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Editorial: Death penalty deserves more than just talk

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Gov. Jay Inslee could have quietly reprieved, one by one, Washington criminals scheduled for execution.

He could have announced his moratoriums on executions in midsummer, when vacationing citizens pay little attention to Olympia, or held off until another major news story distracted the media.

He could have waited until Nov. 5, the day after an election that could give Republicans control of the Senate.

The governor might not have owned up to his past support of capital punishment, although critics would have been quick to note his flip-flop.

He could have done nothing. Odds are good no death warrant will reach his desk during his first term, at least, so the subject might not have come up at all.

But 13 months into an undistinguished administration, Inslee drew as much attention to his decision as possible in order to refocus Washingtonians on a deeply flawed process out of which equal justice is the exception, not the rule. Punishment may fit the budget, or political ambitions, but the crime?

Maybe.

Of 32 defendants sentenced to death in Washington since the existing capital punishment laws were enacted in 1981, only five have been executed; just two since 2001. Eighteen had their sentences reduced to life in prison, the same penalty imposed on more than 250 others in prison for aggravated murder, the only crime punishable with death. Nine remain on death row, two of them from Spokane County.

The case of Robert Lee Yates is telling. In 2000, he pleaded guilty to killing 13 prostitutes in Spokane and was sentenced to 408 years without hope of parole. But two years later,

he was sentenced to death in Pierce County after a jury convicted him for the slayings of two other women. Was justice done in Spokane County or Pierce County for the families of his victims? For Yates?

Spokane families are spared the pain of revisiting the crimes against their loved ones each time a court hears an appeal. In Pierce County, the scabs are picked off time and time again.

Dwayne A. Woods, the other Spokane-area resident on death row, remains alive 18 years after killing two women with a baseball bat.

The potential costs of litigating a death-penalty case for a decade or more discourage rural counties from bringing aggravated murder charges. Five years ago, Stevens and Spokane counties contested the location of a 2008 murder because neither wanted to foot a potential \$1 million bill for prosecuting Christopher H. Devlin, then defending the verdict during the inevitable appeals. A legal error took the death penalty off the table, and Devlin committed suicide in the Spokane County Jail five days after being sentenced to life without parole.

Green River killer Gary Ridgway avoided the death penalty by leading police to the missing bodies of some of his 40-odd victims.

When it comes to the death penalty, justice is situational, not equal. That's intolerable.

Other states, including Oregon, are re-evaluating capital punishment. Inslee says he wants to bring Washington into the conversation.

Looking at the record since 1981, more than talk is in order.

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