



## **BY MAIL AND FAX**

March 8, 2012

Chairman Michael E. McKee  
Montana Board of Pardons and Parole  
1002 Hollenbeck Road  
Deer Lodge, MT 59722  
United States of America

Dear Chairman McKee:

### **Re: Ronald Allen Smith**

On behalf of the British Columbia Civil Liberties Association, I write to support the clemency application filed by Ronald Allen Smith, a Canadian citizen currently on death row in Montana. We ask that the Montana Board of Pardons and Paroles recommend to the Governor of Montana that Mr. Smith's death sentence be commuted to life imprisonment without parole.

The BCCLA is the oldest civil liberties organization in Canada. We have spent 50 years working to preserve, defend, maintain and extend civil liberties and human rights in British Columbia and across Canada. We have longstanding and extensive involvement in working to ensure that civil liberties are protected in the context of the criminal justice system. The BCCLA has a committed and principled opposition to the death penalty. We take the position that capital punishment is unfair, arbitrary, and cruel, and the BCCLA advocates for the worldwide abolition of the death penalty.

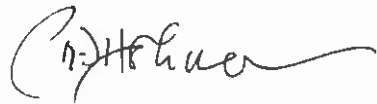
Mr. Smith is a Canadian citizen. He has been convicted of committing very serious crimes in Montana – the killing of two young men. We respectfully ask, nonetheless, that clemency be exercised and that Mr. Smith's death sentence be commuted. We do so given our organization's commitment to the abolition of capital punishment and given Canada's longstanding refusal to impose capital punishment for crimes committed here, whether the convicted are Canadians, Americans, or of any nationality. Canada ended the practice of execution as punishment for crimes in 1962. It eliminated the death penalty from its criminal laws in 1976. Canada has, since then,

supported the universal abolition of the death penalty. If Mr. Smith were sentenced in Canada for the crimes he was convicted, he would not be subjected to the death penalty. He would face life imprisonment instead. If he had fled to Canada following the commission of his crimes, Canada would only have permitted his extradition if it received meaningful assurances that he would not be facing the death penalty if convicted. The United States has provided such assurances in cases in which Canada has sought them as a condition of extradition.

We believe that the death penalty is a cruel and inappropriate punishment under any circumstance. For those who may not agree on that, we would note that questions have been raised concerning Mr. Smith's conviction and the process leading to it. You are undoubtedly well aware of the facts surrounding Mr. Smith's conviction and the subsequent legal challenges to his sentence. We would highlight the fact that Mr. Smith finds himself facing execution because he chose to plead guilty to the murders, refused to present mitigating evidence, and insisted on taking responsibility for his offences by requesting the death penalty. His co-accused in the murders, on the other hand, was released from prison in 1998. Those factors, in our view, in a jurisdiction where the death penalty still exists on the books, but where clemency is also an accepted part of the law, make serious consideration of and the grant of clemency particularly appropriate.

Mr. Smith's offences are grave, but, in our respectful view, justice would not be served by his execution. We ask that the Board recommend commutation of his death sentence, and that the Governor exercise executive clemency.

Yours truly,

A handwritten signature in cursive script, appearing to read "R. Holmes".

Robert Holmes, Q.C.  
President

Cc:  
Governor Brian D. Schweitzer  
Office of the Governor  
Montana State Capitol Building  
P.O. Box 200801  
Helena MT 59620-0801  
United States of America