

David Kaczynski Speaking at a Montana Death Penalty Abolition Forum

David Kaczynski

2007

https://www.youtube.com/watch?v=79h_-7rWB94

David: I think it's a good thing that we have what we call a super due process, although in some ways you know there's more attention given to issues like jury instructions or technicalities sometimes than there is to the issue of guilt and innocence.

And then there's the Texas case of Pereira versus Collins, where basically there was some evidence that surfaced that the man might be innocent and the courts refused to hear it because it was procedurally barred.

They could have heard about a jury instruction that was improperly given, but they couldn't.

And here you know this was a substantial issue of revisit.

The substantial issue of whether the person was actually guilty or innocent.

So the appeals process don't necessarily rectify all of the mistakes, but they're pretty much hardwired into the system based on a whole series of Supreme Court decisions.

So, it's not like any state court could suddenly say well, let's do this more simply and if you just do a thought experiment and you say, OK, let's make it fair, let's make it more accurate, the end result is that you know instead of spending however much you've spent in Montana.

I'll use it just to figure off my head, but I think it's probably close \$500 million to execute three people in in in.

You know 35 years you're going to spend a billion dollars to execute one person in 20 years. And at that point you really have to say this is insane.

You know, why aren't we using our resources?

Our energy, our best attorneys to.

Do something of benefit to society.

We faced a kind of horrendous told dilemma.

That you know if we tried to.

Make it up, it wouldn't.

It seemed you.

Know we couldn't have constructed it to be more painful because we realized we were in a position where any choice we made could result in somebody death.

You know, if we did nothing, if turned out, Ted was the environment he killed again.

We would have to go through the rest of our lives with the blood of innocent person on our hands, realizing that somebody had died because we had failed to act.

On the other hand, the you know the.

Other horn of this dilemma.

Was to realize that.

You know the Unabomber had committed capital crimes.

If I turned Ted in, if he's found to be guilty, there's a chance, maybe even a probability that one day he would be executed.

And I thought about what it would.

Be like for me to go through.

The rest of my life with my own brothers.

Blood on my hands, you know it was like the ethical contradiction implicit in the death penalty was I was living.

Right through them.

That's when I thought about the effect.

On Ted, the guilt I would carry, but you.

Know even more than Ted and and and myself.

I thought about our mother.

At this point she's a 79 year old widow worried for years about Ted because of his mental illness. But believe me, her worst nightmare didn't come close to what we were struggling with that Ted.

Was a serial murderer.

You know people will ask me well, how did you make the decision and I would point out it really was a coupled decision.

It was a family decision.

I think.

Ultimately, Linda and I felt that we had to take this one step at a time and we had to do.

We had a moral obligation to stop the violence if we could, and then we just had.

To hope that.

You know they would realize Ted was mentally ill.

Perhaps they would not seek the death penalty, but we had.

Save Innocent lives first if we could, but I gotta say, you know the reason my brother didn't get the death penalty wasn't because he was mentally ill.

We do execute quite a few mentally ill people in this country more than 100 by a recent study since 1992.

It wasn't because there was any mercy for our heavy term tedin.

I've known other families that turned in loved ones only to witness their executions.

I'll tell you.

About one of those stories in a second.

His life was safe because he had great attorneys.

In general, we're not executing the people in this country who commit the worst crimes.

We're executing the people who got the worst legal representation, and I think we all know who those people are.

You know they're people with limited economic resources that people with who are mentally challenged.

They're often too often people of color.

You know the murderer and the executioner.

Both fail to see that the greatest agony is for the surviving family members on both sides.

I didn't come out of that whole ordeal thinking I'm going to spend the rest of my life.

Fighting the death penalty, you know?

I was sort of almost glad it was over.

Until a call came from the guy in California, he said his name was Bill.

Babbitt name I'd never heard.

He was of course aware of my name and he told me that he thought I was maybe the only person in the country who could understand what he was going through at the.

Moment and when I heard his story, I realized it was probably true.

He had turned in his brother to the Sacramento.

Police Department

He had read a newspaper article about an elderly woman whose apartment had been broken into.

Someone, had savagely beat her, and and walked away with a few.

I think I watch and some nickels and.

In reading this news story.

He began to suspect his own.

Brother, who had been a Vietnam vet.

Had a piece of shrapnel.

His spell from you know in his brain, might have been three years in a mental institution, so he's turning in his brother to the place and saying this isn't going to be a death penalty.

Cases it man man is.

Not a monster he he's really been messed up.

Since Vietnam and.

The prosecution is not a death penalty case.

We'll see that to it that your.

Brother gets the help he.

Needs it wasn't until he went to his brother's arraignment that he realized it was a death penalty case and that they were going to seek the death penalty against his brother.

Bill Babbitt's brother Manny at the opposite side of the criminal justice system. My brother had great lawyers. His brother had a court appointed attorney that had never tried a criminal case before.

Or he got an all white jury, though he, you know, was an African American family. His brother lawyer was drunk every day of the trial.

Later despaired at the end of this whole.

Process his brother.

Been sentenced to death 18 years later.

He's calling me and saying, you know, my brother's appeals have run out.

They can execute your brother.

And my brother and he's talking about how he was feeling guilty and suicidal.

And I'm saying Bill this, you didn't mean any harm to your brother.

This isn't your fault, it's the system.

And I actually thought naive as I was. Again, I didn't miss the politics of this, but I thought we could save his brother's life that, you know, in the late 20th century in California, this just couldn't be happening.

And then it was like.

Surreal, I saw the part of the story that I didn't have to live.

Bill that was.

Never thanked by the victims family was never thanked by the prosecutors or the police. His only reward for training and his brother was to a front row seat at his brother's execution. So he watched his brother be put to.

Death at some point in Peru.

I attended the.

Funeral, which was at a small town on Cape add about a 3 hour drive from's connected in New York where I live and you know it was.

It was like spring over the years, you know.

Spring in the northeast it's.

Just like in Montana is beautiful there are.

There's there's flowers and there's birds.

And yet here we are in a graveyard.

And there's a flag draped coffin.

It was the first time I met Bell's mother who's about the same age as my mother, maybe 1/2 inch taller than my mother. And there she is.

You know, weeping at her son's funeral and Bill has his arm around and.

I can't imagine the guilt he's.

Hearing and you know, as I saw that.

Those two people

I realized, well, that could have easily been me and mom, except for one reason.

You know, we were educated, Ted, Great lawyers, you know, we, we we.

We were well spoken because it.

Was such a high.

Profile case the media was highlighting our.

Story, you know.

We were here, that was all he was.

It was, you know.

His brother's blood on his hands.

And it was at that point, you know, I rarely began to feel you know.

People have generally generally good hearts.

I think that people in America really want to be fair.

I think if they begin to look at the cruelty of the death penalty at the injustice of the death penalty, it's an eye opener.

They're going to begin thinking about this differently.

Couple of years ago I was at a vigil at the Supreme Court building of the United States and engraved in white marble and the facade of that building.

Beautiful building are 4 words and the words are equal justice spender law.

I mean I think it's a noble, profound defining aspiration for our democracy.

But you know, it's an aspiration.

It's not a reality.

Well, long way from that.

Yeah, as long as we can put innocent people on death row as long as you know the people selected from for death row or people with you know, limited economic resources from the margins of society.

As long as we're willing to spend in New York \$200 million in a program that ended up executing nobody, or in California.

\$250 million per execution and not invest in code prevention in law enforcement. And if aid for victims, we've had a serious prob.

The Ted K Archive

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A former prison warden, former Texas prosecutor and the brother of Unabomber Ted Kaczynski headline a public forum on the death penalty at Carroll College. The forum took place the night before Senate Bill 306 was introduced to the Legislature.

If passed, the bill would have abolished Montana's death penalty.

www.thetedkarchive.com