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Editorial

CLAMORING TO KILL MALVO DEAD WRONG

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The dead felled by the snipers' three-week rampage deserved a dignified pursuit of justice, but they will not get it. The prospect of headlines and political advantage have proved too seductive for Washington-area prosecutors, who are practically trampling one another for the right to execute the accused. Their conduct is one more stain on the already mottled image of American jurisprudence.

It isn't supposed to be this way. In the history books and civic lessons --- the stories we teach our children about who we ought to be as a people --- those who carry out American justice are supposed to approach their duties with restraint and humility, out of respect for the awesome weight of their responsibilities. What, after all, can be more sobering than the prospect of putting a man to death?

But prosecutors in Maryland and Virginia --- not to mention the U.S. Department of Justice --- have been giddy with excitement about the prospect of wielding the executioner's sword. Their enthusiasm is all the more unseemly since one of the suspects, John Lee Malvo, is apparently only 17 years old.

Montgomery County (Md.) prosecutor Douglas Gansler apparently rushed out before the agreed-upon starting bell to file charges against Malvo and John Allen Muhammad, 41. But Fairfax County (Va.) prosecutor Robert Horan, insisting that the two be tried first in his state, was contemptuous of Maryland's death penalty statutes. Not only has Maryland recently enacted a moratorium on executions, he noted, but its death penalty laws specifically exempt minors.

So far, few have dared suggest that Maryland's authorities may have acted wisely in setting aside the death penalty for juveniles. Such a statement would require courage, and few men or women who hope to further their political careers would dare throw themselves in front of the white-hot tide of vengeance that rises in the wake of crimes such as these.

If there is to be a death penalty in this country, there can be no argument about its fitness for any adult who carried out a diabolical shooting spree that left 10 people dead and three, including a child, gravely wounded. If convicted, Muhammad could hardly hope for mercy.

But this nation ought to be nobler and wiser than to execute a young man not much older than the 13-year-old victim. No matter how eagerly --- or equally --- Malvo participated in the crime spree, he should not be judged equally culpable if he has not reached legal age.

We do not allow 17-year-olds to vote or drink or run for high political office. There is good reason for that. While the line between youth and adulthood is not as sharply drawn as age limits suggest, there is a common understanding that teenagers usually lack wisdom and maturity. Recently, scientific studies have begun to underscore that conventional wisdom, as researchers find evidence to suggest that the adolescent brain may undergo dramatic and unsteady shifts in the areas that dictate decision-making and self-control.

Malvo may also have suffered an unstable home life that led him to seek validation from any father-figure who would give him the attention he craved. News reports suggest a boy who desperately needed an authority figure to guide him into manhood. Instead, it seems, young Malvo ended up with a psychopath who led him down the path to self-delusion and destruction.

That does not, of course, justify or explain the crimes attributed to him; if Malvo participated in the murders of innocents, he is well past rehabilitation, and he must not be loosed upon us again.

Justice would be satisfied with a sentence that forced Malvo --- again, if he is guilty --- to grow old and feeble behind bars. But prosecutors seeking political advantage will only be satisfied with his death.

Cynthia Tucker is editorial page editor. Her column appears Wednesdays and Sundays.