

# **David Kaczynski's Speech on Media, Race & Capital Punishment**

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# Contents

The Fight for Manny Babbitt . . . . . 13

In such a complex issue race media, the death penalty and the Unabomber case and you know, I've never been asked to put all those pieces together before, and I might be a little incoherent because it's new to me, but there's an incredible synergy of these various issues and I hope to draw it out in in talking about my own experience and and my friends.

The death penalty should have ended for two very obvious reasons, if not the third we've had so many wrongful convictions.

We have always suspected that the system is available.

Now we know it's available in New York alone.

We've had 7 exonerations of people wrongfully convicted of murder.

Simply in the last five years, now those were 7 iron clad exonerations by DNA.

We've had seven others, including one man who was was in the Dominican Republic at the time.

The crime that he served 15 years for was committed in the Bronx.

We've got a system that is a mess simply in terms of do they get the right person.

We've also got a death penalty system that is extraordinarily expensive in New York. The figure we often use is that we've spent \$200 million for nine years that resulted in putting seven people on death row. Nobody was executed, and that's a conservative figure.

Uhm, their costs to the prosecution and the police that can't be broken out unique to a capital case, it's probably more like \$300 million wasted. Regardless of your opinion on the death penalty, this was obviously a failed program. Look at a state like California where according to the Los Angeles.

Times the cost of the death penalty system over the last 30 years, divided by the number of people executed, 13 people comes out to \$250 million per execution.

1/4 of a billion dollars to put someone to death. Even if you were for the death penalty. In principle, if you had no moral objections to it, you'd have to think, wow, there's a whole lot better ways to spend our energy and resources.

And even if we were only focused on crime, you know, working with troubled kids, working with crime victims, working with the mentally ill.

Any number of programs we could do to strengthen communities to reduce the levels of violence.

Instead, we've been pursuing, for political reasons, a program of vengeance that for the most part, doesn't work in any case.

But now to the third reason, because that's really the subject and that is the disparity in how the death penalty is applied.

Go back to 1972, the Furman decision. The court under the wise leadership of Thurgood Marshall noticed that you know we had tremendous disparity. Application of the death penalty. Some of it was arbitrary.

Most of it we know was not arbitrary.

It had to do with class and a lot of it had to do with race.

And you know, made this enlightened decision. Looking holistically at this justice system and say, you know, if you're going to take someone's life, you have to do it in a way that's fair.

We have not come close to that.

We don't have a system for doing it.

The death penalties should be ended and and I think that's most of us felt at that point.

That this was the end of the death penalty.

Unfortunately, a different court you've heard earlier today about the McCluskey decision.

And if.

You think of the absurdity of that decision.

It basically it says, we know we have a biased unjust system.

It was a biased unjust system that put you on death row, but now you have to prove that it was personally biased against you, something strangely counter intuitive about that kind of an argument.

And yet you could understand their motivation because if McCluskey had gone the other way by one vote.

Say if Lewis Powell had come to his illumination a little bit earlier, we would not have a death penalty today and we are stuck with a system 1000 more executions of families including families of victims continually re victimized by a system that that doesn't help anyone.

One of the things I used to hear in New York constantly was that, hey, we're not Illinois and we're not Alabama and we're not Texas.

You know, we're going to do things right in the state of New York.

Well, we've done a better job. We don't have a death penalty right now. We had assembly hearings in 2004 and 2005 that looked at the whole issue and said, look, you know, there's a lot greater downside with the death penalty. Then there is an upside. Which is, you know, speculative if any.

But if we look at how the death penalty was applied in New York, there were disparities. You heard that in Baldiz found in Georgia that the murder of a white person was 22 times more likely to result in a death sentence than the murder of a person of color. Nationally, that figure is.

Pretty much thought to be about four times more likely if your victim is white, that that you're going to get the death.

Penalty well, we did do better in New York.

According to the Center for Law and Justice in Albany over a period of 10 years that we had the death penalty.

You were only about twice as likely to get the death penalty in New York State.

If your victim was was white.

Uhm, we had a system that nobody could argue was applied evenly. So in a massive state with 19 million people, 62 counties, almost half of our death row, three of the seven people sentenced to death in New York came from one county.

Now you would imagine that would be a high crime county, right?

It must be a lot of murders in this place.

Well, it was Suffolk County that put almost, you know, half of our death row, a relatively low crime area by standards of urban New York and I'd.

Like to just.

Think for a minute about one of the men who were sentenced to death.

There a man by the name of.

Nicholson McCoy

You think all white juries are a thing of the South, or a thing of the past, or just happened in Chicago with its particular brand of racism?

Nicholson McCoy was convicted of a rape and murder.

I don't think there was any question of innocence.

At least it was never raised to my knowledge.

Uhm, but his he was the only black person in the courtroom throughout the trial.

The attorneys on both sides, the jury was all white.

The judge was white.

The witnesses were all right, everybody involved in the case was white.

Accepted Defendant Nicholson McCoy, which happened to be who happened to be a very very large black man.

Uhm, one thing. Another thing unique about Nicholson McCoy's case is that of the seven people sentenced to death in New York. He probably had the strongest case of mitigation.

At the age and it was well developed by his attorneys who were really good attorneys.

At the age of four he witnessed his father being murdered by his mother.

His mother went to prison.

He went into the foster care system.

He was removed from foster care families twice on grounds of abuse when his mother came out of prison when he was in his early teenage years, he was replaced back within with his mother, who then abused him again.

So consider what a jury is asked to do.

They're asked in a capital case to do something absolutely unique.

They're no longer finders effect once they have found the person guilty, they really put in a position where they're playing God.

They're asked to weigh the mitigators against the aggravators.

OK, awful, brutal crime.

And an awful, brutal childhood.

How are we going?

To weigh this.

And with what tools are we going to weigh justice in this case?

And I would argue that in a case like this one in any capital case, it's really empathy. It's really hard to kill someone once you see they're a human being.

So the question is this jury, did they see?

The hurt little boy who saw his father being murdered who was abused continually throughout his life who was never protected by society.

Or did they see the big black man who had raped and murdered the white woman?

You know, in some sense.

Who knows, you know, did racism put Nicholson McCoy on death row?

We'll probably never know, but but the picture does not look good.

It does not look healthy.

It does not suggest given what we know about how the Capitol justice system has worked all around the country like a fair and just system.

Media is a thread that really runs through a lot of what we've talked about this morning and what the panelists talked about.

It also certainly runs through the Unabomber case and I have very ambivalent feelings about the media is probably become clear as I talk a little bit more about the case, the Unabomber.

It was a media obsession.

For 17 years he had been planting bombs around the country, sending them through the mail at one point. Believe it's probably still true that the Unabom case was the longest running most expensive criminal investigation in U.S. history. So it was an embarrassment for law enforcement. It was a huge obsession.

For the media, if you watch cases like you know.

Programs, crime programs like America's Most Wanted. There was a regular feature, helped us catch the Unabomber.

I I never imagined that person would end up being my brother, and it was actually a decision made by the Unabomber, that kind of planted the suspicion with my wife.

She had been following some of the stories about the Unabomber in late summer of 1995 she approached me and.

Said David has it.

Never occurred to you as a, you know, even as a remote possibility that this person could be your brother based on some of these coincidences and.

Because Ted had never been violent, I had absolutely dismissed it, and I guess frankly, because I was his brother because I loved him.

I completely dismissed it.

The Washington Post and the New York Times, under pressure from law enforcement to help them solve the case, gave in to the unabomber's demand that the Unabomber manifesto will be published and they had very strongly mixed feelings. Some people felt, you know, we should not give a public forum to someone who's trying to use.

Violence to promote his ideas.

Law enforcement was saying this might be the only clue or.

We could get to help us solve the case because we're clueless at this point.

It was actually reading the Unabomber manifesto in October of 1995. I got this sinking feeling that just maybe my wife was right. Maybe there was a remote possibility.

That the person responsible could be Ted and as we studied the letters that Ted had sent me over the years.

Read the Unabomber manifesto again and again and again through a process over a period of weeks where we became obsessed with this case.

You know, we began to think there was perhaps a 50/50 chance that Ted was the person who had wrote, written the manifesto. Hence the person responsible for these crimes.

At this point we found ourselves in.

You know it felt like being in a box.

It was like you.

You want to find some magic way out some magic way for this situation to go away.

But there was no.

There was no magic out.

We realized that whatever choice we made, whatever action we took.

Could result in somebody.

If we did nothing.

And Ted was the Unabomber, we might wake up some morning and realize that some innocent person had died because we had failed to act.

You know that would be crushing.

We'd go through the rest of our lives with the blood of an innocent person on our hands.

We we couldn't do that.

On the other hand, we also knew that the Unabomber, if he ever was caught, would be a prime candidate.

For execution.

Uhm, you know, as polls at that time said, 80% of Americans favored the death penalty. The Unabomber was Public Enemy number one, he had premeditated Lee targeted 3.

Well, many people, three of whom had actually died, and I thought my God, what would it be like to turn in my brother, have him be executed, and go through the rest of my life with my own brother's blood on my hands?

You know, I thought about the impact on Ted. There was 7 1/2 years difference but we had been very very close.

Uhm, I thought about the impact on me.

The guilt I would carry.

But even more than Ted and myself, I thought about our mother.

She had worried about Ted for years because of his estrangement from the family because of his mental illness. Believe me, Mom's worst nightmare about what could

be wrong with Ted did not come close to you, know the awful suspicion that we were struggling with.

We made the decision to go forward.

We hoped and prayed that Ted would be found to have nothing to do.

We we, with the crimes we actually requested that certain promises be given, one being that given Ted's mental illness, we we thought it would be disaster if.

You know?

An agent went to his cabin and knocked on his door with his level of paranoia, he could lash out, or more likely, I thought he might take his own life, thinking there was no peace in this world.

Even in this remote part of the forest where he was living.

We I was especially insistent that if they ever got to the point of needing to talk to with our mother that they would have to go through me first and and I would have the right to be present if we were.

To be interviewed.

One of the things I'd actually asked our attorney was.

This I said.

Look, they must want the Unabomber desperately. If we could deliver that person, could they at least promise me that they would spare my brother's life? It's the only thing we ever really asked.

And the answer that came back after much discussion with people in the litigation community was that the system doesn't work like this, you know, law enforcers could make promises, but the prosecutors aren't bound to those promises.

There's no.

And there was really no way in this sort of sequential process to get a plea bargain at this early stage.

But even then, I was struck with with the irony.

Most of you, I'm sure have heard.

I've heard of Sammy the bull Gravano, a mafia figure who had murdered 19 people.

He was in federal custody and it seemed like the Justice Department weren't so interested in taking Sammy the bull's life as they were in getting the goods on his boss, John Gotti. So in in exchange for his testimony against John Gotti, Sammy, the bull murderer of 19 people.

Innocence got a slap on the wrist.

He got a couple of years in a Country Club federal prison and was later released to the Witness Protection program.

Sammy the bull could get a deal to save his own skin.

A brother coming forward.

Knowing that his loved one is mentally ill trying to.

You know, strike a sort of moral high ground and say you know we value life.

We're taking steps to value life cannot get the same kind of a deal because it's not in the interest of the prosecutors.



It doesn't fit the wider political or legal agenda.

Uhm, I think whenever you think about the discretion that prosecutors use, race is in there lots of things that they don't know about is in there because they're human beings.

But there are lots of different balls in the air and only one of them is named justice I'm afraid.

At one point I got a call that I'd been dreading one of the agents.

Said to me, David, we're sorry to have to tell you this.

We've done everything possible to rule out your brother as a suspect.

Unfortunately, he's moved to the top of our suspect list.

We're now at a point in the investigation where we really need to speak with your mother.

Do you think you could tell her what's going on?

Persuade her to meet with us and.

So the moment of truth was at hand, I was.

Afraid you know if Mom got wind of this she might die.

I mean, I might not only lose my brother to execution, I might lose my mother to shock to heart, attack, to stroke.

But here I am a couple of days. After having this conversation with the agent walking up the steps to my mom's apartment, knocking on her door.

She opens her door and I say.

Mom, I have to talk to you about something and she takes one look at me and says David, you look terrible.

Oh my God, did something happen to Ted?

That's where her intuition took her.

And pretty soon I hear I have her sitting down on a couch and I'm kind of pacing the floor trying to make it somehow not too painful to tell her.

You know what's happened and I'm also dreading telling her what I've done.

I know that she loves Ted with all her heart.

I know that she loves me with all her heart.

I have no idea how a mother puts this together.

I don't even know if she's going to love me after I tell her that I've turned in my own brother.

When I told her what I'd done.

I got the reaction really was was pretty amazing.

My mom is 91 years old. Tomorrow it's still very clear in her mind.

And and but this is above all the fond memories of I have of my mother.

This is the defining memory she got up out of her chair without saying a word she just walked up to me.

She put her arms around my neck and pulled me down and put a kiss on my cheek.

And she said, David, I can't imagine what you've been struggling with.

David, I know that you love Ted.

I know that you wouldn't have done this unless you truly felt that you had to. And then I had to tell her that the police were waiting outside, you know. And here she is, her world is turned on end within a space of 15 minutes and. Here she is meeting with the.

With the agents and with a mother's intuition, what does she start to do? She starts to do mitigation.

You know, she sends me to her closet where she has this footlocker with her souvenirs of her two sons.

She's got baby shoes.

She's got letters, she's got college papers, she's got family pictures.

What happens when you put together a mother with family pictures?

He gets stories.

But all of Mom's stories had an agenda. It was look at her family. You know Ted was a good kid. You know he was never in trouble.

At one point she pulled up like his baby book, Little Blue Book the diary she kept during the first year of his life and said so, would you like to see this? This is the diary, you know, a first year of Ted's life and.

You know the poignancy of that gesture wasn't lost on me.

It was as much to say, don't ever forget that there's a human dimension to this tragedy.

This is the little baby that came out of my womb 55 years ago. You know somebody I've loved and worried about ever since because of his struggles with mental illness.

Ted was awake and arrested about a week later.

Apparently there had been a leak.

To the media so the media comes back in here as a as a boogeyman, I guess again.

We were really shocked because on the day that Ted was arrested, the media swarmed our house and I remember as I was watching the television one of the evening anchors said to me.

I'm said to the world, you know, there's an interesting sidelight to this story, apparently.

Kaczynski was turned in by his own brother.

Now we've been promised by law enforcement that would we would be treated as confidential informants.

In their words, nobody would ever know your role in this investigation, and now the whole world knows, and there's no way to take it back.

And I'm feeling entirely.

I'm feeling devastated by.

Apparently, the proof that Ted is in fact the Unabomber, they found another live bomb in his cabin and.

Lots of incriminating evidence.

But also this tremendous violation of confidence.

And as our houses surrounded all of the sensitive, we were an open book to law enforcement.

Anything that could help them carry the investigation forward we shared with them and now it was shared in the with the with the entire world as it was being printed on the pages of the New York Times.

I guess.

At this point, you know I was feeling tremendously violated.

I was feeling like I was carrying the stigma of my brother, but also a certain stigma of what I had done and turning, turning in my own brother.

It was hard to almost see beyond the horizon of this situation. I guess our only hope was that maybe Ted's life would be so.

Weird, because in those months that I had spent with the FBI talking about my brother showing them all the evidence talking about our visits to psychiatrists, at least they knew who they were dealing with.

Not a terrorist in the normal sense, not a sadistic serial killer, but someone with a severe mental illness called schizophrenia.

But pretty soon I had my awakening.

I saw how the system began to work.

The prosecutor hired a forensic psychiatrist.

And his name is Park Dietz. I don't know if that's known to many of the name is familiar to many of you, but he's essentially a hired gun almost always testifies, for the prosecution has involved himself in many death penalty cases, either denying or minimizing the defendant's claim of mental illness. This is the same psychiatrist who testified against Andrea Yates.

The woman with profound schizophrenia who had drowned her her seven children.

In a delusional state and all of a sudden I'm waking it up and I'm seeing hey, there's no Solomon here.

This isn't about fairness, and you know there's no.

There's no mercy for us.

There's no consideration for us based on what we had done in attempting to protect the public.

I suppose there was another critical decision we had to make.

At this point we had hired an attorney to help us work with the FBI and turn Ted in.

And that attorney came to me here.

I'm feeling really angry at the media and feeling like so exposed and very vulnerable and my attorney sits down with me and he says, David, I know you don't want to do this but you got to go to the media.

You know they want this is a high profile story.

The New York Times wants to.

Do an interview with you.

If you don't tell your brother story, the prosecutors will.

You don't really have a choice here.

If you want your brother to be seen as a human being.

If you want people to understand that he's mentally ill, if you want people to remember the sacrifice that your family has made to protect the public, you have to be the one to tell this story.

So we did a whole thing in the Sunday New York Times, you know, a incredible privilege.

Those of you who have represented capital defendants realize you don't have this kind of access.

Believe me, I did not feel lucky.

I did not feel privileged while going through this nightmare, but in retrospect, I was incredibly lucky and incredibly privileged.

And that's why Ted is alive today.

We ultimately went on 60 minutes by the time the trial was rolling around federal death penalty trial. Two years later, we had gotten the media on our side in the midst of this, I think the prosecution tried to counter it. Now my brother had written something like 40,000 pages in his Diaries.

Certain selections of those Diaries were sort of leaked to the media by the prosecution.

They weren't the parts of the diary that would be helpful to saving his life, they were the parts that would inflamed public opinion against.

And and so we you know I was waking up to the realization that this is not about justice. This is really about politics and you use the media to try to achieve a political purpose, the same as if I was trying to get elected to office only. Now I'm trying to save my brother's life.

A Ted's trial.

Was abortive his mental illness sort of derailed the whole thing he tried to fire his attorneys and it went from what looked like a hopeless nightmare.

Perhaps you've heard about cases like Scott Panetti who got sentenced to death in Texas after serving as his own defense attorney despite his serious schizophrenia or the case of Charles Singleton.

He had to be medicated to be executed because he was found incompetent to be executed.

He didn't even know what an execution was without medication.

But with this, with the friendly media with the trial sort of coming apart at the seams because of Ted's illness, the

The Justice Department offered a plea bargain and my brother's life was spared.

Uhm, I suppose at that point.

I'd been consumed with a mission for two years to try to save my brother's life. I'm now thinking, you know, how am I going to live the rest of my life?

How am I going to get my life back?

How am I going to learn to smile again?

How am I going to have privacy?

Actually, the privacy.

Part wasn't as hard as it might have been.

Mom and I rented an apartment in Sacramento, CA for Ted's trial and on the day after, Ted got his plea bargain.

President Clinton was on TV giving probably one of the most watched interviews of his political career.

He was being interviewed by Jim Lehrer of the News Hour and you know, the phrase that everybody remembers from that.

Interview was I did not have sex with that woman.

And believe me at that moment there wasn't any of those reporters that had any interest in speaking to anybody named Kaczynski anymore.

They were, they were now booking flights for.

Washington DC to try to get an interview with somebody named Lewinsky and and so.

In some sense, the.

Pressure was off.

But the life experience, believe me, it has a kind of resonance.

I suppose I was somewhat depressed for a while.

## **The Fight for Manny Babbitt**

About six months after my brother.

This life sentence was he was given his life sentence at his sentencing hearing.

I got a call from a guy in California.

He said his name was Bill Babbitt.

Meant nothing to me.

He had seen me on TV and he said, David, I think you might be the only person in the world who understands what I'm going through.

And when I heard his story, I realized it was probably true.

It turned out that in.

1980 many years earlier, Bill Babbitt had turned in his own brother.

And again, the media played a part in this.

He had read an article in the front page of the Sacramento Bee about an elderly woman who had been beaten by an intruder who had died of a heart attack as a result of the trauma brought on by this beating, but.

It was it.

Was still a high profile crime because the victim was elderly, so vulnerable.

And because the crime had occurred in what was thought to be a safe community.

Uhm, Bill reads subsequent articles.

At first he's thinking, oh, I hope they catch this guy because his mother lived alone.

And then within a few days he begins to realize maybe his brother is the person responsible.

Uhm, he and his wife go to the Sacramento Police Department.

They report their suspicions and at that point they say this isn't going to be a death penalty case.

Is it because I want to tell you many isn't like some evil person?

He's seriously damaged from his experience in Vietnam.

And he went on to tell his brother experience in Vietnam.

His brother had.

Been dropped out of school in the 6th grade.

Could not read or write.

Began watching news reports of our of the conflict in Vietnam and suddenly had a purpose in life.

He felt, you know, there's something I can do.

I could fight for my country.

He tries to become a marine unsuccessfully because he can't pass the test.

He can't read or write.

He goes once he goes twice, he goes back to the recruiters office, the third time, at which point a friendly recruiter says, son, I could tell you really, really want to be a marine.

Let me help you.

So he fed him the answers.

Manny Babbitt became a Marine a few months later.

He ends up at the Battle of Khe Sanh on.

An American base in the middle of the jungle is surrounded by something like.

10,000 Viet Cong soldiers there's mortar shells falling every six seconds for 77 days at at least 1000 Marines are killed, many babitz in the midst of it, he gets a piece of shrapnel that penetrates his skull.

They actually think he's dead.

He lost consciousness.

They threw this 18 year old kid in the.

Cargo hold of a helicopter.

Evacuating dead bodies from from Vietnam.

He comes to, and he's swimming in gore.

They patch him up.

He ends up doing.

Two tours of duty.

Five major campaigns in Vietnam.

He comes back to the states after.

34 or five years, whatever it was.

And he's a mess.

His marriage falls apart. He becomes a street person. He ends up living in a cardboard box on the streets of Providence, RI.

He eventually ends up in a state mental institution, which was a hellhole of a mental institution called.

Bridgewater State Hospital spends 3 three years.

There is heavily medicated tries to kill himself multiple times.

At this point they don't even have a diagnosis called PTSD.

Post Traumatic stress syndrome that was to come later.

They diagnosed him with schizophrenia.

After three years in this mental institution, his brother Bill in California gets a call from one of the staff there, saying.

We're looking for a family option for your brother.

Would you be willing to open your home for him?

So Bill says yes, of course, he's my brother.

While Manny Babbitt was released from Bridgewater State Hospital without medication, without a prescription for medication without a referral to psychiatric services without a discharge plan, his discharge plan was a bus ticket to California.

As much to say, he's your problem.

Now, six weeks later, this awful crime happens.

Bill Babbitt's in in the in the police station, saying this isn't a death penalty case is it? And the police say, oh by no means.

You know your brothers obviously very ill.

He needs help.

He's going to have to be locked up, but we'll see to it.

That he gets the help he needs.

Bill Babbitt doesn't realize it's a death penalty case until he goes to his brother's arraignment, and the District Attorney says she's seeking the death penalty against the monster.

OK, he's a monster now.

He's a thug now.

No mention of his war record of his mental problems.

My brother had an all white jury.

Bill Babbitt's brother had an all white jury. The difference being that Bill and his brother are African American.

Bill Babbitt's brother had a court appointed attorney and I get this who had never tried a criminal case before.

He was drunk every day of the trial.

He later was disbarred.

Andy Babbitt gets sentenced to death.

Bill waits 18 years.

He thinks, you know, the death penalty isn't made for people like his brother.

This is a mistake with these appeals.

They're going to catch it.

Well, they don't catch it, and at the time he's calling me, his brother appeals.

Have run out, he said, David, you know, I don't know if I can live with this, but the more I hear about this case, I think this is crazy this.

Can't be happening in America.

This is impossible.

If California, of all places.

And we actually got this idea that we would my wife and I, that we would save many Babbitt's life talk about naive. How naive we were.

But we entered into a campaign we connected with Manny Babbitt's attorneys and I thought, you know, we have remarkable connections with the media. I mean, we have letters from every name.

You can imagine who wanted interviews with us.

Well, now we'll give him those interviews.

I've called at least three big names.

People that you would all know and their first reaction was wow.

This is a remarkable story.

I talked about the differences in our cases, the similarities in our.

He says putting them side by side.

What's the difference here?

OK, part of the differences race.

It might be class, but certainly it's not justice.

My brother was in Harvard when Manny Babbitt was in Vietnam.

My brother killed three people.

Manny Babbitt.

Assaulted one woman who died of a heart attack while in the midst of a flashback to his war service.

I mean, what's the equity here?

Well, a mysterious thing happened within a day or two.

In each occasion I got a call back from this well known name saying, yeah, I'm puzzled.

I thought this was a big story, but you know, my producer just doesn't think so.

And you know what happened?

Once it could be just an opinion happens twice.

It happens a third time.

You're beginning to see a pattern here.

They did not want to touch the story and of course the question is why did they not want to touch the story?

Mike Wallace actually gave us a second chance chance to go.

We flew bill in from California.

We went to the studios CBS studios here in New York.

We sat down with Mike and other people involved with the program.



We're pitching the story.

And then another thing you have to remember about the media.

Somebody rushes into the room and says, oh, watch the TV come and watch the TV we all go and watch the TV.

What's happening Columbine?

And you know, Mike says, you know, I'm sorry.

All our energy is going to go to cover this story.

We can't give any.

To this this particular issue, this particular case.

Now you might think this could have a happy.

Ending it should.

Have a happy ending at this point.

Many actually has great attorneys, but this is now in the.

Realm of politics.

Bill Babbitt ends up going to San Quentin prison, ironically, on his brother's 50th birthday and watches his brother be put to death by lethal injection.

The victim's family is already also there. They have chairs. Bill has to stand and there's a guard watching it so he doesn't do something.

I went to the funeral in Ware, Ham, Massachusetts, where that's where the Babbitt family had originated from.

And it's may of the year it's like this beautiful springtime with like flowers, blossom.

Everything about this scene says life life, life isn't it great to be alive except here we are in a graveyard and there's a flag draped coffin and there's a little family group.

There's a few Marines and like tattered uniforms, so it's like the only group that really got the injustice that understood.

The level of injustice that was happening here.

Some of them came to me and says David, he had flashbacks I could have.

And what what many did?

Anyway, in the center of this little family group I'm seeing Bill and and his mother and seeing that she's like about the same age as my mother, I think a year younger.

Uhm, the same height as my mother, just a little bit under 5 feet tall and Bill has his arm around her trying.

To comfort her.

And the priest is saying words you know intended to be comforting, but at some point Mrs. Babbitt's legs kind of buckle and she starts falling and wailing. My son, my son, and bill here is trying to.

Hold her up.

I can't imagine the burden he's carrying at this point.

You know the the guilt, the sorrow, the sense of injustice and and victimization.

I'm standing a little bit apart and kind of looking at that scene and what I'm seeing in Bill and.

His mother is.

Is this?

Could have been me and my mother.

But it wasn't, and I know why it wasn't, you know.

Is it?

Was it any one thing?

Well we were lucky in lots of ways, but we were also white.

We also had all this friendly media attention.

We had a chance to tell our story.

We brought it to the public.

The US Supreme Court building in Washington DC. Does anybody remember what it says in the facade of that building? Engraved in white marble, it's the four words equal justice under law.

And I'm glad those words are there.

I mean, they need to be there.

It's a profound aspiration.

For our culture.

But anybody who thinks those words are the reality.

I mean, just read McCleskey versus Kemp or just look around you or visit a prison anywhere in New York State or any part of our country you know that's not their reality.

And it was really driving back from from where Ham Massachusetts disconnected E about the next three hours where I was kind of sobbing and intermittently and trying to process everything.

Dying and.

Also, really understanding may be truly for the first time that I wasn't going to get my life back.

The life I'd lived was a life of innocence.

I had experienced things that had changed me, made me a very, very different person, but I also hoped created an opportunity to to be a witness publicly to the injustice in the cruelty.

Of the death penalty.

We are not even close.

To making the death death penalty just and I don't think we'd ever under any circumstances be close to making it humane, regardless of what the court says.

It's not over in New York State.

I mean, we have made extraordinary progress.

The current governor now was once on the board of Directors of of New Yorkers against the death penalty, and David Paterson is a good man.

I don't think he's going to change on this one for political reasons.

So we're we're.

We're much more solidly in place, but the state Senate has, for two, you know, for political reasons, I believe two death penalty bills that have passed through the codes committee.

I am quite sure they're going to go to the floor of the Senate, be voted on and passed this year.

And it ignores everything we've talked about.

Now it's a quick fix that makes no attempt to inject any level of justice into how the death penalty is applied in New York.

In fact, last year when they brought these two bills forward, there was an Innocence protection amendment offered by Senator Eric Schneiderman.

Basically said, if you're going to bring back the death penalty and let's take care of this, look at this one issue, so they recommended things like videotaping of interrogations, better protocols for eyewitness identifications, better evidence preservation, so that innocent people are not going to fall through through the cracks.

Of the system and every senator who voted for the death penalty voted against the Innocence Protection Amendment.

Something there's.

There's a profound disconnection here.

I feel really, really, strongly and I guess this is where I come from.

Morally, I would even make this case to people who have no moral problem with the death penalty in the abstract, and that would be to say we're better than this.

You know when violence happens, our first instinct can't be a program of vengeance.

Our first instinct ought to be.

How do we heal the victims?

How do we prevent the next crime?

What can we do to create a safer, stronger, more inclusive, kinder, more loving community so that these kind of violent actions occur less frequently?

Thanks a lot.

# The Ted K Archive

David Kaczynski

David Kaczynski's Speech on Media, Race & Capital Punishment  
2008

Ishkah

David discusses how the death penalty especially harms black people due to receiving a lower standard of legal defence for on average having less money and less media attention.

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