

## S A L O N

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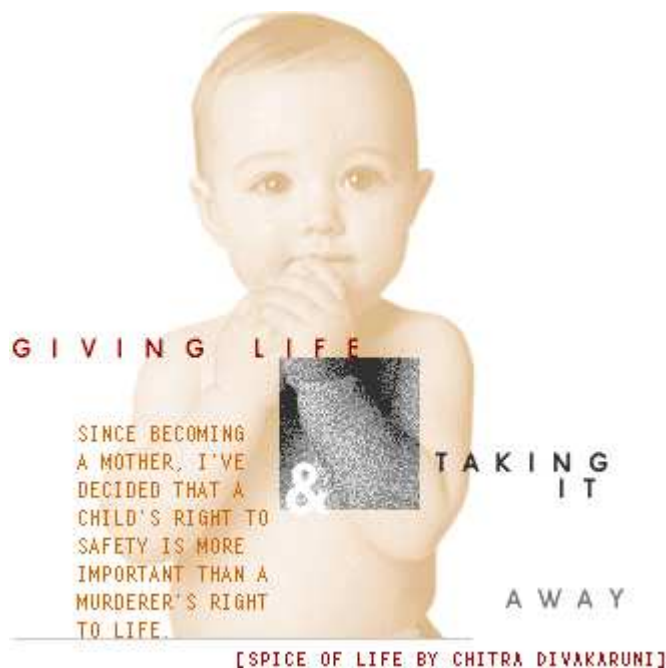
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Why it's time for Mothers Who Think



Once upon a time, I used to oppose the death penalty. I believed that life was sacred and that we didn't have the right to take it away from another human being, no matter what he or she had done.

I no longer believe that.

I now assert that *because* life is sacred, there are cases where we must take it away from certain human beings. Perhaps becoming a mother has made me think this way.

I'd been thinking about -- and talking about -- the sacredness of life for many years, but the first time I felt it as a tangible, physical force in my own was when my son Anand was born. I held him in my hands, all five pounds of him, counting the tubes and discs attached to his body (he was a tiny baby, and premature), and I was overcome by the sense that life is the most beautiful -- and the most fragile -- of miracles. If we're lucky, we participate in it and nurture it -- the way I participated in my son's conception, gestation and birth, the way I would take care of him from this time on. But we aren't the ones who create life. Nor are we the ones who control it. And therefore we cannot take it for granted. Not for one moment.

However, we *can* destroy life. Unfortunately, we've been doing it since the dawn of humankind, and seem to have grown better at it with practice. Motherhood made me realize, for the first time, how dangerous the world is. It made me worry about things to which I'd only given passing attention earlier. The

depleted ozone layer, a flu epidemic, the annual number of auto accidents in the Bay Area: I saw them all as direct threats to the well-being of my son. Instinctively fierce as any animal mother, I was ready to battle tooth and claw to guard from these forces this little being who was so completely dependent on me.

Almost immediately, of course, I learned how limited my power was. It was one of the harder lessons of parenting for me, accepting how little I could do to protect my child. Three days after Anand was born, I had to go home, leaving him behind in the preemie ward. I cried all the way, imagining him being mishandled (or worse, ignored) by uncaring, neglectful strangers. Over the next few years, grudgingly, I came to terms with the fact that I couldn't raise him alone. Society had set up systems to help care for my child -- medical clinics and child-care centers and, most important of all, the law -- and I had to rely on them.

But how well does the law protect my child and others like him? How strong a warning does it send to anyone who would harm them? And if the worst does happen, how well does it enact justice? These questions burn like acid splashed on my heart as I think of the murder of 10-year-old Jeffrey Curley in Cambridge, Mass., earlier this month. Jeffrey was murdered by two men when he refused to have sex with them. One of them, Charles Jaynes, weighing 250 pounds, sat on him and smothered him. They then sexually assaulted the corpse, sealed the body in a 50-gallon container and threw it into a river.

Now the arrested men are in custody while the Massachusetts Senate tries to reinstate the death penalty for killers of children under 14 who are kidnapped and sexually assaulted. Considering the crimes against children that have occurred just in Massachusetts within the last year, it seems a logical enough bill -- mild, even, hedged in as it is by so many clauses. Still, whether it will pass is not clear: The measure is headed for the House, where the Speaker, Thomas Finneran, staunchly opposes capital punishment and wants to delay action on the bill until next year.

I am appalled by these hesitations. If the bill is delayed, or worse, if it doesn't pass, is this not a bitter betrayal of the rights of our children, that silent constituency that depends on us to speak for them and care for them?

Over and over we've seen what happens to killers of children in cases like this. If a clever lawyer doesn't convince the jury they were crazy, they're sentenced to prison. Sometimes they're let out early. Sometimes they go on to hurt other children.

How much value do we, as a society, place on the life of Jeffrey Curley? Less, it would seem, than we place on the life of Charles Jaynes.

Lance Morrow, writing on the incident in the Oct. 20 Time, mentions that on the night the body of Jeffrey Curley was found, 500 people from his community went to an auditorium to listen to a local child psychiatrist and to grieve with the family. He says it is a measure of our progress as a civilization that they did not instead storm the police station where the suspects were being held and lynch them.

I don't disagree with Morrow. The kind of vigilante mentality that would engineer a lynching would obviously lead us into grave problems of a different nature. But it strikes me that what enabled Curley's community to restrain themselves and not take justice into their own hands was that they trusted the legal system to do it for them.

But will it?

And what of the children who live in the 14 American states where there is no death penalty? How many of them must die before we decide they are worthy of being protected by our laws?

SALON | Oct. 29, 1997

Has parenthood affected your opinion of the death penalty?  
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