



world beat

Death-penalty challenges filed

ALBANY (AP) — Four attorneys representing defendants in capital murder cases have filed challenges to Oregon's death penalty law.

One challenge was filed by Eugene attorney Michael Phillips, who helped write a lengthy critique of the new law for the Oregon Criminal Defense Attorneys Association.

Phillips represents Benny Lee Chaffin, a Springfield man who was the first in Oregon to be charged with aggravated murder after the death penalty law took effect Dec. 6. Chaffin is accused of the Dec. 8 rape-murder of a 9-year-old girl.

In his Lane County Circuit Court motion, Phillips asked that jurors in the case not be

asked about their feelings on the death penalty. He attacked a 1968 U.S. Supreme Court ruling that allowed prosecutors to dismiss jurors who are against the death penalty.

Phillips said the resulting "death qualifying" jury would be "predisposed" to reaching a guilty verdict and would not represent a "cross section of the community" as required by the Oregon Constitution.

He also criticized the sentencing phase of the death penalty law, which requires a jury to unanimously agree on the "probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." Even trained psychiatrists

cannot predict future violent behavior, Phillips added.

Two of the other three objections to the death penalty are now pending in Linn County Circuit Court for three of the four defendants charged with aggravated murder in the Jan. 24 killing of a Lebanon man.

Attorneys Kathryn Wood of Corvallis, and James Nelson and Robert Ringo of Albany, filed objections earlier on behalf of their clients.

Each argues, among other things, that the death penalty law is vague and violates the Oregon and federal constitutions, that it amounts to cruel and unusual punishment, and that the defendants are denied their right to an impartial jury and due process.



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Aerial spraying begins in county

PLEASANT HILL (AP) — The 1985 gypsy moth war in Lane County began Wednesday as a helicopter loaded with about 400 gallons of a biological insecticide sprayed woodlands about five miles south of Eugene.

The chartered helicopter sprayed about 1,650 acres in the heart of the moth's infestation from 7 to 8:30 a.m., said Shawn Morford, a spokeswoman for the state Department of Forestry.

Spraying was delayed for a little more than an hour because of a problem with a spray nozzle. Officials were to return to the area later Wednesday to see how well the biological insecticide was distributed.

Wayne Baggett, a spokesman for the spraying project, said about 8,500 acres would be treated Thursday, weather permitting, in an area west of Dexter and east of Pleasant Hill. All areas must be sprayed three times, he said.

The forested area was chosen for the first spraying of the insecticide B.t. because the moth larva have reached their second state of development there and have begun eating foliage.

Gypsy moths are highly destructive insects that strip trees of their leaves while in the caterpillar stage. Officials say Lane County's infestation is the largest west of the Rocky Mountains.

The \$11.4 million spray program will cover about 227,000 acres of Lane County three times over the next six weeks. Sprayers will wait seven to 10 days between applications, but part of the acreage is scheduled to be sprayed each day.

The spray, B.t., or Bacillus thuringiensis, causes a fatal disease in the insects.

No harmful health effects have been reported from B.t., but state officials advised residents to keep children and pets indoors while helicopters are spraying and to avoid contact with the spray while it's wet.

U.S. Agriculture Secretary John Block last week declared an emergency in Lane County, releasing \$6.7 million in federal funds to help battle the gypsy moth infestation.

The federal funds will pay for all spraying on 66,000 acres of federal forest lands and about half the spraying costs on 161,000 acres of state-protected land.

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