

MONTANA'S DEATH PENALTY



The Facts

- 2 people currently on death row
- 3 executions since 1976
- 71 executions before 1976
- Jury determines aggravators; judge determines sentence
- Life without parole is a sentencing option
- Method of execution is lethal injection
- 0 persons released from death row based on evidence of innocence
- 1 person has been granted clemency

Notable Cases

In 1995, the execution of Duncan McKenzie by lethal injection was the first execution by a method other than hanging in Montana and signaled the development of the death penalty process in Montana.

Milestones in Abolition/Reinstatement

Bills to abolish the death penalty passed the Montana Senate in 2009 and 2011, but were defeated in the state House Judiciary committee each time.

Montana's Bishops Stand Against Capital Punishment

During the 2017 legislative session, the Bishops of Montana made a statement regarding the proposed death penalty repeal bill. In short, they said, "[i]n keeping with the Church's teach to utilize 'bloodless means' and in witness to the forgiveness of sin and the promise of new life exemplified through the suffering, death, and resurrection of Jesus, we call for the abolition of the death penalty in Montana. Such a policy secure s the safety and protection of our people, helps restore the common good, provides the opportunity for restorative justice, breaks the tragic cycle of violence, and ensures the property of a Culture of Life in the great State of Montana."

Most Rev. George Leo Thomas, Bishop of the Diocese of Helena
Most Rev. Michael W. Warfel, Bishop of the diocese of Great Fall-Billings

For more information:

Montana Catholic Conference: <http://www.montanacc.org/>
Montana coalition: <http://mtabolition.org/>

NOTABLE COMMUTATIONS/ CLEMENCIES

In 1988, David Cameron Keith was granted clemency by Governor Ted Schwinden. Gov. Schwinden's reasons reportedly included Keith's partial paralysis and blindness, remorse, religious conversion, and the possibility that he may have shot the victim as a reflex action. Gov. Schwinden's clemency for Keith changed the atmosphere in Montana to include aspects of mercy and a look at whether incarceration is rehabilitative, as well as retributive.

OTHER INTERESTING FACTS

- Hanging was the method of execution in Montana until 1995, although the last hanging in Montana occurred in 1943. Lethal gas was added in 1983, but was never used. In 1995, Montana adopted lethal injection as the sole method of execution.
- Montana was one of the last states to move executions from local authorities to centralized state administration.

The Church and State Speak

The Church Speaks

Catechism of the Catholic Church

"The Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person,' and she works with determination for its abolition worldwide." (CCC 2267)

Evangelium Vitae

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "The case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." (*Evangelium Vitae*, 27)

United States Conference of Catholic Bishops

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

Words of the Popes

Pope Francis: "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

Pope Emeritus Benedict XVI: "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011



CATHOLIC MOBILIZING NETWORK

**ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.**

The States Speak

Innocence

- Nationally, over 160 people have been exonerated from death row.
- For every nine executions carried out in the United States, one person has been found to be innocent.

Racial Bias

- 76% of death row defendants have been executed for killing white victims, even though African--Americans make up about half of all homicide victims.

Criminalization of Mental Illness and Intellectual Disabilities

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

Overrepresentation of the Poor

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

Costly Public Policy

- Multiple studies have shown the cost of trial sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

Geographic Basis

- 2% of all U.S. counties have produced 56% of the U.S. death row population