

Reno will pursue Kaczynski death

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Bee Staff Writers

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U.S. Attorney General Janet Reno is seeking the death penalty against Theodore Kaczynski, despite a passionate campaign by the suspected Unabomber's family that his life be spared if he is convicted. Following Reno's direction, prosecutors filed papers in Sacramento federal court Thursday confirming their intent to pursue capital punishment against the former Berkeley math professor turned hermit.

The papers said capital punishment is justified because Kaczynski intentionally planned and carried out bombings that killed and injured people nationwide.

Kaczynski's brother and mother — David and Wanda Kaczynski — were "devastated" by the news, said their lawyer, Anthony Bisceglie. David Kaczynski tipped off authorities hunting for the serial bomber who killed three people and injured 23 between 1978 and 1995.

"They are in a living hell right now," said Bisceglie. "They feel that the decision is very unfair and very wrong, and I agree."

Neither Quin Denvir, who leads Kaczynski's defense team, nor R. Steven Lapham, a member of the prosecution team, would comment on Reno's decision.

Kaczynski, 54, faces trial Nov. 12 for two fatal bombings in Sacramento. He has pleaded not guilty to the charges in Sacramento and others in New Jersey.

Investigators zeroed in on him only after his brother led them to his cabin near Lincoln, Mont.

After his arrest, his brother and mother pleaded for his life, arguing he was seriously mentally disturbed and not responsible for his actions. They also said that to impose the death penalty would punish the family and discourage others from coming forward with information about relatives who may have committed crimes.

"Attorney General Reno's decision is a devastating blow to the Kaczynski family, who look to their government in good faith to honor the debt that this nation clearly owes them," said Bisceglie.

But family members and friends of two local men who were killed by Unabomber blasts hailed Reno's decision as fair and just.

"I've been waiting for this," said Bessie Dudley, mother of Hugh Scrutton, who was 37 when he was killed by a bomb placed outside his computer store in 1985.

"He took my son from me," Dudley said. "The sad part is that he didn't even know him. He didn't know any of these people and he didn't think about them at all."

Connie Murray, wife of Gilbert Murray, the California Forestry Association president who was killed two years ago when he opened a package at the organization's downtown headquarters, declined to comment on the decision.

Murray's successor, David Bischel, supported Reno's action. "We sometimes forget that the Unabomber was a serial murderer," he said. "He killed three people, he destroyed dozens of lives and he ruined families forever."

John Hauser, who lost four fingers on his right hand from a Unabomber blast at the University of California, Berkeley, 10 years ago Thursday, said Reno's decision must have been "very shocking and difficult."

“I don’t have a functional right hand any longer,” said Hauser, now a professor of engineering at the University of Colorado, Boulder. “I have constant pain. But what good would it do to seek revenge or to be bitter?”

“If someone said I had to make a decision today, I would come in against the death penalty,” he said, “but I believe in the system, in which we consider all the facts before we come to some kind of decision.”

Theodore Kaczynski is being held in the Sacramento County jail on charges related to the bombings of Scrutton and Murray, as well as two blasts that seriously injured professors in Connecticut and the Bay Area.

In a separate case, Kaczynski has been charged with planning and carrying out a bombing that killed New Jersey advertising executive Thomas Mosser. Prosecutors also filed a notice to seek the death penalty in that case.

Reno’s decision to pursue the death penalty capped an intensive behind-the-scenes process that began in January, when the prosecution team based in Sacramento recommended that Kaczynski face execution if convicted.

The attorney general weighed that recommendation against arguments of Kaczynski’s defense team and family members. She also considered “aggravating and mitigating” circumstances, including Kaczynski’s alleged crimes, background and mental state.

The long-awaited other shoe dropped Thursday for the Harvard-educated Kaczynski, who grew up in the Chicago area and lived most of the past 30 years in a crude cabin without running water or electricity.

At five minutes after noon, the government filed a notice of intent to seek the death penalty on two counts in connection with the mail bomb that killed Murray.

In an apparent attempt to avoid a legal fracas, the government did not pursue execution for the bomb that killed Scrutton in 1985. At the time, a federal appellate decision foreclosed the death penalty for such crimes. A 1994 law reinstated the death penalty in such cases, but the defense believes it cannot be applied retroactively, Denvir has said.

In explaining the government’s decision to seek execution of the suspected Unabomber, the notice filed in Sacramento accuses Kaczynski of committing “an act of terrorism” after “substantial planning and premeditation.” The document indicates the prosecution will rely on the following “aggravating factors” to justify its request for capital punishment:

- Kaczynski “committed two other murders and numerous other significant acts of violence.”
- He “has a low potential for rehabilitation.”
- He lacks remorse.
- He represents a “continuing danger” to others.

- He “caused severe and irreparable harm to the families of three murder victims and caused life-altering injuries to the survivors of his acts of violence.”

Reno’s decision means that, if Kaczynski is convicted of the two key counts, a second phase will be necessary to determine whether he should be executed. The same jury would hear both phases.

Thursday’s filings mark a significant milestone in a case that frustrated investigators for years.

David Kaczynski began to suspect his brother when he recognized philosophies, words and phrases used in the bomber’s widely circulated anarchist manifesto. Theodore Kaczynski was arrested in April 1996 just before a search of his cabin that yielded, among other things, a bomb.

The government refused David and Wanda Kaczynski’s request for a guarantee that the death penalty would not be used against Theodore if he was convicted, but promised to consider the family’s role when making its decision.

Bisceglie said the family asked for a private meeting with Reno to discuss their position, but was rebuffed last week.

“We are extremely disappointed, but it’s not over yet,” said Bisceglie. “We remain hopeful that justice will ultimately prevail” through the jury system, he said.

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