They raise questions about incompetent council. They raise all kinds of issues years later and can do that.

Also, if you get convicted, it strikes me if someone were convicted of capital felony, and they are given life in prison without

possibility of parole, that any defense council is going to exhaust all of the remedies, which are the same remedies as if they received the death penalty. So I don't know that this brings an end to the litigation.

MIKE FITZPATRICK: Well, litigation ends in the sense that it is much easier to resolve it, given that the death penalty isn't at play in let's say three or four years as opposed to 20 years.

REP. LAWLOR: What makes it that much easier to resolve it then? If the individual says, I was wrongly convicted, why is it any easier to resolve it if the death penalty is imposed than if it's not?

MIKE FITZPATRICK: Because there is only one principle issue at stake, that is the conviction itself. As opposed to capital litigation where you are focusing not only on the conviction, but the sentence itself.

So you have double the efforts here, not double the efforts, you have two issues as opposed to one.

REP. FARR: But some of the cases that we have, I thought, with individuals, I think there is at least one case where an individual pleaded guilty, admitted guilt to the capital felony. The only issue was the imposition of the death penalty.

As far as I know, that litigation [inaudible] everybody else's. I'm just trying to get some answers here. I don't see the death-penalty cases.

MIKE FITZPATRICK: Well, he did plead guilty to capital felonies, but a trial was held on the question of what the appropriate punishment was, either life or the death penalty. I understand the point that you're making, but I think what you're going to see, if the death penalty is abolished, is that over the next 5, 10, 15 years, the concerns that you have this evening are not going to prove to be true.

Certainly, people suffer, and a 60-, 100-year sentence, life sentences, they are going to litigate to the extent that they can, but those claims are going to be much more quickly resolved than anything that is litigated in the death penalty arena.

Moreover, the litigation is so less intense. It's not going to have the victims on this just severe constant daily, weekly, monthly roller coaster.

REP. FARR: Okay. Thank you.

REP. LAWLOR: I guess one easy solution to that is, you know, there are plenty of people serving life without possibility of parole. We could probably just have someone figure out how many appeals are going on in those cases and compare that to the death penalty cases. Then we'd have some empirical evidence. That might be something worth researching. Are there further questions? Senator Roraback?

SEN. RORABACK: Thank you, Mr. Chairman. Good evening. I asked this question of the Chief Public Defender earlier today, whether he thought it was possible both to be competent and to willingly submit oneself to the death penalty.

I was wondering if you have an answer to that question, whether you can simultaneously be competent and say that you want to submit yourself to the death penalty?

MIKE FITZPATRICK: In theory, I am sure it is.

SEN. RORABACK: In theory. What about in practice?

MIKE FITZPATRICK: That may be true in practice as well. Obviously, you would have to know what the facts and circumstances are. You would have to have the client thoroughly examined by a well-qualified expert.

SEN. RORABACK: Okay. Thank you, Sir.

REP. LAWLOR: Are there other questions? If not, I thank you very much.

MIKE FITZPATRICK: Thank you.

REP. LAWLOR: Next is Allyson Platt.

ALLYSON PLATT: Good afternoon. I am here today to speak in favor of the Bill numbered 6012. I commend the cosponsors for bringing it forward, and I do hope it continues to move on past this committee into the larger General Assembly.

Studies have shown that capital punishment is not a deterrent to crime and that the percentage of those who favor capital punishment decreases when there is a choice in the polling between capital punishment and life in prison without the possibility of parole.

Representative Green referred to this earlier. I would encourage him and those of you who haven't studied up on this to investigate that disparity in the change in the poll. Excuse me.

This bill that is before us today reflects the strong choice of [inaudible] life in prison without the possibility of parole and murder of special circumstances. As a member of the religious Society of Friends, Quakers, my opposition to capital punishment is the foundation of my faith position that all human life is sacred.

Capital punishment is a violation of the sacredness of the human person. It disregards the fundamental capacity of all persons to respond to the right influences and gives no opportunity to reform the offender. The prosecution of capital punishment cases is disproportionately more costly than sentences of life in prison without the possibility of parole and costs our citizenry valuable resources that should be used elsewhere.

As recent cases across the country have indicated, the death penalty has not and cannot be applied equitably and without error. The State of Connecticut must not endorse violence as a means to prevent and punish violence.

My religious tradition calls for a commitment to aid victims of violence, and to develop criminal laws, and a criminal justice system that promotes equitable dealings among individuals in our society, that prevent violence and destruction, and that promote and restore civil society.

Justice would be well-served to reform existing laws as proposed in this bill. Thank you very much.

REP. LAWLOR: Thank you. Are there questions? Senator Capiello?

SEN. CAPPIELLO: Thank you, Mr. Chairman. Thank you very much for your

testimony. I do have one question. What do you think is a deterrent to crime?

ALLYSON PLATT: I think it's a basic structure in our society and how we shape values, beginning in education, the support of our communities, the systems and structures of our political structures.

You know, I know this has been used a million times, but it takes a whole village to raise a child. Until we move past the individualism that has been rampant in our country in the past 50 years, we're not going to have enough deterrent to crime. We need to provide economic opportunities for people who are prone to crime as a first choice in life decision making.

SEN. CAPPIELLO: Do you support life in prison without parole?

ALLYSON PLATT: I support this bill, which stipulates life in prison without parole.

SEN. CAPPIELLO: Do you think that is a deterrent to crime?

ALLYSON PLATT: I think it is as much of a deterrent as anything.

SEN. CAPPIELLO: Even death?

ALLYSON PLATT: I don't consider death to be a deterrent to crime.

SEN. CAPPIELLO: So death isn't a deterrent, but prison is.

ALLYSON PLATT: I think prison in the context in which it's been used today, in the context of this bill, is an acceptable alternative to the existing laws.

SEN. CAPPIELLO: I understand, and I respect that, but we're talking about this. It's been brought up quite a few times, the death penalty is not a deterrent to crime.

ALLYSON PLATT: Right.

SEN. CAPPIELLO: But you believe prison is.

ALLYSON PLATT: Let me say this. There are a number of people in the judicial system, in the Department of Corrections, and in our social structure, our social workers, sociologists, and such who have a far better idea about what real deterrents are.

I basically came to speak in favor of this bill because I am opposed to capital punishment, and that is as much as I have to say about it.

SEN. CAPPIELLO: And I respect that. I truly do. I guess you did state that the death penalty is not a deterrent to crime. So I assume that when you said that you--

ALLYSON PLATT: I think prison is a deterrent to crime, yes.

SEN. CAPPIELLO: Can you reconcile that, explain that to me? How is prison, but the threat of death isn't?

ALLYSON PLATT: I'm not prepared to do that right now.

SEN. CAPPIELLO: Okay. Thank you.

REP. LAWLOR: If I could ask perhaps the same question a different

way.

ALLYSON PLATT: Thank you.

REP. LAWLOR: There are those who say that people who would be prepared to commit a capital murder, to them whether or not they would get life in prison without the possibility of release or the death penalty really isn't much of a difference.

I think people have made the argument that around the country, if you compare the states that have the death penalty to the states that don't, you really can't see much of an effect, if anything, the murder rate, the capital murder rate.

Ironically, if you take the highest capital punishment city in the country, which is Houston, Texas where more than half of the people who are on death row in Texas were sentenced in Houston, actually, ironically, Houston has a much higher murder rate than every other big city like it in the country, including capital-murder rates.

So when people ask, is it a deterrent, I think, are they asking compared to life in prison without possibility of parole? Is there any evidence that capital punishment is an additional deterrent? Well, let me ask you your opinion on that.

ALLYSON PLATT: The only thing that I can say really with any degree of knowledge at all is that I recall reading a study that talked about the difference between premeditated murder and whether or not the possibility of capital punishment versus life in prison without parole was a deterrent in those cases. I really don't have the information about that.

REP. LAWLOR: And isn't it an ironic twist that the main reason we're all here today is because the one person subjected to--

ALLYSON PLATT: I'm actually not here today because of Michael Ross.

REP. LAWLOR: Okay. Thank you very much, Ma'am. Are there other questions? If not, thank you.

ALLYSON PLATT: Thank you.

REP. LAWLOR: Next is Kathryn Halliday.

KATHRYN HALLIDAY: Good afternoon, Mr. Chairman and members of the committee. My name is Kathryn Halliday, and I'm a resident of [inaudible - tape fades in and out] and a graduate student at the UCONN School of Social Work. I'm here today to speak out against the death penalty.

The focus of my education studies has been international issues. The issue of the death penalty is larger than Connecticut and larger than this nation. It's been an issue that has been debated throughout the world and has been handled differently in every nation.

However, one conclusion has been increasingly found consistently throughout the world. The death penalty is not a solution. Over half of the world, approximately 118 countries have abolished the death penalty in law or practice.

To exemplify how inhumane the death penalty is thought to be throughout the world, in 1993, the International War Crimes Tribunal declared that the death penalty is not an option, even for the most

heinous crimes known to civilization, including genocide.

Also, I was going to mention the fact of European countries being so strongly opposed to the death penalty that they allow suspects facing the death penalty, they refuse to expedite them back to this country, which I know has already been mentioned.

The death penalty is a violation of human rights. International documents, such as the Universal Declaration of Human Rights clearly states, in Article Three, that everyone has a right to life.

In conclusion, I believe that we as a state have a responsibility to this nation and to the worldwide community to uphold our promise of protecting the rights of our citizens. In the past decade, an average of three countries a year have abolished the death penalty. Thirty-eight states in this country maintain the death penalty as public law.

I propose that this year, Connecticut joins the majority of the world and stands up to our own nation by saying, no more death. Thank you for your time and the opportunity to speak to you all.

REP. LAWLOR: Thank you, Kathryn [inaudible - tape fades in and out] a little bit more than most of us. So tell me, is it true that there is not a single country in North America, South America or Central America that has the death penalty, aside from the United States? Is that the case?

KATHRYN HALLIDAY: I'm not specifically, I wish I had done a little bit more research on the death penalty in other nations before I came here, specifically in regions of the world. I know that we are one of four other countries that, the United States, along with three other countries, contribute 80% of the world's capital punishments.

REP. LAWLOR: Thank you very much. Are there other questions? Thank you. Next is James Wade. I said North America, South America, Central America. I think some of the Caribbean countries, for example, Cuba, has the death penalty. So there is no confusion.

JAMES WADE: Good evening, Mr. Chairman. Attorney James Wade of Hartford, I'm a private attorney. I appeared a week ago Saturday before the convening of the Supreme Court in that evening session they had on behalf of my client, the Missionary Society of Connecticut, which is a denomination of the United Church of Christ.

The issue that we raised with the Connecticut Supreme Court is that uniquely, we here in Connecticut, the issue of commutation lies with you folks. We are one of three states in the Union where the death penalty exists where the commutation or pardon of the death penalty does not lie with the Executive Branch. It lies with the Legislative Branch.

This goes back historically to your rule as sort of a common court of council, way back to the colonial days. What you've done is you've delegated your responsibility to a portion of the Executive Branch, not to the Governor, but to the Board of Pardons and Parole. Last year, you adopted P.A. 4-234 and created a new agency called the Board of Pardons and Parole.

In that bill, that act, you delegated to the chairperson, not to the board, but to the chairperson, the language is, the chairperson shall have the authority and responsibility for adopting policies in all areas of pardons and parole, including commutations from the penalty of death. That is your language that you adopted a year ago.

The trouble is we don't want to adopt any rules and come back to you folks for your rule-making oversight. So they haven't adopted any rules. They are just ignoring you. The chairman of the Board of Pardons and Parole says, this is his lawyer, the Attorney General speaking to the Supreme Court last Saturday, he said, I don't have to adopt any regulations. Why? Because it's just a policy. If it's only a policy, I don't have to adopt the regulations.

Well, you passed another statute, but some of these lawyers, we actually look at the law. General Statute 4-168 provides [inaudible] that a regulation is each agency's statement of general applicability without regard to its designation.

It implements, interprets or prescribes law or policy. Well, I guess we do have to have a regulation. The justices of the Supreme Court said to me, oh, Mr. Wade, don't you agree that you should be over there at the General Assembly, looking for a lead from them? They did indeed sell me out on standing.

They said my client [inaudible]. I said, right. I will be there. Just give me the chance. At that moment in time, I was making every effort to see if the execution of Michael Ross could be brought to a halt. Well, as it works out, it's been brought to a halt. The situation is beyond my control.

I'm here on the first step of a process because you will be seeing more of me and my client. Now, we will propose regulations to the Board of Pardons and Parole. We will say, follow the statutes. Do what you have to do. If they don't do that, we'll be back in front of you asking you to subpoena them before you and ask them, why aren't you adopting rules that we said you had to do?

They can't just do an Enron on the Legislative Branch. Your legislative oversight provision is the check and balance to make sure there isn't simply unchecked Executive Branch authority here.

REP. LAWLOR: Senator McDonald had a question.

JAMES WADE: Yes, Sir.

SEN. MCDONALD: Thank you, Mr. Chairman. Good afternoon, Mr. Wade.

JAMES WADE: Good afternoon, Senator.

SEN. MCDONALD: I actually want to jump back a little bit to the beginning part of your testimony. That is, with respect to the historical role that the Legislature plays in the commutation of sentences. As you correctly point out, that function was delegated by the Legislature when the Board of Pardons and Parole was created.

That makes sense when you look at the Constitution of the state where the Governor has a right to issue a reprieve pending the conclusion of the next session of the General Assembly. It's a very limited role, sort of a secondary role, if you will, to the inherent role of the Legislature, at least historically.

My question for you, if that is a function historically of the Legislature that is within our core legislative autonomy, if you will, could it properly be delegated to a Board of Pardons and Parole, which is not within the Legislative Branch?

Secondly, if it could, could the Legislature revoke it without the acquiescence of the Executive Branch?



JAMES WADE: I believe it could. I believe this is the opinion of the council now. I believe that you could revoke it and not have to worry about the Executive Branch, the Governor vetoing your legislation because the Governor has no authority over the issue of commutations, pardons, and parole.

Now, that may result in a challenge in our court system. I believe that because of the historic function of Pardons and Parole being vested with the Legislative Branch. Then while you delegated some authority and should have your rule-making power to check what they're doing, if you took it away, if you took that away, I don't believe that the Governor has got anything to say about it.

This is within your purview. It is an ancient and historic function. There is a reason we're called the Constitution State. Our little Constitution is older than the big one. We've been around longer, and a lot of our ideas went into that.

So I believe that if you hark back to the beginning of your powers, you could do it without any Executive Branch authority. Now, the reason I'm raising the rule-making issue for you is time, frankly. I believe that would be a vehicle, if you are interested in doing it, a vehicle to avoid the whole fight over Executive Branch versus Legislative Branch.

You have subpoena power. Just haul them in here and start asking them questions, the Executive Branch. Why are you not developing the rules? We will provide, my client will provide a framework of rules that you may or may not agree with. We're not suggesting you have to adopt what we say, our set of rules. It is a starting point.

Representative Dyson said he wanted to create a dialogue. Whether we like it or not, Michael Ross has created the dialogue. He started this train on the track, and it's running like crazy. We're operating under this bizarre timeframe.

We had these magic dates we all had to meet. The dates, they were set by some judge, and they are susceptible to be changed by a judge. Now, as a deliberative body, you should be saying, time out. Let's slow down and look at this thing.

Typically, you pass legislation without an eye towards a specific case. I'm not talking about the death penalty. Any legislation you pass should do with a general application. I represent clients. I represent your children, your husbands, and wives. When they come to see me, it's not a case. It is my client.

I can assure you, you'll be asking me, Attorney Wade, do whatever you have to do to protect the interests of my son, my daughter, my husband, my wife. That is why I'm saying, you could do this without a necessity.

SEN. MCDONALD: Okay. So given your answer, that is a function, a core function of the Legislative Branch.

Then my follow-up question is, if the Board of Pardons and Parole is not promulgating regulations, and I don't know if we will or not, but if we haul them in here, as you say, with a subpoena, I suspect they would come voluntarily, but regardless, if they came before us and we passed some type of legislation, be it a bill or a resolution, since that is a direct oversight function, if you will, of a delegated legislative responsibility, would that require Executive Branch approval?

JAMES WADE: If you do it by a bill, it probably would.

SEN. MCDONALD: But would it have to be done by a bill, if it's overseeing the legislative--

JAMES WADE: Yes. I suppose we're coming back to your rule-making authority. Legislative oversight is what falls into that category. I have been involved in cases on the opposite side of that issue, where I challenge your rule-making authority.

I'm saying, you're overstepping your bounds on occasion when the Legislature gets involved in passing by rules that which I claim should be passed by statute. So this is a very gray area here, and it is on purpose that it's a gray area. It is what they call the interstices.

SEN. MCDONALD: I am asking you to help, at least me, navigate that gray zone.

JAMES WADE: Sure. How would you do that, right?

SEN. MCDONALD: In your opinion, does the Board of Pardons and Parole, when it is exercising its functions of considering commutation applications, does it report to the Legislature or does it report to the Executive Branch?

JAMES WADE: It's supposed to report to you, and it is not doing that.

SEN. MCDONALD: Thank you.

REP. LAWLOR: Just so it's clear in my mind, I suppose the bill option has to be signed by the Governor.

JAMES WADE: Right.

REP. LAWLOR: Theoretically, you could do it by resolution.

JAMES WADE: Right.

REP. LAWLOR: You could commute the sentences. You know, Illinois was in a similar situation. Their whole death penalty thing turned into a complete and total mess. The Governor there, the end result was they simply commuted all the sentences, and that was the end of it.

So theoretically, I mean, I don't know how much of a mess this one is going to turn into with Michael Ross and others, but that is an option. By resolution, we could apparently do something like that.

JAMES WADE: Right. The way I read the statute in which you told the chairman he had the responsibility of defining these policies, he hasn't done that. So it seems to me that you can ask him why he hasn't done it. Maybe he's got a good reason. I just can't get near him because I don't have standing. I'd have to ask my client.

REP. LAWLOR: That raises another interesting question for me. Apparently, you couldn't get to first base in the Supreme Court because of this standing issue, right?

JAMES WADE: Right.

REP. LAWLOR: Because you, in effect, were representing--

JAMES WADE: The Missionary Society, which has had a long history of opposing the death penalty. I equated them to like a Sierra Club, which tries to protect the environment. I made the argument. You let them in to protect the tree. You don't let them in to protect the--

REP. LAWLOR: Well, the Supreme Court decided otherwise.

JAMES WADE: Right.

REP. LAWLOR: But here is my question. You know, it didn't have to be you, theoretically in some future death-penalty case or maybe in the future in the Michael Ross case. He or his attorney or another condemned inmate's attorney could be there making the exact same argument.

JAMES WADE: Right.

REP. LAWLOR: So what do you think would happen if that were to be the case, if they showed up and there were no regulations, no procedures? If you called over to the Board of Pardons and Parole and asked them, what form do I fill out to apply for commutation, and they said--

JAMES WADE: Yes. I believe that based on the questioning the seven members of the Court had of the Attorney General, most particularly Judge Lavery and Judge Dranginnis, I believe they would come to grips with the fact that this is, to use Judge Lavery's phrase, an effort to circumvent the rule-making process.

He clearly questioned the Attorney General on that subject. In my opinion, there wasn't a good answer. Judge Dranginnis asked a very legitimate question. That is, the Board, could the whole Board overrule the chairman? Once again, the Attorney General said, I don't really have an answer for that. So it is all very messy.

In part, it is because when you delegated the authority, you said, under the statutes, come back to us with a set of rules. They haven't done that, so you've got all this fuzzy stuff out there.

If we're going to kill them, we're going to kill them. In an ethical society, we should do it by some set of rules. For example, what are the criteria for commutation? Is it totally subjective? Everybody says Michael Ross is a poster boy for a bad result. Michael Ross, his history, does that set the criteria for the future?

One of the issues that is being debated is who could ask for a commutation? Is it only the prisoner or can anybody? The Attorney General in 1996 gave an opinion then saying that anybody could ask for the hearing. Indeed, they could do it [inaudible] without anybody asking.

Now, we've got a client. He comes in and says, no, only the prisoner can ask for the commutation hearing. What is this?

REP. LAWLOR: I know beyond the capital cases last year, as you said, we reconstituted the whole process. We issued them a variety of directives to come back to us with regulations beyond death penalty cases. As far as I know, they haven't done that.

So rest assured, Attorney Wade, you're welcome to come back here when the time comes. We will be discussing that both with the Board of Pardons and Parole and the Department of Corrections, which provides the resources under the current scheme to the Board of Pardon and

Paroles to carry out their duties.

There has been some concern about how that is going to work. That has been a matter of concern for many members of the committee. I am aware of that.

JAMES WADE: I was asked the question by the court, where have you been, Mr. Wade? How come you weren't here when the statute was passed last June? I said, I didn't have a client until two weeks ago. I can't make this up. I have to wait until I get a client. Then I advocate a position.

That is why it was brought to my attention when my client came in and said, gee, there don't seem to be any rules. So we check it and find out there are no rules. Indeed, there is this opinion where the Attorney General says anybody can ask for this hearing.

Now, Mr. Everett, the chairman seems like a very nice fellow, a very nice fellow. He writes us a letter saying, sorry, nobody comes in here except for when the prisoner asks for it. I asked the rhetorical question of the court. I ask it of you. God forbid, he gets hit by a truck the next day. Does that rule change because he's dead? It's not written down anywhere other than the letter of the Missionary Society.

REP. LAWLOR: We have a few other questions here. Senator Handley?

SEN. HANDLEY: Thank you. I just want to pursue the issue of our taking over, in effect, the functions of the Parole Board. In doing this, by challenging them on the rules or regulations, are you suggesting that we would do this in individual cases, you know, one after the other or that this would be kind of a universal response?

JAMES WADE: No.

SEN. HANDLEY: That is not clear to me.

JAMES WADE: Clearly, I don't think you could do it on a case-by-case basis. What I do think you could do is set up a set of rules defined by this deliberative body, which sets objective standards for review, so that this Board and the next Board and the Board beyond that can say, yes, here is a set of rules that Legislature told us in the Executive Branch that we have to follow.

They are not free to make up these rules as they go along. They have to do it based upon what you tell them. Now, you could have done it in the statutes, but you did what you typically do in statutes. You said, we'll let the Executive Branch fill in the gaps with regulations.

The trouble is they are defying you. Maybe that is the wrong term. They are just not doing anything.

REP. LAWLOR: Representative Doyle?

REP. DOYLE: Thank you, Mr. Chairman. I have a question for Attorney Wade that he may or may not want to answer.

JAMES WADE: I can answer anything.

REP. DOYLE: I'll ask you, and you may not want to answer this question. In connection with Judge Chatigny's teleconference last Friday, I know your reputation, you are an experienced litigant in

Federal Courts, and I believe you spent many years here

I'm wondering if you would were willing to opine with me your position whether his conduct was an abuse of judicial authority. You may not want to speak. I would know why you don't want to.

JAMES WADE: Let's start with the facts. That is, what people forget is that the case was and still is before him. The case was not dismissed, and it was not withdrawn. All the U.S. Supreme Court did was vacate the stay. So what Judge Chatigny had before him was a pending piece of litigation.

The State's Attorney's Office and, or the Attorney General's Office, for whatever reason, did not choose to move to dismiss the case. So there it sits. Judge Chatigny receives two new pieces of evidence, one a letter from a prisoner and one an affidavit from a retired warden.

As a judge, he goes, huh, that is new evidence. I didn't know that before. Nobody knew that before. So he then summons all the parties. I wasn't on the call because I wasn't on that case. He summons all the parties, the A.G.'s Office, the State's Attorney's Office, the Public Defender, Mr. Santos who represents [inaudible] and Mr. T.R. Pawling.

Mr. Pawling, by the way, I know personally, a terrific lawyer, very conscientious lawyer. What the judge raised with him, Mr. Pawling, you are not a psychiatrist. You are just a lawyer. You are there saying, nothing wrong with my client, looks okay to me. You're in no position, Mr. Pawling, to say that.

He, the judge, was saying to him, if indeed, a post-execution investigation reveals that there was an issue here, then I, as a judge, am going to be taking a look at whether or not you provided effective assistance to council. I get [Gap in testimony. Changing from Tape 3A to 3B.]

--business we're in. Here, the judge was triggering it ahead of time. People say, oh, proactive judge. If you knew Judge Chatigny, he is not a proactive judge. Most of us who do this would rather head in the other direction than have to show up in front of him on a lot of these cases.

Proactive judges are the ones down in Texas, Alabama, and Arkansas where this a so-called rocket docket. These things move through the system, and people get killed fast down there. That is a proactive judge.

REP. DOYLE: Just to follow up, Mr. Chairman. Do you think the statement regarding revocation of his license was appropriate? Did maybe that go a little too far?

JAMES WADE: Well, I didn't hear it. I haven't seen the transcript. I've read what the *Hartford Current* says. They're known for reporting stuff accurately. I would want to wait and see before I made any comment on it.

REP. DOYLE: Okay. Thank you.

REP. LAWLOR: And I think it should be noted, Attorney Wade, as was indicated earlier today, apparently Dr. Norca, who did the examination on Michael Ross, did say publicly that had he had those two documents, that might have changed his opinion. He should have been supplied with those documents.

JAMES WADE: That is correct. Attorney Santos, who was here earlier, has had in hand that affidavit. Doctor Norca, the state's doctor, who had not seen the documents in question said, in the affidavit that was filed by Mr. Pawling today, that he might have, he didn't say he would, he might have issued a different opinion.

Now, when Attorney Gerry Smyth brought that to your attention, Mr. Santos said, that is about all I want to say, so I am out of here.

REP. LAWLOR: Next is Senator Roraback, and then Senator Cappiello, and Representative Farr.

SEN. RORABACK: Thank you, Mr. Chairman. For the record, when I first was made a member of the Regulation Review Committee, I asked the administrator, in how many instances has the Legislature commanded that an Executive Branch agency promulgate regulations? How many times have asked an agency to do that, and how many times have they snubbed their noses at us?

The answer that I got from the administrator of the Committee was, the instances are too numerous to mention. You, the Legislature, all day long tell agencies to promulgate regulations. Unless you ride hard on them, they never have the staff. They never have the time. They never have the interest, and it never gets done.

JAMES WADE: Right.

SEN. RORABACK: So maybe now would be a good time for us to catalogue not only this particular instance, which is a life-and-death matter, it just seems the agencies do not ask how high when they are in the air.

JAMES WADE: I have a case right now involving DCF. DCF hasn't promulgated their regulations regarding listing people in the child abuse registry. I went to the Second Circuit Court of Appeals and got a decision flipped because they haven't got any rights. Now, they've come to you three times. Three times, you've turned them down.

SEN. RORABACK: Right. That is different, though. At least they have come to us with regulations. The instances where they just totally disregard us and never come back with regulations are too numerous to mention.

So where I'm going with all of this is, wouldn't it make more sense for us to just tell them what to do rather than to look for them to do the work? If we're serious about there being a body of regulations, we can just codify them and be done with it.

JAMES WADE: Codify, codify, you could do that.

SEN. RORABACK: We can put it in statute. There shall be a process. You shall go to the Board of Pardons and Parole.

JAMES WADE: That is right.

SEN. RORABACK: Can we do that or no?

JAMES WADE: See the thing is, though, for example, with DCF, they've come to you. You've turned them down three times, but they are still running their--

SEN. RORABACK: Right. They are still doing what they did.

JAMES WADE: --they are still doing it, okay, and nobody stops it until someone like me comes along.

SEN. RORABACK: I'm just suggesting that the path of least resistance for this committee might be to just come up with what we think the right criteria should be and do it.

The last question I have is, you may not have standing to ask for a commutation, but could you try a writ of mandamus to compel them to issue a body of regulations?

JAMES WADE: See, that is what I did. The way I approached it was I filed what amounted to an administrative appeal from being shot down from going before them. Then in my application for a temporary injunction, that is where I asked for an order of mandamus to compel them not only to hold a hearing, but to let me in. The Supreme Court said--

SEN. RORABACK: You didn't even have standing for that. How about in the abstract? Would you have standing in the abstract?

JAMES WADE: --well, I agree with what the Chairman said. That is, the next prisoner in line on the death penalty, he clearly has standing.

SEN. RORABACK: Right.

JAMES WADE: Now that this issue has been triggered, and massaged, and identified, my guess is that his lawyer will be raising the issue. That is what I think will happen.

SEN. RORABACK: Thank you, Mr. Chairman. Thank you, Attorney Wade.

SEN. MCDONALD: Thank you. Next is Senator Capiello.

SEN. CAPPIELLO: Thank you, Mr. Chairman. Thank you, Attorney Wade for your testimony. Excuse my lack of knowledge on this issue. I am not an attorney. Before last year, are you saying that the Legislature itself had the power to commute the sentence of anyone serving on death row?

JAMES WADE: No. You delegated that.

SEN. CAPPIELLO: Before last year?

JAMES WADE: Yeah, but it was in the Board of Pardons. What you did was you merged the two, Pardons and Parole, merged the two, created a new agency, and set up some rules. The old Board of Pardons still had that authority because you delegated that from a long time ago.

SEN. CAPPIELLO: So do you know who delegated that to them?

JAMES WADE: I haven't a clue.

SEN. MCDONALD: Senator, there is actually a very helpful OLR report that was done for this committee on exactly that issue.

SEN. CAPPIELLO: Thank you very much, Mr. Chairman. So just one more question, do you find it at all ironic that we are talking about forcing them to come up with some regulations and guidelines that we seem to have advocated our authority some time ago because we didn't want to do it?

We gave it to them. Do you find that at all ironic? We're not

willing to do it, but we are trying to force them to do it.

JAMES WADE: Sure. This is a hot-button issue. The death penalty is always a hot-button issue. It is not too popular amongst those in the Legislative Branch who all have to run for office. We can all read the polls, just like everybody else. Eighty percent of the people out there say, I want Michael Ross killed. All right.

For you to have to go home to your constituencies and say, well, gee, I'm going to jump in, and I'm going reform the whole death-penalty rule, that is not a popular place to be. So as I said earlier, Michael Ross started this train on the track. The trouble is that it's running at a breakneck speed.

Everybody is doing their duty, quote, unquote, under artificial timelines, not the way to pass rational legislation. That is not the way for you to consider this. That is not the way for all these people here to come to you with their very emotional testimony.

I am just a trial lawyer. I have a case. I look at the case, and I say, gee, no set of rules. It sounds like the due-process clause is invoked here. That is what we do. My client is a bunch of very well-meaning citizens. We don't care about Michael Ross. We don't care about him. What we care about is the system because the system is all of us.

If we claim to live in an ethical society, and I use the term ethical as opposed to sort of a moral society, an ethical society has rules that bind us together, so we don't kill each other. You know, *Lord of the Flies*, these children all get together on the beach and decide they're going to set up rules together. That is what this is about.

You folks are charged not with deciding, am I going to follow some ecclesiastical rule that one particular religious group happens to like? I've noticed that several of the religious who have come here have said to very clearly, from my point of view, from my perspective.

I applaud them for saying that because they are not imposing their religious beliefs on you, and neither am I. I'm talking about just plain old ethics, just an ethical society. If an ethical society is going to kill somebody, they ought to do it with a set of rules. That is all I'm saying.

SEN. MCDONALD: Thank you. I believe Representative Farr had one final question.

REP. FARR: Yeah. Good afternoon.

JAMES WADE: Good afternoon.

REP. FARR: You had indicated, you know, this is not a hearing on Michael Ross. Obviously, many of us have followed the case only from reading newspaper articles, so we don't know all the background.

You made some statement about Attorney Pawling saying that in his opinion, Michael Ross was competent.

JAMES WADE: Right.

REP. FARR: But my understanding of the newspaper articles was that there was, in fact, a hearing in Superior Court that made the determination that he was competent.



JAMES WADE: You want to put that term hearing in quotes. It was not an adversarial hearing.

REP. FARR: It wasn't adversarial, but when there is a competency hearing, is it normally adversarial?

JAMES WADE: Certainly.

REP. FARR: When someone seeks, if I, as an attorney of a client who is not competent, assist in their defense or you as an attorney, and the court orders an exam, has it now become adversarial?

JAMES WADE: It depends on the context.

REP. FARR: But it isn't always adversarial.

JAMES WADE: Sure. Let me give you an example. I've represented parents of children, adult children, where the child has some serious psychological problems, and is doing really weird behavior. And the parents say, we want to commit him to institutional living or a psychiatric hospital.

Now, that young person is going to get out in 30 days. Under those circumstances, he says, I want out. The doctors say, we think he should stay in. An adversarial hearing takes place in which a guardian ad litem is appointed to the young person. I represent the parents. We hear each other out. The judge hears everybody out.

As I understand it, in the Michael Ross situation before Judge Clifford, there was a doctor from the state who came and testified and said, yeah, he seems okay to me. T.R. Pawling, his lawyer, says, seems okay to me. The State's Attorney said, seems okay to me.

REP. FARR: Well, but the adversarial process you just described was when a young person said that I am, in fact, competent, and the adults were saying, no, you are not.

JAMES WADE: Right. Here--

REP. FARR: In this case, there is no disagreement. Michael Ross is saying, I am competent. His attorney is representing him. The doctor is saying he's competent. Why are you going to bring in someone and appoint someone as a guardian when there the attorney has no reason to believe he is not competent, when the individual believes that he is competent, and when the doctor believes he is competent?

JAMES WADE: The issue that arose was whether or not--

SEN. MCDONALD: Mr. Wade, excuse me, Representative Farr, I'm not trying to interrupt your question. I am trying, however, to keep this focused on the two bills that are before the committee, not the details of this case.

REP. FARR: Right. I understand. I'm just reacting to the facts that you indicated that Attorney Pawling was using his own judgment. It is my understanding that there was a hearing in Superior Court, which is typically done in the fashion, as I understand it, as a hearing for competency. The doctors come back and say you're competent. It's not adversarial.

JAMES WADE: The issue here was Michael Ross being a volunteer to do what he wanted to do.

REP. FARR: So there was a hearing. Then I also understand that there was the Supreme Court in Connecticut that also heard a case in which there was an offering by the court to ask the parties in that case, by petition, to offer evidence that he was incompetent. The Supreme Court didn't agree. In fact, there was another hearing on competency before Judge Downey.

JAMES WADE: In none of which was this new evidence introduced.

REP. FARR: Right. I understand that. It wasn't Attorney Pawling.

SEN. MCDONALD: Thank you.

REP. FARR: Thank you.

SEN. MCDONALD: Are there any other questions for Mr. Wade? Seeing none, I appreciate your testimony.

JAMES WADE: Thank you very much.

SEN. MCDONALD: Next is Amy Harris followed by Joshua Rubenstein and Martha Buck.

AMY HARRIS: Hello [inaudible]. I'd like to make two quick points today. One is about victims and loss. The other is about the machinery of death in the hands of government.

I don't know the horror of losing someone to tragic murder. I do know, however, the pain of losing people to tragedy. I've lost two sisters tragically, one to suicide one year ago. My youngest sister died 16 years ago after being hit by a drunk driver.

My family and I were not interested in revenge against the driver. We did not want to see him suffer. We did not want to see his life ruined forever. We didn't even care if he went to jail. Our only hopes were that the driver felt remorse, and he did, and that he have access to and avail himself of rehabilitation, which he also did.

I wrote to him in jail, and he apologized. He said he was going to AA, that he was taking classes, and talking to the minister. I speak for my family when I say that is all we wanted.

The second point I would like to make today has to do with the power of government to kill its own people. This struck me with great force last Thursday, January 27<sup>th</sup>, as the world commemorated the 60<sup>th</sup> anniversary of liberation of Auschwitz. German citizens could not believe that their government would kill them.

I thought of the victims, their families, survivors, and the horror of it all. Then I thought, how ironic that two days later, our government was trying to deliberately and chemically kill someone.

One may say that neither of these situations are similar to what we are discussing here today. My family's tragedies aren't like the tragedies and losses of those murdered in another way. Germany and Connecticut are nowhere the same. Of course, no two situations are the same, but I think that we can look at some of the parallels. Thank you.

SEN. MCDONALD: Thank you. Are there any questions? Thank you very much. Joshua Rubenstein.

JOSHUA RUBENSTEIN: Yes, Mr. Chairman.

SEN. MCDONALD: Followed by Martha Buck and John Kardaros.

JOSHUA RUBENSTEIN: I would like to thank the members of the Connecticut General Assembly and particularly the leadership of the Judiciary Committee for holding these important hearings on the death penalty and for allowing me to testify.

I am someone who was born and raised in New Britain, Connecticut and who has worked as the Northeast Regional Director of Amnesty International, USA for nearly 30 years. Amnesty is the largest human rights grassroots organization in the world. I am honored to be with you today representing more than 7,000 members and 48 local and student Amnesty chapters here in Connecticut.

If there is one aspect of the death penalty that Amnesty International is best suited to address, it is how capital punishment is administered around the world. The United States stands virtually alone among advanced, industrialized, democratic societies in retaining the death penalty. Every year, countries codify their reluctance to execute prisoners.

France, in 1981, Argentina and Australia in 1984, Haiti in 1987, Romania in 1989, Hungary, Ireland, Mozambique, the [inaudible] Republic, and Namibia in 1990, in 1999 alone, Albania, Bermuda, Cyprus, East Timor, Latvia, Nepal, Turkmenistan, and Ukraine all effectively abolished the death penalty. Moreover, it is not sheer coincidence that so many countries have abolished the death penalty as part of the transition to a more democratic form of government.

In countries as diverse as Haiti, Paraguay, and Romania, Spain, Portugal, and Namibia, the death penalty was abolished once dictatorships came to an end.

In South Africa, back in 1990, the Apartheid government declared a moratorium on the death penalty when it release Nelson Mandela and opened negotiations with the African National Congress. This process reached fruition in 1995 when capital punishment was abolished altogether in the new South African Constitution.

We all understand what happened in each of these countries. The death penalty was understood to be part of the apparatus of a dictatorial state, the repressive machinery of a dictatorial state. Once a more democratic society could be established, there was a fundamental determination to do away with the most terrible prerogative that any government can exercise, the power of life or death over its own citizens.

It is an unsettling awkward fact that the four countries that account for 84% of recorded judicial executions in the year 2003 are the United States, China, Iran, and Vietnam. Why should a great progressive state like Connecticut count itself among such countries as China, Saudi Arabia, and Cuba when all the countries whose political traditions we claim to share, the United Kingdom, Canada, France, Ireland, Israel, and Italy, among many others, have long since abolished the death penalty? Thank you.

SEN. MCDONALD: Thank you. Are there any questions? Thank you very much. Martha Buck followed by John Kardaros and Rebecca Michel. Martha Buck? I believe Rebecca Michel has already testified.

REBECCA MICHEL: Yes, I did.

SEN. MCDONALD: Thank you. So Mr. Kardaros followed by Christine

Halfar.

JOHN KARDAROS: Good afternoon, Mr. Chairman and members of the committee. I am here today to plead with. You have a historic opportunity to end the barbaric practice of state-sponsored murder, cold-blooded execution. In Connecticut, there is no doubt, historically, that numerous people have been executed in the state. We can assure that that will not happen again by not executing people.

I would much more like to be like Rhode Island, which hasn't executed anybody since 1845 or Maine, which has never executed anybody. The death penalty says more about us than it does about the people that we put to death. What kind of people are we?

My understanding and education from law school tell me that in our country, justice is a process and result in any particular case. I would like to suggest to members of the Committee that the best justice is the justice in which people are restored to the community, people who have committed offenses against our nation and our state and the people in it somehow be restored.

In the case of particularly heinous people, it happens to be in jail for the rest of their lives. It's a means to restore us, and it tells a lot more about us. As I sit here today in front of this committee, I could only wonder what it would have been like in 1720 to have been in front of a committee to argue against slavery, to be arguing in front of a committee in 1920, arguing against Jim Crow or corporeal punishments or the equality of women in society.

They were not popular ideas at the time. Historically, they were found to be right. With corporeal punishment, slavery, and Jim Crow, we were one of the last nations in the world to give that up. I submit to you that the parallels between the death penalty and these outdated and anarchistic practices are similar in a lot of ways, including the name we call ourselves, abolitionists.

SEN. MCDONALD: Thank you very much. Are there any questions? Thank you for your testimony.

JOHN KARDAROS: Thank you.

SEN. MCDONALD: Christine Halfar followed by Sandra Olson and Sister Eileen Reilly.

UNIDENTIFIED SPEAKER: [inaudible - microphone not on.]

SEN. MCDONALD: Okay. I'm sorry. You're Ms. Halfar? Thank you.

UNIDENTIFIED SPEAKER: Thank you, Mr. Chair.

REP. DYSON: Mr. Chair?

SEN. MCDONALD: We're going to hear the testimony first.

REP. DYSON: But I want to talk before he gives his testimony.

SEN. MCDONALD: I'm sorry?

REP. DYSON: I want to talk to him. He looked like somebody I recognize. I just wanted to find out how he's doing. How are you doing?

BISHOP PETER ROSAZZA: Fine, thanks.

REP. DYSON: Good. Thank you, Mr. Chairman.

SEN. MCDONALD: Please, proceed.

BISHOP PETER ROSAZZA: I'm Bishop Peter Rosazza with the Archdiocese of Hartford, but representing the Eight Roman Catholics Bishops of Connecticut within the Connecticut Catholic Conference with Sister Suzanne Gross who also works with us.

I am here to speak in support of the abolition of the death penalty and the provision for life in prison without parole as an alternative as contained in H.B. 6012.

Obviously, we speak from our perspective. I would like to use my time by raising some of the objections to the abolition of capital punishment in our state.

First, people say an eye for an eye and a tooth for a tooth. In other words, if someone kills another human being, he or she should be executed. Those Christians who quote that passage never refer to Jesus' words. He quotes this in the Gospel of Matthew, but I say to you, do not resist an evildoer. If someone strikes you on the right cheek, turn the other also.

In this text, Jesus teaches his followers to stop the cycle of violence as he himself did during his horrible passion when he chose to absorb the violence thrust on him.

Another objection is that society must be protected. We've heard that today. Pope John Paul II in his Encyclical Letter or the Gospel of Life advocates for the respect of all human life from conception until natural death. He says it is clear that the state ought not to go to the extreme of executing offenders, except in cases of absolute necessity.

In other words, when it would not be possible to otherwise defend society. Today, however, as a result of steady improvements in the organization of the penal system, such cases are very rare and practically nonexistent.

It seems to me that our maximum-security prisons in Connecticut, which I visited frequently for 40 years as a priest and bishop, offer the kind of protection to which the Pope refers. What about victims and their families? Don't they deserve the right to see the one who perpetrated the crimes against them suffer and die?

I cite the example here of Mr. Bud Welch whose only daughter died in the atrocious bombing of the federal building in Oklahoma City nearly 20 years ago. He spoke at an ecumenical service Wednesday, January 28<sup>th</sup> along with Reverend Kyle Everett who is here with us today.

He came to the realization that human beings were not made for vengeance and hatred. Rather, one finds peace of mind only through reconciliation and forgiveness, as difficult as these are to pursue. He did pursue them, even reaching out the Timothy McVeigh himself and McVeigh's family in western New York knowing how despondent they felt over their son dying.

Mr. Welch is now a member of an organization that has over 3,500 members called, Families of Murder Victims Against the Death Penalty. Perhaps the most prominent person in this category is Coretta Scott

King.

Certainly, murder is a heinous crime, and the state execution of these murders, however, can only contribute to the further erosion of respect of life in our society, whereas we should be striving to create a culture of life.

Representative Lawlor referred to Houston, Texas in this regard. I wish to add that the Connecticut bishops have engaged, over the last two weeks, in a statewide petition drive to abolish the death penalty.

With still 84 parishes left to report, there are a total of 38,000 signatures. This is a strong indication of the objection by many people to capital punishment in Connecticut. Thank you.

SEN. MCDONALD: Thank you, Bishop. Are there questions? Senator Meyer?

SEN. MEYER: Bishop, it was a pleasure to meet you earlier this afternoon.

BISHOP PETER ROSAZZO: Thank you.

SEN. MEYER: While you and I didn't rehearse it, I wonder if you would elaborate a bit upon your concept of the sanctity of life that would discourage the death penalty.

BISHOP PETER ROSAZZO: It was a concept that was developed some years ago by Cardinal Joseph Bernadin who died, as you know, of cancer. It was called the consistent life ethic or the seamless garment. In other words, respect for human life is from conception through natural death.

So within that framework falls the execution of a person who has committed a capital crime. So being consistent, we say that even that life should be spared. If you want, I can develop that.

REP. MEYER: That is what I was asking you to do, but that is helpful, what you said.

BISHOP PETER ROSAZZO: I think that is why our church is opposed to abortion, embryonic stem cell research, and euthanasia. That is why our church is in the forefront of feeding the hungry, caring for the sick, sheltering the homeless, educating the poor, all for respect of human life.

SEN. MCDONALD: Other questions? If not, okay. Representative Dyson? I'm sorry.

REP. DYSON: That's all right. I'll talk to him later. It is just good to see you, Sir.

BISHOP PETER ROSAZZO: You too.

REP. DYSON: Thank you, brother.

BISHOP PETER ROSAZZO: Yeah, you too. God bless you and Tony too.

SEN. MCDONALD: Sister Gross?

SISTER SUZANNE GROSS: We're going to collapse our presentations. Many of the things that the Bishop covered were covered in what I was going to say. We did want to note that Christine Halfar who offered

the position to us did want us to plead with the Judiciary Committee that this go to the full General Assembly for review. That was her one topic that he hadn't covered. Thank you.

REP. LAWLOR: Thank you, Sister. I think the leadership of both the House and the Senate have indicated that one way or the other, this will be debated and voted on in both the House and the Senate. Thank you.

BISHOP PETER ROSAZZO: Thank you.

REP. LAWLOR: Next is Sandra Olson.

SANDRA OLSON: [inaudible - microphone not on]

REP. LAWLOR: Next is Sister Eileen Reilly. As Sister Reilly comes up, let me just mention that at the outset or in the bulletin or elsewhere, it was made clear that we would reserve from 2:00 p.m. to 7:00 p.m. for the purposes of this public hearing.

We switched to a lottery system to attempt to be as fair as possible, so that persons could have an opportunity to present their views. It is obvious that we won't get through the remaining 50 or so people. For those of you who are not called upon, if you have a written statement, you don't need to give us 65 copies.

If you would like to give us a single copy or email one to us later on, anything like that, those will be included in the formal record of these proceedings. So with that, please, proceed, Sister.

SISTER EILEEN REILLY: My name is Sister Eileen Reilly. I come here today from Wilton. As I read through the list of executions in our state since 1639, I notice several things. First of all, there have been 126 or 165, depending on whose list you use, in those 266 years. That number is roughly equivalent to the number of executions in Texas during the past ten years.

Connecticut has always exercised restraint in regard to the death penalty. Secondly, I notice that from that list, witchcraft used to be a capital crime here in Connecticut, as was rape. Further, I noticed that several juveniles were executed, one as young as 12. That wouldn't happen now.

Another thing I notice is that the method of execution has changed over the years. Until 1936, hanging was used. At that point, electrocution became the method. Although it's never been used, the stated method since 1995 is lethal injection.

I also notice that unlike the public hangings of the 1700's, which occurred in broad daylight and included refreshments, attendance of any execution in Connecticut, now it seems, would be in the dead of night, behind closed doors.

Why do I bring all these comparisons forward? Very simply, because I believe they all point to what the Supreme Court calls evolving standards of decency that mark the progress of a maturing society.

I would like to suggest that the people of Connecticut need to continue that process of evolving our standards of decency to mark the progress of a maturing society. I'd like to conclude with a quote from Justice Harry Blackmun of the Supreme Court.

From this day forward, I will no longer tinker with the machinery of

death. For more than 20 years, I have endeavored to develop rules that would lend more than the mere appearance of fairness to the death-penalty endeavor. Rather than continue to coddle the Court's delusions that the desired level of fairness has been achieved, I feel obligated simply to concede that the death penalty experiment has failed.

The proceeding testimony was prepared prior to the last seven days. In those seven days, we have all watched as all the parties involved from Michael Ross to the U.S. Supreme Court have tinkered with the machinery of death. If this experience has taught us anything, I hope and pray it has taught us that this sort of tinkering brings nothing, but pain, hardship, and frustration for all those involved.

I was pleasantly surprised to hear this exact question about tinkering brought up earlier today. I beg you, all of you, to stop tinkering with the machinery of death and end the death penalty in Connecticut once and for all. Thank you.

REP. LAWLOR: Thank you, Sister. Are there questions? If not, thank you very much. Next is Paula Panzarella. Ms. Panzarella will be followed by G. Zinn, Joan Kembie, Peter Miha'ly, and Senator Bill Finch.

JOAN CAVANAGH: First of all, I'm not Paula Panzarella. She had to leave. My name is Joan Cavanagh, and I'm much further down on your list there, so you can cross me off. She did want me to bring up two points.

First of all, both the New Haven Board of Alders and the Hartford City Council have, over a year ago, voted to abolish the death penalty. A second point, there can be no deterrent to crime committed by somebody mentally ill, such as Michael Ross.

I find it really bizarre, there is no other way to state it, there would be any question of his competency or his, you know, mental state. I just think that's totally bizarre. Anybody who could commit these crimes is not a well person, and they need treatment.

My testimony, I have written on here, is in support of 6012. I hope it will soon go before the entire body. I hesitated to even try to speak today because I am not a theologian, a lawyer or a family member of someone who has been brutally murdered. I'm certainly not an expert.

I decided to try anyway because like all of us, I am a citizen of Connecticut. I am a human being. Of course, at my age of 50, I have lost many people I love to death. Some died young in wars that should not have happened. Others died of old age, others of diseases that might have been prevented or cured had government for funding for research been more proactive, and some of mental illnesses that caused them to take their own lives.

The sorrow of their passing will be with me until my own, but death is an immutable fact of life. Murder is not. Capital punishment is the sanitized legalistic term for state murder, murder. The term death penalty is the euphemism for it, as if the person is about to be sidelined from a ball game for a little while.

The word execution, which is the media term of choice these days in the Michael Ross case sounds almost noble. The truth is that the murder by the state of one of its own citizens is not sane, legal or noble. It is just murder.



To strap Michael Ross or anyone else to a gurney and inject them with lethal chemicals, turning a living body into garbage is as sick, bizarre, and horrible as what Michael Ross did to his victims in the throes of his mental illness.

Actually, it is more sick, bizarre, and horrible because, presumably, the state does not suffer from a collective mental illness. If the state proceeds with the execution of Michael Ross or any of the people on death row, and if the State Legislature and the Governor do not act immediately to abolish the death penalty, then perhaps I am wrong. Perhaps there is, indeed, a collective mental illness here to which we should be paying attention.

I want to conclude with some rhymes from a poem by the poet, Edna St. Vincent Millay, conscientious objector, written in 1931.

I shall die, but that is all I shall do for death. I will not tell him the whereabouts of my friends, nor of my enemies either. Though he promised me much, I will not map him the route to any man's door. I espy in the land of the living that I should deliver none to death.

Please, think about this. Representative Walker, I am one of your constituents and have called you many times about this and written you. Thank you.

REP. LAWLRO: Thank you. Are there questions? If not, thank you very much. Next is G. Zinn. Ms. Zinn will be followed by John Kembrie, Peter Miha'ly, Senator Bill Finch, Barbara Anders.

G. ZINN: I am Graziella Zinn, and I represent the Office of Urban Affairs of the Roman Catholic Archdiocese of Hartford. I am also the Coordinator of the Action for Justice Network, our parish legislative network for the State of Connecticut.

As faithful citizens, we recognize our responsibility to work for public policies that advance the common good and that respect the life and dignity of every person, even those found guilty of capital felonies. The Catholic Church, as Bishop Rosazzo pointed out earlier, teaches us to recognize that as a result of steady improvement in the organization of the modern prison system, and, hopefully, we are doing this in Connecticut, there are effective nonviolent means to ensure people's safety and to hold offenders accountable.

Punishment must have clear purposes, to protect society and to offer rehabilitation to those who are punished for their crimes. It is profoundly disturbing when the fatal injection cuts off forever any possibility of regret, remorse, rehabilitation, and most of all, conversion of another fellow human being.

Human life is a gift from God. It must be respected from conception to natural death. These are the moral grounds for our opposition to capital punishment.

Now, I would like to point out some other practical reasons. If the main motivation for imposing the death penalty is to make living in Connecticut safer, we should be more concerned about preventing crimes than executing criminals who are already safely behind bars and not walking our streets.

The most recent Homeless Shelter Demographic Report shows that in 2003, 10.7% of the homeless population who used Connecticut's shelters were affected by mental illness, and 26% were substance abusers. A 2001 report by the Surgeon General on violence quotes studies showing that the greatest risk of violence stems for the

combination of serious mental disorders and substance dependence.

In Connecticut, we have programs for drug-addiction treatment and community mental healthcare, but they are not sufficiently funded to address the need, as the statistics on homelessness reveal. Some funds to expand those programs could come from reducing sentencing costs.

As reported by the Public Defender Services in March 2002, the cost of capital felony prosecutions rises dramatically in the case of death sentences. The average cost per case of death sentences for the seven people on death row up to March, 2002 was \$380,000, while the average cost of sentences to life imprisonment without release and no penalty hearing was about \$80,000.

The death-penalty case that we are witnessing these days shows even more clearly the waste of financial and human resources connected with capital punishment. The Michael Ross case has been particularly costly, over \$1 million up until only March, 2002. I heard another \$1 in just the last few weeks.

If he had been sentenced to life in prison without release 15 years ago, we would have saved, in this case, alone millions of dollars, which could have been used to prevent other crimes, and many years of extra anguish of the families of his victims who have had to relive continuously horrendous events. As a mother--

REP. LAWLOR: If you could just summarize?

G. ZINN: Okay. As a mother of university students walking the streets of New Haven, I don't think my children are safer because we are executing Michael Ross while we insufficiently address the problems of some troubled people walking the same streets.

You are our legislators, and we elected you to promote the common good for all the people of Connecticut. Please, abolish the death penalty. It does not advance the common good, but rather only emphasizes revenge as a means of justice. Is that the image of Connecticut that we want to offer the world? Thank you for listening and the extra minute.

REP. LAWLOR: Thank you very much. Are there questions? If not, thank you. Joan Kembie? Is Joan Kembie here? Okay. Peter Miha'ly? Did I pronounce that correctly?

PETER MIHA'LY: Very well, thank you. That is unusual. Good evening, Mr. Chairman, members of the committee. I am a friend and a colleague of Marian Edwards. When her son was killed, I felt her pain, and it was deep.

As a psychiatric social worker, I also worked with many children who have killed. I knew the pain of their families. I am opposed to the death penalty, not because of any sympathy for the person being executed, but because of the impact that the killing of people who kill has on us. We have collective responsibility for that.

Behavior psychology shows that our personality and our emotions are shaped by our actions as much as the reverse. I'm concerned about the impact on our individual, and collective psyche, and especially that of our youth if we are unable to find a civilized alternative to state-sponsored killing as an instrument of justice.

We're rightfully appalled when we hear of beheadings according to the Koran justice and law. We're attempting to sanitize the act and

anesthetize ourselves by the means of killing that appears medical, but yields the exact same results, fear, coercion, and ultimately, death. It is merely less unsightly, and it is abhorrent to most Western civilized nations, as we have heard.

In response to the questions about what to do with these folks, I certainly fully support the bill before you, 6012, life imprisonment without parole. To the question of what to do with these folks if in their cleverness and the rare cases, they manage to commit another crime while already serving the maximum sentence, I pondered this.

I thought, Jonathan Swift made what he called a modest proposal, a proposal to alleviate the Irish potato famine by eating Irish children. I would ask you, would we support a modest proposal to, for instance, surgically, medically, neatly just amputate the hands and feet of these people, so that they could absolutely not commit any more crimes?

There are very few things in this life that we can guarantee absolutely, and perhaps we shouldn't seek absolute solutions. Perhaps we should trust that the people that we've empowered in the corrections system and that our own compassion will guide us in what to do with these people if we just take this more civilized and more limited way of protecting society.

So, please, I ask you, abolish the death penalty and enact H.B. 6012 in support of the permanent life imprisonment without parole. Thank you.

REP. LAWLOR: Are there questions? If not [inaudible].

PETER MIHA'LY: [inaudible]

REP. LAWLOR: Senator Finch? Barbara Anders? Is Barbara Anders here? Tom Beveredge? Mr. Beveredge will be followed by Paul Hibbard, Mary Gonzalez, and Anthony Armelin.

TOM BEVEREDGE: Good afternoon. In the interests of time, I'm going to try to summarize what I had to say here as much as possible. I do have lots of copies. If you point me where to leave them, I'll leave them.

REP. LAWLOR: We'll do that for you.

TOM BEVEREDGE: I have very deep roots in the Constitution State. I was born here. I have lived all my life here with just a few years away. I currently reside in Bloomfield. I am an ordained United Methodist clergyman and a professional pastor counselor.

What I really wanted to share with you today is this. In the course of clinical training, we pick up certain principles. In the course of our practice in counseling people, we pick up [Gap in testimony. Changing from Tape 3B to 4A.]

--to how we think in this business. The three things I wanted to lift up were these.

First, a good working definition of neurosis is persistence in behavior that does not and will not work. Second, when you are miserable, and you're behavior is not working, the only way to get out of such a bind is to change your behavior first. If you wait until you are feeling better and then you're going to change your behavior, nothing much tends to happen.

Third, psychopathology is better understood by looking at systems than at individuals. There have been others who have commented this afternoon that what we are talking about is the system. This is not about Michael Ross. It is not about an individual case. It is about something that is quite ill with our collective.

I have looked at how I think that these principles apply themselves to the current situation. In the past week, events have made us all miserable. I think that is safe to say. In the effort to actually carry out one execution in our state, there are many issues around capital punishment, ambiguities and strong feelings.

I think that one thing we can agree on is that no matter how we felt before, at the end of the past week that we've lived through, I don't see how anyone can really feel very good about this. Finally, the only way to relieve this misery, which will be repeated as long as this statute is on our books, is to abolish it.

If you believe as I do, that neurosis is persistence in behavior that does not work, that action has to come before we feel better rather than the other way around, and that the system rather than the individual is where problems like this really come from, then the truth becomes very clear.

As things now stand, we are seriously and systematically ill, collectively. Together, we are all ill. So I would urge you to report this bill out to an open discussion in the entire General Assembly.

Finally, I did jot down just a list of things that we can spend all of those millions of dollars that we would save, which in response to the question that was repeated several times about deterrence, equal access to education, healthcare for all. There are 46 million people without it in our country. Poverty issues, address those and racism issues, gun control, issues having to do with violence in our society.

On a national level, there is our thirst for solving problems with war. Churches and schools and others create nurturing communities for children and youth, and an abolishment of the death penalty itself, which teaches that violence is the way to respond to violence.

I think that might give us some ideas as to how we could spend those millions. Thank you very much.

REP. LAWLOR: Thank you. How about even providing assistance to victims of violent crime? That might not be a bad idea either.

TOM BEVEREDGE: I forgot to say, I did not know until this morning that it was limited to ten sessions of counseling. As a counselor, I can tell you that is way off the mark. Yes.

REP. LAWLOR: Thank you. Are there other questions? If not, thank you very much. Paul Hibbard?

PAUL HIBBARD: [inaudible - microphone not on]

REP. LAWLOR: Fair enough. Mary Gonzalez? Is Mary here? Anthony Armelin?

RENNY CUSHING: I am not Anthony Armelin, but he told me I could speak for him.

REP. LAWLOR: Go ahead.

RENNY CUSHING: Thank you very much.

REP. LAWLOR: Before you start, let me just say who is following you, Carol Duffy, John Cummings, John Kluny, Claudia Hart, Dan Alessio. So, please, proceed.

RENNY CUSHING: Thank you very much. My name is Renny Cushing, and I am the Executive Director of Murder Victims Families for Human Rights. We are an international organization of people who have had someone murdered who oppose the death penalty.

I come to this position because 16 years ago, two shotgun blasts tore my father's chest into hamburger in his home in front of my mother's eyes. So for me, contemplating what to do in the aftermath of murder is not an intellectual exercise. It is something I do every day.

I also one time served as a member of the New Hampshire House of Representatives for a couple terms. I have an appreciation for the work that this committee has before you.

REP. LAWLOR: How much do they pay up there, by the way?

RENNY CUSHING: They pay \$100 a year. They pay it whether you show up or not. My opposition to the death penalty is victim centered. I oppose the death penalty not so much because I care about what it does to those upon whom it's imposed. I oppose the death penalty because of what it does to me, what it does to the rest of us. It makes us become killers. It makes us become that which we abhor.

It struck me after my father was murdered when a man came up to me who had known me my whole life and said, I hope they kill the person. They actually didn't say person, but that was the sentiment. I hope they kill the person, so you and your family can get some peace. I understood that sentiment because it was meant to try to bring comfort. I get that.

At that moment, there was nothing that would have bothered me more. What he was saying, because he knew me, is that he presumed that because my father had been murdered, I would have changed my position on the death penalty. Think about it. If that had been the case, that would have only compounded the act of murder because not only would the killer have taken my father's life, but he also would have taken my values.

I think it's that as much for individuals as it is for society. If we let murderers turn us into killers ourselves, then we become them. We become that evil. I think that the focus of this discussion ought to move beyond the offenders.

It ought to really include what society can do to meet the needs of victims. It is too long right now for me to begin a discourse on the psychobiology of trauma, but it is very important for you at some point to sit and try to understand the victim's experience.

The sad reality of our criminal justice system is that it constantly re-traumatizes victims. You can see the trauma that was being played out this past week in Connecticut, the past couple weeks in Connecticut.

When the psychobiology of trauma, trauma memories are such that they are different from narrative memories. Trauma memories take place in the amygdala, the reptile part of the brain. They cannot be controlled, but they can be triggered. If you think about it, what

are the things that trigger trauma memories? It is violence, the act itself.

So as a matter of self-care, oftentimes survivors of homicide try to put ourselves in a position where we don't get the proximity to events that are going to trigger that trauma memory. I mean, I hear the buzzer going off, and I am respectful of the late hour.

There are ways that we can help transform to create conditions where trauma memories can be transformed to the narrative memories. We can actually help to find out ways to help victims heal. I would just urge this committee to not just abolish the death penalty, but also to incorporate a more comprehensive plan for addressing the needs of victims in Connecticut.

I will say, as someone who works with victims all the time throughout this country, you in Connecticut are lucky. You have a victims assistance program headed by Mr. Papillo that is really one of the leaders in the country, but it has a long way to go.

Fifteen years ago, the United Nations adopted the Basic Declaration of Principles for the Rights of Victims of Crime and Abuse of Power. It made a promise to victims on behalf of the world community that set out a goal for us all to achieve. Connecticut has taken some initial steps toward meeting that promise, but it has long way to go.

I would hope that all of the attention and all of the activity that has gone on in recent times in this state would be redirected into ways that would prevent crime and help victims to heal. That is, ultimately, the most important tribute that we can pay to victims. It is to help people heal individually and in society.

REP. LAWLOR: Any questions? Thank you very much.

RENNY CUSHING: Thank you.

REP. LAWLOR: Reverend Everett, you've already talked. Okay. Carol Duffy? John Cummings?

JOHN CUMMINGS: Good evening. When I wrote this out, I had put, good afternoon. I thought it would be a lot earlier. My name is John Cummings. I live in Waterbury. I am President of the Connecticut Network to Abolish the Death Penalty. I'm more the administrative end, so you don't see too much of me in the public persona.

I've come here today to testify on one of the many reasons our death penalty law needs to be abolished. I thank you for the opportunity. I would like to draw your attention to the proportionality of death penalty convictions throughout the State of Connecticut or I should say the disproportional. The intent of the death penalty in Connecticut is to have a proportional application of the death penalty.

In Connecticut, there are 13 judicial districts. More than half the death penalty convictions come from one district, that of the greater Waterbury district. This makes Waterbury look like a crime-ridden frontier town. The death penalty conviction rate in greater Waterbury is out of proportion to the rest of the state. I live and work in Waterbury.

I am not proud of the reputation greater Waterbury has, as a community with the most death penalty applications in New England. I disagree with the extraordinary cost through the taxpayer of prosecuting a death penalty case when a less costly life in prison

without release is just as effective. I disagree with the desire for revenge and retribution sought through killing a killer.

It does not reflect the moral and rational nature of the people of greater Waterbury. The death penalty law allows, through jury qualifications, only those jurors who are willing to participate in killing the killer. Many potential jurors are not allowed to participate because of their ethical and religious principles. This skews the record.

It is not possible to determine the number of industries and businesses that have retreated from coming to Waterbury and Connecticut after reviewing these statistics. What does the world think of Waterbury and Connecticut with its disproportionate death penalty rate? The collateral effect of the current death penalty law exceeds the intent of the law.

I believe it is harmful to greater Waterbury and to Connecticut overall to have a death penalty law applied as disproportionately as ours. This Legislature has the opportunity to correct the law. I don't think it's possible without abolishing it. Thank you for your attention.

REP. LAWLOR: Thank you, Mr. Cummings. Are there questions? If not, thank you. John Kluny? Claudia Hart? Next is Dan Alessio. Is Dan still here? You will be followed by Sharon Zaposki, Gordon Bates, Caroline Bridgman-Rees. Please, go ahead.

CLAUDIA HART: My name is Claudia Hart. I live in New Britain. I'm a high school math teacher. I don't have the firsthand experience of some of the speakers today, and I feel very badly for the families of murder victims. As a teacher, I do have the experience of dealing on a much, much smaller scale with wrongdoing and with teaching about right and wrong and about ethics and morality.

I do feel that killing is wrong, and I don't think the state should be killing people. We do need to punish criminals, and we need to keep society safe from dangerous criminals. I believe life in prison without the possibility of release can accomplish these two goals. We do not need the death penalty, and I think it is time for Connecticut to abolish it. I thank you for listening.

REP. LAWLOR: Thank you, Ms. Hart. Are there questions? If not, thank you very much. Dan Alessio is not here, right? Sharon Zaposki? Is Sharon here?

SHARON ZAPOSKI: Good evening. My name is Sharon Zaposki. I live in Enfield, Connecticut. I wrote this last night, Sunday, January 30<sup>th</sup>. The reason for death, the reason to die is not for man to decide why. Our God who made us to live will decide what we give, one life for another, a sister or brother. Jesus showed the way. He without sin cast the first stone. Living or dying, we are never alone. Thank you.

REP. LAWLOR: Thank you very much Ms. Zaposki. That was very moving. Thank you. Gordon Bates? Caroline Bridgeman-Rees? Debbie Florence? Is John Pfiel still here? Okay. Diane McClanahan? She's still here? Okay. Please, go ahead.

DEBBIE FLORENCE: Hi. Good evening. My name is Debbie Florence, and I've been before you in the past. My daughter, Jenny, was murdered while she was nine months pregnant on New Year's Eve of 2001. I know firsthand the lengthy appellate process and the frustration it can cause.

I am here today in opposition of the death penalty. I don't believe that it's right to kill under the guise of a law. For me personally, I can say that it will not bring peace to me or closure in any way, shape or form. I think that it would be, with the laws, just saying it's okay to kill, and it is not.

I think that the person that commits a murder and is sentenced to life in prison without the possibility of release is more than sufficient. However, if you do decide to keep the death penalty, in the second section of this bill, I believe that victims' families should have the right to genuinely speak what they feel in the early processes when it really counts and not be left to not have any say until it is over.

You asked somebody here earlier if they knew any of the families of Michael Ross's victims. I do. I can tell you that the family to this day has yet to even begin to heal. It is constantly being brought up, and it is very painful. My heart goes out to him. I feel that Connecticut had amply enough time over 20 years to deal with this matter.

I am asking you as lawmakers to abolish the death penalty. Michael Ross doesn't need pen pals and a website. Somebody said it was inhumane what was being done. Well, what he did was inhumane too. He made his choice.

He should not have all the luxuries that everybody else does have. He is where he belongs, and he should stay there until he dies of natural causes. Thank you.

SEN. LAWLOR: Thank you, Debbie. You've helped us write other bills during the last few years, and I know it is not your first time up here. You've always been very constructive in the process, so I want to thank you once again for that.

DEBBIE FLORENCE: Thank you for listening.

SEN. LAWLOR: Any questions? If not, thanks again. John Pfiel?

JOHN PFIEL: Hello, and thank you for the opportunity to speak to you today. My name is John Pfiel, and I am speaking today on behalf of the Connecticut chapter of the Buddhist Peace Fellowship. I also just want to mention that I've spent a good deal of time over the past 11 years personally volunteering service in Connecticut prisons.

I invite you, if you like, to ask me either in this hearing or afterwards to describe experiences relevant to this proceeding and this issue.

The death penalty is motivated by pain, and fear, and the powerful vengeful rage to hurt that flows from them. It does not have a deterrent effect, as study after study has shown. Of course, we've all felt the desire to take revenge when we've been wounded and frightened.

We all know the desire to make the offender suffer consequences, so we all understand that the families of murder victims will feel that same desire with a special and terrible intensity. It does not follow that we as a society or the government that acts in our name must act on and thereby feed and perpetuate that desire in their hearts or in our own.

For each one of us knows from our own experience that anger, when



acted upon, almost inevitably perpetuates itself. What was the offender feeling when he or she committed the offense? It's a good chance it was precisely anger and the desire to give the victim what the offender believed at that moment that victim somehow had coming to him or her or them.

What does the family of the offender feel after he or she has been killed by the state? Most likely anger and the sense that they deserve what they got. This is especially the case when the justice system is broken, when minority groups, the poor, and even the innocent receive the death penalty disproportionately, as is demonstrably the case in our society today.

What finally do the rest of us learn from the execution? That the thirst for vengeance and the violence it breeds are legitimated responses to hurt and fear.

The practice of Buddhism to which I and my fellow members of the Buddhist Peace Fellowship are committed to rests on two so-called wings. One of those wings is that of awareness, for example, of our pain and fear, the resulting anger, and the negative consequences of that anger, if it is allowed to bloom into the violence of retribution and revenge.

The other wing is compassion, which requires the strength not to turn away from the offender's circumstances. Offenders in capital cases are molded by their conditioning, by abuse and, or neglect as children, by mental illness, by a society that teaches and even glorifies violence as a means of resolving conflict and by many other afflictions.

To acknowledge the weight and impact of such conditioning, to acknowledge fully that where there is crime, there are always conditions is the beginning of compassion. On behalf of myself, and my friends in the Buddhist Peace Fellowship, and for the sake of humanity we all share here in this room, across the state, and beyond, I call on you to act with awareness and compassion.

Put an end to the prospect of premeditated murder by the state in our names. Thank you.

REP. LAWLOR: Thank you, Mr. Pfeil. Are there questions? If not, thanks again.

JOHN PFEIL: Thank you.

REP. LAWLOR: Diane McClanahan? Senator Looney is not here, is he? Is Joan Cavanagh here?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

REP. LAWLOR: Okay. Good. Is Denise Alpert here? Denise Alpert? Is Kathleen McTigue here? Marge Calvert? Brayton Shanley? You're here? Okay. Please, go ahead.

DIANE MCCLANAHAN: Good evening, and thank you for this opportunity. My name is Diane McClanahan, and I oppose the death penalty. I have come to speak to you as a United Methodist Pastor, mother, and private citizen of the State of Connecticut.

As a pastor, I support the position of the United Methodist Church. The United Methodist believes that all human life is sacred. We've been asked what that means. I would answer that we've been created in

the image of God. We oppose the death penalty because it eliminates all possibility for redemption, restoration, and transformation.

Every Sunday morning, I have to stand on the pulpit of my church and deliver a sermon. I think carefully about what I'm going to say each week because I know that there must be integrity between what I say and what I do.

When I ask members of my congregation to live their lives in a particular way, I must be willing to follow my words with my own actions. In other words, I have to be willing to practice what I preach.

I'm also the proud mother of two children. When they were young, one of my tasks was to teach them appropriate behavior. There were certain rules of the house, no hitting your brother or sister, for instance. When a rule was broken, it would have done little good for me to have punished the offending child by hitting him or her.

If I had done that, it would have been a classic case of do as I say, not as I do. We're not here to talk about simple sibling rivalry, but actions do speak louder than words.

In the State of Connecticut, we value human life. We have laws that prevent one human being, or try to prevent, one human being from taking the life of another. The state must not put itself above the law that it wishes to uphold. Violence begets violence. It will not serve as a deterrent. Capital punishment is simply wrong. It breaks one of the most fundamental of all Commandments, thou shall not kill.

I am proud to be a citizen of this nation and to have the opportunity to live in this wonderful state. On a day when we celebrate the fact that so many Iraqis put themselves in physical danger to go to the polls, we recognize that living in a democracy has both its privileges and its responsibilities.

When the state chooses to resort to the death penalty, every citizen of the state bears that responsibility for the life that will be taken. I do not want to be responsible for even one life of anyone on death row now.

So I respectfully ask, you see these little stickers on our clothing, that you do not kill in my name. Thank you.

REP. LAWLOR: Thank you very much. Are there questions? If not, thanks again. Brayton Shanley? Is Alphonse LaBieniec here? Liz Torres? Please, go ahead.

BRAYTON SHANLEY: Yeah. Thanks for the opportunity to testify. I would like to summarize everything that has been said today, if you don't mind.

I have written to Michael Ross for the past ten years. He has shared with me the deep sense of guilt and shame that he feels and the history of his mother's abuse. I know a woman who knew Michael growing up, lived in the same neighborhood and went to school with him. She knew how badly he was being abused. Many in the town did, and no one did anything about it, including the sexual abuse of an uncle who later committed suicide.

Michael's mother was clearly mentally disturbed. Was his mother's mother abusive to her? Yes, it seems criminals are made, not born. And then there are the victims' families and their anguish. A lot has been said today about that. I have known several families who have

had loved ones killed. Many call for the execution of the offender.

I have never heard a victim's family ever saying that the death penalty gave them a sense of closure. Satisfaction at seeing the victimizer killed was fleeting, then depression sets back in. Marietta Yaeger, whose daughter was killed, said that the death penalty is an insult to the memory of her loving relationship with her daughter, and it re-traumatizes her, just the thought of the death penalty.

Dr. Bandy Lee, psychiatrist at Yale, says, studies show clearly that capital punishment delays or eliminates closure or healing, a sense of healing. Who will execute Michael Ross? Is it the prison system? Michael Ross has been in solitary confinement for many years. He eats alone. He lives alone.

He is alone with his own wounded mind, a psychologically damaged man depressed and alone with that anguish for 20 years. Death, yes, could seem a welcome relief. Prison reform, yes, the whole idea of life in prison without parole begs the question about punishment.

Jim Gilligan, psychotherapist at Bridgewater in Massachusetts said, punishment is violence. Abused men will be driven to violence if they are punished. If they continue to be humiliated and abused, they will be driven to homicide. That is what is behind homicide, the humiliation and abuse of abused men.

So we have to start treating criminality therapeutically. We have to start finding out the causes and the methods of healing that can turn people from crime. Michael Ross is on his way to being a redeemed man. I know that is not popular, but it's true. Michael Ross has a tremendous potential for good. I know that.

I've known him for years. He is certain of the gravity and the depth of his crimes. He is absolutely certain of that, and he lives almost paralyzed by guilt. I'm not saying that he is a perfect man. I am just saying that he is on his way to change.

When we talk about safety and whether people are a good risk or not, it starts with knowing the depth of the wrongness of your actions. Then the spiritual process takes over, and people can change. That is what we want. We want people to change.

REP. LAWLOR: If you could just summarize, that would be great.

BRAYTON SHANLEY: Staying with only the details of the horrible murders keeps us all in trauma, which will lead to revenge, and hatred, and will certainly kill Michael Ross, and keep the death penalty going.

Compassion, forgiveness, and truth will saves lives. Thou shall not kill does not admit exceptions. No to the death penalty in Connecticut and New England, let's be leaders across the nation by ridding ourselves of the death penalty.

REP. LAWLRO: Thank you very much. If I can just ask, is Kevin Miner still here? Oh, Senator Cappiello?

SEN. CAPPIELLO: Thank you, Mr. Chairman. Thank you for your testimony. Just two brief questions, you think that Michael Ross is a changed man. What do you think we should do with him? Assuming we abolish the death penalty, what do you think should be done with him?

BRAYTON SHANLEY: Well, I would say that the models that the Quakers

had about the penitentiary, you try to enter into a spiritual and psychological process whereby the individual realizes what they've done is wrong.

Then you re-socialize them. You get them to understand what healthy relationships are like. This can be done. This has been done. All right. Then you give them the spiritual tools.

It was a four-fold penitentiary that the Quakers had. You give them spiritual tools, prayer and spiritual studies because taking life is a very deep wrong. People are very deeply hurt by having done that. They need spiritual weapons to heal, so they need a spiritual life, and a prayer life, and a community of love and reconciliation. So they need to be reconciled to the people that they have violated and people they have caused pain.

Then they need to be restored to a meaningful life, either inside or outside of prison. So that would mean learning some valuable skill that would be conducted inside or outside of prison.

Now, Michael doesn't himself think that he should ever leave prison. That is his intuition. So we use the human judgment of good psychology and good spiritual understanding, and we make a judgment about what his comings and goings in incarceration should be.

If they are punitive and not healing, then we will drive Michael and others like him to suicide. That doesn't make us feel good, when we hear that inmates commit suicide, even though we don't like them. So that is a judgment call.

SEN. CAPPIELLO: I want to get back to that in a moment. So if in five years, assuming the death penalty is gone, if in five years, he believes he can be re-acclimated to society, do you think there is ever a possibility that you would support him going back into society?

BRAYTON SHANLEY: Well, that is an abstract question. I don't know. I just know that loving him along the way will enhance the possibility of him being a restored human and not being a danger. I don't consider him a very dangerous person now, but I don't know. I'm not saying he should be released.

I'm just saying, let's love him no, and restore him, and restore others like him, and not hate them, and not list all the horrible things they've done, but try to give them hope. Then if we are less afraid of Michael, I think that is part of the problem here, we're afraid of Michael, we're afraid of all of the horrible people on death row, detailing exactly what they have done.

The victims' families don't feel safe because they think that violence is going to come back on them, especially if they go public. If we start to reconcile with the people that have done this, offender-reconciliation programs, victim-reconciliation programs restore justice.

Victims get to state their case publicly, and they get embraced by that. To actually be in dialogue with people who have made you suffer, this makes you less afraid when you know the humanity of your oppressor or your victimizer.

SEN. CAPPIELLO: So under your scenario, it is possible he could be let out at some time. I guess what I'm asking you, you don't support the underlying premise that we should have life in prison without parole.

BRAYTON SHANLEY: I don't think it should be cruel or punitive. It is a therapeutic model. If a man is psychologically dangerous, you protect him from himself and others. You do that until you no longer determine that he is. Okay. I don't know. That is a mystery. I'm just saying that you care for people along the way, and you make good judgments.

If you punish them in prison, they will become suicidal or violent. Remember Gilligan's insights. Abuse men or humiliate men, and you make them killers. They don't care about getting away with it. They are just going to kill because they are driven to it. Okay.

So our task is not to worry about five years or ten years down the line. Let's reconcile now and heal now. Then let's see it unfold and watch how we'll have a more compassionate criminal justice system. We'll have more compassionate prisons, and we'll be a much safer society. That is what we're looking for, feeling safe living in this world.

SEN. CAPPIELLO: And I appreciate your passion about the issue. I'm still trying to get at the underlying question. The bill says it would replace this with life without parole.

BRAYTON SHANLEY: Yeah.

SEN. CAPPEILLO: Do you support that? He or anyone else would have life in prison without the possibility of parole.

BRAYTON SHANLEY: Let's start there. Fine. Let's get this done. Let's get the death penalty--

SEN. CAPPIELLO: [inaudible]

BRAYTON SHANLEY: --let's go there now. Then life will evolve. We'll go back to the same principle. If you make life and parole a punitive, throw away the key, throw him in a dungeon, you are going to be cruel.

What does that do to me to say, oh, he's suffering? Does it make my life better that he's suffering? No. Let's give him life without parole, which he wants. That is what he wants. Let's go about the healing process.

SEN. CAPPIELLO: And my last question, if right now, the situation he's in is humiliating and embarrassing, it makes it impossible for him to become a full person again, how do you explain the fact or reconcile that with the fact that you said he is becoming a better person? I mean, he's living in a situation right now where he is on death row.

BRAYTON SHANLEY: Yes.

SEN. CAPPIELLO: Yet he is still being rehabilitated according to you.

BRAYTON SHANLEY: Yes.

SEN. CAPPIELLO: So it doesn't necessarily mean that because he is in a system where he is being punished with the possibility that he's going to be put to death, you're saying that he can still be rehabilitated, even in that system.

BRAYTON SHANLEY: It's a great mystery. Yes. He is doing that. He's

also committed suicide attempts three times. He doesn't want to do this anymore. Solitary confinement and the way it's being done is cruel. It is making him suicidal. He is already a damaged human with a damaged mind. That is not a therapeutic model.

So it is a great mystery how he's managed to surround himself with good spiritual council. He communicates with 100 people on his mailing list about what he's going through. They write back. He's got great visitors.

You've heard the testimony of the caliber of visitors and the caliber of humans that want to hold his life up, even though he is a serial killer and a rapist. So it is a great mystery and part of my intrigue with him that he can still communicate spiritual death, sorrow for what he's done, deep sorrow for what he's done, to be against the death penalty on nonviolence principles.

He's got a good mind. He knows the issue very well. He's been productively communicating with me and others for ten years about, hey, let's get rid of the death penalty. It doesn't improve society. It's not just because I'm going to die, but it doesn't improve society. So it is a great mystery, and that is what intrigues me about him.

He can survive so well under such damaged conditions going in and then being in solitary confinement where you are alone. Do you know what the mind goes through when you are so damaged, and you are all alone all the time? It is very hard to think well. You need good input from healthy people and environments.

SEN. CAPPIELLO: Okay. Thank you.

SEN. LAWLOR: Thank you. Is Kevin Miner still here? Jack McCambridge? Robert Dellello? Adam Yengibaryan? Do you want to come up? Then Valentine Dogle, Nancy Filiault, Jane Caron, and Todd Dewey. Okay. That is it. So those four, and then we'll finish the list. So, please, go ahead.

ADAM YENGIBARYAN: Mr. Chairman and members of the committee, thank you for giving me the chance to speak. I know the hour is late. I'll try to be very short. I'll try to, you know, answer some of the questions that you raised earlier. I'll stay away from the ethical considerations, as they have been discussed already, or moral views.

I would like to say that I am against the death penalty. I do believe that life in prison without parole is an appropriate remedy. I would like to make just a small comment and say that years back, I was supportive of the death penalty. Like some of the other witnesses, I was living in another country before arriving here, although not that long ago. I lived in Russia.

Not a day went by when you would not see murder, especially on TV, so probably at the time, I believed that the death sentence was an appropriate punishment, that people should receive what they deserve.

Much earlier than that issue, there had been an issue of a famous serial killer who was, at least for what we know, responsible for over 50 people by the time he was caught. He was way above what Michael Ross has committed so far, although it's not a comparison. Obviously, like many others, I was happy to know that he would receive the death penalty. But my happiness faded when I found out that before he was caught and executed, four others were caught and executed before that particular murderer was caught.

My opinion has changed. Perhaps above all my other opposition is the principle of judicial mistakes. To your question, Senator, whether life in prison is more of a deterrent or less, I don't know. Perhaps it's not more of a deterrent, maybe not less.

If they are equal, why choose the death penalty? What is the reason of choosing the death penalty instead of life in prison if they both have the same function? Why? The question should be put, not why we are against the death penalty, but why would we support it? Why would we risk executing innocent lives, even if it is a chance of 1 in 1 million? Why would you take this risk, spend millions of dollars more than we would to eventually commit an unnatural act?

We all agree that taking a life is unnatural. I think it is very easy to check. If we only would make executions public, then we would hear the opposition of people because we are all decent human beings. We do not accept unnatural acts. So all things being equal, to what you're saying, Senator, why do we choose the death penalty?

REP. LAWLOR: Questions? Thank you very much.

ADAM YENGINBARYAN: Thank you.

REP. LAWLOR: Nancy Filiault. What was your name? I'm sorry?

VALENTINE DOGLE: [inaudible]

REP. LAWLOR: Okay. Please, come up. Nancy Filiault is still here, right? And Jane Caron. Why don't you guys come up because we're a little bit over? Todd Dewey. Go ahead, please. I'm sorry.

VALENTINE DOGLE: Thank you for the opportunity to speak. I was so far down the list I didn't expect to have the opportunity, so I don't have copies. I will make them later on. Probably very few people in this room, although we've heard from some of them, have met someone who has committed murder.

I met rather a lot of them because I am a volunteer with the Alternatives to Violence Project, which is a Quaker program, which does nonviolence training in prisons. I've worked in MacDougall, which is level four and in Enfield, which is level three.

In that program, I've met people who have killed and who have, furthermore, spent a lot of time in an incredibly oppressive situation where it is very clear that many of the people they encounter are their adversaries, no matter what they say. There is no way for them to win.

In the face of that, some, certainly not all, but some have, as a previous speaker said, confronted and lived with what they have done, realized that violence is not the way, and have turned themselves around in a way I can only call majestic. I have seen this in the very open and trusting atmosphere, which this program creates, which doesn't happen anywhere else in the prison system.

So those of us who are volunteers hear things that certainly other prisoners don't hear and other staff don't hear. The testimony that I've heard from those people has blown me away. It's not certain, of course, that everyone will undergo that experience, only that anyone can.

The program is based on the Quaker premise that you've heard that there is that of God in every human being. I beg of you, do not take

away the possibility for transformation. Thank you.

REP. LAWLOR: Thank you very much. Are there questions? If not, thanks. Nancy Filiault?

NANCY FILIAULT: Good evening. I actually don't really have a whole prepared anything because I didn't really think I was going to be able to speak. I did drive down here from New Hampshire and didn't get here in time. I guess the reason why I am here, I am opposed to this.

I can begin by saying I am opposed to the death penalty. I would like to see it abolished in the State of Connecticut. My sister was killed in December of 2000 with two of her children.

I just recently experienced a trial in New Haven in October and September of this year. It was a death-penalty case. Had it not been such a heinous incredibly cruel murder, it might not have been a death penalty case. I guess because it was, it was chosen that it would go to trial.

The person who did it was willing to plead guilty to four murders, life in prison with no parole. I think that was within a couple of days of being arrested. It was a horrendous experience, traumatizing. The judicial process does not work. I think that you either need to abolish it or make it work.

If there was any time that I would have been for the death penalty, this was it. I have to say that the murder of my sister almost turned me into a murderer. Plenty of times in that trial, I could have jumped that bench and killed him, but I know the difference between right and wrong.

I have a family I love, and I am a law-abiding citizen for the most part. I don't know who can say they totally are, but I speed occasionally and stuff like that. I guess my issues would be, I do have a problem with abolishing the death penalty. I'll just take a few minutes, and I would hope you all have questions for me, being through one of these trials just recently.

I don't know what all these people have talked about, especially people who have never been a victim, having a loved one butchered by someone is very hard to go to forgiveness. I'm working on it, but it's hard to go there. It's hard to have someone you loved treated that way.

I guess the problem I have, the little problem I have with abolishing the death penalty, life in prison without parole is also the punishment, and we have to talk about punishment here. We live in a society where we all have to live by laws. If you break them, there needs to be a punishment.

So if we can send people to life in prison for drug abuse, drug crimes, burglary, larceny, then where is the difference? A couple of you have, I think, asked the question, you know, what would be, if you abolished the death penalty, what would be the punishment?

I like hearing that word. They're not clients. They are convicted criminals, and in my case, a confessed murderer, four times. So there really was no need for a death penalty, a trial at all. He was willing to plead guilty. There was no question of innocence. It took the state, I hate to talk about the money issue because to say it's a waste of money is horrendous and unacceptable to me. There are better ways to spend it. Public defenders would be doing their job, whether



they were defending a murderer or whoever else they defend.

I don't know that the money issue is really like what they say. They put in so much overtime and all of that. I don't know how that works. I guess that is what I would like you guys to really think about. Where is the punishment for the crime?

If you abolish the death penalty, which I would like to see done because I never would want anybody to go through what I just went through, but do you lessen the punishments for lesser crimes by taking it away or your accountability? Thank you.

REP. LAWLOR: I am from that area of the state, so I followed that trial as it progressed. As you stated, given the fact that the offender, the murderer involved was willing to plead guilty right off the bat, the whole ordeal that your family [Gap in testimony. Changing from Tape 4A to 4B.]

--family members of murder victims. Some are in support of the death penalty, but many oppose it as well. They express sentiments similar to what you've just expressed. I think, you know, people here have all kinds of different views, members of the Legislature, I mean.

I think this one is sort of a new one for them. For many people [inaudible] sinking in, given the complexity of the Ross case. I think it is very important that you and others come here to share that particular point of view.

It is a unique one and an unenviable one, of course, but it is an important one. Are there other questions? If not, thank you very much.

VALENTINE DOGLE: Thank you.

REP. LAWLOR: Jane Caron?

JANE CARON: My name is Jane Caron. I'm a lifelong resident of the State of Connecticut. I live in Thomaston. I'm here today to strongly object to the use of the death penalty and to urge you to abolish it. Every part of me feels pain for the family members of violent crimes.

The violence is horrifying and unthinkable. I am a family member who has experience with violent crime. A young man hooked on cocaine took my aunt's life in 1986. He is currently serving a life sentence in the State of Montana. I did not support the use of the death penalty prior to her death, and I don't support it now.

My reasons for coming here today are to outline why I think we need to abolish the death penalty. First of all, state-sanctioned murder is still murder. When an individual kills, it is an individual act condoned by no one. Condoning murder on behalf of the citizens of the State of Connecticut is, for me, unconscionable.

Secondly, the act of an execution is a violent act in a world already filled with violent acts. It is an unnecessary act to protect the citizens of the State of Connecticut and by its very nature makes the state and the world more violent. Certainly, the United States of America and the State of Connecticut must hold themselves up, in my opinion, to be a beacon of freedom and democracy.

We are the keystones of the free world, as such must lead with the most profound example of justice. As long as the United States, and in particular the State of Connecticut allow state-sanctioned murder,

it is impossible for us to hold ourselves up as a civilized society. We cannot hold other countries accountable for their acts of violence when we commit them ourselves.

There are many other reasons why the death penalty doesn't make sense, in part, because of the way it's applied in an endless, endless struggle to reach fairness. As members of the Judiciary Committee, you know all these reasons. I don't need to go over them. I am asking you to do the right thing, to abolish the death penalty. Life without parole serves justice. We must, as a state, make a commitment to justice, but not to violence. I thank you very much for listening to me.

REP. LAWLOR: Thank you, Ms. Caron. Are there questions? If not, thanks again. Todd Dewey?

TODD DEWEY: Thank you for your time. If it's been said, I got here at 6:00, so if I repeat anything, I am sorry. I was just coming up here with a couple friends and listening to NPR. It is the five-year anniversary of the moratorium in Illinois, which was issued by Governor Ryan, who was, admittedly, a far-right Republican in the State of Illinois who was leading up the Bush campaign in 2000.

REP. LAWLOR: You're supposed to add at the end of that, by the way, not that there is anything wrong with that.

TODD DEWEY: Not that there is anything wrong with that. I will say I'm representing the International Socialist Organization in New Haven, so I am not a Democrat either. Not that there is anything wrong with them.

REP. LAWLOR: Thank you very much.

TODD DEWEY: What Governor Ryan felt so compelling to bring out when he issued this, actually, last year, he cleared death row of 167 inmates that weren't pardoned. He pardoned, I believe 10 or it might be up to 14 inmates.

What was incredibly compelling to him was that when the death penalty was started again in 1976 in this country after a four-year moratorium, the State of Illinois had executed 12 inmates, but they released 13 due to their innocence. That was amazing to him. He could just not look beyond that.

I think it's really important, not just to listen to people like Governor Ryan, and we are not here for Illinois, but I think it is a model, it is not just about the Michael Ross case right now. I think a lot of people here are worried that if you kill Michael Ross, you open up the floodgates because the next person will not be a quote, unquote, acceptable candidate, who went to an Ivy League school and who is white, middle class, and so forth, and so on.

It could be, you know, as people have said, disproportionately hit poor people, Latinos, and African Americans in the state of Connecticut. I think what I want to do is just read a quick letter. It is very brief from Renaldo Hudson in Joliet, Illinois.

He talked about the death penalty, obviously, he was on death row. The struggle continues as one of the men personally affected by the shocking and unprecedented actions of former Governor Ryan, I feel very qualified to speak on the subject. Fighting for justice and mercy, fighting against the death penalty, he is talking about hope. I've served 13 torturous years on death row and 7 horrendous years in the notorious Cook County Jail.

Obviously, Connecticut and Illinois are not identical, but I think what people have brought up today is very important. It is an unjust system that many people feel, I would include myself in this, it can't be fixed because it was broken before it even started. I think for a lot of people, that is where the compelling testimony comes in.

As someone who wrote into the *New York Times* after Governor Ryan was issuing the moratorium five years ago, wrote very strikingly, Illinois is not the only state with a capital justice system so flawed that it cannot ensure that innocent people are spared. The solution, ultimately, is to end capital punishment, a system that cannot afford to mete out a single mistaken sentence. Thank you.

REP. LAWLOR: Thank you, Mr. Dewey. Are there any questions? If not, thank you very much. Before we close the public hearing, I just want to thank everyone for your attendance today. Notwithstanding the few admonitions we had to hand out about applause and signs and whatever, I think everyone was very respectful. I can only assure you, I think I speak on behalf of the whole committee, that your thoughts and your sentiments will be kept in our minds as we deliberate this over the next few weeks.

We hope to have a vote relatively soon on this issue, so that there can be a full debate in both the House and the Senate. If you'd like, if you haven't testified today, and you'd like to provide some written testimony to the committee, that would be accepted at any time. There is no problem with that. Thank you once again for your attention tonight. Reverend Everett?

REVEREND EVERETT: May we break your rule about applause and applaud your committee? [applause]

REP. LAWLOR: After we close this. Thank you.

(Whereupon, the hearing was adjourned.)