

Decade-old Oregon death penalty law still unused

SALEM (AP) — Oregon voters a decade ago decided the state's worst murderers should die, by fatal injection.

A room at Oregon State Penitentiary was set aside for an execution chamber, but you wouldn't know it. So far it has been used only as office space.

The state Corrections Department adopted rules, methodically detailed, for causing death by intravenous chemicals.

Arm restraints must be attached properly, for example, "to prevent the inmate from jerking to remove the catheters or flexing the muscle and expelling them."

But the rules gather dust. No one has been put to death under the capital punishment law passed in November 1984.

Marla Rae, spokeswoman for the state attorney general's office, said speculating about when the first execution might be would be futile.

"There's no way to know that with any certainty, and I don't think anyone is going to hazard a guess," Rae said.

The lengthy appeal process available to defendants causes long delays.

An aggravated murder conviction with a death sentence automatically is

appealed directly to the Oregon Supreme Court under the capital punishment law.

That's step one.

"After that," Rae said, "there are about 10 more ways to seek review."

The inmates nearest to being executed in Oregon are in just the third step of the potential 11-rung appeals process.

There are 16 people on Death Row at the Salem prison. There were more than 20 there at one time, before a 1989 ruling by the U.S. Supreme Court granted most of them new sentencing hearings.

The nation's top court said state death penalty laws in many cases had to be revised to give juries more leeway to consider mitigating evidence.

Oregon's law was one of those affected.

Four Oregon Death Row inmates who won new sentencing hearings were given life terms without chance of parole.

Five others got new sentences of life with 30-year minimum terms. They include Jeffrey Scott Wagner, the first defendant sentenced to die under the Oregon law.

He was convicted of the 1985 strangling death of a Corvallis woman.

'It (death penalty) is not now accomplishing at least what I had hoped it would.'

— Vic Atiyeh, former governor

Some other inmates have been given new death sentences in second hearings. A few cases are pending, including that of Dayton Leroy Rogers, Oregon's worst serial killer.

Rogers was convicted of killing seven women and received the death penalty for six of the murders. A new sentencing trial is under way after his death penalty was set aside because of the U.S. Supreme Court ruling.

James Michael Isom has been on the death row the longest, since 1986, and has come the nearest to being executed.

Isom was found guilty of the stabbing death of Barbara Maher in a Portland motel room.

His first conviction was reversed by the State Supreme Court. He was retried,

again convicted and given a death sentence, and that conviction and sentence were upheld.

Isom then said there would be no more appeals and that he was prepared to die, and a judge set an execution date for November 1992. But Isom later changed his mind and filed a petition for post-conviction relief.

That is a common appeal. Defendants filing those petitions often claim they were denied a constitutional right at trial.

If those appeals fail in the state court system, a defendant then can use habeas corpus procedures to bring appeals in federal courts.

Former Gov. Vic Atiyeh, a sponsor of the initiative measure that restored the death penalty, said protracted appeals lessen the measure's deterrent value.

"It is not now accomplishing at least what I had hoped it would," Atiyeh said. "We actually have it inversely, more and more murders."

He said one of his biggest concerns "and almost part of our constitution, is what is called swift justice. What this does is make a mockery out of our system."

Boeing employee burned in explosion

SEATTLE (AP) — An explosive that injured a Boeing Co. employee appears to have been a booby-trap that was brought in by another employee, company officials said.

"It appears that it was a deliberate act, which of course is unacceptable," Boeing spokesman Mike Broom said Sunday. "We're working quickly as we can to find out how we can get to the bottom of it to prevent anything like this from happening again."

A 54-year-old woman suffered first- and second-degree burns to her face and neck in the Saturday morning explosion in the company's fabrication plant in Auburn, Broom said.

The woman, who was not identified by the company, was treated at the scene and taken to Auburn General Hospital, where she was later released.

The woman told investigators she saw a cardboard tube on a tool rack, company spokesman Steve Thieme said. When she picked it up, the explosive went off.

The explosion took place in the aircraft manufacturer's tooling business unit room, where tools are made for major airline parts.

Broom said explosives aren't kept in the plant and whoever smuggled it in had to evade elaborate security measures.

"It's very tight," he said. "That's what makes this so disturbing. It's very difficult for anyone to take things in or take things out of the facility."

California put on 'drought watch'

SACRAMENTO (AP) — California was put on a "drought watch" Monday by officials who described 1994 as the eighth driest year this century by one measurement.

Surveys this month are finding little snow in the mountains to replenish reservoirs, which will leave the state heavily dependent on water stored from last year.

Resources Secretary Douglas Wheeler declared the "drought watch" as an appeal to the state's residents to conserve water voluntarily.

"The longer-term outlook will remain precarious without increased precipitation next winter," Wheeler said.

Storage in 155 major reservoirs statewide averaged more than 90 percent of normal four weeks ago. Flows out of reservoirs will be restricted, with farmers getting as little as one-third of normal supplies and cities as little as one-half.

The state also may reactivate its water bank, which was created during the six-year drought that ended with a wet 1993. Through the bank, districts with extra water sell supplies to those in need.

The flow of melting snow through the Sacramento River — a key indicator — is expected to be 8.5 million acre-feet, which is less than half the average of 18 million acre-feet. The forecast would make 1994 the eighth driest year on record. A acre-foot supplies the average family for a year.

At one spot in the Sierra Nevada, along Highway 50 near Echo Summit, experts found bare earth where a month ago the water content of the snow had been 8 inches, or 28 percent of average. The snow's water content was 24 inches, or about 150 percent of average last year at this time.

Survey results for May are being collected from

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— Douglass Wheeler, resources secretary

40 agencies that assess the snowpack in 300 sites monthly during the winter and spring in the California mountains from Oregon to Orange County. The figures are used to forecast how much water will melt and flow into government water projects.

The largest government waterworks, the federal Central Valley Project, expects to deliver only 35 percent of its normal supply this year to farmers and 75 percent to cities.

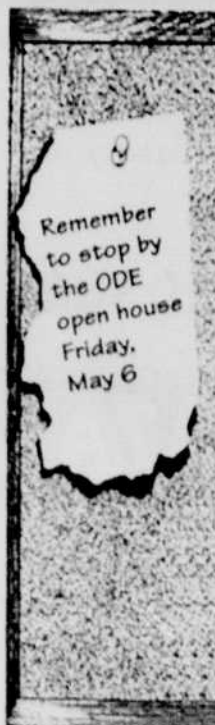
The project serves about 300 water districts, which supply about 20,000 farms in the fertile San Joaquin Valley and about 2 million people in scattered communities.

The State Water Project plans to deliver about half of its normal flows to farms and cities. The project serves cities in the San Francisco Bay region and Southern California, as well as farms in the Central Valley.

Some of the reductions in state and federal waterworks' flows are due to increased diversions of water for environmental needs.

The dry conditions of 1994 came after a brief respite from drought in 1993. Prior to the storms of 1993, California suffered a six-year drought that forced mandatory rationing in several areas and cost billions of dollars.

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