

Testimony to the Judiciary Committee
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Mr. Chairman, ladies and gentlemen of the Committee. My name is David Cruz-Uribe, and I am a resident of West Hartford. I am here today as a member of the Connecticut Network to Abolish the Death Penalty, and I am here to speak against the provisions on the death penalty in the proposed bill entitled

AN ACT CONCERNING REFORM OF CRIMINAL SENTENCING, PAROLE
RELEASE, COMMUNITY SUPERVISION AND DEATH PENALTY APPEAL
PROCEDURES

The essence of these provisions is to tighten and speed up the appeals process in death penalty cases. I believe that such changes are not improvements and will ultimately do more harm than good to the justice system in Connecticut. Justice is not gotten by observing artificial timetables, but by allowing courts to do their work. In particular, death penalty appeals are among the most arcane and difficult parts of criminal law. Any attempt to force the process to move more quickly can only result in more mistakes and more problems. This in turn will inevitably lead to more appeals on the Federal level and will result in successful constitutional challenges to the law.

This assertion, in and of itself, has nothing to do with the fact that I oppose the death penalty. I want to quote from an editorial written by Bob Barr, a Republican and former Congressman from Georgia, and a death penalty supporter. In July of this year, Troy Davis, a man on death row who has repeatedly claimed innocence, was granted a temporary reprieve 24 hours before his execution. The Georgia Supreme Court then granted an extraordinary review of his case, despite the fact that Mr. Davis had exhausted his appeals. The court was criticized for this in some quarters. Bob Barr, however, applauded its decision. He wrote:

“[A]s a proponent of our Constitution and its attendant Bill of Rights, I believe... strongly in the fundamental fairness that lies at the heart or should lie at the heart of our criminal justice system. Because of its obvious finality, the death penalty must be employed with as close to absolute fairness and certainty as humanly possible. Several recent cases, including that of Troy Davis here in Georgia, have raised legitimate questions about just that proposition. True conservatives, as much as the most bleeding heart liberals, should be unafraid to look carefully at such cases.”

Here in Connecticut we have never been confronted with a case such as that of Troy Davis, though the recent exoneration of James Tillman for a rape he did not commit should be a cause for concern: It could happen here. And I believe that the changes proposed in this bill make it more likely that someday we will end up with an innocent man on death row. Therefore, I urge the Committee to reject this portion of the proposed bill.

Beyond that, as this committee considers changes to the criminal justice system here in Connecticut, I would urge you to not simply accept the status quo with regards to the death penalty. Instead, you should consider its abolition. Just as the changes proposed in this bill will not do any good, the record across the United States shows that no amount of “tinkering with the machinery of death,” to quote Supreme Court Justice Blackmun, will produce a system of capital punishment that is fundamentally fair.

By its very nature the death penalty is poor public policy: time consuming, capricious, inefficient and expensive. It comes up at times like these as an emotional response to horrific crimes, but contributes nothing to the solution of the problem of crime and violence in our state. The only rational solution is to abolish the death penalty, as New Jersey is on the verge of doing. The time, effort and resources that are invested in a relatively small handful of capital cases could then be used in other ways, ways that would promote justice and keep the citizens of Connecticut safe.