

Persistence pays: Owens wins 1974 civil rights claim

Ernest Owens has won a \$6,000 out of court settlement in his five-year-old civil rights case against Portland Willamette Company.

Owens first filed a complaint with the State Bureau of Labor in 1974 when he was terminated while off work due to an injury. The Labor Bureau investigation found evidence of racial discrimination and advised

him to file a discrimination complaint which he did in 1975.

In 1976 the company agreed to conciliation of the first complaint. Owens asked for return of his job, back pay and benefits, and work that would fit his doctor's restrictions. All were agreed to except back wages and that was to be conciliated after he returned to work.

Rather than continue negotiations,

the Civil Rights Division set his case back for re-investigation. The second complaint had not been investigated.

After returning to work Owens alleged he was transferred to heavy work, harassed, disciplined for minor infractions and separated from other employees. During this period he participated in the successful organization of a union.

In January of 1977, Owens filed a

complaint charging retaliation. He had been suspended for taking time off to respond to a court subpoena, and was later fired. The retaliation complaint and the original civil rights complaint were investigated by the Civil Rights Division that summer. Evidence of discrimination was found.

However, Owens was tired of waiting for the State to act so he filed

a suit. Portland Willamette settled last month and after four years of waiting for justice, Owens was paid \$6,000.

A student at Lewis and Clark Law School and juvenile counselor, Owens wants to let others know that tenacity pays. Many people who have suffered discrimination do not file complaints because the system is

slow to act and they have no faith that their case will ever be resolved. "I proved it can be done: I didn't give up. I want everybody to know that if you fight long enough and hard enough you will win."

Owens looks forward to working for the State Attorney General. "I want to be on the other side — prosecuting civil rights cases and making sure employers obey the laws."

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Ugandan exile begins new life of service

by Katherine H. Bogle

A modern day story, a thriller in adventure and escape, a revelation of faith and love and triumph, with its beginnings in Uganda and played out before the world during the Christian observance of Easter week, will be brought closer and more intimately to Portland by one who was "there."

The Rt. Reverend Festo Kivengere, until last week a refugee bishop of the Anglican Diocese of Kigezi, Uganda is expected to return today from a quick trip to Uganda as this goes to press.

The bishop made the hasty trip to Uganda to touch the ground of his homeland again after a long exile.

He wanted to quickly erase the designation of "refugee" from his status, a measure and action acquired through necessity during the regime of Idi Amin. That regime, toppled only a few days ago, is no longer equipped to deal with wholesale death to dissenters. Kivengere is now free to conduct his ministry as he can in the rolling wake of destruction left from battles won and lost in this land.

Slated months ago to conduct a "renewal and evangelism" mission for the Diocese of Oregon during April 18th-22nd, Bishop Festo is described by the Oregon Episcopal Churchman as "one of the outstanding evangelists and Christian leaders of the world." He will be welcomed officially to Oregon by the Rt. Rev-

erend Mathew Bigliardi, Bishop of the Diocese of Oregon.

Festo Kivengere became a refugee from Uganda in February, 1977, following the murder of Archbishop Luwum. Kivengere, Luwum, and other bishops of the Anglican Church in Uganda, had made a forthright protest to President Idi Amin concerning human rights. Luwum was arrested and martyred.

Kivengere and his wife escaped after an official report of his death had been circulated.

During the past two years since he became a refugee from Idi Amin's mindless persecution, Kivengere has been working to find sponsors and schools or employment, for himself. (Please turn to Page 6 Column 1)



FESTO KIVENGERE

Dekum Court close to playground recovery

by Claudia Fisher

Concordia Community Association and the Dekum Court tenants at the 40 unit Housing Authority of Portland northeast project are continuing to inch toward success in retaining play and recreation space. Their new partner in the effort is the City, through the Office of Planning and Development (OPD) and the Mayor's Office.

Following HAP's sale of the property to developer J. W. Brayson Builder, Inc., tenants and the neighborhood began meetings and protests when it was learned that the flat land (about two acres) currently used as a playground and recreation area was to be replaced with houses, walling in Dekum Court on both sides.

Mayor Neil Goldschmidt visited the site last fall with City staff and neighborhood representatives and came away convinced that more area than HAP had allowed should remain in open space. City planners have since said that later visits to the site and talks with residents were "enlightening."

In December, Mayor Goldschmidt met with HAP Board Chairman Fred Rosenbaum. The result was that soon the HAP Board agreed to the neighborhood proposal that the City repurchasing some of the property using Housing and Community Development (HCD) funds and then deed it back to HAP, who would maintain it.

Tuesday, April 17th, Dekum Court Tenant manager and new

Concordia Community Association Executive Board member Carolyn Palmer, tenant organization member Randi Rodvik, and neighborhood association representatives met with OPD planner Chuck Olsen. He stated that developer Brayson has agreed, as he had previously indicated, to sell back some or all of that portion of the property in question (approximately two of the eight acres sold). The property was sold at \$40,000 per acre last year. The asking price now is \$80,000 per acre due to time, maintenance, engineering and other cost and to increased market value.

Since the City only set aside \$80,000 in HCD funds and repurchasing might cost \$160,000, negotiations have begun. Repurchase of varying portions of the property was discussed Tuesday evening.

Following an independent appraisal of the value of differing portions, it is hoped that an area size agreeable to all can be repurchased.

The neighborhood also requested that the OPD proposal, which must go before City Council for approval, include sufficient funds in the total budget to provide for adequate recreational equipment. The neighborhood has contacted the Community Design Center, a non-profit CETA funded organization, about working with tenants and other neighborhood residents in designing a playground.

Tenant and neighborhood concern was expressed about the potential

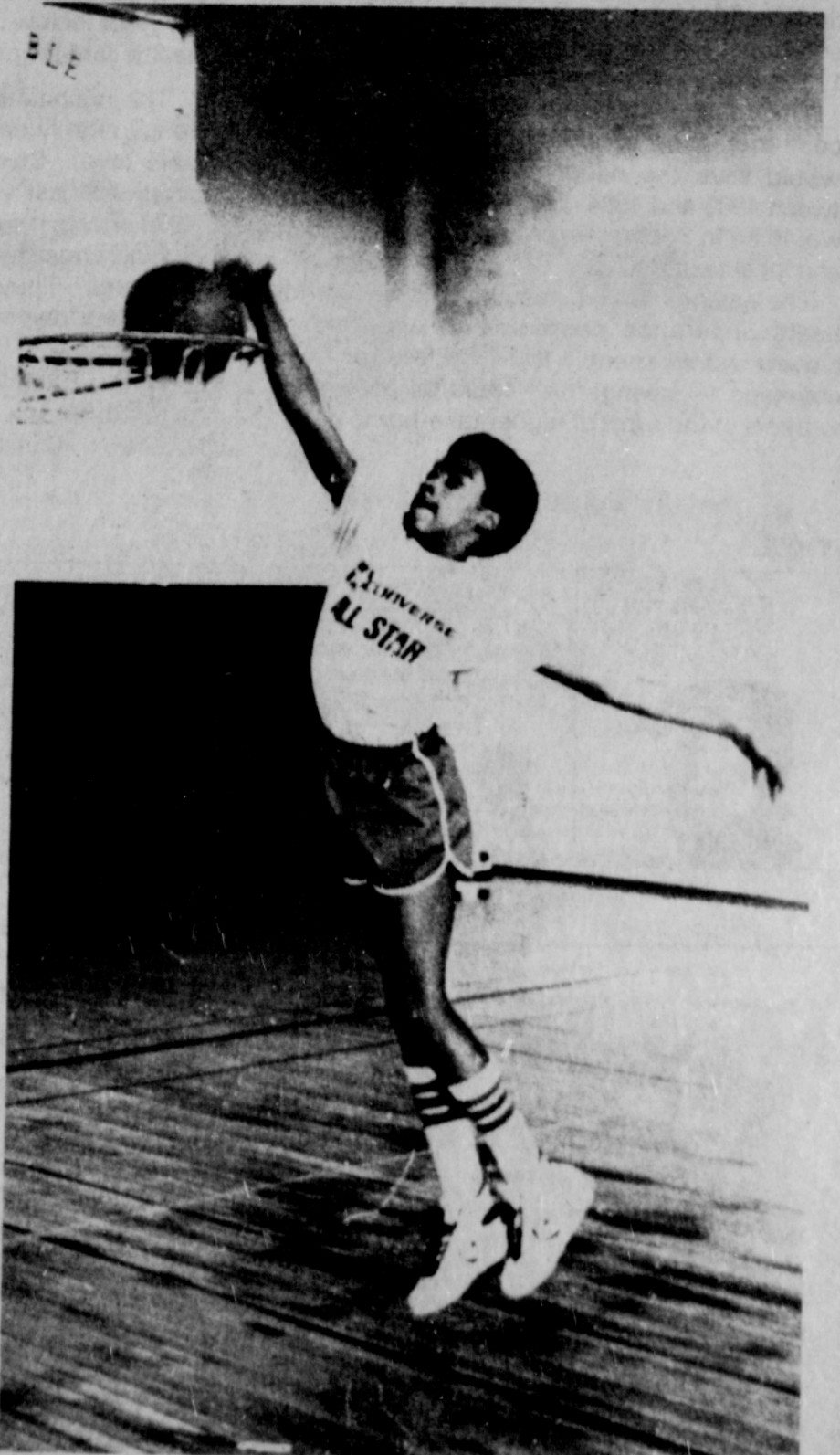
loss of privacy for tenants and future home owners if houses are backed up to Dekum Court units. It was decided that should some of the property adjacent to the units be developed, the neighborhood would work to assure siting of the houses in a manner acceptable to tenants.

It appears that an alarmed participation process which began with less than trust and friendship between those involved could result, in addition to retention of more space for children to play, in closer ties and "less space" between tenants and surrounding neighborhood residents and among the neighborhood, the developer, and the City.

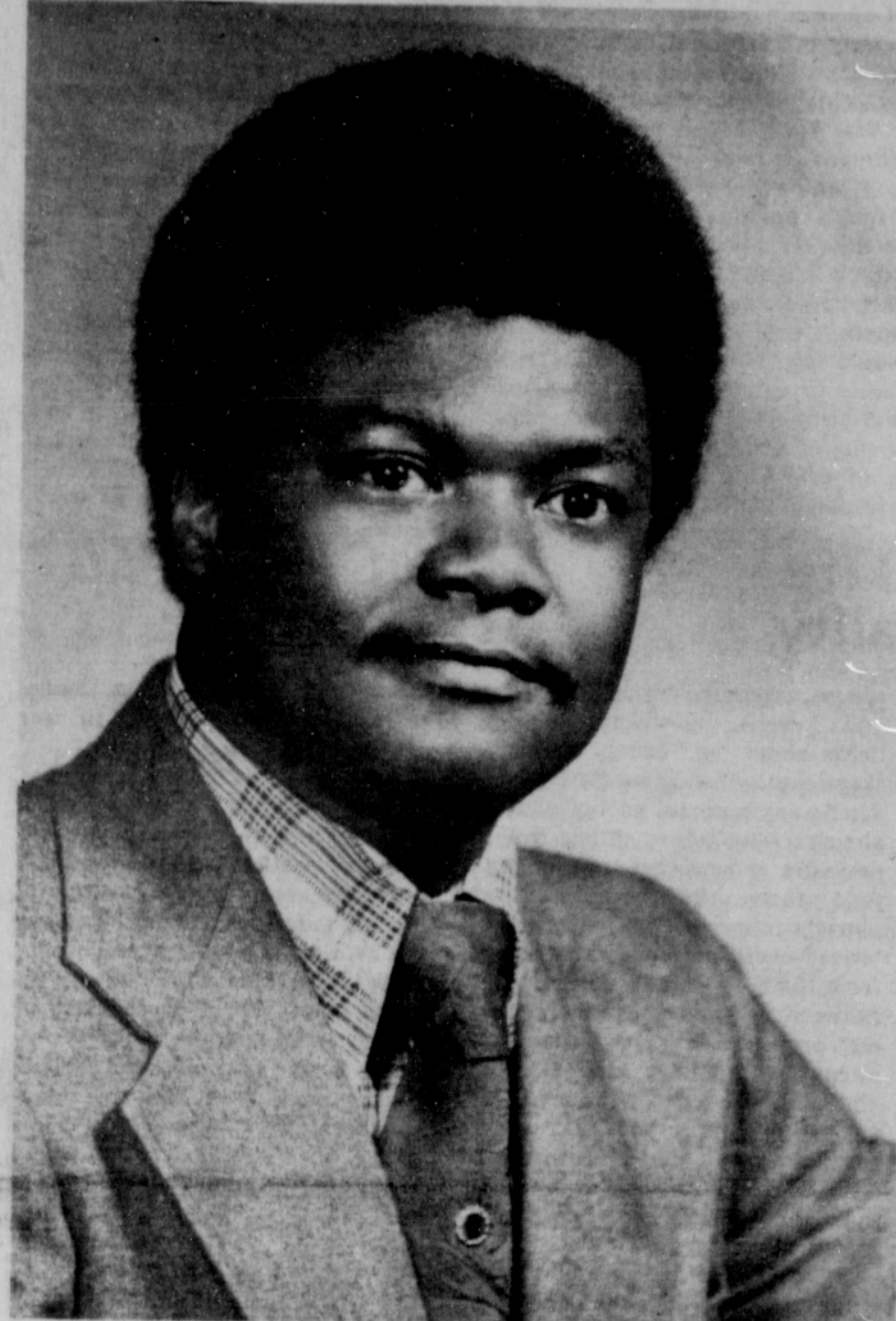
Workshop planned

The National Citizen Participation Council is sponsoring a three-day workshop, jointly sponsored by the Department of Housing and Urban Development (HUD) and the Department of Energy (DOE) Office of Consumer Affairs. The emphasis of the workshop is on training, technical assistance and dissemination of information on HUD's Community Development Block Grant Program and energy programs.

The meetings will be held April 19, 20 and 21, from 9:00 am. until 4:00 p.m., at the Airport Holiday Inn. There is no charge.



Kenny Luckett, twelve, of Binnemead Middle School, at recent Oregon vs. Washington Dunk King competition. Boys and girls, ages seven to seventeen, will compete in the Northern Oregon Lowered Hoop Dunking Championships at Pal Boys Club, April 28th. (Please see Page 10 Column 1 for story.)



DONNIE ADAIR

Adair joins Emanuel staff

by Ulysses Tucker, Jr.

"When I left high school I was just the average brother as far as academics were concerned," said Donnie Adair, Affirmative Action Specialist for Emanuel Hospital.

The 1968 graduate of Jefferson High said, "I had no general direction except towards college." Adair later matriculated at Lane College, and the University of Oregon before taking a job with a tobacco company in 1972.

"After awhile I became tired of promoting cancer sticks, so I began to look for other alternatives," he said. Around that time, Adair came across the likes of Lee Moore, of the State Bureau of Labor, Civil Rights Division.

"He gave me some information to study regarding the law to mix with my natural intelligence, and community involvement experience," he said.

After becoming familiar with the rules and regulations of the system, Adair took a job with the Civil Rights Division in 1974 where he worked until he was hired by Georgia-Pacific in 1977 as an Equal Opportunity Specialist.

While at Georgia-Pacific, Adair gained a great deal of experience traveling, and he also had the chance to view other affirmative action programs around the United States.

When Georgia-Pacific decided to move its Portland office to Atlanta, Adair promptly took the post at (Please turn to page 2 col. 4)

Court, House study grand jury procedure

The Oregon Supreme Court has stopped the Multnomah County Grand Jury investigation of the murder of Wilbert T. Menefee pending a decision on the recording and making available to the defense attorney of grand jury testimony. John Drew has been charged with shooting Menefee following an argument.

If found guilty of murder, Drew would face the death penalty. Drew's case had been scheduled to go to the grand jury on April 6th, but was postponed while his attorney, Jeff Rogers, attempted to get a court order requiring that the proceedings be recorded and released to him. Circuit Court Judge Irving Steinbock refused to grant Rogers' motion for a recording, so Rogers has appealed to the State Supreme Court.

The Supreme Court delayed the grand jury proceeding until April 23rd. Rogers alleges that the denial of the defendant's right to a record of the testimony is a denial of his right to due process. District Attorney Harl Haas opposes the recording.

The legal controversy came at a time when the House Judiciary Committee is considering HB2860,

introduced by Representative Wally Priestley, HB2860 would allow witnesses before the Grand Jury to have attorneys with them and, if amended, require that the testimony be recorded and made available to the defense attorney.

Under current practice, the witness cannot have an attorney present in the Grand Jury room. The prosecuting attorney presents evidence, along with testimony to the Grand Jury, which then determines whether there is evidence to indict an individual and bring them to trial for a crime. There also is no judge present, so it is left to the prosecutors integrity to protect the rights of the witness.

The right to legal assistance protects the accused in every step of criminal proceedings except before the Grand Jury. There, he is questioned by the District Attorney, and forced to give testimony that can be used against him. The average person has no way of knowing — without an attorney's aid — what questions to answer or what information to offer. Anything he says is legally binding and if he changes his testimony during the subsequent

trial his testimony can be used by the prosecutor for impeachment of all comments of the prosecutor, the questioning and testimony.

The witness can have an attorney outside, and ask to go out and consult him, but that process is inadequate. Also, appeals courts have determined that the fact that a witness left the room to speak to an attorney can be used against him in a perjury charge and that the number of times he is excused can be limited.

Under Oregon law, the Grand Jury testimony can be recorded but that determination is made by the District Attorney and the record is not available to the defense attorney. The defense attorney has no way of knowing whether witnesses' testimony has changed, what information was given, or whether the District Attorney failed to disclose information that could disprove guilt.

The American Bar Association endorses both reforms. The ABA adopted in 1975 and reaffirmed in 1977 a policy that "a witness before the grand jury shall have the right to be accompanied by counsel in his or her appearance before the grand

jury. Such counsel shall be allowed to be present in the grand jury room only during the questioning of the witness and shall be allowed to advise the witness. Such counsel shall not be permitted to address the grand jurors or otherwise take part in the proceedings before the grand jury."

The ABA endorses recording all grand jury proceedings, except the grand jury deliberations and votes. These include: the change by the impaneling judge, comments of any jurors.

Eldon Rosenthal, a practicing attorney, testified before the House Judicial Committee last week that the role of the grand jury is to determine whether the charge against the defendant is well founded and to stand between him and a false accusation, not to provide a rubber stamp for the prosecutor. He said that although the ABA code of ethics requires that any evidence that might prove innocence be revealed to the grand jury, and then to the defense counsel, there is no way to insure that this happens.

He is in favor of allowing the defendant to have an attorney (Please turn to Page 10 Column 1)