

Smith, Kitzhaber: No mudballs



SALEM (AP) — With nearly a quarter-century of public service between them, Democrat John Kitzhaber and Republican Denny Smith have left long paper trails.

There's little doubt the two will be exploring each other's voting records in search of ammunition for the fall governor's race.

After winning their parties' nominations Tuesday, Kitzhaber and Smith agreed that the general election campaign should be free of the mudballs that characterized the GOP race between Smith and Craig Berkman.

"John Kitzhaber and I are not going to be talking about anybody's sexual affairs or how we comb our hair," Smith said. "We're going to be talking about the issues."

Kitzhaber expressed hope that Smith would join him in conducting a campaign "that rejects negative personal attacks."

"My job isn't to point out the flaws in Mr. Smith. It's to demonstrate my mettle, my leadership qualities," Kitzhaber said.

Still, Kitzhaber said Smith's 10-year stint in Congress is fair game as potential campaign fodder.

"I would delve into his congressional record in response to something, to probably draw some contrasts," Kitzhaber said.

Similarly, Smith said his campaign strategists will be poring over the votes Kitzhaber cast during his 14 years in the Oregon Legislature.

"Right now, he has an ad on TV that shows him fly-fishing and rafting. He's trying to have a look-good, feel-good campaign," Smith said.

Republican campaign consultant Denny Miles said that while some people decry negative cam-

paing, he sees value in what he likes to think of as "comparative" advertising.

"If for some reason we could forbid people from ever talking about their opponent's record, that would guarantee the re-election of every incumbent in the state," said Miles, who worked for a time for Smith's campaign.

Looking to the fall governor's race, Miles said Smith's operatives will be watching for a few things in particular as they sift through Kitzhaber's votes: "You look for any tax increases, any budget increases, and you look for anything on crime issues that might not reflect how people feel today."

Len Bergstein, a Portland public affairs consultant who has worked for various Democratic candidates, said Smith's campaign likely will use that information to try to tie Kitzhaber to the status quo in Salem.

"I think what Smith will ultimately wind up telling people is that John Kitzhaber is the personification of what they are angry about," said Bergstein, who is president of Northwest Strategies Inc.

However, Bergstein said that a purely anti-Kitzhaber campaign might not do the trick for Smith, who has lagged behind Kitzhaber in public opinion polls.

"Kitzhaber's campaign will go beyond that and talk about the future," he said. "And Kitzhaber will try to show that Denny is so conservative that he won't be able to bring people together."

For his part, Kitzhaber said he thinks the Republican governor's race showed that victory doesn't always spring from a campaign that focuses primarily on tearing down one's opponent.

"I'm talking about the kinds of ads that Mr. Berkman was running," Kitzhaber said. "I do believe we saw that a negative campaign does not work. Craig Berkman spent a million dollars to get 39 percent of the vote. It was a very negative campaign on that side."

Fair controls market, restricts performers

BEND (AP) — The way Charlie Curry sees it, the Oregon State Fair has an unfair corner on the entertainment market.

Curry, owner of Stage 97 Concert Productions, says restrictions placed on entertainers who perform at the fair cut him out of the action.

At issue is a clause in entertainment contracts for the Oregon State Fair that forbids performers from playing concerts anywhere else in Oregon and southwest Washington within 90 days before or after the state fair.

Curry says the state fair, which is supposed to promote agriculture, has turned into an entertainment conglomerate.

Fair officials say the

restrictions are necessary to ensure crowds large enough to support the \$30,000 to \$60,000 cost of hiring big-name performers.

If crowds were smaller, ticket prices would have to be higher to support the same caliber of entertainers, said Katie Cannon, the fair's marketing director.

During the past three years, Curry said, concerts in central and southern Oregon featuring Willie Nelson and Johnny Cash had to be canceled because of the restrictions.

Curry lodged an unfair restraint of trade complaint with the Federal Trade Commission, but was told government agencies are exempt from antitrust statutes.

Man to serve time after 57 arrests

TACOMA (AP) — A man arrested 57 times in the last 18 years under 11 alias and sentenced to a total of more than 23 years in jail has served only about three years behind bars. Until now.

John Frederick Flynn III, 36, has been accused of 135 crimes, ranging from first-degree rape to public drinking. He has been sentenced to a total of 23 years, three months and 26 days in jail for a host of convictions, according to calculations from court and FBI records by Tacoma Police Capt. Walt Copeland.

But through a combination of suspended and deferred sentences, good time credits and paroles, Flynn has served just three years, one month and 16 days behind bars.

"It was shocking to me," Pierce County deputy prosecutor Lori Kennedy said. "What does it say about our system that someone with Flynn's record could spend so little time in jail?"

Kennedy made it her mission last week to see that Flynn's next sentence would keep him in jail for a long time.

Kennedy had prosecuted Flynn and in March won conviction on first-degree rape and burglary. Flynn was accused of entering a 52-year-old Tacoma woman's apartment under false pretenses and threatening to kill her unless she agreed to his sexual demands. The woman was the mother of a friend of Flynn's.

It was Flynn's second rape conviction. He'd been arrested on suspicion of rape three more times in the last 18 years. One charge was dismissed. Prosecutors declined to file charges in the second case, and a jury found him innocent in the third.

In March, the jury also found Flynn guilty of first-degree burglary. He has been arrested and charged with burglary or robbery 11 times in his adult life. Many of the charges were never carried to trial or were reduced.

At first, Kennedy thought Flynn would be the first candidate for a life sentence under the state's new "Three Strikes" initiative. The law provides life sentences for offenders convicted of three serious violent offenses.

Flynn's record more than qualified him for the punishment, but he had committed the rape and burglary seven weeks before the initiative took effect in December.

For the latest crimes, Superior Court Judge Donald Thompson last week sentenced Flynn to 23 years and four months in jail, the maximum within state sentencing guidelines.

Kennedy had sought an exceptional sentence of 29 years and two months because of Flynn's extensive criminal history.

Even with good time credit, Flynn will be in his late 50s before he gets out of prison.

"I think that for once he'll be in jail for a long time," Kennedy said.

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