

CRIME BILL -- DOLLARS FOR MONTANA, 1995 - 2000
(Revised 8/22/94)

LAW ENFORCEMENT

- * **100,000 POLICE** -- Guaranteed minimum of \$44 million -- more than 500 police officers at \$75,000 per officer.
 - ** Given Montana's share of the population and the additional \$6.5 billion in discretionary dollars, Montana should expect a total of about \$60 million over the next 6 years.
 - ** Of the total, up to 85% can be used to hire about 700 police officers. At least 15% -- \$9 million -- can be used to help pay the training, overtime and administrative costs of implementing community policing in Montana.
- * **PRISONS & BOOT CAMPS** -- \$12 million for prison grants, including military-style boot camp prisons. An additional estimated \$12 million is possible if Montana meets the "Truth in Sentencing" target of second-time violent offenders serving 85% of their sentences.
- * **BYRNE ENFORCEMENT GRANTS** -- \$1 billion in the Trust Fund will help continue full funding for these grants, including Montana's \$2 million annual share.
- * **RURAL LAW ENFORCEMENT GRANTS** -- \$6.5 million for drug and crime enforcement in Montana's rural areas.
- * **DISCRETIONARY GRANTS** -- Montana's law enforcement agencies and courts may apply for:
 - ** \$1,000,000,000 -- Drug Court programs (treatment backed up by drug testing and certain punishment for non-violent offenders currently on probation.) Estimated \$3.2 million for Montana -- enough for about 1,600 offenders over six years.
 - ** \$320,000,000 -- Criminal record systems (Brady Law), communications equipment, and DNA testing; and
 - ** \$200,000,000 -- Judges, prosecutors and public defenders (estimated \$600,000 for Montana).

- ** **YOUTH DEVELOPMENT CENTERS** -- to develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs for violent juveniles, including alternatives to school suspension and juvenile court diversion.
 - ** **SAFE SENIORS CORRIDORS** -- to provide older Americans with enhanced protection from crime by increasing police presence and crime prevention activities by community groups.
 - ** **HOPE IN YOUTH** -- to create Family Outreach Teams composed of youth, parents and school-parent organizers for mentoring, community organizing and peer counseling.
- * **DISCRETIONARY GRANTS** -- State agencies and non-profit organizations may apply for a share of:
 - ** **MODEL INTENSIVE GRANTS** -- \$626 million for intensive, comprehensive and flexible aid to areas, urban and rural, hardest hit by crime and violence.
 - ** **NATIONAL COMMUNITY ECONOMIC PARTNERSHIP** -- \$270 million to extend lines of credit of up to \$2 million to community development corporations to provide small, low-interest loans to businesses in low-income neighborhoods.
 - ** **GANG RESISTANCE EDUCATION AND TRAINING ("GREAT")** -- \$45 million for school-based programs to teach children to resist peer pressure and understand the negative impact of gangs and drugs.
 - ** **URBAN RECREATION AND AT-RISK YOUTH** -- \$4.5 million to expand recreational facilities in high-crime areas.

PREVENTION PROGRAMS

- * **LOCAL PARTNERSHIP ACT** -- \$4.5 million in direct grants to cities and towns in Montana. Wide discretion permits local governments to use the dollars for education, drug treatment, and jobs programs.
- * **VIOLENCE AGAINST WOMEN ACT** -- \$2.9 million in grants for police, prosecutors and victims services; \$1 million in grants for shelters for battered women and their children; and Montana can apply for a share of \$500 million in several discretionary programs.
- * **AFTERSCHOOL AND IN-SCHOOL "SAFE HAVENS" FOR AT-RISK CHILDREN** -- \$3.2 million for non-profit, community-based organizations in Montana.
- * **DRUG TREATMENT IN PRISONS** -- \$1.5 million to treat up to an estimated 1,400 drug-addicted prisoners in Montana prisons over the next 6 years.
- * **LOCAL CRIME PREVENTION BLOCK GRANT** -- \$1.1 million in direct grants to cities and towns for various programs, including:
 - ** **ANTI-GANG GRANTS** -- to give young people positive alternatives to gangs, such as academic and athletic after-school activities, mentoring programs and scout troops.
 - ** **MIDNIGHT SPORTS LEAGUES** -- to give at-risk youth nightly alternatives to the streets, and for the U.S. Olympic Committee to develop supervised sports and recreation programs in high-crime areas.
 - ** **BOYS AND GIRLS CLUBS** -- to establish clubs in low-income housing communities, and to encourage police officers to live in those communities.
 - ** **TRIAD** -- for partnerships between senior citizens groups, police chiefs and sheriffs to combat crimes against elderly Americans.
 - ** **POLICE PARTNERSHIPS FOR CHILDREN** -- for partnerships between law enforcement and social service agencies to fight crimes against children, and for the creation of youth councils to combat crime.
 - ** **VISITATION CENTERS** -- for supervised centers for divorced or separated parents to visit their children in "safe havens" when there is a history or risk of physical or sexual abuse.

Montana, Home to Vigilante Legend, Prepares First Execution in 52

HELENA, Mont. (AP) In Montana, where the vigilantes of gold rush days became legend dispensing swift, deadly justice, 52 years have passed since a murderer swung from a hangman's noose.

That chunk of history may end Wednesday when Duncan McKenzie Jr., on death row 20 years for the torture-murder of a rural schoolteacher, is scheduled to die at the state prison in Deer Lodge.

McKenzie, 43, passed on the gallows and chose to die by injection.

He has more appeals pending and has asked Gov. Marc Racicot for clemency. The Board of Pardons recommended against it late Saturday, but Racicot has not announced his decision.

The victim's mother, a state senator, wants McKenzie dead.

"I've tried to be patient," Ethel Harding said. "I believe he should pay for his crime, and he has to do it personally."

Most people in Conrad, a town of 2,900 in Montana's wheat country where McKenzie killed his victim in 1974, also want the execution carried out.

"Conrad's never forgotten," said farmer Jerry Hepp. He said his Bible-study group at St. Michael's Roman Catholic Church once voiced unanimous support for McKenzie's execution, despite the church's stand against capital punishment.

Paying for one's crimes has been a theme in Montana justice since gold drew miners and crooks to the Rocky Mountains.

Among the outlaws was a band of thieving desperados known as "the Innocents," blamed for the murders of more than 100 people in the gold camps from 1862 through 1864. Their leader, Henry Plummer, was the sheriff of Virginia City.

In reaction, local businessmen formed a vigilance committee.

The vigilantes broke the back of the Innocents by forcing a captured outlaw to provide his cohorts' names and hanging every member they could find anywhere from 24 to 30 of them according to various accounts. Plummer was strung up Jan. 10, 1864.

The vigilantes are legend in Montana. Their cryptic symbol, "3-7-77" once left behind as a sort of sinister calling card with those they wished to intimidate is now emblazoned on the Montana Highway Patrol shield.

But they weren't saints.

"They weren't necessarily the good guys history has portrayed them as being," said Richard Roeder, professor emeritus of history at Montana State University. "They employed absolutely no concept of due process. ... Once you were accused, you were guilty."

Eighty-four people were known lynched in Montana in territorial days before statehood in 1889, including mere bystanders and suspects dragged from jail.

There were 70 legal executions from 1863 to 1943. The last one was Sept. 10, 1943, when Philip "Slim" Coleman was hanged in the Missoula County Jail for murdering a railroad foreman who'd hired Coleman a few days earlier. He was put to death just 46 days after his arrest.

Half a century later, McKenzie is without doubt the longest-term resident of Montana's death row.

In 1974, McKenzie, then 22, was fresh out of prison after a three-year sentence for assaulting a woman. He had a new job at a Conrad seed store and had just bought an old truck. The morning of Jan. 21, he was heard boasting that he "broke in" his vehicles by having sex in them. He said he preferred teachers. And he told a

co-worker he ``had one in mind.''

A few hours later, 23-year-old Lana Harding was attacked in her living quarters next to her one-room school.

When Harding did not show up to teach class the next day, a search began. Her body was found in a snowy field 4 miles away. She had been raped, choked and beaten. A rope was tied around her neck and the right side of her head lay open.

No one needed vigilantes to tie McKenzie to the crime. His truck was seen driving toward the field the night of the murder. His bloody gloves were found nearby. Blood was found in the bed of his truck, along with purple fibers that matched Harding's sweater.

Brain tissue and blood matching Harding's were detected on an exhaust manifold found in the back of McKenzie's truck.

Convicted Feb. 1, 1975, McKenzie has survived eight scheduled execution dates because of appeals.

Those appeals continue. McKenzie now argues that he has been on death row so long that executing him would constitute cruel and unusual punishment.

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