
Published: Sunday, February 16, 2014, 1:00 a.m.
In Our View/Abolish capital punishment

The end of the death penalty

"I never say, 'I know how you feel,'" said Snohomish County prosecuting attorney Mark Roe.

Families of murder victims live a nightmare without end. No, we don't know how you feel, the visceral, ceaseless horror of life torn away.

There are merciless souls who do not deserve mercy. Jayme Biendl's murderer, Byron Scherf, for one. Or Charles Rodman Campbell, who murdered 9-year old Shannah Wicklund, her mother, Renae Wicklund, and neighbor, Barbara Hendrickson. Campbell was executed in 1994.

State-sanctioned killing turns civilization on its head, but that's an intellectual construct at a remove from human nature. It's difficult to argue that murderers such as Campbell are treated unjustly, at least in Washington.

The death penalty was abruptly thrown into relief Tuesday when Gov. Jay Inslee announced a moratorium.

"There are too many flaws in the system. And when the ultimate decision is death, there is too much at stake to accept an imperfect system," Inslee said.

There are compelling reasons to abolish the death penalty, so let's abolish it.

The trouble is that Inslee's moratorium embodies a good idea realized the wrong way. The delays, the litigation, the expense, the push-pull on families of victims, sometimes for decades: Inslee's moratorium provides no remedy or relief. The death penalty machinery moves forward.

"Consistent with the governor's announcement, the Office of the Attorney General will continue to defend the state against cases brought by death row inmates challenging their convictions and sentences," Attorney General Bob Ferguson said.

Herald editor and investigative reporter Scott North, who covered the Campbell case and witnessed his hanging, wrote in 1994, "I saw firsthand the pain inflicted on the victims' family by the obscene way Campbell's endless, increasingly frivolous appeals were handled by the federal courts."

There is no mercy for anyone, particularly families, and that's the horror. Inslee sidestepped the just-abolish-it question and the legwork associated with ending the death penalty. There was no request legislation or even a sentence in his State of the State address. Instead, the governor on Tuesday highlighted systemic flaws without addressing them, lamenting a

punishment unevenly applied without proposing a fix.

Inslee said "we've" spoken to people in favor and others strongly opposed to capital punishment, including prosecutors and the families of victims. In fact, Inslee only spoke to Kitsap County Prosecutor Russ Hauge, with the capital case of Jonathan Gentry moving forward (there was no mention of the moratorium during their conversations.) Gentry was sentenced to death in 1991 for the murder of 12-year old Cassie Holden. Inslee spoke with Holden's father, but didn't detail his plans.

The family of Jayme Biendl, the Monroe corrections officer strangled to death in 2011, wasn't called.

"Personally, I think it's kind of an insult to the families of the victims," said Sen. Kirk Pearson, R-Monroe.

Nicholas Brown, the governor's general counsel, said Inslee's office consulted Tom McBride, the director of the Washington Association of Prosecuting Attorneys. Brown also noted that the review has been comprehensive and began a year ago. Movement on the Gentry case accelerated their timeline, he said.

Roe, who likes Inslee, was disappointed. The governor was "0-39" in discussing it with county prosecutors and those directly affected, the families and the survivors.

Prosecutors shoulder ahead, moratorium or no. It's death to the death penalty by a thousand cuts. No one, we imagine, will ever again be executed in Washington.

Reasonable people can disagree on the death penalty. Roe aligns with the majority of Washingtonians, that it should be an option in the most heinous cases.

Inslee appears to realize he made errors managing his announcement. On Thursday, he phoned Roe. Transitioning from service in Congress, Inslee is learning the consequences of executive action.

There is nothing new under the sun. In 1913, Washington Gov. Ernest Lister signed a bill to abolish the death penalty, only to have it reinstated six years later.

Washington should do it again, but do it the right way. Make abolition-request legislation or push a referendum.

Citizens are rethinking a question that's no longer politically toxic. In the long view of history, capital punishment will be seen as a relic of a brutal era.

We need to bend history, but bend it together.

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