

Idaho high court considers 'defamation by inference' lawsuit

By Rebecca Boone
The Associated Press

BOISE — The Idaho Supreme Court heard arguments Friday in a case that could determine whether individuals have the right to sue if they think someone implied — but didn't outright say — something defamatory.

The issue arose in a lawsuit brought last year by former teacher James Verity against USA Today; KTVB television in Boise; KGW television in Portland, and others in the news industry after the news organizations reported on the results of a national investigation into teacher licensing. The investigation found teachers who had a license revoked in one state were often able to move to another state to be licensed there.

Verity, a former middle school teacher and high school girls' athletic coach in Oregon, was one of the teachers included in the investigation. He lost his Oregon teaching license after he was disciplined for having inappropriate sexual contact with an 18-year-old student.

Verity later moved to Idaho, and though the state initially denied his application for a teaching license, he was granted one after an

appeal and got a job teaching sixth-grade science at a middle school near Boise. He eventually resigned from that school sometime after the USA Today investigation was published.

In his lawsuit, Verity says the news coverage wrongly implied he was danger to female students, that he misled Idaho officials about his past conduct and that he committed a crime by having sex with a student.

The news organizations asked 4th District Judge Melissa Moody to toss out the lawsuit. Though the judge found the facts reported in the news stories were true, she said Verity could move forward with the case if he could show the statements were intended to create false inferences about him.

That's when the news groups asked the Idaho Supreme Court to take up the matter and decide if Idaho law allows lawsuits alleging "defamation by inference."

Deb Kristensen, the attorney representing the news organizations, told the high court Friday morning the facts of the case are undisputed, that the story involved a matter of great public interest, and that Verity was effectively a public official when, as

a public school teacher, he had sexual contact with a student.

That doesn't mean all teachers are public officials, she said, especially in their private dealings. Verity's case is a matter of public interest, she said.

"I would submit that any time a teacher has a sexual relationship with a student they are acting as a public official because they are using their position to violate the public trust, she said.

"You cannot have a defamation case if it's truth," Kristensen said.

Verity's attorney Ronald Shepherd said school teachers aren't public officials, but private individuals and so deserve a higher level of protection from potentially defamatory statements. Treating them as public officials could scare some potential teachers away from the job altogether, he said.

"Mr. Verity, a husband, father, teacher and coach, fell prey" to a young reporter's quest for a Pulitzer prize, Shepherd said. "Unfortunately during the end of that investigation he learned that Mr. Verity did not fit the gist of his storyline."

He said Verity didn't fit the storyline because he dis-

closed his history in Oregon to the Idaho School Board, and he had changed in the years between the actions that led to losing his Oregon license his start in Idaho schools.

Shepherd said the news stories made it seem like Verity fled Oregon for a new start in Idaho, when in reality he and his wife had family in the state and simply wanted to move closer to them.

He said the U.S. Constitution protects news organizations' First Amendment rights as a way to protect individuals.

"Media is not an ends of itself," he told the justices Friday morning. "it's there to protect we, the people."

Several national and local news organizations, including The Associated Press and the Idaho Press Club, have filed a friend-of-the-court brief in the lawsuit voicing their support of the media companies named in the case. The news organizations say allowing "defamation by implication" lawsuits would erode free speech rights and allow journalists to be held liable for accurately reporting facts.

The Idaho Supreme Court justices did not say when they would issue a ruling in the case.

FBI arrests Oregon man over alleged YouTube threats

■ Man threatened to kill CEO of company

By Andrew Selsky
The Associated Press

SALEM — Federal agents arrested an Oregon man who threatened to kill



Douglas

YouTube employees and specifically threatened the CEO of the company, saying he was coming for her, the FBI said Friday.

William Gregory Douglas, 35, of Cave Junction, faces charges of cyberstalking and transmission of threats in interstate commerce to injure another. The FBI said Douglas was arrested Thursday outside a convenience store in his hometown in the forested mountains of southwest Oregon. He is scheduled to appear before a federal judge on Monday.

Authorities said Douglas posted tweets under the Twitter handle LiamXmailRevolutionX, demanding a return of his channel and making threats. The account was still active on Friday but was private.

Douglas allegedly referenced a shooting at YouTube's California headquarters in April in which

a woman, accusing YouTube of filtering or blocking her content, wounded three people before killing herself.

Douglas' tweets included "I would kill the 100 YouTube employees" and "you want a bigger mass casualty aka shooting let's see what I can do," the FBI said.

He is also alleged to have posted a message on Monday to YouTube CEO Susan Diane Wojcicki, telling her he's coming for her and that she should pray.

Court documents available online did not indicate whether Douglas has an attorney. Phone calls to the public defenders' office in his county went unanswered.

The complaint signed by FBI Special Agent Jeffrey Gray describes three videos in which the subject identified himself as Douglas and made "long rants about the 'Deep State' and stated he has been 'shadow-banned' from YouTube, which he described as a government operation." In one video, "he stated he has to go to Mountain View to 'visit' people at YouTube." Approximately 700 people work at the YouTube campus in Mountain View, California.

Douglas faces charges of Cyberstalking and Transmission of Threats in Interstate Commerce to Injure Another.

Riding High Ministries visits Two Rivers Correctional Institution

■ Sixty inmates watch as man breaks horse, gives sermon at Umatilla prison

By Jayati Ramakrishnan
East Oregonian

PENDLETON— Though Todd Pierce is used to breaking horses as he preaches sermons, he didn't have to fight too hard with this one.

Pierce and his company, Riding High Ministries, were in Umatilla at Two Rivers Correctional Institution.

About 60 inmates from Two Rivers watched quietly as Pierce worked with Vixen,

an unbroken mare. Within 30 minutes the horse went from having never been ridden before to patiently carrying Pierce around the corral.

Pierce travels around Oregon and Idaho presenting sermons, using the exercise of breaking an unbroken horse as a metaphor for how people can change their own conduct.

Each time he preaches

a sermon, he uses a new horse, one that's never been saddled or ridden. Vixen, now owned by a family in Hermiston, was rescued from a kill pen two years ago.

Vixen showed a little hesitation at first, but quickly grew comfortable with Pierce and allowed him to ride her.

Pierce said he was surprised by the outcome — in most cases, he said, he gets bucked off several times.

But he said it didn't take away from the lesson.

"Two years ago this horse was starving, abandoned, had no future," he said.

"Someone came along and said, that one's mine. Today, someone's coming and saying to you, 'You're mine, I'm going to love you,'" Pierce said.

Inmate Sal Rojas watched, rapt, as Pierce rode the horse calmly around the corral.

"I thought he gave a perfect sermon," Rojas said. "I just liked how he took his time telling the story. It gives me hope."

Donna Niemeyer and her daughter Emilie Stockton own Vixen, having rescued her about two years ago.

Niemeyer said Vixen is a gentle horse by nature, but was surprised by how quickly she took to being saddled.

"Nobody's been on her back," she said. "It's just shocking"

Niemeyer said they have rescued several other animals, as well.

"Every animal deserves to have a home," she said. Pierce likened the struggle

for the horse, and for the rider, to the things people have to struggle with as they try to improve.

"I see so many people that just do what they can to stay comfortable," he said.

All the inmates, he said, are capable of being more than what they are now.

"You're being asked to do things normal men can't do," he said. "There's men who go back out into the world and survive. I believe you guys will go back out and be world changers."

OREGON IN BRIEF

From wire reports

Eugene man admits he crashed weddings, stole \$13K in gifts

PORTLAND — An Oregon man accused of crashing four weddings in Junction City on the same day and stealing more than \$13,000 in gifts has pleaded guilty.

The Oregonian/Oregon-Live reports 42-year-old Brian Keith Starr of Eugene pleaded guilty Friday to charges of aggravated first-degree theft and felon in possession of a firearm.

Court records show he also acknowledges he stole \$5,300 in gifts from a fifth wedding weeks before his big haul on July 29.

He received a 2 1/2 year prison sentence in exchange for his plea.

Starr is scheduled to be sentenced today.

Starr became a suspect after one of the newlyweds he stole from circulated a photo that her mother took of Starr at the reception on social media.

He was arrested in August.

Oregon man arrested for drive-by paintball gun attacks

BEND — Authorities say that a 19-year-old man was

arrested in central Oregon after a series of drive-by paintball gun attacks.

Bend police say Zachary Taylor Richardson fired yellow and pink paintballs while cruising around town in a white Hyundai hatchback on Sept. 15 and 16.

There were at least 10 attacks reported by people who were pelted by the paintballs, including a man riding with his daughter on the back of their bicycle, an Uber driver, a man walking home from Walmart and two women in a vehicle.

Richardson, who couldn't be reached for comment, was tracked down Thursday through witness descriptions of him and the car.

He now faces 25 criminal charges including unlawful use of a weapon, harassment, reckless endangerment and disorderly conduct.

Police said they're investigating accomplices involved.

Oregon cancels pot grower's license

BEND — Oregon's marijuana regulators have canceled the license of a grower whose operation was linked to a butane honey oil explosion that burned two people.

The Bulletin reports the Oregon Liquor Control Commission announced Friday that High Cascade Farms will have its recreational marijuana producer license canceled for 13 violations.

Seven of the 13 violations relate to misrepresentation in the statewide database used to track marijuana plants and seeds.

In one instance, someone at the farm — using an account tied to an employee — reported two marijuana plants as destroyed because of pests. But the commission says those plant tags were recovered from the scene of a butane honey oil explosion March 18 at a Bend duplex.

Charles Ringo, who is listed as president and secretary of High Cascade's holding company, Byzantium Corp., couldn't be reached for comment Friday.

Officials call off cougar hunt after hiker's death

PORTLAND — Authorities in Oregon are ending a cougar hunt prompted by the fatal mauling of a hiker by one of the large cats earlier this month.

Hunters killed a roughly

3-year-old female cougar on Sept. 14 after its image was captured on a remote camera set up at the spot where 55-year-old Diana Bober's body had been found four days earlier.

Oregon Department of Fish and Wildlife carnivore coordinator Derek Broman said Friday that it's "highly probable" the animal is the one that fatally attacked the avid hiker from Gresham.

Forensic pathologists couldn't recover DNA from the scene to match with the dead cougar's DNA because heavy rains contaminated the evidence and several days passed before Bober's body was found.

The cougar tested negative for rabies and appeared healthy.

TriMet arrest of school board member unconstitutional

PORTLAND — A judge has ruled that TriMet transit police and fare enforcement officers violated Oregon's constitution by stopping, citing and arresting a school board member during a fare evasion sting.

The Oregonian/Oregon-Live reports a Multnomah County Circuit Court judge on Friday ruled that Ana

del Rocio was "stopped and seized without individualized suspicion" March 13 at a MAX station.

Del Rocio, whose legal name is Rosa Valderrama, was arrested and charged with evading fare and giving false information to a police officer.

Judge John Wittmayer's opinion appears to throw TriMet's fare-enforcement strategy, particularly stings where all passengers are indiscriminately stopped and asked for proof of fare, into doubt.

ACLU of Oregon's legal director Mat dos Santos predicted the ruling would have wide-spread implications.

The Marion County District Attorney's Office, which tried the case, didn't immediately respond to a request for comment.

Silverton resident trying to burn yellow jacket sparks fire

A Silverton resident attempting to burn a yellow jacket nest with lighter fluid sparked a three-alarm fire that threatened another home and barn.

Firefighters from six agencies responded to contain the blaze in the 16000

block of Stormy Drive East Sunday afternoon.

Flames spread rapidly, fueled by high winds and dry conditions, and ignited high grass, brush and trees, said Ed Grambusch, Silverton's assistant fire chief.

The property owner attempting to kill the yellow jackets was treated at the scene for smoke inhalation. The property owner was also cited by the Oregon Department of Forestry for reckless burning and will likely have to pay for the cost of the fire response, Grambusch said.

Sunday's fire, reported about 4 p.m., marked the second brush fire within a quarter of a mile in the last several weeks resulting from a property owner trying to burn out yellow jackets, according to the assistant fire chief.

Residents are encouraged to call a licensed exterminator to remove yellow jacket nests rather than risk a fire from burning them out.

Mt. Angel Fire, Drakes Crossing Fire, Marion County Fire District #1, Woodburn Fire, Canby Fire and Oregon Department of Forestry assisted Silverton firefighters.



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