

## **‘Unconscionable’: Is Kansan Lisa Montgomery the kind of person who should be executed?**

BY THE KANSAS CITY STAR EDITORIAL BOARD  
DECEMBER 30, 2020 05:00 AM

All year long in her cell in Texas, [Lisa Montgomery](#) crochets angels and Christmas tree ornaments and elaborate nativity scenes overrun with more angels. This Christmas Eve, her attorneys called her to say that a judge in Washington, D.C., had [ruled](#) that a new execution date for her couldn't even be scheduled until Jan. 1 at the earliest.

Then, she'd have to be given the legally required 20 days notice of that new date, according to the ruling from [D.C. District Judge Randolph Moss](#). It wasn't clear how much of this Montgomery really understood: "Her connection with reality is fairly tenuous," especially under stress, one of her lawyers, [Sandra Babcock](#), said in an interview with The Star Editorial Board.

But for a minute there, it seemed that the 52-year-old Kansan's life was likely to be [spared](#). By President-elect Joe Biden, who opposes the death penalty, potentially on his first day in office.

Would the Trump administration appeal the judge's decision was the question. "This gives the administration an opportunity to reflect," Babcock said right after the ruling. "Is Lisa Montgomery the kind of person who should be put to death?"

[A brain-damaged, severely mentally ill person](#), that is, hideously abused throughout her life, trafficked by her own mother. A person the system ignored even after she testified in her mother's divorce case about being raped on a regular basis by her stepfather and his friends. A person who never received any treatment until after she'd committed a gruesome crime of her own, slicing a child from the womb of a young Missouri woman, Bobbie Jo Stinnett, with a kitchen knife.

If this government ever did reflect on whether she's the kind of person we could feel righteous about killing, however, it did so briefly and then answered yes.

On Tuesday, the federal government appealed Moss' ruling to the [D.C. Circuit Court of Appeals](#). In their notice of appeal, lawyers including [Tim Garrison, U.S. Attorney for the Western District of Missouri](#), defended their decision not to follow the law, though that's not how they put it: "Montgomery received ample notice of her execution date and will not suffer irreparable harm from the bare procedural violation she alleges."

If death isn't irreparable, we're not sure what is, but the government lawyers go on to argue that Montgomery "has no equitable interest in enjoying a windfall from defendants' rescheduling of her execution to a date permitted by this court's prior injunction."

The "windfall" in question would involve being allowed to keep breathing.

Her execution, originally scheduled for Dec. 8, was initially delayed because her two main lawyers became very sick with COVID-19 after traveling to see her. They made the trip in the first place because the Trump administration refused to delay the execution on account of the pandemic, even though executions are themselves superspreader events because they bring a whole team of outsiders into the prison.

The federal government broke the law, Judge Moss ruled, in hustling to set a new Jan. 12 execution date while the stay of execution was still in place.

Whoever loses the next round will without any question appeal to the U.S. Supreme Court. Blood and breath are at stake, but the decision will turn on “a very dry legal issue, actually,” Babcock said, “an administrative law question about the government’s duty to follow the rules it has established under the law.”

It’s hard to predict what the Supreme Court will decide, because whether the government should follow the law is not a particularly partisan question.

President Donald Trump could still grant her clemency, too, and that’s where public opinion might matter. Opposition to the death penalty has been [growing for some time](#), but even many of those who support it don’t think it was ever meant to be used against someone as impaired as Lisa Montgomery.

A few Star readers have written to say that she should be put to death regardless of her illness or history. One man said he’d love to kill her himself, and a woman said that since Oprah Winfrey was abused as a child and yet has refrained from cutting anyone open, Montgomery should have been able to do the same. A man who works in mental health said that if she had really turned to Jesus, then she would never have done what she did.

The vast majority of readers who responded to stories about the case, though, said they oppose Montgomery’s execution. They said they were praying for her, wanted to write to her, and wanted to know who to call to express their support for clemency, which would mean she’d spend the rest of her life in prison, crocheting angels and staying in the lives of her four children. “Lisa’s suffering is beyond imagination,” one Star reader wrote. “Her execution would be as unconscionable as any war crime.”

Lisa Montgomery’s death at our hands would be so unconscionable that it might even be the death knell of the death penalty. It would be totally in keeping with her luckless life if she were one of the last to be put to death in our name.

But if this Supreme Court only upholds the law as written, which is their job and stated inclination, it won’t ever come to that.



Lisa Montgomery crocheted this Christmas ornament in prison for one of her attorneys, Amy Harwell. *PHOTO COURTESY AMY HARWELL*