

Case highlights broader concern

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A lot of heated rhetoric has bounced back and forth in the case of Thomas Arthur, the Alabama inmate sentenced to die for a murder committed more than 26 years ago. However, as much as the legal wrangling may rankle many Alabamians, there are lessons to be taken from it all that could have long-term benefits for the state's justice system.

In Arthur's case, he was nearing a third execution date when the Alabama Supreme Court issued a stay. Before anyone leaps to the conclusion that this was some left-wing, criminal-coddling decision, please note that two of the court's most conservative -- and most scholarly -- justices, Champ Lyons and Glenn Murdock, voted with the court majority.

That decision drew a curious response from Attorney General Troy King, whose support for capital punishment sometimes appears to go beyond the reasonable and into the realm of zealotry. He called it a serious setback for the prosecution.

But why? If the state's case is sound and if new issues, including a claim by another inmate to have committed the crime, prove to be without merit, there is little reason to believe the state will not prevail.

Surely there can be no more solemn responsibility for the justice system than a capital punishment case. That is, after all, the ultimate punishment, the one beyond any possible correction of error. The state is empowered under the law to take a life, but it should never do so without the utmost care and the highest attainable degree of certainty.

The stay was issued "pending further orders of this Court." Such orders could come as soon as today, when the court holds its next conference.

The decision drew a decidedly different response from Mark White, the president of the Alabama State Bar. "Whenever a judge decides to afford a person the right to be heard, it means our system is working," he told The Associated Press. "Any time a judge acts in a situation with the level of intensity present here, we need to stop and commend that courage."

The State Bar supports a statewide indigent defense commission that could "better direct resources at the trial stage to ensure quality representation," White said. That would be an enormous benefit to the justice system.

Better representation at trial is not simply a plus for the defendant. It's ultimately better for the system as a whole, for it reduces the likelihood of successful appeals of convictions on grounds not related to the facts of the cases. It forces the state to do a better job of prosecuting, to exercise that power responsibly, to not only shoulder the burden of proof but also to offer that proof clearly and convincingly in the face of a capable defense.

Regardless of the eventual outcome of the Arthur case, this is a step Alabama needs to take.

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