

# Trespassing protesters lose free speech case

SALEM (AP) — Free speech rights don't protect protesters from liability for punitive damages when they trespass on private property, the Oregon Court of Appeals ruled today.

The decision in a case from Douglas County upheld a \$25,000 punitive damage award against six members of the environmental group Earth First!

Huffman and Wright Logging Co. filed a civil trespass damage lawsuit against the protesters after several chained themselves to the company's logging equipment.

ments to the company. But they contested the punitive damage award on grounds such damages can't be granted for exercising constitutional rights of free speech and petitioning the government.

The Court of Appeals said the punitive damages were not barred by free speech protections because they were awarded due to the "harm arising from the physical trespass."

The award "does not restrict the right to speak or chill the expression of opinion because the complaint is directed against only non-protected ... conduct even though the conduct is accompanied by speech," the court said in an opinion by Judge Walter Edmonds Jr.

"Defendants were not entitled to use plaintiff's property for their expressive purposes," Edmonds said.

The demonstrators involved are Valerie Wade, Michele Miller, Karen Wood, Kelpie Wilson, Kamala Redd and James Jackson.

In another case, the Court of Appeals upheld the Josephine County murder conviction of Gerald Allen Batty in the killing and dismemberment of his girlfriend.

Batty was convicted of the August 1987 slaying of Laura Brittain, whose corpse was found on a smoldering trash burning pile behind Batty's house near Cave Junction.

She had been decapitated, and her body had been sawed in half. The dismemberment occurred after her death, according to testimony. She apparently was shot to death.

There were no known witnesses to the killing, and the murder weapon never was found. But the appeals court ruled there was adequate circumstantial evidence to support the conviction.

## REGIONAL BRIEFS

### Keno 'oddy' fixed

SALEM (AP) — Lottery officials are making a minor change in the new keno game to eliminate what one termed an oddity in the number selection.

Steve Caputo, deputy lottery director, said lottery officials and some keno players spotted a pattern where the second number drawn was always larger than the 19th number.

Twenty numbers are drawn in the game.

The pattern resulted from a computer program that picked numbers in chronological order, then jumbled them to give the game added suspense. The program didn't affect what numbers were selected but always set up the correlation between the second and 19th numbers.

"It was one of those things that slips through," Caputo said Wednesday. "It's not really a problem. It's more of a curiosity."

He asked officials at G-TECH Corp., which operates the keno machines, to end the pattern by displaying the numbers in chronological order.

"The random order really isn't providing as much excitement to players as we thought," he said.

The lottery also will begin displaying keno numbers for one minute per game instead of 24 seconds in response to complaints about the brief display.

Keno sales have averaged about \$200,000 a day, nearly triple the amount estimated by officials when the game started Sept. 13.

Meanwhile, sales in the Daily 4 game have dropped. Officials say keno might be the cause.

Daily 4 involves drawing four numbers each day except Sunday. Players win by matching any two, three or four in the order drawn.

Weekly sales in the daily game were \$104,000 last week, down from an average of \$130,000.

### Arsons damage Jefferson High

PORTLAND (AP) — For the fourth day in a row Wednesday, there was an arson fire at Jefferson High School, officials said.

Fire Bureau spokesman Don Mayer said someone set a trash can on fire in a women's restroom off the gymnasium at 2:08 p.m. Wednesday. It caused about \$100 damage.

Small fires were set at the school Tuesday and school officials canceled classes for the day.

Small fires were also set on the north Portland campus Friday and Monday.

Nobody has been injured in the fires.

### Nuclear waste shipped

BOISE, Idaho (AP) — Idaho officials acknowledge there's nothing they can do to block the resumption of shipments of nuclear waste from Colorado to a storage facility at the Idaho National Engineering Laboratory.

But they're preparing for the shipments, and they will be closely watched for any violations.

Gov. Cecil Andrus said Wednesday the nuclear waste shipments will be watched closely, and if any mistakes are made, he won't hesitate to order the Idaho State Police to block the trucks.

Snapping his fingers, he said, "All I need is a legitimate excuse to act responsibly under existing law to close that border, and it will happen just like that."

A federal appeals court has rejected the state's lawsuits attempting to block the shipments. The shipments will originate in Colorado at the decommissioned Fort St. Vrain nuclear power plant operated by Public Service Co. of Colorado. They will travel through Colorado, Wyoming and Utah before entering Idaho on Interstate 15.

Officials said they expect about 200 truckloads of nuclear waste.

### Fires blaze near Mount Hood

ESTACADA (AP) — Firefighters worked in steep, rugged terrain Wednesday in a battle against two fires that have burned about 150 acres of timber in the Mount Hood National Forest.

The largest of the fires, the Wash Fire 20 miles southeast of Estacada, had burned about 140 acres, including 20 acres of old-growth timber.

"We do have some spotted owls in there and we're really concerned about that," said Glen Sachet, information officer for the Estacada Complex Fires.

He said U.S. Forest Service officials also are worried about coho and chinook salmon that are spawning in Wash Creek and other streams near the fires.

"We're concerned about water quality and the use of equipment around those streams and getting fire retardant in those streams," he said.

The Wash Fire was discovered Tuesday morning. The second blaze, the Beeline Fire, was discovered about 9 p.m. Tuesday 10 miles south of Estacada and had burned about 25 acres by Wednesday afternoon.

**The award 'does not restrict the right to speak or chill the expression of opinion because the complaint is directed against only non-protected ... conduct even though the conduct is accompanied by speech.'**

The demonstration took place on a logging road in the North Kalmiopsis area of the Siskiyou National Forest in July 1987, to protest Forest Service timber harvest policies.

The company's logging operations were shut down most of the day as a result of the incident, the court said. The protesters were convicted of third-degree criminal mischief and served two weeks in jail.

In the civil lawsuit, a jury awarded the company \$5,717 in compensatory damages and \$25,000 in punitive damages.

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### 105 PERSONALS

KA  
Bid day was a success. May our parties continue to rock.  
Thanks, AXA

### 105 PERSONALS

AXA  
The members of AXA are proud to introduce our new Associate Members.  
John A.  
Marc O.  
Mike C.  
Dave B.  
Troy P.  
AXA  
Aaron D.  
Chad E.  
Kurt F.  
Chris D.  
Paul R.  
Jason W.

ΓΦΒ  
THANKS FOR THE KILLER 50'S AND 60'S BID DAY FUNCTION. WE HAD A BLAST.  
XY

ΔΓ ΣΑΕ  
THANK YOU FOR THE WONDERFUL BID NIGHT PARTY! CONGRATULATIONS TO THE PLEDGES—HERE'S TO A GREAT YEAR!  
LOVE, DELTA GAMMA

ΑΤΩ  
The Zodiac Bash was out of this world! Thanks to showing our pledges a great time.  
KAE

Kappa Alpha Theta wishes to announce its 1991 Fall Pledge class:  
Kirsten A. Michelle E. Becca F. Amy G. Holly H. Kristin H. Melissa P. Tanya W. Michelle K. Alice Y. Laura L. Caryl N. Sambo N.  
Nicole B. Sheryl W. Tara G. Kori G. Suzie H. Jennifer O. Laura R. Kathy K. Kristelle L. Amy L. Julie M. Rylee N. Jill S.  
Jennifer T.  
and our new affiliate Kathleen D.!

Welcome! Your Theta Sisters

### 105 PERSONALS

ΒΘΠ  
Thanks for the great passout party.  
Let's do it again! ΑΦ

Welcome ΑΦ  
1991 Pledges!

Deidre A. Jenny C. Carlie F. Becca G. Ryan H. Caroline H. Teresa L. Emily L. Katy M. Nicole R. Sehra S. J.J.S. Kelsey W. Debbie W.  
Carey C. Nancy D. Megan F. Lindsey G. Emily H. Andrea H. Darcy J. Cappy M. Kelly R. Lori O. Sidney S. Brooke W. Pamela W. Jessica W.

ΑΤΑ  
Congratulations on your new pledges: bid day was great!  
Love, AZ

ΔΖ  
Kim & Eby  
Happy 20th Birthday.

Love, Erika

FIJI  
Congrats to your new pledges and thanks for the outrageous bid day, barbecue, and function.

ΣΚ

### 105 PERSONALS

Handsome, outdoorsy enthusiast will do anything desperately needs place to live and a girlfriend. Can you help? Call J.D., 342-6457.

Kev, Ron, and Mark are lazy wimpy gitymen. Nick must carry the load of nut cluster tonight at Club 136.

ΠΒΦ Congratulations ΠΒΦ  
Lacey A. Wendy B. Lisa G. Lisa H. Jenni H. Julie J. Elizabeth M. Morgan N. Diedre R. Laurie S. Heather S. Margo T. Kassy W.  
Alison B. Kelly G. Amy H. Heidi H. Sandy H. Heather L. Sarah M. Liz P. Corrie R. Allison S. Amy S. Nicole S. Kim W. Annie Z.

You all are the best - We Love You! ΠΒΦ

ΦΔΘ  
Bid Day was truly amazing! We couldn't have asked for more fun or more cute Phi Delt pledges!

ΠΒΦ

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