

industry's premier engineering firms—agreed with past studies by FCC engineers and LPFM advocates in finding both the 2000 rules and additional studies unnecessary. The NAB's "oceans" of interference have turned out to be puddles reaching a fraction of LPFM's already small coverage area.

Unsurprisingly, the NAB has skewed MITRE's methodology, denying that it meets statutory requirements the association itself helped craft. An NAB spokesman said that even "negligible" interference is "objectionable in [NAB's] view." Says Michael Bracy, a DC-based media lobbyist, "[NAB and NPR] called for this study, defined its parameters, and now say it wasn't well designed—meantime, the clock is running out on LPFM, and taxpayer dollars are being spent." NPR calls LPFM service "complementary" with public radio but remains concerned about interference. NPR now advocates a yearlong trial run of twenty test stations before revising LPFM rules. "You'd get enough of a snapshot of different markets to have a much better basis to proceed on a wider-scale implementation," says Mike Starling, NPR's vice president for engineering. While Bracy hopes NPR's proposal leads to a workable compromise, TriDish calls it a "disingenuous stalling tactic" that facilitates other stations' ongoing pre-emption of LPFM frequencies.

The FCC, which just finished collecting public comments on MITRE's report, is poised to make a new LPFM proposal this fall. If the FCC and Congress do the right thing and roll back the onerous 2000 rules, the number of LPFM stations could jump from about 220 now to well over 1,000, the FCC's previous projection for 2004. But given the larger debate over media owner-

ship rules, substantive changes might take many months. "No one who favors media diversity believes LPFM to be a substitute for broader media reforms," Leanza says. "But the fact that we have to fight for something so small, innocuous and obviously good is unfortunately indicative of the policy debate we're facing today in Washington."

In the meantime, Steinberger knows WRFR is lucky to be in Rockland. The closest station is less than two miles away but well beyond WRFR's frequency. Not one of his several hundred neighbors has complained about interference. And WRFR's diverse, innovative programming stands as the best proof of LPFM's fundamental value. Local bands drop by every week to perform live or chat with WRFR deejays. When President Bush made his staged landing aboard the USS Abraham Lincoln, Alan Lowe, one of WRFR's jazz experts, ranted about the "draft-dodger strutting like he was some big warrior" before playing James Brown's "Funky President" for those who missed his point. The daily reports of Ron Huber, a local environmentalist, provide some of the state's only in-depth coverage of Maine's fast-disappearing commercial fishing communities. Just as unique is *Morning Train*, WRFR's weekday call-in show, which draws state legislators and local officials into intimate conversations and raucous policy debates with Rockland's 7,600 residents.

Lowe's views and Huber's activism are not shared by everyone at WRFR. "The perspective here isn't right or left, but local, open and all-inclusive," Steinberger says. "It's about knowing, respecting and listening to your neighbors—and everything special we do comes out of that." ■

LEE BOYD MALVO WILL BE TRIED IN A STATE WITH A LONG HISTORY OF EXECUTING MINORS.

A Killing Tradition

JOAN JACOBS BRUMBERG

When John Muhammad and Lee Boyd Malvo were arrested in the Washington-area sniper case last year, Attorney General John Ashcroft began to push immediately for a trial in Virginia rather than Maryland. Besides his obvious partiality for a jurisdiction that executes prisoners in great numbers, Ashcroft may have known something about American legal history—namely, that Virginia has a historic tradition of executing minors, a tradition that began in the eighteenth century.

Malvo, who was 17 at the time of the murders of which he and Muhammad are accused, is scheduled to go to trial on November 10. Muhammad's trial began in mid-October.

According to Victor Streib, a professor at Ohio Northern Uni-



versity Law School and author of *Death Penalty for Juveniles*, there have been thirty-four people executed for crimes committed as minors in Virginia from the colonial period to the present, nearly all of them African-American boys whose victims were white females. Streib's grim inventory of cases is based on groundbreaking research originally compiled by M. Watt Espy, a self-educated historian from Headland, Alabama, and derived from state Department of Corrections records, newspapers, county histories, proceedings of state and local courts, holdings of historical societies and other listings of executions.

Because it is so hard to win on a death-penalty appeal in Virginia, the state's sentencing to execution rate for juveniles is the highest in the country: 50 percent compared with runners-up Oklahoma (29 percent), Texas (25 percent), Missouri (25 percent) and South Carolina (14 percent). Although Texas has sentenced and executed more juveniles than any other state over the past decade—one a year, on average—Virginia's courts are

uniquely efficient in moving convicted youths to the electric chair in record time. Streib argues that the Virginia Supreme Court and the Court of Appeals for the Fourth Circuit are the keys to the state's "greased skids." Both are deeply conservative judicial venues, he points out, with no interest in hearing challenges to "law and order" ideology. (No wonder the Fourth Circuit has become an important source of judicial nominees in the Bush Administration.)

But Virginia does more than execute quickly. It also has the distinction of being the last state to execute a female minor, an African-American "wash girl" named, ironically, Virginia Christian. Back in 1912, when 16-year-old Virginia confessed that she had killed her employer, Ida Belote, in response to accusations that she had stolen a locket and a skirt, the stage was set for a demonstration of white supremacy in a region already bedeviled by sharecropping, debt peonage, Jim Crow laws, disfranchisement and lynching. Newspapers in Hampton and Richmond used the example of Virginia Christian to fan the fires of bigotry and fear among the many white families in that region (and elsewhere) who had black domestic servants in their homes. As late as 1900, domestic service was the single largest category of female employment in the United States, and an increasing number of these women were black, ranging in age from early adolescence to late in life. Some African-American domestics lived with white families; others, like Virginia Christian, slept in their own homes and came to work on a daily basis. Whether live-in or not, the relationship between white matrons and their black "girls" was almost always plagued with inequity, and distrust on both sides.

Although Belote probably sparked the physical assault by throwing a cuspidor at the girl she suspected of pilfering, the all-white jury still concluded that Virginia Christian had operated with "malicious intent." After tangling with her employer, knocking over furniture and shattering some crockery, Virginia grabbed a broom and struck the carping Mrs. Belote in the head. When Belote fell to the floor and kept "hollering," the desperate 16-year-old tried to silence her by stuffing a dish towel into her mouth; and, when that failed to work, Virginia used the broom handle to shove the towel in more tightly. Then she fled, taking a wallet with \$4 and a piece of jewelry.

In some ways it was a recognizable adolescent "impulse killing," with theft as an afterthought, but in the Commonwealth of Virginia in 1912, it became something more. Derryn Eroll Moten's University of Iowa dissertation (1997) rightly called the Christian case a "paradigm" of Southern racial bigotry, but it also involved deep, contradictory attitudes about white versus black women. The murder of Ida Belote frightened white Southerners, especially women, because it raised the specter of violent insubordination within the intimacy of the American home. In the white press, Virginia Christian was rarely portrayed realistically as an adolescent girl. In fact, in one report, she was identified as 28 years old, and her square, heavy physique and dark skin were used to suggest that she was threatening and contemptible, clearly outside the protections that accrued naturally to white girls in

"the bloom of youth." In Hampton, the local paper was quick to publish a black-bordered picture of her victim, a small, delicate white woman from a prominent local family, who was a widow and the mother of five. Thirteen-year-old Harriet Belote testified at trial that her mother, before the murder, had threatened to have Virginia arrested for stealing. And her younger sister, 8-year-old Sadie, told a hushed courtroom how she found their mother's bruised and bloody body on the kitchen floor when she came home from school.

Because of the tempers aroused by the case, moderates in the community wanted the self-confessed murderer brought to trial as quickly as possible in order to avoid a lynching. After a two-day trial in the Elizabeth City County Court, Virginia Christian was sentenced to death in the electric chair, a relatively new innovation that was praised by many because it was more aesthetic than hanging. Less than six months later, on the day after her seventeenth birthday, Virginia Christian was killed in the South's first electric chair, despite appeals by her attorneys to the Supreme Court. Like Malvo, Virginia Christian was not a sympathetic character, even for people in her own ethnic community, because of her admitted guilt. Moreover, in 1912 the lynching of innocent, untried black men understandably seemed more critical. A clemency campaign by the newly organized NAACP and directed at Governor William Hodges Mann—the last Confederate soldier to serve as governor of the Commonwealth—failed to save Virginia Christian from Christian Virginia.

At a moment in American history when the idea was gaining acceptance that even the most vicious youngsters needed a special kind of justice—in the form of a juvenile court—the Commonwealth of Virginia resisted the emerging humanitarian impulse that was taking hold in so many other states. Despite a 1910 Virginia law that prohibited the death penalty for first-time juvenile felons, Christian received the ultimate punishment. Because of her race and her social position, her age did not protect her in the Old Dominion.

All of this does not bode well for Malvo, a poor, emotionally impoverished black youngster who fits Virginia's historical template for execution. Even though the Christian case occurred almost a century ago, the Commonwealth of Virginia has not progressed very far in its attitude toward juvenile offenders. Since 1993 only three states—Oklahoma, Virginia and Texas—have sentenced and executed juveniles. Today, just as in 1912, Virginia lags behind as more progressive states—there are now twenty-eight—outlaw the juvenile death penalty in the push to establish a new American standard of decency appropriate to the twenty-first century. Like Virginia Christian, the "boy sniper" is not an ideal poster child for the abolition cause. Although the defense team will undoubtedly have a strong case rooted in Malvo's dysfunctional family life and subsequent domination by a psychopathic adult, it will be an uphill struggle to rouse sympathy for him. Lee Boyd—who called himself "John" in imitation of his surrogate father—is most often presented in the press as a cold-blooded, premeditating murderer rather than a damaged, immature tool in the hands of a sick adult. Malvo's "dad" trained

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him to be a sniper and then designed a killing vehicle in which he could drive his "son" to the fun—not to play soccer or football but to shoot at human targets. Although the decision to move Malvo's trial 200 miles south, from Fairfax County to the city of Chesapeake, was a welcome gesture toward insuring a fair trial, it's probably trivial in the face of the fear the sniper case aroused and Virginia's killing tradition.

Regardless of the documented horrors of any specific case, the juvenile death penalty is a "shameful practice," to use the words of Supreme Court Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg and Stephen Breyer. The United States is now the only country that continues to execute juveniles. (The Democratic Republic of the Congo did it last in 2000; Iran in 2001.) And, despite all our showy commitment to extending human rights around the world, the United States is now the only country that has failed to ratify the United Nations Convention on the Rights of the Child, which includes a provision that prohibits capital punish-

ment for those under the age of 18. What a curious position for a country whose President proclaims himself a compassionate conservative, declaring that "no child should be left behind." And what a disturbing contradiction for an Administration filled to the brim with Christian moralists, people who are supposed to demonstrate, in word as well as deed, a faith in the idea of redemption and the human capacity for change. As a historian who has studied juvenile death-penalty cases as far back as the nineteenth century, it's clear to me that these cases tend to become political footballs, used to attract votes by demonstrating the state's ability to deliver "disinterested" justice. Malvo is an easy target, given Virginia's record, and his execution might well serve the Bush Administration's larger strategic agenda. On November 10, when Malvo goes to trial, John Ashcroft would like us to believe that retribution—along with increased surveillance—will make us a safer, more secure people. Our Attorney General is clearly willing to use a barbaric relic of the past to promote his vision of the future. ■

THE FACT IS, THE STATE THAT GEORGE W. BUSH CALLS HOME IS A DAMNED PECULIAR PLACE.

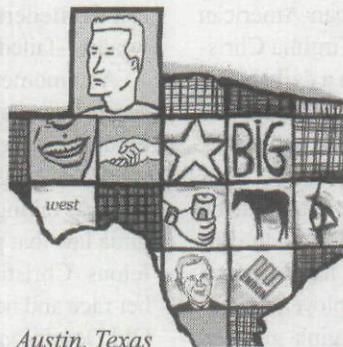
Is Texas America?

MOLLY IVINS



In the 1920s *The Nation* published a series of articles by prominent writers about their home states. We have recently commissioned a number of contemporary writers to do the same. The result is the just-published *These United States* (Nation Books), several articles from which have appeared in these pages. This is the last.

—The Editors



Austin, Texas

Well, sheesh. I don't know whether to warn you that because George Dubya Bush is President the whole damn country is about to be turned into Texas (a singularly horrible fate: as the country song has it: "Lubbock on Everythang") or if I should try to stand up for us and convince the rest of the country we're not all that insane.

Truth is, I've spent much of my life trying, unsuccessfully, to explode the myths about Texas. One attempts to explain—with all good will, historical evidence, nasty statistics and just a bow of recognition to our racism—that Texas is not *The Alamo* starring John Wayne. We're not *Giant*, we ain't a John Ford western. The first real Texan I ever saw on TV was *King of the Hill*'s Boomhauer, the guy who's always drinking beer and you can't understand a word he says.

So, how come trying to explode myths about Texas always winds up reinforcing them? After all these years, I do not think it is my fault. The fact is, it's a damned peculiar place. Given all the

horseshit, there's bound to be a pony in here somewhere. Just by trying to be honest about it, one accidentally underlines its sheer strangeness.

Here's the deal on Texas. It's big. So big there's about five distinct and different places here, separated from one another geologically, topographically, botanically, ethnically, culturally and climatically. Hence our boring habit of specifying East, West and South Texas, plus the Panhandle and the Hill Country. The majority of the state's blacks live in East Texas, making it more like the Old South than the Old South is anymore. West Texas is, more or less, like *Giant*, except, like every place else in the state, it has an incurable tendency toward the tacky and all the cowboys are brown. South Texas is 80 percent Hispanic and a weird amalgam of cultures. You get names now like Shannon Rodriguez, Hannah Gonzalez and Tiffany Ruiz. Even the Anglos speak English with a Spanish accent. The Panhandle, which sticks up to damn near Kansas, is High Plains, like one of those square states, Nebraska or the Dakotas, except more brown folks. The Hill Country, smack dab in the middle, resembles nothing else in the state.

Plus, plopped on top of all this, we have three huge cities, all among the ten largest in the country. Houston is Los Angeles with the climate of Calcutta, Dallas is Dutch (clean, orderly and conformist), while San Antonio is Monterrey North. Many years ago I wrote of this state: "The reason the sky is bigger here is because there aren't any trees. The reason folks here eat grits is because they ain't got no taste. Cowboys mostly stink and it's hot, oh God, is it hot.... Texas is a mosaic of cultures, which overlap in several parts of the state, with the darker layers on

Molly Ivins is a syndicated columnist from Texas. Her latest book, with Lou Dubose, is *Bushwhacked* (Random House).

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