

Mr. Malvo, Juvenile

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Two people are accused in the Washington area sniper case — John Muhammad, who is 41, and Lee Malvo, 17. One is an adult, the other a juvenile. Yet the government has consistently ignored the fact that Mr. Malvo deserves consideration appropriate for someone his age.

Mr. Malvo, who is accused of taking part in a horrific case of serial murder, is hardly the most sympathetic example of a juvenile caught up in the justice system. But that is what makes it particularly important for people to speak out. Principles that are applied only to sympathetic individuals don't need defending.

There are good reasons the law treats juveniles differently. Young people do not have the same judgment as adults, they are less able to rein in their impulses and they are more susceptible to outside influences. Press reports suggest that Mr. Muhammad, who held himself out as Mr. Malvo's father, controlled every aspect of Mr. Malvo's life, from where he lived to what he ate. It is wrong to suggest that a 17-year-old boy is as able to resist this sort of coercion as an adult would be.

The government's disregard for Mr. Malvo's juvenile status was dramatically illustrated last week, when police interrogated him for seven hours outside the presence of his court-appointed guardian. Todd Petit, the lawyer appointed to serve as a stand-in for Mr. Malvo's parents, asked the police to stop, but they continued, and ordered Mr. Petit to leave police headquarters. It makes a mockery of the institution of guardianship for the government to appoint a guardian and then prevent him from being present for an interrogation that could lead to his ward's execution.

Mr. Malvo's age, and the government's desire to prevent it from playing a role in his prosecution, also appears to have been a key factor in choosing Virginia as the first state to prosecute the case.

The biggest difference in the two states' treatment of juveniles concerns the death penalty. Maryland does not execute juveniles, while Virginia has executed three since 1976 — the second-highest number of any state. It is Virginia that is out of touch: fewer than half the states now have the death penalty for juveniles, and only seven have executed one in the last 26 years. In choosing Virginia, the Justice Department appears, shamefully, to have forum-shopped for one of the country's few jurisdictions with a penchant for putting minors to death.

The Bush administration has already indicated it does not think the Constitution should apply in terrorism cases. Now it seems to be saying that if a crime is sufficiently notorious, time-honored legal protections for juveniles should be abandoned. But this nation is strong enough to prosecute criminals, internal and external, without giving up its principles.