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SB 185

Dallas Erickson Testimony
Senate Bill 185
House Judiciary Committee
March 15, 2011

Mr. Chairman and Members of the Committee,

Those who support the death penalty equate execution and murder, believing that if two acts have the same ending or result, then those two acts are morally equivalent. This is a morally untenable position. Is the legal taking of property to satisfy a debt the same as auto theft? Both result in loss of property. Are kidnaping and legal incarceration the same? Both involve imprisonment against one's will. Is killing in self defense the same as capital murder? Both end in taking human life. Are rape and making love the same? Both may result in sexual intercourse. How absurd. Opponents' flawed logic and moral confusion mirror their "factual" arguments - there is, often, an absence of reality. Some equate the American death penalty with the Nazi holocaust. Opponents see no moral distinction between the slaughter of 12 million totally innocent men, women and children and the just execution of society's worst human rights violators.

Certainly the proponents of SB 185 are legitimately concerned about an innocent being put to death. That has nothing to do with the death penalty but has a lot to do with the system. We would certainly support a bill that abolished the death penalty in certain circumstance in reference to the type of evidence used to convict. Again, the system and the process are broken. Let us fix that at the next legislative session.

As far as the death penalty being a deterrence, obviously, those executed can't murder again. "Of the roughly 52,000 state prison inmates serving time for murder in 1984, an estimated 810 had previously been convicted of murder and had killed 821 persons following their previous murder convictions. Executing each of these inmates would have saved 821 lives." (41, 1 Stanford Law Review, 11/88, pg. 153) Using a 75% murder clearance rate, it is most probable that the actual number of lives saved would have been 1026, or fifty times the number legally executed that year. This suggests that some 10,000 persons have been murdered, since 1971, by those who had previously committed additional murders (JFA). See B.5.

I believe that the will of the people has been reflected over the last several decades in Montana with the enforcement of the death penalty. I also believe that it is still the will of the people to have a death penalty. I believe many are in favor of fixing the system and I would ask you to do that and leave the death penalty in place.

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