

Death penalty talk to coincide with bill

Martin J. Kidston

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A former prison warden, former Texas prosecutor and the brother of Unabomber Ted Kaczynski will headline a public forum on the death penalty next week at Carroll College.

The forum takes place the night before Senate Bill 306 is introduced to the Legislature. If passed, the bill would abolish Montana's death penalty.

Dan Harrington, the Butte Democrat behind the bill, said capital punishment denies due process of law and forever deprives the accused their opportunity to benefit from new evidence.

His bill may be the first of its kind introduced to the senate. The House, supporters said, has seen one such bill in each of the past three sessions.

"The death penalty comes from earlier days of barbarism where slavery, whipping, branding and other corporal punishments were commonplace," Harrington wrote in a letter to newspaper editors. "Like those other practices, state-sponsored executions have no place in a civilized society."

Harrington argues that a society which respects life should not deliberately kill human beings. He called executions a "violent public spectacle of official homicide" that "endorses killing to solve problems."

Scott Crichton, executive director of the American Civil Liberties Union in Montana, said court and administrative costs make the death penalty more expensive than life in prison. He also said past studies have shown that capital punishment fails to deter crime.

"Nationally, over 100 innocent people have been released from death row — some only hours from execution," Crichton said. "The risk that innocent people have been and will continue to be executed is too great to retain the death penalty."

As many as 12 states have abolished capital punishment, along with the District of Columbia and roughly 120 countries around the world.

In Montana, 74 men have been executed since 1863, including three in last 43 years. Duncan McKenzie was executed in 1995; Terry Langford in 1998; and David Dawson just last year. Two men accused of murder are currently on death row.

David Kaczynski, the brother of Unibomber Ted Kaczynski, turned his brother in to authorities in 1996 after suspecting he was behind the mail bombs that killed three people and injured 23 others.

Kaczynski said he was horrified to learn that authorities were charging his brother with a capital crime for which he could face execution.

"It didn't seem to concern prosecutors that my brother was mentally ill, or that executing him would discourage other families from following our example in the future," he said.

Kaczynski, who now serves as the executive director of New Yorkers Against the Death Penalty, will be joined at the Carroll seminar by Gary Hilton, a former warden of the New Jersey State Prison, and former Texas prosecutor Sam Millsap.

Millsap prosecuted accused killer Ruben Cantu, who was executed in 1993. After Cantu's execution, however, a Texas newspaper uncovered evidence proving Cantu's innocence.

"He received a perfect trial," Millsap said. "Yet, we have determined 21 years later that he may have well been innocent. Whether he was innocent or not, the system failed him completely. The system as it relates to capital punishment is simply broken."

The panel also includes two relatives of murder victims, including J.A. Ziegler, a former Yellowstone County Commissioner whose father was killed in Los Angeles, and Marietta Lane, whose 7-year-old daughter was abducted and killed in 1973.

"My own daughter was such a gift of joy and sweetness and beauty that to kill someone in her name would have been to violate and profane the goodness of her life," Lane said. "The idea is offensive and repulsive to me."

The forum on the death penalty will be held on Tuesday, Feb. 6, in the Carroll College commons from 7-10 p.m. The hearing on the bill is scheduled the following morning at 8 a.m. in room 303 at the Montana State Capitol.

Harrington's bill is supported by the Montana Abolition Coalition, the Montana Catholic Conference, the Montana Association of Churches, the Montana Human Rights Network, Amnesty International, and Murder Victim's Families for Reconciliation.

"Legislative hearings are pretty limited in terms of your ability to talk about things in much depth," said Crichton. "We thought that by having a public forum, a number of these positions could be articulated in a little more depth and a little more clarity."

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