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JURY

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misdeemeanors. He is charged with leading a group of Morgan-Nicolai strike demonstrators onto the front yard of Nicolai plant manager LeeRoy Pasquini where they placed 157 small, white crosses.

Gilbert testified Friday that the crosses, "a symbol of righteousness," and his statements at the demonstration were a reflection of hardships felt by families because of the Nicolai management and its attempts to break up the Local 3035 union.

"I felt the strike ... was hurting people, a lot of people and the entire community," Gilbert said.

After a failed attempt by defense attorney Harry Carp to challenge the constitutionality of the two Oregon statutes, he and prosecutor Marcy Butcher closed the two-day trial with powerful closing arguments.

Butcher argued that disagreements with Nicolai were not grounds for Gilbert and the demonstration group to violate the ownership and privacy rights of Pasquini.

"Mr. Pasquini may hold an unpopular position ... but his rights should not be trampled on," she said. "They could have expressed their opinions in so many ways without violating the rights of Mr. Pasquini. Where he crossed the line was going onto Mr. Pasquini's property."

"The defense says that it's open season on unpopular

viewpoints. He's asking you to turn on the question of criminality because they enjoyed community support."

She also said that Gilbert's intent does not exclude him from being legally responsible.

"He's responsible for his actions ... regardless of his intent, regardless of his motivations," she said.

However, Carp maintained that the demonstration marking the two-year anniversary of the strike was a "last gasp" political statement intended as a symbol of hardship and frustration.

He said Pasquini was neither threatened or inconvenienced by the demonstration and that, in fact, he used the incident as the basis for a National Labor Relations Board grievance against the striking union.

"His job was to break the union and I guess he's good at his job because he did it," Carp said. "The message was that Pasquini didn't care about the people."

In addition, he questioned whether the trespass and mischief statutes specifically include areas of private property often used by solicitors and other persons from the general public.

"Under these circumstances there was no crime committed," he said.

Carp said strong emotional motivations and the good of the community were paramount in Gilbert's mind at the time of the incident.

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