

McBride trial resumes in June

The defense contends that Cheryl McBride is the victim of battered women's stress syndrome and shot her ex-husband "in self-defense out of fear for her life"

BY SUZANNE STAUSS

The trial of Cheryl McBride will resume on June 27 in Newport, Oregon. On January 29, 1987, McBride was arrested and charged with murder in connection with the shooting death of her ex-husband, Darwin McBride. Police records show that he was shot in the chest outside his chiropractic clinic in Corvallis and that she was arrested at the scene. Bail was denied and she was held at the Benton County jail until last May when she was transferred to the custody of Our New Beginnings in Portland. The McBrides were married for five years before they divorced, citing irreconcilable differences. Custody of their son was awarded to Cheryl, and visitation rights originally were granted to Darwin. Later court records include affidavits filed by Cheryl McBride, one of which states, "Over the course of our five-year marriage I was subjected to emotional, psychological and violent physical abuse from him [Darwin]. In the last six months of marriage, Jason too became a victim of that abuse. Knowing I could no longer protect Jason from abuse, I left our home with our son and the divorce resulted." Later documents indicate that the abuse of Jason by his father continued after the divorce during unsupervised visitation. In 1982 the court withdrew Darwin's visitation rights because of "physical abuse." In 1984 the court restored his visitation rights, the extent of which was to be decided by Jason. Associates of Cheryl McBride have said that Jason refused to see his father after that.

McBride's trial began last October in Corvallis with Portland lawyer Janet Hoffman representing her. Hoffman's request that the trial be moved to a different location was denied by Judge Frank Knight. Jury selection was difficult because Hoffman's questioning revealed that half the prospective jurors had preconceived ideas or biases about the case. Then the trial was postponed because the state violated McBride's Sixth Amendment right to fair counsel: The prosecution talked to defense psychiatrist Ed Colbach without McBride's attorney being present. Hoffman claimed that the prosecutor had received information on defense strategy that would not otherwise have been available to him. Prosecuting district attorney Ken Osher was disqualified from the case and replaced by special prosecutor Byron Chatfield from the Oregon State Department of Justice. Judge Knight agreed in March that McBride could not receive a fair trial in Benton County because of local publicity about her case, and the trial was moved to Newport.

Because McBride's case has not gone to trial, specific reports of abuse and details about the evening of the shooting are not available. But because the prosecution and defense have presented the structure of their cases, the direction that each will follow can be determined. The prosecution contends that the shooting was premeditated because McBride drove to Corvallis from her home in Independence on the evening of the shooting with a loaded gun. McBride entered a plea of not guilty to the charge of murder, which carries a maximum penalty of life imprisonment. Attorney Hoffman contends that McBride is the victim of battered women's stress syndrome that she shot her ex-husband "in self-defense out of fear for her life," and that for fourteen years, because of his battering and abuse, she "lived a life of terror and fear." Dr. Lenore Walker, the country's leading

authority on battered women, has evaluated McBride and she and other experts will testify as to the extent that battered women's stress syndrome was manifest in her. Investigators will provide a chronology of the battering and abuse perpetrated upon McBride by her ex-husband. There is reason for the defense to believe that the prosecution will attempt to divert the jury's attention from the battering to the fact of her lesbianism. Hoffman is prepared to spend time during the trial to educate the jurors about the meaningfulness of homosexual partnerships and the appropriateness of a lesbian raising a child, especially a male child. It will be essential that the jury be convinced of these truths in order to achieve acquittal.

Friends of Cheryl McBride was organized in Salem to raise money for her legal defense. Providing funds for her trial is their only goal, however, their networking leads them to believe that the issues are important and that Oregon and federal laws do not adequately protect women from battering, nor do they protect women who protect themselves from abuse. A favorable verdict would set a landmark legal precedent for the defense in future battering cases. The verdict may affect lesbian and gay parenting litigation. Whichever way the jury decides in this case, it will touch the lesbian and gay community.

Friends of Cheryl McBride is working to raise \$40,000 that is needed for trial expenses and attorney's fees. Hundreds of hours have been spent by professionals in preparation for this trial, and if they are not paid for their work by June 20 they will be unable to testify in McBride's defense. Contributions and inquiries may be sent to Friends of Cheryl McBride, PO Box 13483, Salem, OR 97309-1483. Scheduled benefits include Loose Wimmin on June 3 at the Echo Theatre in Portland and an ICWE show on June 11 at the Grand Theatre in Salem.



Illustration by E. Ann Hinds

Herbal workshop slated

A two-day workshop on the immune system and women's health will be held at the Women's Healing Ground in Estacada on June 11 and 12, from 10 am to 5 pm.

The intermediate-level workshop will be taught by Colette Gardner, coordinator of the West Coast Women's Herb Conference at Trillium and owner of Blue Iris Botanicals.

The course will cover restoring and maintaining health, nourishing the immune system, and understanding and treating common and chronic diseases, all using herbs. Gardner will also discuss the body and its different organ functions, systems involved in immune function and how they specifically relate to women's health issues.

Preregistration is required, and overnight camping is available, with limited space inside (bring bedding and food). The cost of the workshop is \$35-50 on a sliding scale; send payment to Women's Healing Ground, 37010 SE Snuffin Road, Estacada, OR 97023. For more information, call 630-7848.

— Kamila Al-Najjar

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