EXHIBIT 11
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SB 185

3/15/2011 Testimony for SB 185
Roy Brown, Billings

It is great to be here and see some of my former colleagues. I was glad to be part of the Senate when we passed this bill last session in a bipartisan vote because this should not be a partisan issue. Yes, I am a conservative republican. So, why am I here today to talk to you about my belief that the death penalty should be abolished in favor of life without the possibility of parole??? The answer is simple. I oppose the death penalty precisely because I am a conservative Republican. Most conservative republicans have three main beliefs:

1. They are Pro life: Life is precious from the womb to a natural death.
2. They are fiscally responsible: Never waste the tax payer's money.
3. They despise waste and inefficiency.

Well, the death penalty is certainly not a natural death. The additional costs are huge because of all the years of trials and appeals. And when it takes 20 to 25 years, it certainly is wasteful and inefficient.

My thoughts on the death penalty have gone through an evolution over the years. When I was younger it all seemed so simple. I must confess I could have been described as the "hang 'em high type." But things change.

I heard all the usual arguments.

1. With all the legal costs it is much more expensive.
2. The courts don't always treat everyone equally
3. It's not really a deterrent

Yet, if those were the only reasons, I think I would have remained in favor of the death penalty. However, when it comes to the issue of making mistakes, and being <u>consistent</u> in my support for life, my own philosophy about life really <u>challenged</u> me.

So what does it mean to be consistent??? I am pro life and I feel life is precious from the womb to a natural death. It is that belief that really challenged me to question the use of capital punishment. I am working on my wife and she has come around a bit but she is still not quite there. She says "Abortion is the taking of an innocent life. Capital punishment is the taking of a guilty life" That makes a lot of sense and is easy to understand…but is it always a guilty life…..is it always a guilty life???? I guess if that statement were true then I would not be standing here today.

I want to tell you a story. This happened to me several years ago during a legislative session while I was researching the death penalty issue. I was trying to find an article that had quoted me so I got on the internet and googled my name. I brought up the Google bar and typed in "Roy Brown". To my surprise I found an article that hit me right between the eyes. It read, "After spending 15 years in a New York prison for murder, Roy Brown has been exonerated through DNA evidence and is now free. Brown is the eighth person in New York in the last 13 months to be exonerated."….
<u>Yes, mistakes do happen.</u>

Of course there are many examples of heinous criminals that certainly deserve to be killed. But, as long as the death penalty remains, mistakes involving innocent people will happen.

So what should we do? Life without the possibility of parole should mean just that. There must be no amenities and no early outs for good behavior. True life without any possibility for

parole is tougher punishment than executing them. Execution is the easy way out for the worst of the worst. And when the families of the victims are confident the offenders are not going to be released and that there is not a revolving door policy, they are spared the constant pain of court appearances for the endless appeals in death penalty cases.

So let me wrap this up as best I can. We would not even be here talking about this is if :

1. The death penalty was less expensive than life in prison.
2. The courts treated rich and poor equally.
3. It truly was a deterrent.
4. Everyone that was executed was guilty

Unfortunately the sad truth about the death penalty is
It is much more expensive.
The courts do not disperse justice equally.
It is not a deterrent.
And sometimes..... yes sometimes, they are innocent

I told you at the beginning how my philosophy about life challenged me to come to this decision. So I challenge you today. If you are against the death penalty than you are also saying even a guilty life is worth saving. Should not those innocent lives in the womb get the same consideration? Those innocent lives are in much greater danger than any one on death row.

I will end with a paraphrase of a quote from my favorite Conservative, Ronald Reagan. He said "Life issues are complicated and I can't be sure if I have it right but if I have to pick a side I will always chose life over death."

Thank you for what you do and please pass SB 185.