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No other option

THE ISSUE Attorney General Troy King had no choice except to accept a life-without-parole sentence for a mentally retarded man.

Attorney General Troy King can be criticized for many things. But nobody's ever called him a death penalty sissy.

Indeed, King is so gung-ho about putting people to death that it's more than a little scary. His viewpoint on executions seems to be the more, the merrier.

So, for King to have acquiesced in a reduced sentence for Death Row inmate John Lionel Neal this week, you can be sure there simply was no other choice.

And there wasn't.

Neal was twice convicted and sentenced to death for killing 77-year-old Wilma Underwood during a burglary at her Foley home in 1987.

The groundwork for his reprieve came in 2002 when the U.S. Supreme Court ruled - correctly, we believe - that mentally retarded people can't be put to death.

No doubt about it, Neal is mentally retarded. A state evaluation judged his IQ to be 62. This was consistent with past IQ screenings for him, and Neal's intellectual deficits clearly impacted his ability to function, the attorney general's office said.

As a result, Baldwin County Circuit Judge James H. Reid reduced Neal's sentence this week to life in prison with no chance for parole - all with the blessings of King.

"If that's the law, you don't have any choice but to agree to the resentencing," King said.

At least on this point, King has it exactly right.

What's sad is that Alabama considered executing Neal in the first place, and that the state probably would have done so had it not been for the U.S. Supreme Court ruling.

Indeed, in the modern era of the death penalty, Alabama led the nation in executing the mentally retarded. Of the 23 people this state executed between 1983 and the court's '02 ruling, four were retarded. By contrast, close to half of the states with a death penalty outlawed the execution of the mentally retarded even before the Supreme Court acted.

The reasons? Those with mental retardation are less able to control themselves and to understand the ramifications of their actions. They aren't fully functioning adults and can't be held to the same level of responsibility. They are less able to defend themselves and more at risk of being wrongly convicted. Some mentally retarded people have actually confessed to crimes they did not commit.

That doesn't mean mentally retarded people can't commit horrendous crimes or they should be allowed to go free when they do.

The new sentence for Neal is to spend the rest of his life in prison, with no chance of release. That's no small punishment.

Plus, Neal is dropping further appeals, a small consolation that means his victim's family no longer faces the prospect of repeated legal proceedings.

That's not a bad outcome, and it's thankfully one King had no choice but to accept.

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