

Court overturns RCYB arson conviction

By Joan Herman
Of the Emerald

The Oregon Supreme Court overturned Tuesday the 1981 arson conviction of Revolutionary Communist Youth Brigade member Nancy Whitley of Eugene because the incident, in which she and another RCYB member burned a gasoline-drenched yellow ribbon, did not involve destroying property of any value.

The first-degree arson statute, under which Whitley, 32, was convicted, requires that the fire must damage property that in turn places another person or property in danger, said Jim Nass, legal counsel to the Oregon Supreme Court.

The key to the Supreme Court's decision is that the prosecution failed to prove the yellow rag that Whitley and fellow RCYB member John Kaiser burned had any value, Nass said.

Kaiser and Whitley originally were convicted by a jury of first-degree arson for setting a yellow cloth on fire at a Feb. 9, 1981 speech by former Iranian hostage Victor Tomseth in the EMU ballroom, which was packed with more than 1,000 people. In the past, the RCYB had accused Tomseth of being a CIA spy and called the burning a "symbolic political statement."

Kaiser, 26, died Jan. 3 of viral encephalitis while visiting his family in Nevada.

His case is still pending before the Supreme Court.

The reversal was a "victory, but a forced victory," said Whitley at an informal press conference outside Lane County District Court in downtown Eugene Tuesday afternoon. "You can consider we've been successful and climbed the ladder of the system, but when this ladder is crumbling in great economic and political crisis, I don't think you can call it a victory on legal terms, she said."

In reversing the conviction, the Supreme Court noted that Whitley might have been guilty of a lesser crime of reckless endangerment, Nass said, yet because she was not charged originally with that crime, she can't be convicted of it.

Whitley's defense attorney Mike Phillips was "disappointed the reversal took that long and we had to go that far," but he's not surprised at the result. "All the questioning and oral argument suggested this outcome, so I guess I'm not real surprised," Phillips said in a phone interview Tuesday afternoon.

The ribbon burning "was never arson to begin with. Arson requires burning of something of substance. They (the prosecution) tried to convert a reckless act into a very serious charge," Phillips said.

Although the case had "strong political overtones," Phillips doesn't think the conviction was politically



Photo by Mark Pynes

RCYB member Nancy Whitley (in white t-shirt) talks to members of the Eugene media on the steps of District Courthouse Tuesday afternoon only hours after the Oregon Supreme Court overturned her 1981 conviction for arson.

motivated.

Whitley disagreed, stating the conviction had been a "political railroad from start to finish against John Kaiser, myself and the RCYB. There's absolutely no evidence for a felony conviction and I think the State knows that."

In the original conviction, Lane County Circuit Court Judge George Woodrich gave the 'yellow ribbon burners' a suspended sentence of two

years of unsupervised probation, 10 days in jail and 80 hours of community service. He also ordered them to pay their court costs and \$35 restitution each.

Whitley and Kaiser appealed the verdict to the Oregon Court of Appeals, which ruled Dec. 29, 1982, to uphold the convictions.

Whitley and other RCYB members then took their case to the Oregon Supreme Court

June 7. During the hearing, Chief Justice Berkeley Lent fined two other RCYB members \$100 for unfurling a banner that disrupted the court proceedings, Lent said. Claire Cheng, 24, and Beverly Hubbard, 36, both of Eugene, ignored Lent's request to put the banner away. Lent also reprimanded Whitley who approached the bench during the hearing and handed him a

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Business school account gets clean bill of health

By Debbie Howlett
Of the Emerald

A special fund in the University's business school which has been under investigation by the Lane County district attorney's office since February was given a clean bill of legal health Monday.

The business school had set up a non-profit corporation with money collected from seminars to pay the expenses of those seminars. The \$143,000 fund was discovered during a routine University audit. University officials questioned the account's propriety. So did the county's district attorney.

The fund, under the title "Business Seminars of Oregon," had been used to pay for instructors, special printing, and other expenses of the seminars.

"Business Seminars of Oregon will operate in a contractual capacity with the University as it has operated in the past," James Reinmuth, dean of the business school told the *Eugene Register-Guard*.

Reinmuth was unavailable for further comment Wednesday.

District Attorney Pat Horton opened the investigation to check the legalities of the fund after the audit. There were no violations of federal or state law, said Horton.

"There's a distinct difference between saying our department endorses the account... and a more precise answer, that there were no provable allegations of illegality," Horton said.

The account, and the special seminars, were essentially frozen until the investigation was complete.

Horton said the account may have broken some University administrative rules in its implementation and use, but he refused to elaborate.

"I do not want to comment on some of the improprieties that might be in violation of administrative rules," Horton said.



'Must we strike?' asks employees' union

"We gave back our raises — We won't give up our rights," read one sign of an Oregon Public Employee Member picketing to make the University community aware of the conflict between the OPEU and the state of Oregon.

The members of the OPEU, including about 800 University classified staff, have been working without a contract since July 1. In a vote on July 21-22,

the members of the OPEU overwhelmingly voted to reject the state's last offer.

The union will take a strike authorization vote on Aug. 16-17, unless significant progress is made at the negotiating table, according to Donna Glathar, a University staff member who is on the negotiating team for the OPEU.

Photo by Mark Pynes