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## Murder, mystery envelop Downs trial

By Michael Doke  
Of the Emerald

On a May 19 night nearly a year ago, Elizabeth Diane Downs claims she stopped for a stubbly-bearded "stranger" with shaggy brown hair.

When Downs pulled her 1983 Nissan Pulsar over at approximately 10:30 p.m. three miles southeast of Springfield, the lives of the Cottage Grove postal worker and her family would change forever.

For Cheryl Lynn Downs, 7, life would end.

Downs maintains that while driving home from the home of a Marcola friend, she and her children decided to take the longer, less traveled route of Old Mohawk Road instead of the more direct route of Marcola Road. The family liked to take drives on scenic roads, she says.

Downs says she pulled over to help when flagged down by a white male wearing blue jeans and a denim jacket over his dirty T-shirt.

The stranger demanded Downs' new car, she says. She refused to give it to him. He demanded the keys, she says, but she pretended to throw them into a bush beside the road.

According to Downs' story, the man then approached the car — where Cheryl sat in the front seat and Stephen Daniel and Christie sat in the back — and pointed a small-caliber pistol at the children through an open window.

He opened fire. All three children were shot in the chest.

Downs says the stranger then shot her in the left arm and fled. No one has reported seeing the mysterious man since that night.

The injured Downs got back into her car with her wounded children, she says, and made the almost four-mile drive to the McKenzie-Willamette Hospital in Springfield.

There, Cheryl Lynn Downs died from two gunshot wounds to the heart and lungs.

Stephen Daniel "Danny" Downs, 4, remains paralyzed from the chest down.

Christie Ann Downs, 9, still suffers speech impairments caused by a stroke.

Their 28-year-old mother soon became the primary suspect in the crime.

Downs, who is now seven months pregnant, has been held in Lane County Jail without bail since her arrest Feb. 28. She is charged with one count of murder, two counts of attempted murder and two counts of first-degree assault.



Photo by Michael Clapp

Jurors recently visited the site where the shooting of Diane Downs' children allegedly occurred. The murder trial is expected to last four to five weeks.

Jurors in the trial, which began one week ago, went to the Mohawk shooting site Monday after visiting a Marcola residence and Downs' apartment. They also inspected Downs' car, which has been held in storage since the shooting.

Throughout the investigation, the surviving children have been the focus in the shooting mystery.

On June 3, two weeks after the shooting, Danny and Christie were taken out of Downs' custody and placed under the protective care of the state Children's Services Division by Lane County Circuit Judge Gregory Foote.

Four days later, Downs was named a possible suspect in the crime by Lane County Sheriff Dave Burks.

A court order has prohibited Downs from visiting her children since July 6, when both youngsters linked their mother to the shooting. Danny and Christie have lived with foster parents since their release from the hospital last summer.

When asked if he remembered what happened the night he was shot, Danny said "I'm not supposed to answer," according to a July 6 *Register-Guard* report quoting Susan Staffel, a state CSD caseworker.

Staffel said the child later expressed frustration with

his inability to walk, claiming he couldn't walk because "my mommy ran over me with the car. Why did mother run over me?"

When asked by a hospital visitor how he received the wound in his side, the boy replied: "My mommy. It went 'bang, bang,'" Staffel said.

According to hospital staff reports, Christie Downs said she remembers seeing her mother place a gun in the trunk of the family car on the morning before the shooting. She also remembers someone stepping out of the driver's seat just before the crime occurred.

At a June 10 news conference, Elizabeth Downs confirmed that investigators confiscated a .38-caliber revolver found in the trunk of the car and a .22-caliber rifle found in her apartment. Police believe that a .22-caliber handgun — a weapon that has never been found — was used in the shooting, according to newspaper reports.

The Downs trial is expected to last four to five weeks.

Assistant District Attorney Fred Hugi is prosecuting the case. Foote, who heard the children's custody case, is presiding over the trial. The case is Foote's first murder trial.

## Voters head for the polls in 'eclipsed' state primary

With a mere 50 delegates at stake in Oregon, it seems the primary may be less than vital to the big picture of the Democratic race.

"Looking at the nomination as a process, the Oregon primary is eclipsed," political science Prof. James Klonoski says.

Klonoski, a political science professor and former chair of the Oregon Democratic Party, says Gary Hart may get a moral boost from winning the Oregon primary, as he seems likely to do. In a poll appearing in the Monday *Oregonian*, 49 percent preferred Hart, 28 percent were for former Vice Pres. Walter Mondale and 9 percent favored the Rev. Jesse Jackson.

Hart's wins last Tuesday in Ohio and Indiana increased the relative importance of the Oregon primary.

"Never let it be said that a late primary is insignificant," says Prof. Priscilla Southwell of the political science department.

Mondale is not likely to win in Oregon, they say. Klonoski points out that Mondale's main constituents such as big labor are lacking in Oregon.

This is also true for Jackson, since Oregon has a very small minority population. Still, if Jackson does not fare well, it will not significantly hurt his campaign, says James Britt, co-chair of Students for Jesse Jackson.

Jackson may be able to get a larger portion of the "purist" vote from liberals who believe in his cause, Klonoski says.

The momentum going into the final bout of primaries and caucuses on June 5 may be important, Southwell says, as could the appearance of winning big at the end of the season. However, Klonoski doubts the Oregon primary will have much influence on California because it is three weeks away.

But winning Oregon could be important to Hart. A change in the National Democratic Committee's rules says that none of the delegates are bound to vote for the candidate they represent.

"Mondale is totalling up delegates — Hart is looking for symbolic victories," Southwell says. "And in the end symbolism might win. Who knows?"

## Survey shows students favor Hart, Democrats

By Lois Yoshishige  
Of the Emerald

University students overwhelmingly support Democratic presidential candidate Gary Hart and prefer the Democratic party.

Those were just some of the findings from an *Emerald* survey of 275 University students over the past two weeks.

Although the obtained sample is departmentally diverse, it is not necessarily representative of student opinion.

Of the 235 students who chose a presidential candidate, Gary Hart was preferred by 43 percent of the students, Ronald Reagan by 20 percent and Jesse Jackson by 17 percent. Eleven percent of the students chose Walter Mondale.

Political Science Prof. Jim Klonoski says students favor Hart because they don't go for the traditional type of democrat, such as Mondale, whom Klonoski describes as a "middle-of-the-road liberal."

Throughout his media campaign, Hart has presented himself as a candidate who is "technologically hip," intending to redefine liberalism with new ideas, Klonoski says.

Students aren't supporting Jackson as

much as Hart because many of them are white and Jackson is getting mainly black support, he says.

And why don't students support Reagan?

"Because he would bomb the world from under them before they get a chance to live in it," Klonoski says.

The margin of support between Hart and Reagan was narrower for younger students than older. Students 19 and younger supported Hart by 37 percent and Reagan by 31 percent as opposed to 46 percent for Hart and 10 percent for Reagan by students 23 and older.

This reflects the idea of the liberalizing influence of college, political science Prof. Priscilla Southwell says. After the first two years of college, students tend to move away from the Republican views of their parents, she says.

Of the 258 students who marked party preference, 56 percent identified themselves with the Democratic party, 23 percent chose the Independent party and 21 percent preferred the Republican party.

Students' strong preference for the Democratic party and its candidates are contrary to statewide preferences,

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