

The night before SB 306, the bill to abolish the death penalty and replace it with life imprisonment without possibility of release, was to be introduced before the Senate Judiciary Committee, approximately 125 people gathered at Carroll College to discuss the use of the death penalty in Montana. A panel of five, sponsored in part by the Montana Catholic Conference, shared their personal experiences with the death penalty.

Sam Millsap, an ex-District Attorney from Texas, had prosecuted and won several capital cases in which the defendants were sentenced to death and executed. It was not until evidence had been uncovered that the defendant, in a capital case he had prosecuted and won, may have been innocent, that Millsap began to rethink his stand on the death penalty. Millsap stated that the defendant “received a perfect trial and yet we have determined 21 years later that he may well have been innocent. Whether he was innocent or not, the system failed him completely. The system as it relates to capital murder is simply broken.” In addition, Millsap commented, “ We cannot correct mistakes in the death penalty.”

Gary Hilton, a retired warden from the New Jersey Department of Corrections, said that at the beginning of his career, he firmly believed in the death penalty, but that over the course of his career he came to believe “that execution is not sound or proper public policy.” Hilton now believes that the harsh realities of living out their normal lives in a maximum security prison without any chance of parole, serves justice in a more equitable way for all parties. He said he could think of nothing more horrific than growing old in prison.

Another panelist, David Kaczynski, the brother of Unabomber Ted Kaczynski, said that it was his wife, Linda, who first suggested to him that Ted could be the Unabomber. After a time of investigation and discernment, David did go to the authorities because “it was the morally right thing to do” and because he feared that if he did nothing, Ted might kill again. David was soon horrified to learn that the authorities, whom he had recently helped, were charging Ted with a capital crime for which he could face death. “It didn’t seem to concern prosecutors that my brother was mentally ill.” David stated that Ted was not sentenced to death because he had good legal representation. He also said that because most capital cases affect the poor, people of color and the mentally challenged, good legal is not always available.

Marietta Jaeger-Lane’s seven-year-old daughter was kidnapped from a campground near Three Forks, and subsequently murdered. Marietta told the audience that the death penalty is not a deterrent to crime, that an execution does not bring healing to families and that it is dehumanizing to us as a society. Marietta believes that an execution insults the goodness and beauty of the victim. The victims’ memory deserve much more than a state sanctioned killing. She also believes that when we use the death penalty, we become a people that kills people. At the hearing for SB 306 on Wednesday morning, Marietta challenged the legislative body “not to kill in our name.”

Ziggy Ziegler was a victim of a violent crime over twenty years ago. His 78-year-old father was killed as he sat in his car, waiting for his wife to come out of the grocery store,

in a burglary gone wrong. Ziggy spoke about the physical and emotional toll the murder of his father took on his family. His mother, who was 76 at the time of her husband's death, coped by taking medication, his sister repressed her emotions by immersing herself in parenting twelve children, and his brother remains angry and revengeful. Ziggy, credits his faith, family and friends for not letting the murder of his father destroy him. Ziggy told the audience that part of the healing process for him included involvement in prison ministry and rehabilitation of released inmates. By spending time with the inmates, Ziggy said that he's been able to see their humanity and often tells them "God don't make no junk!"

The five panelists testified before the Senate Judiciary Committee on Wednesday morning.