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BODY:

Timothy McVeigh was a test of faith for anti-death penalty die-hards. With Juan Raul Garza, executed yesterday in Terre Haute, Ind., they were on more familiar ground.

The drug dealer and convicted murderer of three became the second federal prisoner executed since 1963. Late last year, then-President Bill Clinton issued a stay of execution after a Justice Department study disclosed that between 1995 and 2000, where U.S. attorneys sought the death sentence, 80 percent of defendants were minorities.

This led NAACP Chairman Julian Bond to sermonize, "I don't believe that anyone, even the strongest supporter of the death penalty, wants anyone to die unfairly." Note that Bond isn't speaking of the innocent dying, but violation of some mythical standard of absolute fairness.

The possibility that a disproportionate number of minorities may be committing capital crimes under federal law never penetrates their mindset.

A more recent study showed that where the feds could have sought the death penalty, they did so 58 percent of the time when the defendant was Hispanic, in 79 percent of cases where he was black and in 81 percent of cases where the accused was white.

Two of Garza's victims were Hispanic, as was the judge who tried his case and the assistant U.S. attorney who prosecuted him. Bias here exists only in the eyes those who see everything through race-colored glasses.

Sadly for them, the race card couldn't be played with McVeigh. "We're executing too many white, militia types," just doesn't cut it. The mad bomber admitted to his horrific crimes, for which - to his dying breath - he showed no remorse.

According to a Gallup poll, 81 percent of the American people wanted McVeigh put down. Among them were 58 percent of those who say they're against capital punishment.

Death penalty opponents were reduced to stamping their feet like petulant children. "We're giving him exactly what he wants" - a media menagerie followed by a quick end -

they pouted.

Quite the contrary. After his conviction, McVeigh decided not to prolong the inevitable. When there seemed to be a chance that his sentence might be overturned - based on FBI files not initially turned over to the defense - he instructed his attorneys to petition for a stay of execution.

When it became clear that this was futile (after the 10th U.S. Circuit Court of Appeals turned him down), he accepted his fate. McVeigh wanted to live but knew his cause was hopeless.

Yes, but whether or not a murderer wants to die, life in prison is a much better punishment, opponents urge. Let him rot in a cell.

If Timothy McVeigh had lived another 60 years behind bars, he would have spent that time using his screwball philosophy to justify his atrocities - mocking his victims and their families in the process.

What exactly did those who opposed his execution have in mind for the mass murderer? That he be kept in solitary confinement, shackled and blindfolded, denied diversions and all human contact?

Hardly. While McVeigh's life in prison would have been circumscribed, still he would have had visits from family and friends, letters from deranged admirers, and access to books, music and television.

Opponents think themselves especially clever when they observe that an execution won't resurrect the murderer's victims. But punishing a rapist won't undo his crime either. There are very few cases, mostly restitution for property crimes, where the victim is returned to his original condition.

For death-penalty foes, the argument doesn't turn on racism, innocents dying or any of the other facile arguments advanced.

Exhibit A is Michael Radelet, a University of Florida professor who candidly argues, "The death penalty debate is not about the McVeighs and Bundys," but "the poor, victims of child abuse, people who had bad attorneys." (Ted Bundy was a notorious serial killer of the 1970s.)

In other words, if the murderer was impoverished, abused, a victim of discrimination, denied the services of a Johnnie Cochran Jr. - if he was emotionally deprived, confused - he doesn't deserve to die.

Given enough time, Radelet and Co. could find extenuating circumstances for any killer, even a McVeigh or a Bundy.