

Suits silence land-use advocates

Lawsuits are keeping some Oregonians from protesting developers and proposed projects

The Associated Press

SALEM — Terry Fleming spoke out against development. And he got sued.

He got the news just before a 1996 public meeting about a new subdivision in Banks, northwest of Hillsboro. Fleming, who contended the local school couldn't handle more students, was named in a \$18.8 million complaint along with city council members and other community advocates.

The developer alleged citizens in the city of 560 were discriminating against children by campaigning against the 300 new houses.

Fleming had spoken against the development at earlier meetings, but the lawsuit persuaded him to keep quiet.

"It put a muzzle on us," Fleming said. "Nobody wanted to say anything because they were afraid they'd get sued, too."

Even though the lawsuit was thrown out, Fleming and his family were stuck with more than \$10,000 in legal bills. And it convinced Fleming that Oregonians who speak out in public forums need protection.

"If something doesn't change, there isn't going to be anybody talking at public meetings at all," he said.

Land-use advocates say law-

suits — or threats of suits — are becoming more common in Oregon.

The typical result: Citizens who might speak out against developers or proposed projects are staying silent.

Most of the suits are flimsy, but they have been effective at quieting opposition.

Some states have tried to limit the suits, which have been dubbed SLAPPs — strategic lawsuits against public participation.

Oregon could join those ranks next year.

Last week the Citizen Involvement Advisory Committee of the Department of Land Conservation and Development will get its first peek at a possible bill that could stymie SLAPPs in Oregon. The proposal could be submitted to the 1999 Legislature.

"Citizens who say they've been the targets of such suits would be able to recoup their attorneys' fees."

But Jon Chandler, chief lobbyist for the Oregon Building Industries Association, said the state proposal appears too broad.

"Developers shouldn't be allowed to bully people, but good heavens, this thing is a mess," he said. "There is no recourse to statements that are truly slanderous or defamatory."

Nationally, SLAPPs have been filed for activities such as circulating a petition, writing a letter to the editor, speaking at public meetings or demonstrating for law changes.

But they are most common in development debates.

"The land-use arena seems to be

the perfect place for these to show up," said Celeste Doyle of the Oregon Attorney General's office.

Some Oregon cases that appear to follow the SLAPP formula include:

■ St. Paul resident Mary McKay is being sued by Newberg investor Dan Smith for her remarks in a letter to the editor. Few St. Paul residents will now speak to reporters about Smith's development plans.

■ A Tillamook County developer sued a number of people and public boards including the Netarts Steering Committee. "His strategy appears to be 'winning through intimidation,'" said Vic Affolter, planning director.

■ A Columbia County commissioner threatened to sue anybody who circulated a recall petition.

Jeff Lamb, executive director of Oregon Communities for a Voice in Annexations, said a ban on SLAPPs is long overdue.

"It's an outrage," he said. "We feel these suits are being used by development interests to silence the public. Even if you win, you don't want to say anything the next time around."

Robert Liberty, executive director of land-use watchdog 1000 Friends of Oregon, said legal intimidation isn't limited to SLAPPs. In many cases, developers and builders simply exhaust the financial resources of opponents.

In some cases, the developers can write off legal fees as a cost of doing business, he said. "Citizens don't get to do that."

State worker backs sex-ring investigator

Laurie Hamilton said she observed no improper interview techniques

By Peggy Andersen
The Associated Press

SEATTLE — A state Child Protective Services worker who interviewed children making accusations during the Wenatchee child sex-rings investigation said Wednesday the chief police investigator had a gift for talking with children.

Officer Bob Perez, who has come under fire in the aftermath of the lurid case for serving as both chief sex-crimes investigator and foster parent of two key witnesses, "has a good rapport with children" said CPS worker Laurie Hamilton.

"He gets to their level when he talks to them," Hamilton testified. "He makes children at ease."

Hamilton and Perez are defendants in a \$100 million lawsuit challenging authorities' handling of the controversial case, along with the city of Wenatchee and other city police officials, additional state social workers, Douglas County sheriff's officials and a mental-health counselor.

The primary plaintiffs in the lawsuit are Pentecostal Pastor Robert "Roby" Roberson and his wife, Connie, Sunday-school teacher Honnah Sims and parishioner Donna Rodriguez.

The Robersons and Sims were acquitted in 1995 of child rape and molestation. Charges against Rodriguez were dropped when four of her five accusers recanted.

They and their families say their civil and constitutional rights were violated by overzealous authorities who bullied children into accusations and some adults into confessions.

When Perez talked with his 10-year-old foster daughter — whose September 1994 allegations against

her parents marked the start of an investigation that resulted in charges against more than two dozen people — he was "just very kind. ... no pressure," Hamilton said.

When he interviewed the girl's mother, Idella Everett — whose confession led to guilty pleas by herself and her husband, Harold — Perez was "very gentle with her," she said, "making sure he explained things."

Hamilton, who has 60 hours of training in interviewing children about abuse, said she observed no improper interview techniques.

Under questioning by plaintiffs' attorney Robert Van Siclen, Hamilton said she found the girls' allegations believable, even after talking to their older brother, who denies there was any abuse in the home.

During the 1994-1995 sex-ring investigation, 28 people were charged with sex crimes against children. Fourteen pleaded guilty, five were convicted and three were acquitted. Charges against six others were dismissed or reduced. One woman's conviction was overturned on appeal, and she later pleaded guilty to lesser charges.

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