

PERSPECTIVES

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CRIME & PUNISHMENT



CAPTAIN SENSIBLE

PAT PAYNE

It was supposed to happen Wednesday. The federal government was to have carried out the execution of its first prisoner since 1963. At midnight on May 16, Timothy McVeigh, the perpetrator of the bomb attack against the Alfred P. Murrah Federal Building in Oklahoma City, was to expire on a surgical gurney, a lethal mixture shutting down his bodily functions. In a way, it would be an anti-climactic end, a whimper rather than a bang.

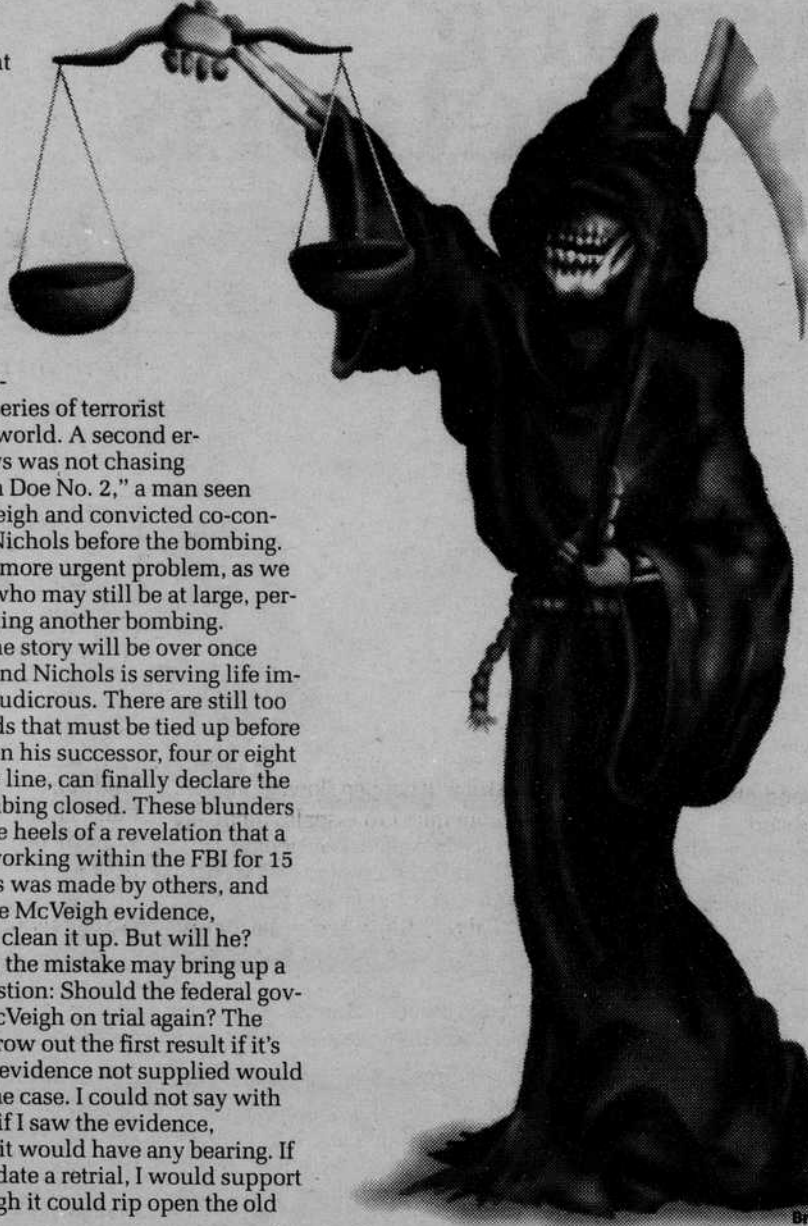
But history gave us one last surprise. It was revealed last week that a wealth of evidence — including tapes, photos and reams of documents — was withheld from McVeigh's defense attorneys during his 1997 trial in Colorado. The new attorney general, John Ashcroft, having been left with this problem, had the duty of pulling the brakes on the impending execution, postponing it until June 11.

This error with the files complicates matters quite a bit. The FBI, for whatever reason, decided or was unable to release all the evidence in its case against McVeigh. "Why" is a question that the previous attorney general, Janet Reno, was adept at evading, and she has a lot to answer for in this and other blunders under her watch. Among those blunders is her apparent unwillingness to investigate further in the case following some circumstantial evidence that may have indicated a larger conspiracy, including the militia movement and, as mentioned on "The O'Reilly Factor," Osama bin Laden's organization.

Had the government brought about such an investigation, we would have at least known the extent of the conspiracy and could finally say whether it was just a small group of "patriots" or another link in a series of terrorist acts across the world. A second error in those days was not chasing down the "John Doe No. 2," a man seen with both McVeigh and convicted co-conspirator Terry Nichols before the bombing. This is a much more urgent problem, as we have a person who may still be at large, perhaps even plotting another bombing.

To say that the story will be over once McVeigh dies and Nichols is serving life imprisonment is ludicrous. There are still too many loose ends that must be tied up before Ashcroft or even his successor, four or eight years down the line, can finally declare the case of the bombing closed. These blunders come hot on the heels of a revelation that a spy had been working within the FBI for 15 years. The mess was made by others, and now, as with the McVeigh evidence, Ashcroft has to clean it up. But will he?

Furthermore, the mistake may bring up a tricky legal question: Should the federal government put McVeigh on trial again? The courts could throw out the first result if it's shown that the evidence not supplied would have affected the case. I could not say with certainty, even if I saw the evidence, whether or not it would have any bearing. If the courts mandate a retrial, I would support that, even though it could rip open the old



wounds for the families of the 168 dead. Even after what he did, I wouldn't feel comfortable letting Timothy McVeigh go to his death knowing he was unfairly convicted.

There is a larger question, though, surrounding McVeigh's scheduled execution, and that is whether we should have a death penalty at all. I don't believe that the death penalty is a deterrent. But it is not always necessarily cruel and unusual. I believe there are a very few people who should be put to death for their crimes. Those I would willingly condemn to death are not the everyday murderer, who in a fit of rage or cowardice shoots another human being, or who kills for any of the myriad venal reasons that motivate some criminals. For them, a lifetime of being confronted with what they have done and confinement or rehabilitation to ensure that they never kill again are sufficient.

But there are those rare monsters who kill for a sexual rush, or whose acts are so brutal, horrific or gigantic that nothing in life could possibly expiate their crimes. One of those men is Timothy McVeigh. He parked a delivery truck filled with nitrate explosives next to the Murrah Building and then fled. The explosion sheared off the entire front of the building, taking along with it a day care center inside the building where toddlers were at play. The victims were killed either by the blast or by falling debris. This monstrous act was supposed to spark an anti-government revolution that thankfully never came. If we have or can convict him fairly, his death would be well justified.

Pat Payne is a columnist for the Oregon Daily Emerald. His views do not necessarily represent those of the Emerald. He can be reached at Macross_SD@hotmail.com.

Bryan Dixon Emerald

Death penalty doesn't stop violence

Guest Commentary

We, the undersigned people of faith and conscience, take this opportunity as the execution of Timothy McVeigh nears to reflect once more on our desire to end capital punishment in the United States. Capital punishment is an ultimately dehumanizing act that robs us of the image of the Divine that dwells within the human soul.

We believe that we must hold this view even in the face of a crime such as this and a criminal such as Timothy McVeigh. At the same time, we recognize and honor the pain and anger of families and friends of those who died in the 1995 bombing of the Murrah Building in Oklahoma City. We recognize the threat to society of Timothy McVeigh and others like him, and we believe that, indeed, our society must be protected from such a man, as he must be protected from performing such an act at another time.

Like many fellow citizens, we are troubled as we see our country's policies increasingly embrace violence for violence, an eye for an eye, a tooth for a tooth. In Oregon, Measure 11 has robbed of discretionary power the very judiciary that could be helping to reform young people for a productive life in society. The prison industry towers over our attempts to educate children and

young people for a productive life.

Should we not try to follow the teachings of the world's greatest religious leaders, including Hillel, Jesus, Gandhi, Martin Luther King, Jr. and others, who would encourage a response of compassion? We state this while recognizing full well that most of us cannot possibly know how difficult that would be for families and friends of victims of bombings, murder and massacre.

We believe that killing by the death penalty only continues the cycle of violence; what appears to be a public savoring of this particular event only encourages behavior patterns of vengeance and hate, to say nothing of creating a new, exalted martyr for the extremist fringe. The United States is the only country in the Western industrialized world to continue to use the death penalty. It is time that we move forward to policies that combine firmness and careful regard for the public with compassion. We are committed to working for the abolition of the death penalty.

We invite all those who will to join us as we hold vigil today, less than one month before the execution of Timothy McVeigh. We will hold Timothy McVeigh in our hearts and prayers, as well as the survivors of his violence, his family and our country. The vigil will take place at 8:30 p.m. in the EMU Amphitheater.

Please note that signers of this letter have signed as individuals and not as representatives of their organizations or faith communities:
 Rev. Stephen Mathison-Bowie; Father Michael Fores, OP; Rev. Tiare Mathison-Bowie and 17 co-signers.

Letters to the editor

ASUO Constitution Court senior justice resigns

Members of the University, the ASUO and the constitution court:
 Due to my graduation from the School of Law on Sunday, May 13, I hereby submit my resignation from the ASUO Constitution Court. It has been both an honor and a pleasure to serve as a justice under both the Gibbons and Raschio courts. The University community has given so much to me over the years, and I am thankful for the opportunity originally provided by former ASUO Vice President and Constitution Court Justice Glen Banfield, and former ASUO President Wylie Chen.

I can only hope that the tradition of minority representation continues in the future. I also hope that the future makeup of the court will lead to greater gender balance. Under the new leadership of Chief Justice Sara Pirk, and in conjunction with the newly elected ASUO Executive, I firmly believe both the constitution court and the ASUO will be more efficient and well directed in the academic terms to come.

Accordingly, the future of ASUO leadership appears to be in good hands, and I wish both the court and the ASUO well. I officially resign.

Ahsan A. Awan
 senior justice
 ASUO Constitution Court

Stop whining about Bush

Oh my God! Are we still hearing about the November election? First from Emerald mouthpiece Aaron McKenzie ("Look OUTSIDE the bubble," ODE, May 10) who exemplifies University liberal thinking (i.e., your opinion is valid as long as it agrees with theirs), and then from a clearly bitter and petty guest commentator ("Reinstate Gore by impeachment," ODE, May 10).

Republicans didn't whine for months after Clinton wasn't convicted by the Senate. It's over, people, so move on to your next fight. Incidentally, we haven't had one scandal since Bush became president.

Nick Rountree
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