Wrong Step in the Unabom Case

The New York Times

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The decision by Attorney General Janet Reno's office to reject an offer by Theodore Kaczynski to plead guilty in exchange for avoiding the death penalty does not serve the cause of public safety or efficient and humane justice.

Mr. Kaczynski currently faces trial for sending bombs that killed two men and injured two others. According to a report in The Times based on Justice Department sources, he was willing to accept a life sentence without parole. But a Justice Department death penalty committee rejected that offer, even though life imprisonment would prevent him from posing any future threat. It would also spare the public the spectacle of the Government's trying to kill a man who, by all outward signs, suffers from severe mental illness.

The decision to seek the death penalty could mean years of appeals. Already questions have been raised about whether the defendant is cooperating with his court-appointed lawyers. The defense initially expected to argue that mental defects prevented Mr. Kaczynski from being legally responsible for his acts. They have indicated that he suffers from paranoid schizophrenia, including having delusions that he is controlled by satellites. Yet recently released court filings show that he has quarreled with his lawyers over the mental-illness strategy. Yesterday the lawyers told the trial court that they would not be calling medical experts to testify about Mr. Kaczynski's mental state during the guilt phase of the trial. The dispute, and the exclusion of psychiatric testimony, could create appealable issues requiring years to resolve.

The prosecutors' insistence on death raises other issues. David Kaczynski, the defendant's younger brother, was instrumental in helping Federal authorities capture the suspect when he noticed similarities between ideas in the Unabomber's published manifesto and what he knew of his brother's beliefs. He contacted investigators in hopes of preventing more bombings, and out of concern for a relative who was obviously disturbed.

The agents did not expressly promise to forgo the death penalty. But David Kaczynski says they led him to believe that they too were concerned about his brother's mental deterioration and believed that Theodore Kaczynski would "be happier in jail." Now David Kaczynski will have to plead for his brother's life on the witness stand.

Had they agreed to a guilty plea, the prosecutors could have insured that a sick, violent man who is accused of inflicting arbitrary terror and death would be locked up forever. They would have aligned the Government with a brand of justice that was firm and swift, as well as humane, and avoided protracted appeals that now seem inevitable.

Letter to the Editor

Your emphasis on Theodore J. Kaczynski's alleged mental illness weakens your valid criticism of the Government's refusing his guilty plea to avoid the death penalty (editorial, Dec. 30).

The uncritical acceptance of that "illness" demonstrates how much the worship of psychiatry impedes religious, common-sense and legal recognition of the differences between right and wrong and between sick and bad.

Mr. Kaczynski is a brilliant, solitary man who may have skillfully inflicted "arbitrary terror and death" on innocent people for decades and, if so, was highly effective in avoiding detection. Why is this efficient if eccentric malefactor someone "who by all outward signs suffers from severe mental illness"? Does the horrendous nature of the activities of which he is accused make him "obviously disturbed"?

No matter how Mr. Kaczynski is labeled psychiatrically, the terroristic activities attributed to him over the decades demonstrate his very high level of skill and responsibility — and of evil, therefore, rather than illness.

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Roslyn, N.Y., Dec. 31, 1997

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The New York Times, December 30, 1997, Section A, Page 18. <www.nytimes.com>.
& The New York Times, January 3, 1998, Section A, Page 10. <www.nytimes.com>

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