

The high cost of vengeance

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As far as I know, I've made eye contact with only one serial killer, Darrell Keith Rich, in the summer of 1978. I was a 23-year-old reporter, notebook in hand, covering his pretrial proceedings in Shasta County. He was a 23-year-old biker, hands and legs bound in shackles, accused of a two-month rampage of kidnapping, rape and murder. He killed four of the nine females he attacked. His youngest victim, 11 years, old, was abducted, sexually assaulted and thrown off a bridge. She fell 105 feet, hit the rocks and crawled to her death.

A year earlier, the California Legislature had reinstated the death penalty, five years after it had been invalidated by the state Supreme Court as cruel and unusual punishment. The specter of the death penalty did not deter Darrell Rich in the summer of 1978. His crimes were as horrific as those of any villain in a Dirty Harry movie: He used rocks to crush the skulls of two of his victims; he shot a mother twice in the mouth as she pleaded for her life. He glowered through the initial court appearances I covered.

On March 15, 2000, the 45-year-old Rich was put to death by lethal injection at San Quentin. His last word to the warden: "Peace."

Executions are so rare infrequent in this state that they are more spectacle for the masses than plausible deterrent. The executed tend to be the worst of the worst, with truckloads of aggravating details to their crimes. None was stopped by the threat of state-sanctioned death.

We must ask ourselves: Is this really worth it?

Rich's was just the eighth execution since the reinstatement of the death penalty. Five more killers have been executed since. Today, California has nearly 700 inmates on death row, more than any other state, with their cases in varying levels of appeal. The housing of an inmate on death row is more than triple the \$40,000 annual cost of incarcerating others. This state is contemplating a new, \$400 million death row. And none of this includes the legal bills for the trials and appeals that are - by

constitutional right - more exhaustive in capital cases. Rich's death came relatively fast: The average wait from conviction to execution is 25 years.

At some point, California needs to have a forthright debate about the cost and the efficacy of the death penalty. That moment may be coming in 2010.

It has long been a matter of faith that statewide candidates needed to embrace the death penalty.

Jerry Brown, the last governor to oppose the death penalty, remained adamantly evasive on the subject in his 2006 campaign for attorney general. He refused to directly answer the question on whether his view had changed. "I will follow the law," was his mantra.

Enter Kamala Harris, the San Francisco district attorney who ran for office as a death penalty opponent - and stood firm against heavy criticism when she refused to seek it against the gang member accused of killing Officer Isaac Espinoza in April 2004.

Harris, now a Democratic candidate for state attorney general, last week again decided not to pursue the death penalty in the highly charged case of another gang member, Edwin Ramos, an illegal immigrant accused of murdering a father and his two sons in June 2008.

Harris insisted her decision was not based on her well-established philosophical and practical objections to the death penalty, but was the result of "a very meaningful, very long, very well-thought-out" review of the case.

"My position has not changed, but my position as D.A. requires that I review the evidence and the facts in each case - and make an honest assessment of what is in the best interest of the prosecution of the case," she said.

Still, the political fallout came fast. Within hours of Harris' announcement of her decision on the Ramos case, the likely Republican nominee for attorney general, state Sen. Tom Harman, fired out a full-page news release suggesting that she is "out of touch" with California voters. While the field of Democrats is six deep, Harris' death-penalty stance offers the clearest choice on what Harman assumes is a winning issue for him.

"I don't see how she can duck it," Harman said by phone Friday. "I'm going to keep bringing it up. You can take that to the bank."

Two recent polls do show that two-thirds of California voters support the death penalty. However, that support has dropped within the past two decades from a high of nearly 80 percent. The percentage of Californians who believe in capital punishment's deterrent value has fallen from 74 percent in 1989 to 44 percent this year.

Also, within the survey just completed by a UC Santa Cruz researcher are other indications that a forthright, facts-based debate might change minds. Most Californians believe - wrongly - that it is cheaper to execute condemned prisoners than to keep them locked up for life. Also, support for the death penalty plummeted to 26 percent when respondents were offered the alternative of sentencing an offender to life without the possibility of parole - and forcing him to work to provide restitution to victims and their families.

If the death penalty is not about deterrence or cost effectiveness, then surely it must be about closure for the victims' relatives or even vengeance for society. Right? Not quite. Even on that level, its results are less than satisfying.

"It was too easy for Darrell Keith Rich after what he put us through for 22 years," a sister of one of his victims, Annette Edwards, said after the execution. Florence Allen, whose daughter's skull was crushed by Rich, had told the Redding newspaper just before the execution that "they should let me go in there with a big rock."

We can empathize with the relatives' fury, while agreeing that lethal revenge with rocks is not an option in a civilized society. It's time for an honest discussion of whether death by an injection of poison sufficiently separates us from the barbarity we presume to condemn.

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