

Public Testimony from Patrick Sheehan  
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Chair Barker, Vice-Chairs Krieger and Garret, Members of the Committee -

Oregon's death penalty is an extraordinarily expensive mechanism to support an antiquated gesture that no longer performs on the intent of the law.

Since 1864, Oregon has reversed course on the death penalty seven times. It is time to consider it again. Today, Oregon's death penalty contains 10 sequential state and federal appeals, each forcing the families of victims to relive the horrors of the crimes over and over, while allowing the most deviant criminals in our correctional system to amuse themselves with expensive legal process.

There is much discussion about the uncorrectable error of executing an innocent person – which I don't believe is a serious risk with Oregon's extremely careful process. However, the lengthy appeals and legal maneuvering provide the opportunity for the guilty to escape punishment, as happened two decades ago. In 1994, Scott Harberts was convicted in Clackamas County of sexually assaulting and beating a two-year old girl to death. The Supreme Court ruled that the five-year delay (due mostly to pre-trial motions) between the murder and conviction denied Harberts a right to a speedy trial. He was released in 2006 and now lives as a free man in Giribaldi.

My visit to the Oregon State Penitentiary as a State Representative opened my eyes to the inequity of punishment on death row. I encourage the members of this committee to take 90 minutes to visit the facility and expose yourselves to a similar perspective. I found that while murderers in the general population suffer abhorrent conditions of overcrowding and squalor appropriate for their crimes – death row inmates enjoy single cells, a private gym, a constitutionally demanded law library, a private exercise yard and a strange quiet civility of environment. This seems wildly inappropriate.

One of the primary objectives of the death penalty is as a deterrent to crime. Most people don't know that our most recent celebrity death row inmate Gary Haugen was sentenced to death not for his original murder – but a subsequent one committed while in prison. Inmates are made acutely aware that murder behind bars is a capital offense, and he and his less-famous co-conspirator and fellow death row occupant did it anyway. Levels of punishment have been proven to be a much less significant deterrent to crime than the certainty of being caught.

One argument made by District Attorneys is that the death penalty is an effective negotiation tool in plea bargain agreements to accept life in prison in lieu of an expensive trial. If those facing these charges understood that their death row experience would be a much more comfortable form of life imprisonment, I doubt this would remain an effective tool.

Finally, I believe it is not in the public interest to strap someone to a board and kill them in front of an audience. We're better than that. I understand – and agree with – the desire to convey in the most certain terms our disdain for these vile criminals, and punish them to the full extent of the law. I believe that full extent should make death row inmates die in obscurity after a life of reflection behind bars, not commanding media attention with a circus of legal proceedings. It's time to repeal Oregon's death penalty.