

Gortmaker conviction may fall

SALEM (AP) — Former Marion County District Attorney Gary Gortmaker's convictions for misusing public funds should be reversed because a grand jury wasn't properly chosen, the Oregon Supreme Court was told Thursday.

Portland attorney John Faust Jr., in asking the court to overturn the former prosecutor's convictions, said the grand jury that indicted Gortmaker wasn't selected according to state constitutional requirements.

Gortmaker, who was district attorney for 16 years, was convicted by a jury in August 1980 of theft and official misconduct and was sentenced to four years in prison.

He has been free while appealing the convictions, which were upheld last December by the state Court of Appeals.

Prosecutors said Gortmaker's office received \$53,000 in excess expense funds of which \$32,000 went to Gortmaker.

Faust argued that the selection of the special grand jury in Gortmaker's case didn't comply with provisions in the Oregon Constitution requiring that grand juries be "chosen by lot from the whole number of jurors in attendance at the court."

The seven-member grand jury was illegally formed, Faust said, because some jurors were chosen from a "sub-pool" of people who court officials had reason to believe would be available to serve.

In a 5-1 ruling, the Court of Appeals held that the jury selection process violated the constitution. But the court said the error wasn't sufficient to reverse convictions that resulted from a fair and impartial trial.

Chief Judge George Joseph, in dissenting from that decision, said the case should have been returned to the trial judge for a determination as to whether the jury selection method could have resulted in a biased jury.

Faust said that is an option open to the Supreme Court but that there is plenty of evidence to warrant reversing the convictions.

Faust said the appeals court's approach that "the constitution was violated but the conviction cures it, doesn't cut it."

He said the constitutional protection is intended to ensure that people aren't unfairly charged with crimes by grand juries that could be biased. The grand jury selection process in Gortmaker's case allowed "too much unbridled, undefined discretion" in choosing jurors, Faust said.

William Gary, an assistant attorney general who heads the state Justice Department's Appeals Division, told the Supreme Court that Gortmaker never has shown that the improper grand jury selection had any effect on the outcome of his trial.

"There is no wrong to be remedied in this case," Gary said.

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Gene-splicing produces cancer fighter

LOS ANGELES (AP) — Scientists say they have used gene-splicing techniques for the first time to mass-produce antibodies that can target cancer cells, and hope the advancement will eventually let them customize the disease-fighters.

"What it is right now is a potentially important research breakthrough, but for the long term — it really has almost unlimited possibilities," a member of the team that produced the genetically engineered monoclonal antibodies said Wednesday.

Scientists at the non-profit City of Hope National Medical Center at Duarte near Los Angeles and at Genentech Inc., of South San Francisco, said they extracted a gene that produces a specific antibody, one that attacks colon cancer cells.

The new gene, along with instructions to turn it on, was then grafted among the bacteria's normal genes.

Now the bacteria, like living factories, churn out quantities of pure antibody, which has been shown to function normally, a City of Hope researcher said. The group also successfully altered the gene to produce a new version of

the antibody, he said.

The scientists asked not to be identified.

Similar announcements in the past — the hospital and Genentech have collaborated in recent years to produce insulin and other human hormones by genetic engineering — produced dramatic headlines and some criticism that the research was not first described in detail to the scientific community.

Genentech's Herbert Heyneker outlined the work last week at a Keystone, Colo., symposium on molecular biology.

Monoclonal antibodies, first developed eight years ago using a costly and cumbersome process, have shown great promise for diagnosis and treatment of diseases, especially cancer, and are used constantly for research. Gene splicing should allow them to be produced more cheaply and potently, the scientists said.

Because they seek out and grip target cells, the monoclonal antibodies are already being used to diagnose the presence of germs and cancer cells and show promise for directly attacking some cancers.

Community group buys parcel

KLAMATH FALLS (AP) — A community-owned corporation formed three years ago to attract new companies to Klamath Falls has bought a former mill as its first investment.

Shareholders of the Greater Klamath Development Corp. voted Wednesday night to buy a 14-acre site once occupied by Klamath Wood Products, said corporation Pres. John Novak. The Purchase price was \$160,400, he said.

The corporation was formed in 1980 by a group of private business owners to help attract high technology industries to the timber-dependent south-central Oregon city.

"We have no vacant buildings in our town to speak of that are zoned industrial," Novak said. "Several firms have come to town, but couldn't find a building that they could go right into, so they went someplace else."

"We finally realized that there were people who wanted to come here if they could find the building."

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