

Testimony of
J.A. “Ziggy” Ziegler

SB 306

An Act Abolishing the Death Penalty and Replacing it with Life Imprisonment without
Possibility of Release

Senate Judiciary Committee Hearing

February 7, 2007

My name is J.A. “Ziggy” Ziegler of Billings, Montana. I am a retired Yellowstone County Commissioner, and I am presently Chairman of the Montana Catholic Conference.

I am the victim of a violent crime. My 78-year-old father was senselessly murdered in a foiled robbery attempt as he sat in his automobile reading his newspaper. He was mortally wounded and left to die as the perpetrators fled to a waiting car. My 76-year-old mother finished her grocery shopping, returned to the parking lot to find an ambulance removing my father’s body from the car. This occurred in the neighborhood where I grew up as a child. My father was one of five homicides that evening out of the same police station. Two 16-year-old youths were apprehended in an hour thanks to the identification by a lady shopper and her 14-year-old son who were exiting the store and witnessed the crime.

There are no words adequate to describe the emotions and trauma when one receives the nerve shattering telephone call. There is at first disbelief, then sheer physical emotion of loss, then hatred, then reality. I spent the day with my father three days earlier, and now it was evident that I would never see him again. I became angry when I realized that I would never be able to say, “I love you” or “goodbye.” My older brother lived near my parents and he was the first to receive the news. He called and could not get the words out other than, “Dad was gone, Dad was gone.” He could not say he was “dead” or “murdered.” I lived 200 miles away and thanks to a friend with a private plane I was with my mother in a matter of hours. My older sister, a mother of 12, lived in another state which took her some time to get her arrangements completed.

My brother could not come to grips with the situation. I assumed the task of identifying my father at the morgue, securing his personal belongings and making the arrangements for his release to the funeral home.

In the weeks that followed I accompanied my mother to Juvenile Hall to experience the inquest, hearing, and trial regarding my father’s death. I attempted to be my mother’s

spokesperson to alleviate her having to look at the photos of her dead husband, to look at the defendants and to hear their testimony. The sentencing phase followed. The two minors were remanded to the Juvenile Authorities and sentenced to a juvenile detention facility until age 21. At that time, California had no law regarding minors in capital cases.

The shock and trauma of this tragic event in our family has lingered on for a long time. My mother survived 14 years, never fully recovering from the reality of losing her husband by relying on prescribed medications to help her cope. My older brother has not forgiven the youths and has commented over the years that we should have gotten a gun and killed the two boys. My response to that has always been that it would not accomplish anything and certainly not bring back our dear father. My sister returned to her home and the chores of raising 12 children and immersed herself in that endeavor, mostly wanting to put this behind her and not speak about it.

I addressed the hate issue for awhile. It was through the gift of my faith, my family and my friends that I was able to overcome that consumption and turn it over before it totally destroyed my life and that of my family.

In 1978, I was asked to participate in a prison retreat program held at Montana State Prison, a four-day seminar with the inmates. My initial reaction was an adamant, "NO." Why do I want to go to a prison with all those criminals? I went, went again, and went again and soon became consumed with compassion when I realized that each opportunity I had to share my testimony with those in confinement affected some who were guilty of a similar crime. Many have never witnessed a victim let alone heard the discourse of what happens to a victim's family or the true consequences of their actions. Some have apologized to me, perhaps for the first time realizing what they have done to others.

Again because of my faith, my family and my friends, I am able to find peace regarding my father's demise. I have forgiven those guilty of taking my father's life. I am able to

forgive those who may be guilty of a similar crime. Hopefully, I may be that instrument that helps them realize they are forgiven. You can forgive the sinner but not the sin....

Nothing yesterday, today, or tomorrow will bring my father back; and I have accepted that. Taking the lives of the two youth that murdered my father would satisfy nothing and will only promulgate the “Eye for an Eye” theory. Those who may advocate, “I want them to be held accountable for their actions,” then hold them accountable with a sentence of life in prison – no pleadings, no hearings, no extensions.

Everyday, I wear my father’s wedding ring and will remain wearing it until my time comes. I have many fond memories of him knowing that he lived life to the fullest and that by his death he would not want vengeance for those that caused him harm.

So now, 29 years later, my journeys to the jails and prisons continue to give me hope that by my presence and my testimony that I may have some influence with those less fortunate than I and let them know that they are worth something because “GOD DON’T MAKE NO JUNK.”

I would ask you to consider joining me at one of our four-day retreats. We stay at the prison, eat with inmates and interact one-on-one with them. You will quickly become aware of how fortunate we all are to be where we are in our life’s journey. We are all called to serve... Won’t you join me? Won’t you join this effort to abolish, once and for all, the death penalty in Montana? I am not a man of letters. I have no degrees to strengthen my beliefs. The death penalty is NOT a deterrent to crime. I have asked this question of hundreds of inmates I have counseled with over the years. It has confirmed my suspicions. In committing a capital crime, one rarely thinks of DEATH to stop their actions. It is time to end this injustice. THANK YOU.