

California executes mentally ill Vietnam veteran

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The state of California put to death Manuel "Manny" Babbitt, a mentally disturbed Vietnam veteran, early Tuesday morning. On death row for 18 years, Babbitt, a 50-year-old grandfather, was executed by lethal injection at San Quentin prison after last ditch appeals to state and federal courts failed to win a stay of execution.

More than 700 protesters gathered outside the prison just north of San Francisco to voice their opposition to the death penalty and support for Babbitt. The veteran was convicted of the 1980 killing of Leah Schendel, a 78-year-old Sacramento woman, during a break-in.

Babbitt's defense attorneys argued that he had a Vietnam War flashback and was in a drug- and alcohol-induced haze when he killed Schendel.

Governor Gray Davis, a Democrat who ran for office as a law-and-order candidate and death penalty proponent, rejected Babbitt's appeal for clemency last Friday. Davis said, "Countless people have suffered the ravages of war, persecution, starvation, natural disasters, personal calamities and the like, but such experiences cannot justify or mitigate the savage beating and killing of defenseless, law-abiding citizens."

Babbitt's fate personifies the treatment of many working class youth who were first used, and in many cases destroyed, during America's war in Indochina and then discarded. He grew up in poverty in a small community of immigrants from the Cape Verde Islands in Wareham, Massachusetts. He and his seven brothers and sisters were raised by an abusive father and mentally ill mother in a house that was heated by wood and insulated with newspaper, without a toilet or hot water.

Babbitt suffered from learning disabilities in school and dropped out after seventh grade at the age of 17. Barely 18, he joined the Marines in 1967. The recruiter gave him a general intelligence test, but Manny could barely read it, so the recruiter filled it in for him.

Babbitt recalled one of his first assignments: loading

shells filled with thousands of darts. "A bunch of little tiny nails hit little tiny humans and all the humans fell. There'd be nothing but blood and guts on the landscape and that was the kind of things I had to look at."

Within six months he was in Khe Sanh, in the middle of a 77-day siege of the US fire base by the North Vietnamese Army, one of the longest and bloodiest battles in the war. Babbitt was one of the 2,000 Marines wounded at Khe Sanh when on the fifty-sixth day of the battle he was struck in the head and hand by rocket fragments. He was evacuated in a helicopter filled with dead Marines in body bags. One week later he was flown back to Khe Sanh.

When the siege was finally lifted in July 1968, after US bombers had laid waste to the area, nearly 1,000 US Marines, 15,000 North Vietnamese soldiers and thousands of civilians were dead.

After Khe Sanh, Babbitt fought another bloody battle, and then went home where he married and signed up for another tour. He was assigned to guard duty at a military base in Quonset Point, Rhode Island, where he lived with his new family. But the impact of Vietnam left deep mental scars.

At home he would scream to his wife to grab the babies and run for cover from the bombs. He took LSD, a habit he began in Vietnam, and soon went AWOL (absent without leave). After the third incident, Babbitt was discharged from the Marines and his family evicted from the military base. At the time a close friend said, "He had always had troubles, and he wasn't particularly bright, but the Manny that came back from overseas was nuts."

Soon Manny turned to crime, including robbing gas stations and vacant summer homes.

On October 24, 1973 he was sentenced to eight years in state prison for armed robbery. Later he was admitted to the infamous Bridgewater State Hospital for the Criminally Insane, a prison hospital that gained national

notoriety in 1967, when the documentary "Titicutt Follies" chronicled shocking abuses of patients by hospital workers.

After returning to prison, Babbitt was sent back to the hospital two months later when he attempted suicide because his wife was leaving him. In 1975, Babbitt was diagnosed with paranoid schizophrenia and granted parole from the hospital. He soon returned to the streets, like thousands of the more than 500,000 Vietnam veterans with post-traumatic stress disorder who were left without treatment.

Soon after moving to Sacramento, California to live with his brother Bill, Manny was involved in the assault on Leah Schendel. On the afternoon before the attack he drank and took drugs with another Vietnam veteran. Babbitt says he does not remember attacking Schendel or another woman the next night who was beaten. All he remembers is seeing car headlights in the foggy night that he believed were incoming aircraft or exploding mortars.

The lawyers who argued for Babbitt's appeal--Jessica McGuire, a public defender, and Charles Patterson, a private lawyer who was also a Marine in Khe Sanh--said Babbitt saw the lights and "disassociated." The sight of aircraft would always be followed by enemy fire in Vietnam and soldiers would duck for cover. Babbitt, his lawyers say, ran for cover into Schendel's house and then beat her when she panicked.

The old woman was found with a mattress over her head and a leather cord tied around her ankle. Babbitt's attorneys say this was significant because when a Marine was killed in combat his friends tried to protect the body from further damage by covering the corpse with whatever was handy. They would also try to tie something around the ankle or foot to identify the body before it was evacuated.

The police captured Manny with the aid of Bill Babbitt who was desperately seeking help for his troubled brother. Bill said the police "urged me to try to solicit a confession from him so it would expedite his 'care.' They told me, 'You don't have to worry about your brother going to the gas chamber. We're going to find a hospital for him, perhaps a place like Vacaville,'" he added, referring to the state prison that has a medical and psychiatric facility. Bill has since said he feels like Judas for delivering his brother into the hands of the executioners.

Babbitt's appeal lawyers argued that Manny deserved a new trial because of racial bias and judicial misconduct in his original trial. James Schenk, Babbitt's court-appointed lawyer for the 1982 trial, resigned last year from the state

bar after pleading no contest to embezzling \$50,000 from clients' trust funds. During the trial he never called witnesses who had served with Babbitt in Vietnam, never documented his family history of mental illness, and never sought Babbitt's Vietnam medical records. Schenk, who was reportedly drunk during much of the trial, admitted in court papers that he "failed completely in the death penalty phase" of the trial.

Babbitt's case received widespread support from veterans groups, prominent writers, death penalty opponents, mental illness associations, and even former jurors in the trial who said they would never have sentenced him to death if they had been aware of his mental disorders. The brother of Unabomber Ted Kaczynski, who had also turned in his brother after false assurances from authorities that they would not seek the death penalty, added his support.

Last year, after lobbying from veterans, Babbitt received the Purple Heart medal while on death row. He was shuffled into a prison room shackled in a chain that wrapped around his waist, between his legs, to his handcuffed wrists. As a sergeant major read the citation documenting Manny's wounds at Khe Sanh, Manny tried to salute. He could not raise his manacled hands to his forehead so he scrunched forward at the waist, bringing his forehead to his hand, held stiff in salute. Shortly after the ceremony, Democratic Senator Diane Feinstein introduced legislation to ban military personnel from presenting medals to criminals.

Babbitt's supporters had hoped to win clemency from Governor Gray Davis, a Vietnam veteran who promised to give veterans respect during his election bid. Instead Davis denounced Babbitt's "lifelong and violent criminal activities," adding that he had had several run-ins with military police and officers during his time as a US Marine. This was the second time since taking office in January that Davis has refused to commute the sentence of a death row inmate.

Babbitt spent Monday, his fiftieth birthday, counting down the hours to his 12:01 a.m. execution. He asked that the \$50 allotted for his last meal go to homeless veterans.



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