

ARE HUMAN ACTIONS GENUINELY FREE?

Miles Corwin

Miles Corwin was until recently a reporter with the *Los Angeles Times*, focusing on crime. His account of Robert Harris and his crime is designed to bring out the difference in our reactions before and after we learn about Harris's childhood and about the ways in which he was mistreated. (Another way of presenting the story would have been to describe his childhood first and his crime second—think how that might have affected your reactions.) Corwin draws no very explicit conclusion, and certainly does not claim that the facts about Harris's childhood show that he should not be blamed or punished. But a determinist like Blatchford (see the following selection) would be very likely to make such a claim. (Robert Harris was executed in the gas chamber at San Quentin State Prison in California on April 21, 1992.)

Robert Harris

Consider the case of Robert Harris.

On the south tier of Death Row, in a section called 'Peckerwood Flats' where the white inmates are housed, there will be a small celebration the day Robert Alton Harris dies.

A group of inmates on the row have pledged several dollars for candy, cookies and soda. At the moment they estimate that Harris has been executed, they will eat, drink and toast to his passing.

"The guy's a misery, a total scumbag; we're going to party when he goes," said Richard (Chic) Mroczko, who lived in the cell next to Harris on San Quentin Prison's Death Row for more than a year. "He doesn't care about life, he doesn't care about others, he doesn't care about himself."

"We're not a bunch of Boy Scouts around here, and you might think we're pretty cold-blooded about the whole thing. But then, you just don't know the dude."

San Diego County Assistant Dist. Atty. Richard Huffman, who prosecuted Harris, said, "If a person like Harris can't be executed under California law and

federal procedure, then we should be honest and say we're incapable of handling capital punishment."

State Deputy Atty. Gen. Michael D. Wellington asked the court during an appeal hearing for Harris, "If this isn't the kind of defendant that justifies the death penalty, is there ever going to be one?"

What crime did Robert Harris commit to be considered the archetypal candidate for the death penalty? And what kind of man provokes such enmity that even those on Death Row . . . call for his execution?

On July 5, 1978, John Mayeski and Michael Baker had just driven through [a] fast-food restaurant and were sitting in the parking lot eating lunch. Mayeski and Baker . . . lived on the same street and were best friends. They were on their way to a nearby lake for a day of fishing.

At the other end of the parking lot, Robert Harris, 25, and his brother Daniel, 18, were trying to hotwire a [car] when they spotted the two boys. The Harris brothers were planning to rob a bank that afternoon and did not want to use their own car. When Robert Harris could not start the car, he pointed to the [car] where the 16-year-olds were eating and said to Daniel, "We'll take this one."

He pointed a . . . Luger at Mayeski, crawled into the back seat, and told him to drive east. . . .

From The Los Angeles Times (May 6, 1982).

Daniel Harris followed in the Harrises' car. When they reached a canyon area . . . , Robert Harris told the youths he was going to use their car in a bank robbery and assured them that they would not be hurt. Robert Harris yelled to Daniel to get the . 22 caliber rifle out of the back seat of their car.

"When I caught up," Daniel said in a recent interview, "Robert was telling them about the bank robbery we were going to do. He was telling them that he would leave them some money in the car and all, for us using it. Both of them said they would wait on top of this little hill until we were gone, and then walk into town and report the car stolen." Robert Harris agreed.

"Michael turned and went through some bushes. John said, 'Good luck,' and turned to leave."

As the two boys walked away, Harris slowly raised the Luger and shot Mayeski in the back, Daniel said. Mayeski yelled: "Oh, God," and slumped to the ground. Harris chased Baker down a hill into a little valley and shot him four times.

Mayeski was still alive when Harris climbed back up the hill, Daniel said. Harris walked over to the boy, knelt down, put the Luger to his head and fired.

"God, everything started to spin," Daniel said. "It was like slow motion. I saw the gun, and then his head exploded like a balloon, . . . I just started running and running. . . . But I heard Robert and turned around.

"He was swinging the rifle and pistol in the air and laughing. God, that laugh made blood and bone freeze in me."

Harris drove [the] car to a friend's house where he and Daniel were staying. Harris walked into the house, carrying the weapons and the bag [containing] the remainder of the slain youth's lunch. Then, about 15 minutes after he had killed the two 16-year-old boys, Harris took the food out of the bag . . . and began eating a hamburger. He offered his brother an apple turnover, and Daniel became nauseated and ran to the bathroom.

"Robert laughed at me," Daniel said. "He said I was weak; he called me a sissy and said I didn't have the stomach for it."

Harris was in an almost lighthearted mood. He smiled and told Daniel that it would be amusing if the two of them were to pose as police officers and inform the parents that their sons were killed. Then, for the first time, he turned serious. He thought that somebody might have heard the shots and that police could

be searching for the bodies. He told Daniel that they should begin cruising the street near the bodies, and possibly kill some police in the area.

[Later, as they prepared to rob the bank,] Harris pulled out the Luger, noticed blood stains and remnants of flesh on the barrel as a result of the point-blank shot, and said, "I really blew that guy's brains out." And then, again, he started laughing.

. . . Harris was given the death penalty. He has refused all requests for interviews since the conviction.

"He just doesn't see the point of talking," said a sister . . . who has visited him three times since he has been on Death Row. "He told me he had his chance, he took the road to hell and there's nothing more to say."

. . . Few of Harris' friends or family were surprised that he ended up on Death Row. He had spent seven of the previous 10 years behind bars. Harris, who has an eighth-grade education, was convicted of car theft at 15 and was sentenced to a federal youth center. After being released, he was arrested twice for torturing animals and was convicted of manslaughter for beating a neighbor to death after a dispute.

Barbara Harris, another sister, talked to her brother at a family picnic on July 4, 1978. He had been out of prison less than six months, and his sister had not seen him in several years.

. . . Barbara Harris noticed his eyes, and she began to shudder. . . . "I thought, 'My God, what have they done to him?'" He smiled, but his eyes were so cold, so totally flat. It was like looking at a rattlesnake or a cobra ready to strike. They were hooded eyes, with nothing but meanness in them.

"He had the eyes of a killer. I told a friend that I knew someone else would die by his hand."

The next day, Robert Harris killed the two youths. Those familiar with the case were as mystified as they were outraged by Harris' actions. Most found it incomprehensible that a man could be so devoid of compassion and conscience that he could kill two youths, laugh about their deaths and then casually eat their hamburgers. . . .

. . . Harris is a dangerous man on the streets and a dangerous man behind bars, said Mroczko, who spent more than a year in the cell next to Harris's. . . .

"You don't want to deal with him out there," said Mroczko, . . . "We don't want to deal with him in here."

During his first year on the row, Mroczko said, Harris was involved in several fights on the yard and

was caught trying to supply a prisoner in an adjacent yard with a knife. During one fight, Harris was stabbed and the other prisoner shot by a guard. He grated on people's nerves and one night he kept the whole cell block awake by banging his shoe on a steel water basin and laughing hysterically.

An encounter with Harris always resulted in a confrontation. If an inmate had cigarettes, or something else Harris wanted, and he did not think "you could hold your mud," Mroczko said, he would try to take them.

Harris was a man who just did not know "when to be cool," he said. He was an obnoxious presence in the yard and in his cell, and his behavior precipitated unwanted attention from the guards. . . .

He acted like a man who did not care about anything. His cell was filthy, Mroczko said, and clothes, trash, tobacco and magazines were scattered on the floor. He wore the same clothes every day and had little interest in showers. Harris spent his days watching television in his cell, occasionally reading a Western novel.

① Think carefully at this point about your assessment of Harris: was he morally responsible for the crime described and did he deserve to be severely punished for it? (Reservations about the death penalty are not relevant to our present concerns.)

On the face of it, Harris is an "archetypal candidate" for blame. We respond to his heartlessness and viciousness with moral outrage and loathing. Does it matter to our reactions how he came to be so?①

We must now investigate the relevance of such historical considerations to the reactive attitudes. As it happens, the case of Robert Harris is again a vivid illustration.

"[During the interview] Barbara Harris put her palms over her eyes and said softly, 'I saw every grain of sweetness, pity and goodness in him destroyed. . . . It was a long and ugly journey before he reached that point.'"

Robert Harris' 29 years . . . have been dominated by incessant cruelty and profound suffering that he has both experienced and provoked. Violence pre-saged his birth, and a violent act is expected to end his life.

Harris was born Jan. 15, 1953, several hours after his mother was kicked in the stomach. She was 6½ months pregnant and her husband, an insanely jealous man, . . . came home drunk and accused her of infidelity. He claimed that the child was not his, threw her down and kicked her. She began hemorrhaging, and he took her to the hospital.

Robert was born that night. His heartbeat stopped at one point . . . but labor was induced and he was saved. Because of his premature birth, he was a tiny baby; he was kept alive in an incubator and spent months in the hospital.

His father was an alcoholic who was twice convicted of sexually molesting his daughters. He frequently beat his children . . . and often caused serious injury. Their mother also became an alcoholic and was arrested several times, once for bank robbery.

All of the children had monstrous childhoods. But even in the Harris family, . . . the abuse Robert was subjected to was unusual.

Before their mother died last year, Barbara Harris said, she talked incessantly about Robert's early years. She felt guilty that she was never able to love him; she felt partly responsible that he ended up on Death Row.

When Robert's father visited his wife in the hospital and saw his son for the first time, . . . the first thing he said was, "Who is the father of that bastard?" When his mother picked him up from the hospital . . . she said it was like taking a stranger's baby home.

The pain and permanent injury Robert's mother suffered as a result of the birth, . . . and the constant abuse she was subjected to by her husband, turned her against her son. Money was tight, she was overworked and he was her fifth child in just a few years. She began to blame all her problems on Robert, and she grew to hate the child.

"I remember one time we were in the car and Mother was in the back seat with Robbie in her arms. He was crying and my father threw a glass bottle at him, but it hit my mother in the face. The glass shattered and Robbie started screaming. I'll never forget it," she said. . . .

"Her face was all pink, from the mixture of blood and milk. She ended up blaming Robbie for all the hurt, all the things like that. She felt helpless and he was someone to vent her anger on."

. . . Harris had a learning disability and a speech problem, but there was no money for therapy. When

he was at school he felt stupid and classmates teased him, his sister said, and when he was at home he was abused.

"He was the most beautiful of all my mother's children; he was an angel," she said. "He would just break your heart. He wanted love so bad he would beg for any kind of physical contact.

"He'd come up to my mother and just try to rub his little hands on her leg or her arm. He just never got touched at all. She'd just push him away or kick him. One time she bloodied his nose when he was trying to get close to her."

Barbara Harris put her head in her hands and cried softly. "One killer out of nine kids. . . . The sad thing is he was the most sensitive of all of us. When he was 10 and we all saw 'Bambi,' he cried and cried when Bambi's mother was shot. Everything was pretty to him as a child; he loved animals. But all that changed; it all changed so much."

. . . All nine children are psychologically crippled as a result of their father, she said, but most have been able to lead useful lives. But Robert was too young, and the abuse lasted too long, she said, for him ever to have had a chance to recover.

[At age 14] Harris was sentenced to a federal youth detention center [for car theft]. He was one of the youngest inmates there, Barbara Harris said, and he grew up "hard and fast."

. . . Harris was raped several times, his sister said, and he slashed his wrists twice in suicide attempts. He spent more than four years behind bars as a result of an escape, an attempted escape and a parole violation.

The centers were "gladiator schools," Barbara Harris said, and Harris learned to fight and be mean. By the time he was released from federal prison at 19, all his problems were accentuated. Everyone in the family knew that he needed psychiatric help.

The child who had cried at the movies when Bambi's mother dies had evolved into a man who was

arrested several times for abusing animals. He killed cats and dogs, Daniel said, and laughed while torturing them with mop handles, darts and pellet guns. Once he stabbed a prize pig more than 1,000 times.

"The only way he could vent his feelings was to break or kill something," Barbara Harris said. "He took out all the frustrations of his life on animals. He had no feeling for life, no sense of remorse. He reached the point where there wasn't that much left of him."

. . . Harris' family is ambivalent about his death sentence. [Another sister said that] if she did not know her brother's past so intimately, she would support his execution without hesitation. Barbara has a 16-year-old son; she often imagines the horror of the slain boys' parents.

"If anyone killed my son, I'd try my damndest, no matter what it took, to have my child revenged," Barbara Harris said. "I know how those parents must suffer every day.

"But Robbie in the gas chamber. . ." She broke off in mid-sentence and stared out the window. "Well, I still remember the little boy who used to beg for love, for just one pat or word of kindness. . . . No I can't say I want my brother to die."

. . . Since Harris has been on Death Row, he has made no demands of time or money on his family. Harris has made only one request; he wants a dignified and serene ceremony after he dies—a ceremony in marked contrast to his life.

He has asked his oldest brother to take his ashes, to drive to the Sierras, hike to a secluded spot and scatter his remains in the trees.

No doubt this history gives pause to the reactive attitudes. Why does it do so? "No wonder Harris is as he is!" we think. What is the relevance of this thought?²

² Has your assessment of Harris changed at this point? How?

Discussion Questions

1. Was Robert Harris morally responsible for his crimes? Was he free in the sense that he could have done otherwise than he did when he shot the two boys? Was there some time earlier when he made a choice to become the kind of person who could do such a thing?
2. His sister reported that Robert had told her that "he had his chance, he took the road to hell, and there's nothing more to say." Does that suggest that he sees himself as having chosen this path? Is that relevant to whether he really had a choice?