Iran's treatment rife with U.S. hypocrisy

By Ron Walters
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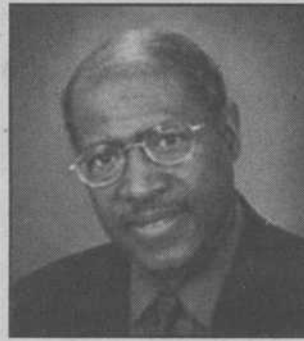
As I look at the frantic gyrations in the attempt by the U.S. and Israel to keep Iran from obtaining the ability to process nuclear fuel, I keep thinking about my first book, "South Africa and the Bomb" (1987), describing the White-minority regime's attempt to acquire nuclear capability. Experts then rejected the notion that South Africa would manufacture nuclear weapons or could ever do so or that it wouldn't have to use them to control the Black population, either inside the country or in the surrounding countries.

After several years of work with the United Nations Committee Against Apartheid on South Africa's military and nuclear capability, I had come to another conclusion. South Africa's military strategy of a "total solution" conceived on the possibility of being overwhelmed by Blacks, heightened its xenophobia. Thus, its ability to reprocess uranium fuel gave it the ability to manufacture nuclear weapons, if needed.

Imagine my lack of surprise when on March 24, 1993, President De Klerk admitted in a speech they had manufactured nuclear weapons and vowed to dismantle them before the Black majority government came into power.

No one has yet come forward to say that my work or that of others was right, but that is not really the most important point.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The point is that while South Africa, a country known to have slaughtered thousands of Blacks, moved millions into concentration camp-like conditions, passed the most racist laws, maintained terrorist squads to control dissidents, and invaded their neighbors to foster intimidation, was busy manufacturing nuclear weapons, no country came forward to respond to the warnings that I and others gave to the U.N.

South Africa was effectively a member of the club, trusted by the West, using Western nuclear expertise freely, while building up weapons that could have caused untold destruction of the lives of Black people in Africa.

There is even some evidence that in 1979, South Africa even tested a nuclear weapon by detonating it in the upper reaches of space, although it was covered up by the Carter administration. Israel was suspected of having helped South Africa develop its nuclear program, because none other than Henry Kissinger admitted that Israel itself had developed a small weapons capability. Yet, no international agency moved against them. And since Nelson Mandela did not want nuclear weapons, there was no "African bomb."

It's hard to argue that any country that wants to should have the capability to make nuclear weapons and, therefore, make the international system more dangerous, so I won't argue that principle. But what we see in the frantic attempt by the West to keep Iran from achieving nuclear capability is clubbiness about who can own and develop nuclear capability. One of the objectives of the West has been, by all means, to prevent a so-called "Arab bomb" from coming into existence.

You cannot run an international nuclear regime based on such obvious discrimination, because it will then be impossible to justify preventing a country of a different race or ethnicity from obtaining a technology that is widely disseminated and available to many scientists around the globe who are not White — and not trusted. So, there must be principles and actions, other than the raw use of force, to prevent countries from obtaining this dangerous capability.

One early strategy was the "reactors for peace" program originated by Dwight Eisenhower under the rather naive theory that if countries used such technology for civilian purposes, they would not attempt to develop military uses.

The most powerful tool was to be periodic inspections of countries' nuclear facilities by the International Atomic Energy Agency, something that could only be done if a country permitted inspections. Then, there was the example of leadership of the major powers in fashioning treaties that limited the construction and use of certain weapons, but in this area, American leadership has been suspect.

The current leadership of Iran is regarded as unstable and anti-Western, and therefore, not trusted to use nuclear capability responsibly. Although the West is in a position to pressure the international system to harass Iran about its intentions, it is a weak position to justify it.

Has the current war in Iraq inspired trust of the West by the Arab world? The war is a potent strike at this nuclear duplicity and a call to other non-Western states that have the money and scientific resources to try and protect themselves with nuclear capability. Stopping them could be the spark for more unnecessary wars, so the West should become more democratic about who can own nuclear technology and provide much greater leadership in achieving peaceful uses themselves.

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Death penalty trials, tough painstaking affairs

WASHINGTON (AP) - Even the "trial of the century" was a hurry-up affair by today's standards.

In 1935, it took jurors just 11 hours to find Bruno Hauptmann guilty of kidnapping and killing the Lindbergh baby and to decide he should be executed.

Jurors now must clear many more hurdles to make the same leap from guilt to death.

After three decades of Supreme Court decisions designed to make the use of the death sentence less arbitrary, juries decide punishment in a distinct and elaborate penalty phase of state and federal trials, as in the case of terrorist conspirator Zacarius Moussaoui.

This has given rise to a relatively new breed of defense advocates known as "mitigation specialists." They delve into the social history of criminals, looking for a troubled childhood, a hard life or any such information that might sway jurors to act with compassion.

A death sentence is far from a foregone conclusion once a jury assigns guilt in a capital case.

Since the federal death penalty was reinstated in 1988, in cases where juries have reached the point of choosing between life and death, they have imposed 93 life sentences and 49 death sentences, according to the Capital Defense Network, which supports defense lawyers in death penalty cases.

On state-level convictions where the death sentence is an option, juries choose execution roughly half the time, according the Death Penalty Information Center.

It attributes the higher odds of a death sentence in state cases to lower-quality legal representation.

Moussaoui's sentencing in federal court will be anything but typical.

The confessed al-Qaida conspirator pleaded guilty to conspiring to fly planes into U.S. buildings, although he claims to have had no role in the terrorist plot of Sept. 11, 2001.

Jurors at Moussaoui's penalty trial will first decide whether his actions qualify him for the death penalty and, if so, whether he deserves it. If either answer is no, he will get a life sentence. Opening arguments and the first witnesses are set for March 6.

The sentencing phase of trials increasingly is divided into two parts. One determines if the crime warrants the death penalty; the second decides if that particular criminal warrants execution.

A trial's penalty phase sometimes is called a trial for life.

"It is a trial for life in the sense that the defendant's life is at stake, and it is a trial about life, because a central issue is the meaning and value of the defendant's life," law professor Gary Goodpaster wrote in 1983.

The two-part trial gives criminals a chance to plead for their lives, express remorse and explain their behavior after they have been found guilty — something foolish to do before a verdict had been returned.

It offers a venue, too, for victims' loved ones to speak about the pain of the crime.

Defendants, the Supreme Court said in one case, must be treated as "uniquely individual human beings."

The justices called for paying special attention to "the compassionate or mitigating factors stemming from the diverse frailties of human kind."

With that kind of guidance, lawyers now poke through a defendant's life history, sometimes going back three generations, looking for anything that might move jurors toward mercy.

The American Bar Association now says no defense team in a death penalty case is complete without a mitigation specialist.

It takes special skills to ferret out useful information because the defendant and family members may be embarrassed to acknowledge past abuse, neglect, drug use, mental problems or other mitigating factors.

"If I were on trial for my life, I'd want a dozen mitigation specialists to figure out ways to frame this trial in ways that would save my life," said Douglas Berman, a law professor at Ohio State University and a specialist on sentencing.

Moussaoui's lawyers would not discuss their strategy. Their legal filings indicate they plan to highlight Moussaoui's difficult life as part of a broken family with a history of mental illness and suggest he fell under the influence of radical clerics in London when his personal life was in disarray.

Prosecutors have laid out plans to call about 45 victims and relatives to testify in what is sure to be wrenching terms about the losses they suffered from the 2001 attacks.

In 1987, the Supreme Court banned victim testimony from capital sentencing trials, saying it could only inflame jurors and deny defendants a fair sentence.

A more conservative court reversed course in 1991, allowing juries to take into account the suffering of relatives.

Defense lawyers say victims' testimony often is so compelling that it makes it hard for juries to make a rational decision on punishment and can turn sentencing hearings into memorial services.

"It may be more than the law should expect of the human beings who sit on juries," said capital defense specialist David Bruck.

Convicted killer Gary Gilmore, the first person executed after the Supreme Court reinstated the death penalty in 1976, did little to help his case during the half-day penalty phase of his two-day trial.

Gilmore, put to death by a firing squad in Utah in 1977, had been expected to express remorse when asked if he had anything to say. He said: "I am finally glad to see that the jury is looking at me."

The sentencing in 2001 of two men convicted in the terrorist bombing of a U.S. embassy in Africa, in which 11 people died, could well be more instructive for Moussaoui's defense team. The jury deadlocked twice on whether to impose the death penalty for Khalfan Khamis Mohamed and Mohamed Rashed Daoud al-'Owhali, effectively sentencing both followers of Osama bin Laden to life in prison just months before the Sept. 11 attacks.

The jurors had used lengthy "verdict sheets" to help them make their decisions. In al-'Owhali's case, for example, 10 jurors felt that killing him would make him a martyr; nine doubted it would relieve the victims' pain; five found life in prison a greater punishment, and four took note that the defendant had been raised in a different culture and belief system.

Overall, fewer death sentences are being imposed nationwide — 125 in 2004, compared with 300 in 1998.

Possible explanations include less confidence about verdicts, growing questions about the fairness of the death penalty, prosecutors less frequently seeking the death penalty and growing confidence that an alternative sentence of life without parole truly will keep someone behind bars forever.

Only three federal executions have taken place since the death penalty was reinstated, most notably that of Oklahoma City bomber Timothy McVeigh.

In case, jurors had weighed a series of aggravating and mitigating factors, the latter including the facts that he had no criminal record and had earned a Bronze Star in the first Gulf War. Jurors wept as victims and family members testified about how their lives had been devastated by the bombing.

McVeigh later said he thought the jurors "ruled too much on emotion," but he did not fight his sentence.