

## 'God Love Him'?

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Michael Ross was a monster prepared to die, and the good people of Connecticut were about to kill him. Ross had murdered eight young women, including two teenagers, raping all but one. The prosecutors who sought his death felt certain; the jurors who unanimously sentenced him to die felt certain he deserved it. The courts, including the U.S. Supreme Court, concurred that this mass-murdering rapist could constitutionally receive society's ultimate sanction.

But 11 hours before this sadistic serial killer would finally get his due, one man, federal District Court Judge Robert N. Chatigny, disagreed. And as he three times reminded those he summoned to the now famous Jan. 28 teleconference, Chatigny was the chief.

The transcript alone lays bare the judge's unconscionable arrogance and activism, cloaked as analysis and humility. "I bring a fresh eye," Chatigny assured his captive audience. "He [Ross] never should have been convicted." Let that sink in.

"Or if convicted," the Chief continued, "he never should have been sentenced to death because his sexual sadism ... is clearly a mitigating factor."

Let's be clear. A sexual sadist, the "Diagnostic and Statistical Manual of Mental Disorders" tells us, has recurrent intense fantasies in which the psychological or physical suffering (including humiliation) of nonconsenting victims is sexually arousing.

If the sadist is distressed by these fantasies, even if he doesn't act upon them, he is officially labeled a sexual sadist and deserves help. If he acts upon them and rapes, he is a sexually sadistic rapist and deserves to be punished severely. If he rapes, tortures and kills, he deserves to die. He may be sick; but he is definitely evil. I am as certain of this as I am that my hand has five fingers; most of us are morally certain he deserves to die.

But we are not the chief. "I suggest to you that Michael Ross may be the least culpable - the least - of the people on death row," Chatigny insisted. "So when he says, 'I feel that I'm the victim of a miscarriage of justice' ... I can well understand where he's coming from."

Ross says he is ready to die. His lawyer says he is ready to die. The courts say we are ready to kill him. No matter. The Chief knows better. "He is effectively boxed in now," Chatigny empathized. "Even if he changed his mind, he would be hard-pressed to admit it. He doesn't want to go back to [death row] and be the subject of ridicule [as] somebody who had backed out at the end."

What compassion toward the man who made the women he raped lie on their stomachs before he strangled them. How unjust it would be if that man who put eight women in coffins should himself feel "boxed in." But why should the other killers on Connecticut's death row - whose own odds of being executed leap exponentially once Ross leads the way - condemn rather than cheer him for refusing to die at the hands of the state? And why should we care?

Armed with a psychological theory by which Ross can't feel as he says he feels, the chief subverts the will of the people, saying that "death row syndrome" has colored Ross' views, obscured his real will.

The worst of the worst - those condemned in Connecticut - can watch their own TVs, exercise (twice a day if they want), shower daily, read books, keep their lights on all night, get visits, communicate with one another. And of course they can buy and enjoy life's little extras - potato chips, candy and honey buns. I don't want to reside on death row either, but then I didn't commit aggravated murder.

And what if the Chief is mistaken? What if Michael Ross had in fact made a "knowing, intelligent and voluntary" decision to die? "If this man is in fact making ... a decision that we are obliged to respect, then God love him." God love him? God damn him. If there is hell, may he burn in it.

Ross' attorney T.R. Paulding, a death-penalty opponent, had the temerity to believe that an attorney should serve his client's ends. But not the Chief: "[I]f I were his lawyer, I'd be in his face," Chatigny scolded. "What you are doing is terribly, terribly wrong. No matter how well motivated you are."

But guilt-tripping was not enough. The judge now bullied and browbeat the helpless lawyer: "And you better be prepared to deal with me," he warned. "I'll have your law license."

Under threat of professional death, T.R. Paulding caved. And the people watched helplessly as Chatigny, abolitionist hero, single-handedly ground the gears of justice to a halt - on the pretext that death row may corrode the will of the condemned to live.

Remember. Remember Dzung Ngoc Tu, 25; Tammy Williams, 17; Paula Perrera, 16. Debra Smith Taylor, 23. Remember Robin Stavinsky, 19, April Brunais and Leslie Shelley, 14, and Wendy Baribeault, 17. Imagine the lives they never led; remember how they died. We cannot fully feel the suffering of these victims unless we fully loathe the motives of their killer. As Adam Smith pointed out, "Mercy to the guilty is cruelty to the innocent."

Unquestionably, the world would be a better place without Michael Ross in it. Then, too, the federal bench would probably be a better place without Judge Chatigny on it.

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