

Forum



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The fallout from Sept. 11 has already brought the United States into what looks like an extended military campaign in Afghanistan. It also appears that Iraq will be our next step in the "war on terrorism." Nationally, the first criminal charges are being brought against persons involved in the attacks.

On March 27, Attorney General John Ashcroft outlined these charges. Zacarias Moussaoui has been charged by the United States Government with six counts of conspiracy: conspiracy to commit acts of terrorism transcending national boundaries, to commit aircraft piracy, to destroy aircraft, to use weapons of mass destruction, to murder United States employees, and to destroy property.

After the announcement that the death penalty would be sought, the French Government responded with a statement that it would withhold information that it has on Moussaoui. The reason for this is because our government is seeking the death penalty for Moussaoui. This is unusual because most criminals charged with conspiracy do not face the death penalty.

With the French Government saying that they are going to withhold information on Moussaoui, the result will possibly cause prosecutors difficulty in making a strong enough case against Moussaoui. In a *New York Times* article on the subject, it speculated that French officials have volumes of information on Moussaoui. What makes this very significant is that this is perhaps one of the first major flare-ups that our government is going to have with other countries that are helping us fight terrorism.

To state the obvious, the United States treats criminals differently than any other country in the world and ter-

Revenge and the death penalty

rorists are no exception. Right or wrong, our penalties are much harsher than in Europe. This is certainly not a case of one side's being right or wrong, but what happens next?

What would happen if those files that the French have are the difference between a conviction and an acquittal? Are the interests of justice served because our country will not compromise? If we choose to ignore the French request, maybe it does not really matter right now, but what about in the long run? How many more of our allies are we willing to alienate? And our government does this just so they can continue fighting terrorism in the "our way or the highway" mentality?

Another aspect of the case is that there is plenty of evidence against Moussaoui, but none of it shows a direct involvement with the attacks of Sept. 11. In fact, Moussaoui was in prison when the attacks happened. However, even though he was not actively involved in the deaths, the government can still seek the death penalty against him.

The Supreme Court ruled narrowly in 1987 that defendants who play a major role in crimes in which death results might be sentenced to death if they act with "reckless disregard for human life." That ruling cut back a 1982 case that was widely seen as outlawing the death penalty for defendants who did not personally kill or intend to kill. (Source: *New York Times*.)

In that article, the *Times* pointed out that there is no direct evidence to link Moussaoui, but also in that same article a law professor was quoted

as saying that even though Moussaoui was in jail during the attacks, that fact alone "would not by itself eliminate the possibility that prosecutors could show he was a substantial actor in the plot to kill."

There is something rotten in Denmark. I understand that the Sept. 11 attacks are certainly unique and need to be considered when bringing charges against a suspect. However, I do not like the idea of our government destroying years of legal precedent just to satisfy its own bloodlust. It seems to me that our government is willing to whore itself out to the death penalty even at the risk of alienating all of Europe and possibly all of our allies. At the same time, it would also eliminate any legal dignity we might have had left.

mind that the first case against a "presumed" terrorist is going to be handled differently than other cases in the past with similar charges. If our government really wanted to show how fair and just they can be, the proper steps to take would be to follow the legal precedent. By doing this, it shows that anybody can get a fair trial even after being charged with the most heinous of crimes.

Of course, I doubt any of that would happen. I have lost so much faith in our national leaders that I do not think that they are capable of doing anything past making coffee in the morning. What they are doing seems to be self-serving, irresponsible, and most importantly, not in the interests of justice. They are out for revenge this time, which is unfortunate for all of us.

There is not a doubt in my

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