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## Battle at Capitol: Repeal death penalty, or streamline it

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As the legislature's Judiciary Committee prepares to approve a bill repealing capital punishment in Connecticut, a bipartisan group of conservatives is readying a counter-measure aimed at curbing death-row appeals.

The conservatives announced Monday at a press conference attended by law enforcement officers and relatives of homicide victims that their effort to speed up executions will come as a floor amendment to the repeal bill.

"We are proud to be here today to stand up for Connecticut's innocent victims of murder. We are here today to defend justice and public safety," said Rep. Steve Mikutel, D-Griswold.

Death penalty supporters conceded that the Judiciary Committee is certain to approve and send a repeal bill to the House floor this week no later than Friday. A vote on the bill could come as early as Tuesday.

Mikutel was joined by legislators, police officers and the Rev. Stuart Brush of Woodbury, who lost one son, Dean, to murder in 1983 and a second, John, to a suicide in 1991 that he says was a reaction to Dean's death.

Brush held aloft photos of his two sons.

"Leverage, that's what the death penalty provides," Brush said, calling it a tool used by prosecutors to obtain plea bargains.

"We know capital punishment saves innocent lives," Mikutel said.

"Life in prison is not a deterrent. The death penalty is," said Sgt. Rich Holton, the president of the Hartford Police Union.

The question of whether the death penalty deters murders has been the subject of academic studies in the past decade, primarily from economists trying to apply a cost-benefit calculus to capital punishment.

About a dozen studies have found that every execution prevents from three to 18 murders, with some self-described liberal academics saying the research has prompted them to reconsider capital punishment.

"States that choose life imprisonment, when they might choose capital punishment, are ensuring the deaths of a large number of innocent people," wrote Cass Sunstein of the University of Chicago and Adrian Vermeule of Harvard in the Stamford Law Review.

But in the same December 2005 edition, two economists cautioned against drawing cause-and-effect conclusions in an article entitled, "Uses and Abuses of Empirical Evidence in the Death Penalty Debate."

"We find that the existing evidence for deterrence is surprisingly fragile, and even small changes in specifications yield dramatically different results," wrote Justin Wolfers and John J. Donohue. "Our estimates suggest not just 'reasonable doubt' about whether there is any deterrent effect of the death penalty, but profound uncertainty."

The debate in Hartford has focused more on the meaning of justice than on deterrence. Opponents of repeal have framed the question around a horrific triple murder: the deaths of a mother and two daughters in Cheshire in 2007.

Their husband and father, Dr. William A. Petit, stood silently at the press conference Monday, though he has previously testified in public hearings against repeal.

"Anybody who takes a life deserves the death penalty," said Rep. Frank N. Nicastro Sr., D-Bristol.

Rep. Al Adinolfi, R-Cheshire, who made the Cheshire killings a part of his successful campaign to unseat Democrat Elizabeth Esty, an opponent of the death penalty, said the killers of Petit's wife and children deserve to die.

The bill before the Judiciary Committee would apply only to future crimes, a concession to the reluctance of some legislators to vote for anything that could be described as saving the Cheshire defendants from death row.

The legislation would make life in prison without possibility of parole the punishment for a capital crime in Connecticut.

A similar bill passed in 2009, only to be vetoed by Gov. M. Jodi Rell. Her successor, Dannel P. Malloy, is an opponent of capital punishment and promises to sign the bill if it reaches his desk, but the margins for passage are tighter this year, especially in the Senate.

On Monday, the opponents of repeal also resurrected an old issue: a demand for "a workable death penalty," a reflection of the fact that some prisoners on death row in Connecticut have been there for two decades.

"It is simple. It can be done," Nicastro said. "We can fix this."

The state has not executed anyone against their will since the U.S. Supreme Court allowed a resumption of

executions in 1976 after a four-year moratorium. Michael Ross, a serial killer, was executed in 2005 after giving up his appellate rights.

Rep. David Labriola, R-Oxford, said the group is preparing an amendment that would limit habeas petitions and stays of execution once a condemned prisoner's direct appeals were exhausted.

It could allow the state to execute a prisoner within seven to nine years after conviction, he said.

Labriola said the amendment would be offered during the floor debate on the repeal bill, not this week in the Judiciary Committee.

"The passage of this amendment will bring a workable death penalty to Connecticut," said Rep. Jeffrey Berger, D-Waterbury.

Rep. Gary Holder-Winfield, D-New Haven, a leading proponent of repeal, said the conservatives were making a mistake by not filing a separate bill on curbing death-row appeals -- and by not doing it earlier.

"If I were on their side of the issue, I would have put that forward from the beginning of the session," Holder-Winfield said. "I would not just be operating in response to the death penalty [repeal] bill. "

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