

# The New York Times<sup>1</sup>

November 11, 2009

## *Sniper Who Killed 10 Is Executed in Virginia*

By IAN URBINA

WASHINGTON — John A. Muhammad, whose murderous shooting spree in the fall of 2002 left at least 10 dead, was executed at a Virginia state prison on Tuesday night.

The execution closed a case that fixated the region ever since local residents were gunned down while doing the most mundane tasks, like shopping or pumping gas.

Mr. Muhammad, 48, was executed at the Greensville Correctional Center. He offered no final words as he entered the death chamber, and Larry Traylor, a prison official, said the process had gone smoothly. Mr. Muhammad retained a calm demeanor throughout, and once he was strapped to a gurney to receive a lethal injection, he closed his eyes, Mr. Taylor said. He was pronounced dead at 9:11 pm.

On Monday, the Supreme Court refused to intervene in the case of Mr. Muhammad, 48, who was sentenced to die for the killing of Dean H. Meyers, an engineer who was shot in the head at a gasoline station in Manassas, Va.

Mr. Meyers was one of 10 people killed in Maryland, Virginia and Washington over three weeks in October 2002. Mr. Muhammad's accomplice, Lee B. Malvo, who was 17 at the time, was sentenced to life in prison without parole. The two are also suspected of fatal shootings in Alabama, Arizona and Louisiana.

On Tuesday afternoon, Gov. Tim Kaine of Virginia said he would not stay the scheduled execution.

"I find no compelling reason to set aside the sentence that was recommended by the jury and then imposed and affirmed by the courts," Mr. Kaine said in a written statement. "Accordingly, I decline to intervene."

The random nature of Mr. Muhammad's shootings left people fearful and led many to remain indoors as much as possible to avoid becoming a target.

When the police announced that witnesses had reported having spotted white box trucks near the scenes of the shootings, the public became obsessed with the ubiquitous work vehicles and a sense of panic often beset people sitting at an intersection near such trucks.

After a teenager was shot outside his Maryland school, local officials decided to keep schoolchildren inside at recess and they began drilling on duck-and-cover techniques.

While the Supreme Court did not comment in refusing to hear Mr. Muhammad's appeal, three justices objected to the relative haste accompanying the execution.

Justice John Paul Stevens wrote that he did not disagree with the majority's decision to decline the case, but he complained that "under our normal practice," Mr. Muhammad's petition for the court to take his case would have been discussed at the justices' conference scheduled for Nov. 24.

But because Virginia scheduled the execution for Tuesday, the judicial process was rushed, Justice Stevens said in a statement joined by Justices Ruth Bader Ginsburg and Sonia Sotomayor.

After Mr. Muhammad was sentenced to death in Virginia for shooting Mr. Meyers, Maryland prosecutors arranged to have him tried again for six murders in Montgomery County. At that trial, Mr. Malvo, who is now 24, testified at length.

Throughout both trials and a number of subsequent appeals, Mr. Muhammad continued to profess his innocence.

A soldier-turned-auto-mechanic, Mr. Muhammad held a deep grudge against his ex-wife and society. During the Maryland trial, Mr. Malvo testified that the intent of their shooting spree had been to create havoc to cover for Mr. Muhammad's plans to kidnap his three children.

The longer-term goal, Mr. Malvo said, was to extort law enforcement into giving them money to stop the shootings. Mr. Muhammad planned to take the money and move to Canada with Mr. Malvo and his three children, Mr. Malvo said.

In Canada, Mr. Malvo said, Mr. Muhammad planned to create a training ground for 140 young homeless men whom he would send out to wreak similar havoc and to "shut things down" in cities across the United States.

Although Governor Kaine, a Democrat, has said in the past that he is personally opposed to the death penalty, he has allowed a number of executions since he took office in 2006.

Under Virginia law, a prisoner is allowed to choose the method of execution — either lethal injection or the electric chair. Mr. Muhammad declined to select a method, so, by law, he was ordered to receive a lethal injection.

David Stout contributed reporting.

# The Miami Herald<sup>2</sup>

Posted on Sun, Nov. 15, 2009

## *Reflections on the execution of D.C. sniper*

By LEONARD PITTS, JR.\*

They killed a killer last week.

I kept waiting to feel something when news came that John Allen Muhammad had been executed in Virginia. As a staunch opponent of capital punishment, I wanted some nugget of remorse at the knowledge that the government had taken his life.

But Muhammad's 2002 sniper attacks hit close to home. He terrorized millions of people in the greater Washington, D.C., area, where I live, made us fear to gas up our cars, walk in parking lots, wait on buses, made my grandson scared to go trick-or-treating, even wounded a friend of my youngest son.

So I could not manage remorse. Indeed, what I felt was an unsettling, appalling satisfaction that Muhammad is no longer in the world. I still remember the last time an execution caused my emotions to so thoroughly misalign with my convictions: it was in 2001, when Timothy McVeigh was put to death.

When I argue against the death penalty, I tend to lean on a few salient points: it is far costlier than life imprisonment; it is biased by class, race and gender; it is irreversible in the event of error. I use those arguments because there is ample statistical evidence to back them up, and because they are irrefutable.

But I have one other problem with the death penalty: it's wrong. It debases us. The power of life and death is too awesome to be left in human hands. And here, I know, the abortion opponent wonders how I can square that with support for abortion rights. The answer is simple: I can't.

Like, I suspect, most pro-choice people, my support for abortion rights hinges upon a visceral rejection of the idea that government can compel a woman to bear a child that she, for whatever reason — rape, incest, deformity, poverty — chooses not to. I suspect I am also like most pro-choice people in being squishy and irresolute about the fact that a human life hangs in the balance of that decision. I suspect we find it easier to think of it as a potential human, not a real one — an oops without a name.

None of this, by the way, is tendered as apology or even justification. Rather, it is simply to observe that where the awesome power of life and death are concerned, most of us are guilty of inconsistency.

The classic liberal position, after all, opposes capital punishment and supports abortion rights, the latter often rationalized along the lines of the fractured logic above.

The classic conservative position, meanwhile, opposes abortion rights and supports the death penalty, glossing over with equally-fractured logic the fact that innocents will be (indeed, have been) executed.

With the exception of the Catholic Church, then, and a few other outposts of religiosity, none of us is consistent on these issues of life and death, all of us ignoring truths that indict our deep convictions, striking bargains with conscience in the name of a good night's sleep.

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Into that irresolution falls the execution of John Allen Muhammad.

And what am I to say?

I hate the death penalty, but this guy's rampage touched my life, frightened my children, so I'm OK with it?

What kind of sense does that make?

None, of course. It is, if anything, just proof of my humanity — and all the contradictions attendant thereto. It is our nature to seek certitude and resolution, but life is messy and untidy, doesn't always fit neatly into the boxes we build for it. There are days when being staunch offers no clarity, days when certitudes feel like platitudes, and you can no more grab resolution than you can grab smoke.

From our trenches of fixed opinion, we thunder at one another so readily that it is disconcerting when you are forced to wander the gray places between, to acknowledge complexities our certainties don't always allow us to see. It can give you pause.

I submit that's not the worst thing in the world.

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# Washington Examiner<sup>3</sup>

November 5, 2009

## *Justice for John Allen Muhammad*

Gregory Kane

Kill him next week or kill him some time thereafter, but John Allen Muhammad has to die, no matter what his lawyers say.

Muhammad was convicted in Virginia for the murder of Dean Meyers in October of 2002. Meyers' death was part of a four—state, one—city (the District of Columbia) killing spree. Lee Boyd Malvo, who was then in his teens and is now serving a life sentence for the crime, was the triggerman in the murderous rampage that left 10 dead. But Muhammad was the mastermind pulling the strings.

And if we can't execute a guy responsible for 10 murders, then what good is the death penalty?

Opponents of capital punishment would answer with a resounding “none!” of course, and as usual they'd be wrong. One thing the death penalty is certain to do, and that is to keep murderers from killing again. And much as death-penalty opponents don't like to admit it, many murderers on death row aren't there for their first killing, but for at least their second.

Apparently Muhammad decided to get all his killings in with one swoop. His lawyers argued that he wasn't competent to act as his own attorney, which he did during the first two days of his trial.

Muhammad's mouthpieces also claim that the trial judge didn't allow expert testimony that would have shown their client suffered from brain damage incurred from childhood beatings and that the prosecution withheld exculpatory evidence.

That childhood abuse left Muhammad sane enough to join the U.S. Army, attain the rank of sergeant and serve in the first Gulf war. His attorneys have already asked Virginia Gov. Timothy M. Kaine for clemency, and the Old Dominion state's chief executive might just want to ponder why Muhammad's mental illness didn't manifest itself in the early 1990s, but somehow popped up around 2002.

No, Muhammad is not my ideal case for a murderer who should be strapped to a gurney and given a lethal injection. And no, I don't buy the argument of death—penalty opponents that lethal injection, or any other form of execution, amounts to “cruel and unusual punishment” and thus violates the Eighth Amendment.

Remember when the phrase “cruel and unusual punishment” simply meant “let the punishment fit the crime,” and not “murdering varmints have a right to be comfy when they're being put to death”?

There are others who I'd like to see get what we Marylanders call the “Thanos cocktail” before Muhammad. (Murderer John Thanos was the first death—row inmate in our state to die by lethal injection.)

Barry Mills and Tyler Bingham come immediately to mind. They're the leaders of the Aryan Brotherhood prison gang who were tried for ordering their minions to murder some black inmates. A federal jury had the chance to give both these unrepentant miscreants — who somehow manage to still order murder and mayhem while behind prison walls — but wussed out.

In fact, I'd like to see any gang leader — be he from the Aryan Brotherhood, Black Guerilla Family, Nuestra Familia, MS-13, Mexican Mafia, Bloods, Crips — who murders in prison or orders murders while in prison be executed sooner rather than later.

Ditto for those inmates who murder corrections officers. That happened to corrections Officer David McGuinnat the Maryland House of Correction more than three years ago. The two suspects in that case haven't even gone to trial yet. In the meantime, Maryland's governor and legislators have made it all but impossible for either to get the death penalty.

Muhammad was captured in Maryland; unfortunately for him, then—Attorney General John Ashcroft managed to get him shipped out of the “kill our corrections officers with impunity” state and sent to Virginia. He may not be my ideal candidate for execution next week, but with 10 bodies under his belt he'll just have to do until somebody better comes along.

That means, basically, that I don't buy his attorneys' claims about his mental incompetence. That killing spree he organized was too well-planned and too well-executed for Muhammad to be anything but mentally competent. Muhammad is mentally competent, all right.

And if there's any justice in this world, by this time next week, he'll also be dead.

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# The Guardian<sup>4</sup>

Tuesday 10 November 2009

## *John Allen Muhammad deserved mercy*

Virginia Moffat

His crimes were horrific, and revenge is tempting. But executing this man only adds to the sum of injustice

It's the stuff of nightmares — a sniper in the suburbs picking off innocent civilians as they go about their ordinary business, creating an atmosphere of terror and panic. Yet in October 2002, this was a reality for the people of Washington DC, Maryland and Virginia as John Allen Muhammad and his 17-year-old accomplice, Lee Boyd Malvo, drove from state to state randomly shooting people. By the time the pair were arrested at the end of six weeks, 13 people were dead, 7 injured, and 21 children left without a parent.

A year later, a court in Virginia found Muhammad guilty of the murders of Dean Harold Meyers and Linda Franklin. After 6 years of appeals, the supreme court ruled that he should be executed. Because the governor of Virginia indicated today that he wouldn't grant clemency, by the time many of you read this, Muhammad will likely have been killed by lethal injection (he is due to die at 2am UK time).

So what's the problem with that? Surely a calculating killer, who took the lives of 13 people, caused their families intolerable grief, and has never shown remorse, deserves to die? Why should we mourn the passing of someone who has committed such incomprehensible acts of violence? Don't the victims and their families deserve justice?

Such are the arguments in favour of the death penalty. That a person who takes away a life, deserves to have their life taken away. That the best deterrence for murder is to execute killers. And when a murderer refuses to admit guilt or sorrow for their actions, they don't deserve our sympathy, let alone our mercy.

Taking a human life is the worst possible crime any of us commit. Who among us wouldn't want to respond to the murder of a loved one by taking the life of their killer? But I'd argue that to do so diminishes our humanity, and makes us no better than the murderer themselves. Besides, it is rare that murder is straightforward, and there are many examples of killers who have repented of their crimes, and turned their lives around. The Guardian's own Erwin James being an inspirational example. Execution prevents any chance of this ever happening.

The argument about deterrence is perhaps the weakest one. America, where the death penalty is still actively in use, comes 24th in the table of national murder rates, as opposed to the UK, which has no death penalty and comes 46th.

The strongest argument to kill Muhammad is that he showed no remorse, and involved a minor in his crimes. It seems to me that cases such as these, the most challenging, are precisely the ones where we are called on to show most mercy.

Even this case of the calculated killer is less straightforward than it seems. According to Muhammad's lawyers he is suffering from mental health problems, and a victim of Gulf War syndrome. And the decision to prosecute in Virginia, with its high rate of state executions, rather than Maryland, was undoubtedly political.

Perhaps you will dismiss me as a typical liberal, with more sympathy for the murderer than the victim — you might say that I'd feel differently if it was someone I knew who had been killed. Well I have sat through a murder trial, supporting the friend of a vulnerable man with learning disabilities, murdered in horrific circumstances. I looked into the eyes of the killer, and felt sick to the stomach. Yes, it was tempting to wish him dead. And yes, it challenged my beliefs to the core. But, he got life imprisonment, not death, and perhaps, somewhere in some prison, deprived of his liberty, he is beginning to come to terms with what he did. It is for that small possibility that I am glad he is still alive, and feel justice has been done.

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## Notes

<sup>1</sup><http://www.nytimes.com/2009/11/11/us/11sniper.html>

<sup>2</sup><http://www.miamiherald.com>

<sup>3</sup><http://www.washingtonexaminer.com/opinion/columns/Justice-for-John-Allen-Muhammad-8483409-69075472>

<sup>4</sup><http://www.guardian.co.uk/commentisfree/belief/2009/nov/10/john-allen-muhammed-execution>