

Death penalty ballot issue

by JOHN DEAN

Oregonians will evaluate a 14-year experiment in November.

In 1964, Oregon voters repealed the death penalty as a possible sentence for any crime. This year, thanks to an initiative drive led by outgoing State Rep. Jack Sumner, D-Heppner, Oregonians will decide whether to reinstate capital punishment for certain felonies.

Sumner's initiative would allow the death sentence for certain kinds of felony murder — or murder which occurs in the course of committing another felony,

including arson, burglary, rape, escape from custody, kidnapping, robbery, sodomy and aircraft piracy.

The death penalty measure specifically excludes homicide committed "under the influence of extreme emotional distress."

The measure is similar to a Georgia capital punishment law approved by the United States Supreme Court in 1976.

"We have a responsibility to society to give them some protection," said State Rep. Bud Byers, D-Lebanon. He and Sumner are co-sponsoring the measure.

At the very least, he said, Oregonians should have the opportunity to vote on the death penalty again.

"Maybe the mood has changed. I believe it has."

"I've talked with a number of people who voted to abolish it (in 1964) who have changed their minds," Byers said. "That's where some of our strongest support has been."

Byers said the rate of crime, particularly in capital offenses, has been increasing since 1964, a fact he attributes directly to removal of the death penalty. "I think it is a tool to control" such crime, he said.

Byers and Sumner aren't planning a campaign to support the initiative. "It's a different sort of issue," Byers said. "Most of the people are either strongly for or opposed to it. There's not much middle ground."

A campaign wouldn't change the minds of many people, he said.

"We've done our part," he said. "The measure has been submitted to the people."

ACLU organizes But Byers may have to leave the sidelines if a counterattack launched by the American Civil Liberties Union proves effective.

Charlie Hinkle, Portland attorney and ACLU member, said the group is putting together a coalition "similar to the 1964 coalition," that won repeal of the death penalty, including labor unions, the ecumenical ministries and the Democratic Party.

Hinkle is a minister in the United Church of Christ.

Hinkle said there is no conclusive evidence that the death penalty deters violent

crime. "Those states that have the death penalty also have the highest murder rates," he said.

Death is "the ultimate denial of civil liberty," Hinkle argued. There have been many instances where persons have been executed who later were found innocent he said.

Hinkle added a philosophical argument: "Society has no right to take a life. To take the life of a man convicted of murder is to sink to his own level."

Hinkle said he felt much of the sentiment for the death penalty stemmed from lenient sentencing by judges.

The legislature should pass more mandatory minimum sentences for felonies, he said.

"We have no objection to people being kept behind bars as long as they are a danger to society," he said.

Six Homicides

Clackamas County Sheriff John Renfro reported six homicides occurred in Clackamas County last year. At least two of these criminals could have been executed under the Sumner initiative, he said.

Renfro said he wholeheartedly supports the Sumner initiative.

Use of capital punishment "might help prevent other (murders) from occurring," Renfro said. However, he said there is a better reason for reinstating the death penalty.

The person who commits a murder "is someone who has to be eliminated from our society," Renfro said.

"When he demonstrates he can't live in our society under our rules, he has to be disposed of."

"Once a person has demonstrated the capacity and ability to take a life" where there is no legitimate reason, he can do it again," Renfro said.

Potluck held

The Golden Age Club held its bimonthly Potluck and meeting in the new Community Center with 85 members and friends attending. Ethel Henley was in charge of the registration. Tessa Chilton, lecturer from the Seattle Art Museum showed slides of the King Tut exhibit in Seattle.

Guy and Gretchen Chilton were in charge of the Potluck with Erma Stromberg; Maude Johnson, Martha Williams, Jay and Evelyn Reedy, Danise Buswell and Verna Gardner assisted.

The next Golden Age Potluck and meeting will be held July 27th and seniors and their friends are invited to attend. For more information, call 668-4236.

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Like Fri. the 13th

It wasn't Friday the 13th, but last Thursday the 13th proved to be just as unlucky for the Blayton Summers family who live near Sandy.

While the Summers were vacationing, their two cats got a little rambunctious and knocked over a lamp that had been left on to discourage burglars. The lamp broke and set a couch on fire.

The fire was reported by a friend who was taking care of the Summers' cats. By the time the Sandy Fire Department arrived, however, the blaze had nearly extinguished itself.

"It was a fairly new house with good construction," said fireman Jim Gallagher. "The fire burned itself out because the house was airtight and it couldn't get any oxygen."

Gallagher estimated the fire damage to be about \$2,000. Smoke damage was also extensive and the couch was totally destroyed. One of the cats perished in the fire and the other suffered from smoke inhalation.

Cherryville permit given

Cherryville resident Jim Greiner was given permission by the Clackamas County Hearings Officer Thursday to build a home on his land on the south side of Highway 26 east of Terra Fern Drive.

Greiner's land is zoned for farm use.

Ready to fly

ONE OF THE YOUNGER daredevils at the Kiwanis Fly-in Breakfast holds her ticket for the airplane rides. She, along

with 1,100 other people attended the charity breakfast last weekend at Rich's Airport.

County fights entry into MSD

By John Dean

OREGON CITY — If Clackamas County is going to join the new Metropolitan Service District, it's not going to go in without a fight.

That seems to be the prevailing attitude around the county courthouse these days. Two citizens, acting on behalf of the Clackamas County Home and Landowners Protective Association, filed suit in the county's circuit court a month ago to prevent the county from becoming part of the reorganized MSD.

And while the county and its officials were named as defendants in the suit, the county's lawyers will be working alongside the plaintiffs in the proceedings.

Tuesday, July 11, Circuit Judge Winston Bradshaw sent the suit to Marion County Circuit Court. Admitting that he himself was prejudiced against the MSD, Bradshaw said any Clackamas County judge would have an

interest in ruling against the MSD, a stand which won him applause from the audience.

Thursday, Marion County Circuit Judge Richard Barber denied an injunction that would have prevented the county from helping meet any expenses the MSD would have to pay between now and the time when the suit is settled.

A temporary restraining order, which Barber also cut off, prevented Secretary of State Norma Paulus from the 12 MSD subdistricts, from which board members will be elected in November. Deadline for the districting is Aug. 21.

By lifting the restraining order and injunction, Barber removed the Aug. 21 deadline out, allowing the case to proceed at a normal pace.

Both sides will now file responses to each other's claims and charges. County counsel Scott Parker said the next action should occur soon.

Joining Parker in arguing against the MSD are Portland Attorney Earl Mickelsen and Taylor O'Hearn of Shreveport, La., reportedly one of the top constitutional attorneys in the nation.

Opposing them are Ron McEwen, MSD attorney, Andrew Jordan, counsel for the Columbia Region Association of Governments, which is due to merge with MSD on Jan. 1, 1979, and state Assistant Attorney General Jim Durham.

Measure 6 on the May ballot, which voters passed in Multnomah and Washington counties, includes only the county's urban or urbanizing areas in the new MSD. Previously, roughly the same area was inside the MSD, while CRAG encompassed all areas of all three counties.

Damascus, Boring, Sunnyside and Happy Valley will lie inside the MSD boundary. The Sandy-Cottrell area, Estacada, Barton and Eagle Creek will lie outside the boundary.

The MSD's current responsibilities are limited to the Washington Park Zoo in Portland and a regional solid waste plan.

Measure 6 also gave the MSD the option to take control of transportation corrections, water supply, human services, libraries and cultural facilities on a regional basis. The county will have at most two of the 12 votes on the executive MSD board, corresponding to its share of the district's population. The Portland area, will he have six votes, said County Commissioner Ralph Groener. "How, when it comes to a vote on the distribution of funds, shouldn't I be concerned," Groener asked.

Rural areas of the county, which lie outside the MSD boundary, will suffer from a lower level of services, such as libraries, than urban areas, Groener said.

CRAG attorney Andrew Jordan dismissed the suit as "a nuisance case."

"Most people recognize that the suit is not a good one," Jordan said. "The county is not a sovereign, separate entity. If the state tells it that it's going to be in a tri-county district, then that's what is going to happen."

"The Constitutional claims they're making are not correct," Jordan said.

The question, of course, will be whether Judge Barber agrees with Jordan's assessment. If he does, the county may find itself part of the MSD after all.

Sandy woman found dead

A 38-year-old Sandy woman apparently committed suicide last week, Clackamas County sheriff's deputies reported.

Charmaine Arlene Smothers, 21755 SE Cottontail Drive, was reported missing by her husband July 10. Her body was later found July 12 with a suicide note attached, deputies said.

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