

Bush administration exploits DC sniper case to promote death penalty

Kate Randall

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The Bush administration is deliberately manipulating the tragedy surrounding the Washington-area sniper shootings to promote capital punishment, a key element of its right-wing political agenda.

The US Justice Department has intervened in the case to ensure that the best conditions are created for the two suspects—John Allen Muhammad and Lee Malvo—to receive the death penalty. To this end, the government has seen to it that the shootings are first prosecuted in Virginia, the state where both men, including 17-year-old Malvo, can be put to death if convicted.

Attorney General John Ashcroft has made no secret of the government's objectives. At the press conference announcing the suspects' transfer to Virginia, Ashcroft commented, "It is imperative that the ultimate sanction be available for those who have committed these crimes"—i.e., execution.

The two alleged snipers have been charged or are suspected in 21 shootings, including 14 fatalities, that occurred in Washington state, Arizona, Georgia, Alabama, Louisiana, Maryland, Virginia and the District of Columbia. Ten of these took place last month in a three-week shooting-spree in the Washington DC area, including six in Montgomery County, Maryland.

Muhammad and Malvo were arrested in Maryland on October 24 and charges were brought against them in connection with the six shootings that took place in that state. According to a *New York Times* October 30 report, denied by the Justice Department, John Muhammad was close to confessing when federal prosecutors forced state authorities to end their interrogation and the US attorney for Maryland ordered that Muhammad be delivered to Baltimore to face the federal charges.

On October 29, the Justice Department brought federal extortion charges, based on the assertion that John Muhammad had committed the murders to extort \$10 million from the police. It was widely acknowledged at the time that these were flimsy charges that would prove difficult to prosecute.

On November 7, Ashcroft announced that the federal charges were being dropped, and the two suspects were handed over to Virginia authorities to stand trial—Muhammad in Prince William County and Malvo in Fairfax County.

Thus the federal charges proved to be little more than a means for the Bush administration to shift initial jurisdiction in the case from Maryland, where most of the fatal sniper attacks occurred, to Virginia.

The government's intervention was highly unusual from the standpoint of normal legal practice in the United States. Traditionally, in those cases where crimes have been committed in numerous jurisdictions, the decision on where the suspects are to be prosecuted is determined by two criteria: where the preponderance of crimes was committed, and which jurisdiction has physical custody of the suspects. In this case, Maryland fulfilled both criteria.

Ashcroft and the Bush administration have openly seized on this case in an effort to rehabilitate the death penalty. This takes place at a time when popular backing for the practice is waning. According to Gallup polls, support for capital punishment has dropped from 80 percent in 1994 to 68 percent in 2001. When the alternative of a life sentence without parole is offered, support drops still further.

In the face of growing revelations of wrongly convicted death row inmates, and the disproportionate administration of the death penalty against minorities and the poor, both Illinois and Maryland have suspended executions. The number of executions nationwide has dropped from a high of 99 in 1999 to 66 in 2001, and 56 so far this year.

As opposition grows among working people and youth to the Bush administration's plans for military aggression abroad and attacks on democratic rights at home—all carried out in the name of a "war on terrorism"—the death penalty becomes an even more important component of its reactionary program. In its drive to execute John Muhammad and Lee Malvo, the Bush administration is playing to its Republican right base, while seeking to bolster the repressive powers of the state.

The Justice Department intervention underscores the Bush administration's hypocrisy on two counts. First, while the Bush administration claims to uphold states' rights and the prerogatives of localities against "the Washington bureaucracy," it has no compunction in shoving aside the Maryland authorities when such action suits its political purposes.

Second, while Bush and the "law-and-order" lobby profess sympathy for the victims of crime and use "victims' rights" as a banner to attack civil liberties, they do not hesitate to remove the sniper suspects from the jurisdiction where most of the fatal shootings took place and most of the families and friends of those killed reside.

It is no mystery why Virginia has been chosen. While Maryland presently has a moratorium on executions and has carried out only three executions since 1976, Virginia is second only to Texas in the grisly business of state killings, having put to death 86 people. Virginia also allows capital punishment for crimes committed when the accused is as young as 16, and has carried out three executions of juvenile offenders. Maryland outlaws such executions.

Virginia has also been cited for violations of due process in death penalty cases. A 2000 report by the American Civil Liberties Union of Virginia entitled "Unequal, Unfair, and Irreversible: The Death Penalty in Virginia" documented racial bias, prosecutorial abuse and inadequate counsel for capital defendants.

The way in which Muhammad and Malvo were transferred to Virginia was designed to further undermine their legal rights. Hours before Ashcroft made his announcement, United States marshals took the defendants to Virginia. Lawyers appointed for the men in Maryland objected that they were not given any time to challenge the transfer.

When the defendants were transferred, the lawyers appointed to represent them in Maryland were no longer their legal representatives. Muhammad and Malvo were questioned extensively by the local authorities, before new legal counsel was appointed the following day. Malvo reportedly gave the police substantial incriminating evidence. Statements by Muhammad in court the following day made clear he was under the impression he was still represented by his Maryland attorneys.

Todd G. Petit, a guardian *ad litem* appointed for Malvo by a Virginia judge on the afternoon of November 8, went to Fairfax County police headquarters and demanded that all questioning of Malvo cease. A police commander ordered him out of the building. A lawyer from the county public defenders office was also denied a request to see Malvo.

The *World Socialist Web Site's* opposition to the death penalty for John Muhammad and Lee Malvo in no way indicates indifference to the heinous nature of the sniper

shootings. If the two are indeed guilty, they are unquestionably deeply disturbed individuals who have committed brutal anti-social crimes. They should be isolated from society at large.

But will the American people be any safer or more secure as a result of their execution? Hardly. The state killing of Muhammad and Malvo will do nothing to change the conditions in contemporary America that foment such rage and brutality. In fact, the practice of state killings serves to cheapen life and inject even more hatred and violence into society.

It would never occur to Ashcroft or any of his fellow law-and-order zealots—or for that matter, the US media—to ask why it is that the country that leads the industrialized world in promoting and utilizing capital punishment is the county where bloody acts of homicidal violence—whether politically motivated or otherwise—occur with the greatest frequency.

While the recent sniper shootings are particularly gruesome, similar eruptions of violence—including school shootings, workplace shootings, acts of right-wing terrorism—have become a regular occurrence in twenty-first century America. In its own way, the DC sniper case testifies to the futility of capital punishment as a deterrent to violent crime.

On the contrary, it suggests a connection between the official state murder machine and a society in which eruptions of mass murder have become almost commonplace. The government's behavior in relation to the Washington sniper shootings should serve as a sharp warning of the type of methods being prepared by the political establishment in its drive to further erode democratic rights and establish a garrison state.



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