

WORLD NEWS TONIGHT
With Peter Jennings

A Closer Look: Juveniles and Justice

Aired December 18, 2003 - 07:00 PM ET
Transcript

PETER JENNINGS: (Off Camera) As you heard earlier in the broadcast, a Virginia jury has convicted Lee Malvo of murder for his part in the area sniper attacks around Washington. Lawyers for Malvo, who committed the crimes when he was 17, failed to convince the jury that he was brainwashed by his partner, John Allen Muhammad. Now, the jury must decide on a sentence. And there are only two possible penalties, life without parole or death. A recent ABC News/"Washington Post" poll found that 37 percent of people would prefer Malvo get the death penalty. Only 21 percent favored executing minors in general. ABC's Dan Harris takes "A Closer Look."

DAN HARRIS, ABC NEWS: (Voice Over) Advocates on both sides of the death penalty debate agree that the Malvo case, on the surface, at least, provides ammunition to those who favor executing juveniles. On confession tapes, Lee Malvo, calmly, coldly admits to being the trigger man in all of the sniper shootings. And that he, quote, "intended to kill them all."

TOM FITTON, JUDICIAL WATCH: The idea that if you're 17 or 16 and you commit a murder, that because of your age, you should get a virtual get out of jail free card, I think is at odds with justice.

DAN HARRIS: (Voice Over) Death penalty opponents, however, argue that a close examination of this case reveals powerful arguments against capital punishment for juveniles. Malvo, they say, was brainwashed by John Muhammad, his father figure, illustrating the fact that people under 18 are impressionable.

DOCTOR WILLIAM F. SCHULZ, AMNESTY INTERNATIONAL USA: Juveniles are not allowed to vote. They're not allowed to serve on juries. In Louisiana, they're not allowed even to attend executions unless they are the ones being executed. Juveniles are clearly less responsible for their actions than adults. We know that in every area of our life, except in the area of criminal justice.

DAN HARRIS: (Voice Over) The trend in recent years, both globally and domestically, is away from executing minors. The US is the only country to allow it, other than Iran and the Congo.

DAN HARRIS: (Off Camera) Even in the 21 states where's it's legal, juries and prosecutors have been calling for the juvenile death penalty less frequently. Only three states, including Virginia, where the Malvo trial is being held, have executed a juvenile offender in the last ten years.

PROFESSOR VICTOR STREIB, OHIO NORTHERN UNIVERSITY LAW SCHOOL: The juvenile death penalty is fading away fast, has nearly disappeared. And the Malvo case seems very odd in that situation because it's a continuation of something that's nearly ended.

DAN HARRIS: (Voice Over) For now, there are 73 juvenile murderers on death row. With today's conviction, Lee Malvo may now join them. Dan Harris, ABC News, New York.