

Testimony in Support of SB185 by Robert Filipovich, Helena, MT 59601 449 6039  
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I assume no one on this committee wants to see innocent people executed for crimes they did not commit. I might even assume that none of you would prefer to retain and exercise the death penalty if innocence or guilt was in any doubt. But I do not assume, therefore, that members of this committee would do what they could to prevent the execution of an innocent person.

There are only two ways to be absolutely certain that the state will never execute an innocent person. One way is to adopt SB185 and never again execute anyone. The only other way to be certain that the state will never execute an innocent person is to assert and prove by multiple means that the state has never and will never wrongly convicted an innocent person – in short, to prove that the state is perfect.

Other states have convicted and executed innocent people. Is our state infallible? Or does it choose to run some risk and expect that the system always works flawlessly? Simply put: execution requires omniscience. Just because state has a law that prescribes its power, its omnipotence over the lives of its convicted residents, this does not mean that the state is all-knowing, all-understanding, all-perfect in its operations. Legal killing, a. k. a. execution, requires omniscience or it could be possible that the state could execute an innocent person.

During my 25-plus years of working in three of Montana's prisons, mostly as a teacher, I knew many murderers and others who had committed horrific crimes. And I am offering members of this committee remarks on aspects of the choice found in SB185 by victim/survivors, lifers in prison, and people like me who have worked with or in the criminal justice system. Please read their personal and insightful remarks.

But these perspectives, meaningful as they are, are not at the core of my reason for opposing the death penalty. I oppose the death penalty because I do not want to participate in perpetuating a falsehood. Surely we agree that the state is not perfect in its procedures, its actors, or its laws. Execution requires perfection, which we do not and cannot attain. It is false to claim such perfection or to be forced to pay to perpetuate such a claim.

Second, the state should not have the power, this ultimate power to execute human beings. The state must not have this final, irreversible solution. It is too much power for any man or any government, and, like other governmental powers, it is not immune to corruption and wrongful use.

If you agree with these arguments, how can you not support SB185? How can you be willing to force me to support, by word and dollar, the false claim of an omniscient state? Choose the half-life of prison instead of death. Thank you for your time.