The Unabomber Travesty

The New York Times

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The Justice Department made the wrong call last month when it rejected an offer by Theodore Kaczynski, the accused Unabomber, to plead guilty in exchange for a life sentence. Now the chaos and legal confusion unfolding in the courtroom in Sacramento, Calif., should make the extent of that error inescapably clear. Attorney General Janet Reno needs to back away from this pointless quest to impose the death penalty and see if the defense is still amenable to a life-in-prison deal.

Mr. Kaczynski, who is currently charged with sending bombs that killed two people and maimed two others, shows signs of being severely mentally disturbed. Defense experts have diagnosed him as a delusional paranoid schizophrenic who believes that he is being controlled by satellites. On Wednesday night, the eve of the trial, he apparently tried to commit suicide in his cell by hanging himself with his underwear. He is now on a 24-hour suicide watch and required to wear a heart monitor. Having insisted on the death penalty, the Government is engaged in the bizarre exercise of trying to prevent Mr. Kaczynski from killing himself so that it can continue to spend enormous amounts of money and court time trying to execute him.

The web of legal questions raised by Mr. Kaczynski's mental state and his disputes with his court-appointed lawyers would endanger any jury verdict that could be reached in this case. Major elements of the case are ripe for appeal.

On Wednesday, Federal District Judge Garland Burrell Jr. denied Mr. Kaczynski's request to dismiss his lawyers and issued a ruling that allowed them to carry on a mental-defect defense over his objections. The ruling apparently led Mr. Kaczynski to demand that he be allowed to represent himself. That request caused Judge Burrell to question Mr. Kaczynski's mental fitness to make such a critical decision.

Now the trial is on hold until psychiatric experts can determine whether Mr. Kaczynski is competent to stand trial at all. Even the prosecution has decided to go along with a competency evaluation process that could take weeks to complete. A long delay might even be cause to dismiss the current panel of jurors and begin the lengthy jury selection process over again.

Pressing forward for death will only prolong this costly legal farce. The evidence against Mr. Kaczynski appears overwhelming, but arguments about his mental problems could mean there will be no clear end to this case for years. Attorney General Reno would be wise to back away and seek a life sentence without possibility of release. That would fit the magnitude of the crime and protect the public without creating a legal quagmire.

Letter to the Editor

A Jan. 10 editorial says the Justice Department erred when it refused to accept the offer of Theodore J. Kaczynski, the suspect in the Unabom case, to plead guilty and accept a mandatory life sentence. I have no moral objection either to a legitimate insanity defense or to the death penalty. However, as a former supervisor in the Federal

Bureau of Investigation's Behavioral Science Unit, I object to the imposition of a death sentence in the case on other grounds.

In fact, it would have a chilling effect on the willingness of friends and relatives to "turn in" someone they know and suspect of significant wrongdoing, as David Kaczynski, the suspect's brother, did in this case.

The United States needs to be tough on terrorists who blow up Federal buildings, destroy urban high-rises and threaten to blow airliners out of the sky. Your editorial notes the millions of dollars that will be spent to sentence a man to death who apparently wants to die. To sentence Theodore Kaczynski to death might be playing into the hands of a mentally ill individual who would rather hang himself than be poked and prodded by the society he loathed for two decades.

This is not to suggest that he is deserving of pity or consideration, but that his brother and mother are deserving of moral justice.

Sparing Theodore Kaczynski's life would send a positive message to those who must consider decisions like the one David Kaczynski made.

CLINTON R. VAN ZANDT
Fredericksburg, Va., Jan. 13, 1998

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The New York Times, January 10, 1998, Section A, Page 14. <www.nytimes.com>.
& The New York Times, January 17, 1998, Section A, Page 12. <www.nytimes.com>

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