

# Most death row inmates impaired

WHITNEY M. WOODWORTH  
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Most of the 35 people on Oregon's death row have intellectual disabilities, mental illness, brain injury or were convicted as adolescents, according to a recently released report.

Harvard Law School's Fair Punishment Project conducted a study of Oregon's death row and determined

that 25 percent of the people there have evidence of intellectual disability or traumatic brain injury. The same amount had symptoms of mental illness, and one-third of death row inmates had a history of severe childhood or emotional trauma. Six were under the age of 21 at the time of their crimes.

Death penalty opponents have cited the report as another sign of the need to carefully re-examine the state's stance on capital punishment.

"The report calls into question whether Oregon has met the constitutional standard of limiting the death penalty to the most serious crimes and the most

culpable perpetrators," said Alice Lundell, director of communication for the Oregon Justice Resource Center.

People on Oregon's death row are not the "the worst of the worst" of convicted murderers, Lundell argued.

"A sizable majority of individuals on Oregon's death row suffer from crippling mental impairments, or are so young in age, that they appear to be nearly indistinguishable from the categories of people whom the Supreme Court has said it is unconstitutional to execute due to their diminished culpability," said Rob Smith, director of the Fair Punishment Project.

The report cited several death penalty cases, including that of Randy Guzek. The report describes Guzek, who shot and killed Rod and Lois Houser while robbing their Central Oregon home in 1987, as a "boy... just one month past his eighteen birthday and who appears to have been high on meth at the time of the crime" — a description Clatsop County District Attorney Joshua Marquis called "deceptive."

Marquis, as chief deputy district attorney in Deschutes County and special prosecutor, argued Guzek's case three times. He said Guzek was the ringleader and instigator of the slaughter of two good people. While breaking into the home with two accomplices, Guzek "chased a terrified Mrs. Houser at 3 a.m. into a linen closet where he shot her several times," Marquis said.

Guzek then ransacked the house, stole many of their possessions and later bragged of the murders. His two co-defendants testified against him and are serving life sentences.

"He was a star student at Redmond High, a teacher's pet, recipient of an Elk's Scholarship but unknown to most he was raping his younger sister and ran an armed burglary ring as a juvenile, for which he was never caught," Marquis said, referring to testimony that came up during the trial.

When his father asked Guzek if it was worth it, he replied: "You bet!"

In November, David Bartol, 45, was sentenced to death for stabbing an in-

mate at Marion County jail.

Bartol's defense attorneys argued that he should be spared the death penalty because he was intellectually disabled and has a fetal alcohol spectrum disorder. The untreated symptoms of the disorder caused him to act violently and irrationally, said defense attorney David Kuhns during the sentencing phase of his weeks-long trial.

The report's authors argue that even if the murders meet the threshold of being among the most aggravated homicides, it is difficult to understand how an abused, brain-damaged man with an IQ score in the low 60s is more culpable than an intellectually disabled person who could never receive a death sentence or how an abused, addicted 18-year-old meets the independent moral culpability threshold when someone one year younger would be unable to reach that same bar.

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## Much

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As a former union president for SEIU Local 503, Rob is well acquainted with struggles intrinsic to defending rights, and he understands that nowhere is that struggle more important than for those unduly persecuted. He said Silverton MLK Observance organizers focused somewhat on Black Lives Matter issues last year.

"This year we're actually going to focus on our Latino population...It feels like the Latino community is especially vulnerable (in the current political climate)," Rob said. "We want to do some conscious raising in the community."

In light of that, this year's theme is "Fostering a healthy community through appreciation of diversity and standing with those most vulnerable to oppression, discrimination and harassment."

It will commence with a social hour and a southern-style potluck featuring some of MLK's favorite dishes. Rob itemized a quick, abbreviated menu off the top of his head: macaroni & cheese (which Rob will likely provide), greens & ham hocks, pork chops and apple pie.

The keynote speaker will be Andrea Williams, executive director of Causa, a Salem-based Oregon Latino immigrant rights organization.

Rob said Andrea has helped lead Causa in both state and national work advocating for comprehensive immigration reform, driving rights for immigrant workers and families, access to higher education, economic justice and health equity.

"Since the November 2016 election, the large Latino population in the mid-Willamette Valley has become increasingly alarmed as a target of anti-immigration forces and those denigrating minority populations," he noted.

For information about the event, including recommended dishes, contact Rob at 503-580-8893 or [roseofhope@msn.com](mailto:roseofhope@msn.com).

### Habitat for Humanity

In another cause aimed at helping hard-working folks, Habitat for Humanity has a building venture in the works at a site on Norway Street.

Michele said this project marks the 45th for NWV Habitat in its 30 years. The non-profit is in search of a family to partner with for this Silverton project, and applications are currently being accepted, at least through Jan. 20, maybe longer.

The family would provide "sweat equity," which is Habitat's term for work contributed toward realizing the home. Normally, sweat equity is provided through hard work, a direct contribution to the construction. That construction is accomplished entirely through volunteers.

Habitat has other partners who contribute materials, appliances and the like. Ultimately, when the home is completed it is sold to the partnering



PHOTOS BY JUSTIN MUCH/APPEAL TRIBUNE  
Artist Lori Lee McLaughlin (left) stopped by the Creekside Chat to share information about a local-artist studio tour planned for June, while artist Bob Foster, right, is strumming up some ideas to reviv a multicultural festival centered around Cinco de Mayo.



North Willamette Valley Habitat for Humanity Development Director Michele Finicle stopped by Creekside Chat to reveal a Silverton project and the non-profit's search for a family for that project.

family at no profit or interest.

Michele provided a Mt. Angel family's partnership as an example. The family of 5 lived in a two-bedroom apartment, paying \$900 monthly. Once they completed their Habitat project, the family moved into the constructed four-bedroom house with a much more manageable mortgage.

"It allows hard-working families to access that dream of home ownership," Michele said.

If you know of a hard-working family who may qualify, contact the non-profit.

By the way, Habitat could always use a little extra help, if you're interested in pounding a nail or pitching in at one of its stores in Woodburn or Canby, contact NWV Habitat for Humanity at [www.nwvhabitat.org](http://www.nwvhabitat.org), 225 Franklin St., Mt. Angel, or give Michele a shout at 503-845-2164, [mfinicle@nwvfhf.org](mailto:mfinicle@nwvfhf.org).

### Artist studio tour

Attention area artists and crafts-folks, a Silverton Artist Studio Tour is planned for Saturday and Sunday, June 3-4, from 11 to 4 p.m. each day.

Lori said the tour will provide an opportunity for artists who work within the region — roughly Silverton, Mt. Angel, Marquam, Scotts Mills, Waldo Hills, Victor Point, etc. — to showcase their work in their own environment,

similar to a wine tour circuit.

"We are seeking artists in the Silverton area to open up to the public," Lori said, adding that it's open to a variety of media. "We're doing our best to bring out the creative people and give them (exposure)."

There will be maps and passports furnished to the touring visitors. Entries could be anything from a downtown studio, to a garage to a kitchen table, but there should be ample examples of creative work and business cards available.

Sales belong to the artist. The fee to enter is \$25 for an artist studio and \$75 for a business. The fees go toward promoting the event and furnishing pamphlets, passport brochures, direction signs and the like.

If interested, call 503-873-2480 or contact Silverton Arts Association, [www.silvertonarts.org](http://www.silvertonarts.org).

Bob, who is the association's vice president, will be a part of the tour. But he's also focusing on bringing something back to town, hopefully in May: a festival with a multicultural theme.

The notion is still in the idea stage: maybe invite some food trucks with ethnic foods unavailable in Silverton that day? Maybe bring in some different music? Different crafts?

The targeted day for it would be around Cinco De Mayo, which comes on a

### Next chat

What: Creekside Chat

Where: Silver Creek Coffee House, 111 Water St., Silverton

When: 11:30 a.m. to 1 p.m. Wednesday, Jan. 18 (First and third Wednesdays)

Questions and information: Contact Justin Much, [jmuch@statesmanjournal.com](mailto:jmuch@statesmanjournal.com); 503-769-6338, cell 503-508-8157

Friday this year.

"The hope of it is to give people a taste of different cultures," Lori said.

Bob added that he would like to find two or three key organizational people to pool ideas with and formulate the plan — then invite the whole area to the event.

Have some ideas or want to learn more? Contact Bob at (818) 736-1701; [bfosterla@aol.com](mailto:bfosterla@aol.com).

### Building literacy

Michael reached out online to announce SMART's new program opening at the Silverton ODCD behind Safeway.

He explained that SMART provides volunteers to read one-on-one with Pre-K through 3rd-grade kids in Head Starts and elementary schools (see related story in this week's Appeal Tribune). It also provides two free books each month to the students.

"We need four volunteer readers and a site coordinator to make this happen, and would love to get the word out," Michael said. "The plan is to start this program with 20 Pre-K students in January."

Interested? Give Michael a shout at 503-391-8423 or [mfinlay@getsmartoregon.org](mailto:mfinlay@getsmartoregon.org).

Coffee house visitors that day were also treated with the new look at Silver Creek, including more open space between the front and back, a brighter floor, some new tables and preparations for "The Nest" upstairs, which once completed will serve as nice aerial workspace or even a place for community/business gatherings.

### CRIME LOG

#### SILVERTON POLICE DEPARTMENT

Received calls from Dec. 26 to Jan. 1.

#### Dec. 28

Motor vehicle crash, 4:20 p.m., Silver Falls Highway.

#### Dec. 29

Motor vehicle crash, 6:54 a.m., C St. and James St.

#### Jan. 1

Motor vehicle crash, 7:17 p.m., Pintail St. and Hobart Road.

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