

Bush OKs Execution of Army Death Row Prisoner

By DEB RIECHMANN, Associated Press | July 28, 2008

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WASHINGTON — President Bush today approved the execution of an Army private, administration officials said. It was the first time in over a half-century that a president has affirmed a death sentence for a member of the U.S. military.

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AP Photo/The Fayetteville Observer, Marcus Castro

Ronald A. Gray in handcuffs and chains, escorted by military police leaving a Fort Bragg, N.C. courtroom in 1988.

With his signature from the Oval Office, Mr. Bush said yes to the military's request to execute Ronald A. Gray, said the officials, who revealed his decision only on grounds of anonymity. Gray had had been convicted in connection with a spree of four murders and eight rapes in the Fayetteville, N.C., area over eight months in the late 1980s while stationed at Fort Bragg.

Unlike in the civilian courts, a member of America's armed forces cannot be executed until the president approves the death sentence. Gray has been on death row at the U.S. Disciplinary Barracks at Fort Leavenworth, Kan., since April 1988.

Members of America's military have been executed throughout history, but just 10 have been executed by presidential approval since 1951 when the Uniform Code of Military Justice, the military's modern-day legal system, was enacted into law.

President Kennedy was the last president to stare down this life-or-death decision. On Feb. 12, 1962, Kennedy commuted the death sentence of a Navy seaman, Jimmie Henderson, to confinement for life.

President Eisenhower was the last president to approve a military execution. In 1957, he approved the execution of John Bennett, an Army private convicted of raping and attempting to kill an 11-year-old Austrian girl. He was hanged in 1961.

The death penalty was outlawed between 1972 and 1984, when President Reagan reinstated it.

Gray was held responsible for the crimes committed between April 1986 and January 1987 in both the civilian and military justice systems.

In civilian courts at North Carolina, Gray pleaded guilty to two murders and five rapes and was sentenced to three consecutive and five concurrent life terms.

He then was tried by general court-martial at the Army's Fort Bragg. In April 1988, the court-martial convicted Gray of two murders, an attempted murder and three rapes. He was unanimously sentenced to death.

The court-martial panel convicted Gray of:

—Raping and killing Army Private Laura Lee Vickery-Clay of Fayetteville on Dec. 15, 1986. She was shot four times with a .22-caliber pistol that Gray confessed to stealing. She suffered blunt force trauma over much of her body.

—Raping and killing Kimberly Ann Ruggles, a civilian cab driver in Fayetteville. She was bound, gagged, stabbed repeatedly, and had bruises and lacerations on her face. Her body was found on the base.

—Raping, robbing and attempting to kill Army Private Mary Ann Lang Nameth in her barracks at Fort Bragg on Jan. 3, 1987. She testified against Gray during the court-martial and identified him as her assailant. Gray raped her and stabbed her several times in the neck and side. Nameth suffered a laceration of the trachea and a collapsed or punctured lung.

The six-member court-martial panel returned its unanimous verdict after about two hours of deliberations. The panel also reduced Gray from Spec. 4 to private, forfeited all his pay and ordered him to be dishonorably discharged from the Army.

Gray has appealed his case through the Army Court of Criminal Appeals (then known as the U.S. Army Court of Military Review) and the Court of Appeals for the Armed Services. In 2001, the Supreme Court declined to hear the case.

Mr. Bush got the secretary of the Army's recommendation to approve Gray's death sentence in late 2005. Since then, it's been under review by the Bush administration, including the White House legal counsel.

Complicating the administration's deliberation was a case under review this year by the Supreme Court.

The court ruled in April to uphold the most common method of capital punishment used across America. The justices said the three-drug mix of lethal-injection drugs used by Kentucky and most other states does not constitute cruel and unusual punishment. The ruling in the case of *Baze v. Rees* cleared the way for a resumption of executions nationwide.

It was unclear where Gray would be executed. Military executions are handled by the Federal Bureau of Prisons.

Mr. Bush's decision, however, is not likely the end of Gray's legal battle. Further litigation is expected and these types of death sentence appeals often take years to resolve.

The military also has asked Mr. Bush to authorize the execution of Dwight J. Loving, who has been at Fort Leavenworth, Kan., since 1989 after being convicted of killing two taxicab drivers while he was an Army private at Fort Hood, Texas. But that request is not yet ripe for a presidential decision. The White House declined to discuss the case.