

Voters to face issue again

# Senate rejects death penalty bill

By GREG WASSON  
Of the Emerald

SALEM — Since the early 1900s, Oregon's death penalty has been an on-again, off-again proposition. In January, the state Supreme Court again turned it off, and Wednesday night the Senate Justice Committee refused to repair the circuitry.

By a vote of a 5-2, the panel rejected SB803 — legislation aimed at correcting the constitutional deficiencies the court had identified in Oregon's execution statute.

In that opinion, it was held that the law allowed sentencing judges too much discretion in application of the supreme punishment.

The committee's action is sure to spark an initiative effort to place the issue before the voters again. All sides agree that proponents will have little trouble getting the signatures required to force the election.

But testimony at Wednesday's hearing suggested it would be impossible to draft an initiative assured of withstanding a constitutional challenge.

Assistant attorney general Steve Piefer told the committee that his office — which helped

draft the bill and will aid in writing the initiative petition — had done the best it could to write a constitutional bill.

"As far as guaranteeing success of the death penalty, no one can do that. On any given day, any judge in any court could hold anything. And I can't guarantee what the Supreme Court or any other judge in Oregon is going to do," Piefer said.

In response, committee head Sen. Jan Wyers, D-Portland, said he doesn't think that the public shares that uncertainty.

"From the editorials I've been reading," Wyers said, "I think the public feels that it's sort of like fixing a flat tire. Those are very eloquent words you just used — on any given day, any give judge could find any given law unconstitutional. If you look around the country at the 700 people on death row, and the four executions in the last 13 or 14 years, it looks like on most given days, they found some reason not to execute."

Earlier in his testimony, Piefer discussed the issue of Article I, Section 15, of the Oregon constitution. That section says that any punishment must encourage reformation. In 1906, the court ruled that a death penalty



legislative  
issues

statute doesn't violate that provision, but according to Piefer, the attitude is shifting.

"There are indications from the United States Supreme Court that the predominant justification as far as the Supreme Court is concerned, is retribution. According to that theory, if

retribution is the only surviving rationale for the death penalty, then this section would prohibit it."

What this means is that citizens who want to return Oregon to the death penalty might have to amend the constitution rather than simply passing a

statute. However, a constitutional amendment requires additional signatures.

Legislative supporters of capital punishment admitted in February that there was little chance that the Legislature would enact the death penalty or send a death penalty measure to the public. But the bill was introduced anyway, to force as many opponents as possible to go on the record.

Although the committee had reserved two hearing rooms for Wednesday night's meeting, only about half of one was filled. And only one witness favored reinstatement of capital punishment.

One of the opponents reminded the committee of the warning of Mahatma Gandhi that the doctrine of an eye for eye leads to a world of blind people.

gabriel boehmer

## reporter's notebook

Relations between the sexes are far from perfect — as this week's Women's Symposium reminds us — but some progress has been made.

Witness the 1962 "Summer Emerald."

Ted Mahar, then editor of the weekly Summer Emerald, featured a column entitled "A Pretty Girl." Mahar is now entertainment editor at the Portland Oregonian.

The first "pretty girl" photo was captioned: "This is a pretty girl. Every week the Emerald will run a picture of a pretty girl. There is, of course, no newsworthy reason for such pictures at all, except that pretty girls are nice to look at."

The photo credit was attributed to Mahar.

Curiously enough, the next week's pretty girl was Shirley Mahar: "Believe it or don't she bears no relation whatever to the editor of the crusading Oregon Summer Emerald. In fact, the two have never met. And, believe it, she looks a good deal better than he does."

Mahar declined to take credit for this photo.

The July 11 issue featured brunette Pat Provo. "She is a foreign student from Texas, but speaks almost with no trace of an accent."

The "Crusading Oregon Summer Emerald Photo" was attributed to Mahar.

Mahar was objective enough to alternate between blondes and brunettes each week.

Sha Kendall was named pretty girl for the week of July 18. "Sha Kendall, this week's pretty girl, is not nearly so ferocious as she looks here. In fact, she's rather kindly."

Although Mahar's descriptions of the first pretty girls were a bit superficial, he painted a real word portrait for the July 25 pretty girl, a smiling brunette named Marcia Bullard.

"One of her favorite paintings is the Mona Lisa," Mahar wrote. "During the regular academic year Marcia is a secretary for the Oregon Daily Emerald. One of these days we'll get around to

finding out if she can type or file things or take dictation."

Photo by Mahar. And Mahar didn't have to look far for his next week's catch — Gloria Darold, the second brunette in a row.

"She is not related to Elizabeth Taylor. Like last week's pretty girl, Gloria, too, is a secretary for the Oregon Daily Emerald. If you are interested in working for the Oregon Daily Emerald, you can sign up in 301 Allen Hall during registration work of fall term."

Photo by Mahar. Writing the column must have been a lot of fun. The next week's selection — Dulcy Moran — attracted the efforts of several Emerald male staff members. And Mahar pulled out all the stops.

"With slight alterations in spelling, 'dulcy' means 'Sweet' in Spanish, French, Portuguese, Latin, and Italian. Appropriately enough. In addition to her other virtues, she is also the fiancée of the editor. That's one way to get your picture in the paper."

By the way, Mahar chose a blonde.

The photo was by Phil Cogswell, technical consultation by Bernie Freemesser and produced by Mahar — a real team effort.

Two issues later, Mahar photographed the first non-caucasian pretty girl, Janice Nakata.

"She will be teaching third graders in California in the fall," Mahar wrote. "If she were teaching high school, she wouldn't have to worry about her male students playing hooky."

Mahar's final pretty-girl choice of the summer was Sue Piper.

"She doesn't say much, but she smiles a lot. Because of this she is very popular at parties because people think she is interested and amused by what they say to her. Actually, she sleeps with her eyes open and with a smile on her face."

Photo by Mahar.

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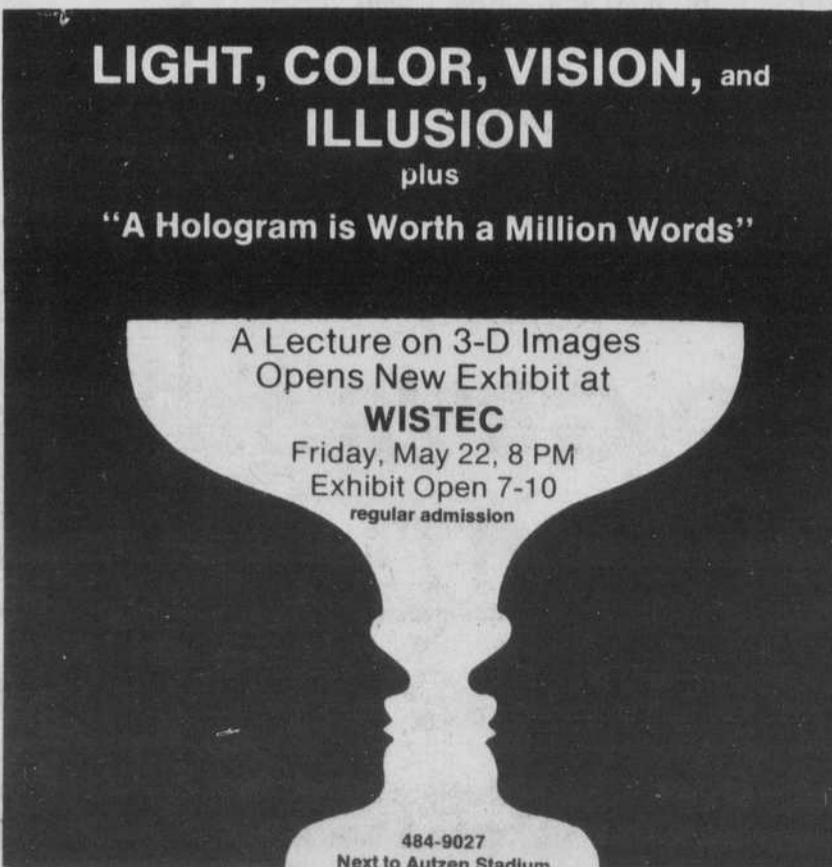
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