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Two Sections

Governor Atiyeh proposes death penalty

Governor Victor Atiyeh announced Tuesday that he will seek several avenues of remedy to what he calls Oregon's problem with violent crime. "Within recent months, communities in Oregon have been outraged by the commission of brutal murders, shocking rapes and alarming kidnappings," he said.

- Atiyeh's program consists of:
- 1) a constitutional amendment to reinstate the death penalty
 - 2) repeal of insanity as a defense for violent crimes
 - 3) doubling of funding for the criminal investigation unit of the Oregon State police
 - 4) additional anti-crime funding for the State Attorney General and local prosecutors
 - 5) allocation of money for more jail space
 - 6) crime education in the State's

public schools
7) creation of a Governor's Special Commission on Violent Crime

Death penalty

The Governor's justification for reinstating the death penalty for aggravated murder is that the people of Oregon adopted a constitutional amendment in 1978 which proved to be unconstitutional, but "the clear expression of the public will in this matter should not be frustrated by technicalities. Capital punishment should not be employed indiscriminately, but the precedential defect must be corrected so the will of the people can be carried out."

Insanity plea

The governor explained that there is a growing belief that the current law on insanity defense "is scientifically unsound, excessively expensive to administer and inadequate to

protect the public." Current law states that if a person lacks substantial capacity to appreciate the criminality of his acts -- to understand the difference between right and wrong -- then he must be found innocent of a criminal act and referred for treatment of the mental illness or defect. That person can be held in the state mental hospital until considered cured, many times that being longer than the prison sentence would have been.

Since the recent successful insanity defense of President Reagan's assailant, John Hinckley, several states have changed their laws to preclude use of this defense.

Police, DA budgets

The governor proposes not only to increase the State Police budget by about \$4 million a year but proposes support to county district attorneys, including upgrading of

salaries and technical assistance. He also proposes changes in several laws that were adopted to protect the rights of defendants.

Prison facilities

Governor Atiyeh proposes building new prison facilities or expanding current facilities with financing from the general fund. "Construction of new cells simply must be a top priority to increase the certainty of punishment and confinement for criminals."

He explained that "Within the past two years, two bonding measures which would have financed new prison construction have been rejected by the voters. "Still, I believe Oregonians accept and endorse the need to provide new jail and prison cells. Their concern tends to focus on how the construction is financed."

Crime education

The program would be a compre-

hensive effort to advise students not only of the perils of drug abuse, but of means of recognizing and thwarting potential sexual molesters.

Governor's Commission

The Governor's Commission on Violent Crime is intended to bring together representatives of agencies involved in the criminal justice system to consider means of more effectively suppressing violent crime -- not only through apprehension of wrongdoers, but by various preventative measures.

Among the issues to be addressed are:

- 1) Probation and parole
- 2) Youthful criminals
- 3) Narcotics enforcement
- 4) Appeals and judicial review
- 5) Compensation for victims
- 6) Tax incentives for anti-crime devices
- 7) Volunteer citizen activities



GOVERNOR ATIYEH

Nicaragua, El Salvador rebels, claim:

Honduran aggression first stage of U.S. intervention in region

The only way to prevent a regional war in Central America is to achieve a negotiated settlement of regional conflicts, said the General Command of the Farabundo Marti National Liberation Front (FMLN) of El Salvador. In a detailed review of U.S. threats and increased violations of the sovereignty of the Salvadoran people, the FMLN leaders repeated their willingness to negotiate and achieve peace.

The statement, which calls on Central American peoples to defend independence and sovereignty in the face of increasing danger of U.S. military intervention, says the intervention by Honduran armed forces

in the department of Morazan is the first stage of a much greater aggression.

It indicates that it is now possible to predict "the sending of U.S. troops to Central America and the combination of an attack on the Salvadoran people with an invasion of Nicaragua and the occupation and transformation of Honduras into a U.S. military base to ensure U.S. domination over all Central America and provide for the carrying out of actions against Cuba and Grenada."

The communique further states that the Honduran army will not be able to defeat the FMLN, making

U.S. intervention more likely.

Nicaragua charged that counter-revolutionary activities aimed at destabilizing the country are part of an overall plan engineered by the C.I.A.

In a July 13 decree extending the State of Emergency declared on March 5 the Government of National Reconstruction of Nicaragua declared that the CIA plan seeks to prevent the peaceful consolidation of the Nicaraguan nation. The document adds that counterrevolutionary activity persists throughout Nicaragua and has increased in some border regions. The result has been a loss of human life and natural re-

sources. In addition to these individual acts of aggression, there are a number of destabilization actions outside the country.

The statement continued that Honduran activity in El Salvador is a threat to Nicaragua's security.

In a letter to Secretary of State George Schultz, Nicaragua said these military actions are contrary to the U.S.' stated preference that the grave problems in Central America be settled peacefully and, to the contrary, are aggravating the tensions in the area.

Nicaragua denounced the U.S. preparation for intervention in Nicaragua and sees this activity as co-

inciding with the organization of bands of ex-Somoza guardsmen, which are taking on the form of a regular army supplied by the U.S.

The recent attempt to bomb Nicaragua's only oil refining by airplanes launched from Honduran bases is seen as "the most recent and clear intent to destabilize" the country. They charged that this is evidence of the use of the \$19 million provided to the C.I.A. for action against Nicaragua, and that a dangerous and unnecessary war between Nicaragua and Honduras will only be caused by the United States.

The National Coordination Committee of Solidarity with the People

of El Salvador (Honduras) has denounced the presence of U.S. war ships at the military base of Puerto Cortes on Honduras' Atlantic coast. The Committee said the warships had arrived on July 11th from Guantanamo, and were given a ceremonial welcome. According to the Commission the U.S. warships' mission on the Honduran coastline is set for an indefinite period of time and consists of detecting alleged weapons traffic as well as military objectives in El Salvador and Nicaragua.

The Committee emphasized that the arrival of the warships forms (Please turn to page 2, column 1)

County commission stalls El Salvador initiative

by John Blank

Can 17,500 registered Multnomah County voters who want the issue of U.S. involvement in El Salvador on the November ballot be all wet?

According to John Leahy, Multnomah County Legal Counsel, the answer seems to be yes. Leahy told the *Observer* Monday that the initiative petition, signed by 17,500 voters, to direct the County to tell the federal government to stop aiding El Salvador's brutal regime, is "clearly



SHADBURNE: Inappropriate to act on El Salvador initiative prior to judicial review.

for Commissioner Gordon Shadburne, said Monday that Shadburne "doesn't think it would be appropriate" to pass such an ordinance "prior to judicial action" on the question of whether the El Salvador initiative is "legislation" or not. Mr. Shadburne appears to think citizens oughtn't to have the right to vote on the issue until legal experts decide what to call it.

This sentiment was echoed by the liberal commissioners, Caroline Miller and Earl Blumenauer. These liberals went even further, however, and declared their opposition to allowing the initiative on even as a "resolution."

According to Chuck Blanchard, a spokesman for Commissioner Blumenauer, allowing advisory resolutions would be dangerous. The



McCoy: The only Commissioner willing to have the voters speak on El Salvador.

Analysis

not legislation" and so by law may not be the subject of a state or county initiative. "Legislation," said Leahy, "establishes a rule of conduct for the citizens of a district" while this initiative would fall under the technical heading of a "resolution" or "memorial" which directs County officials to take a specific action (in this case, to communicate to the federal government).

The County Commissioners have not challenged Leahy on this, nor made any move to try to place the initiative on the ballot somehow. The Commission has sat on its hands, preferring to let the courts decide the question of whether this proposed citizens advisory can be called "legislation"—too late, of course, for the measure to appear on November's ballot.

Yet, according to Leahy, there is an easy way for the Commissioners

to allow the El Salvador initiative on the ballot—they have but to pass an ordinance allowing "resolutions," in addition to "legislation," to be the subject of initiative petitions. In fact, Leahy said Monday, he had drafted such an ordinance for the Council and had given it to them "several weeks ago." He couldn't remember just whom he gave it to, "but," he said, the Commissioners "all saw it."

The Commissioners, however, have not availed themselves of this option. Only Commissioner Gladys McCoy has said she's in favor of such an ordinance; but she hasn't wanted to introduce it unless she knew beforehand that at least one other commissioner would vote yes on it. And so far she's found no takers.

Mr. Joe Delillo, an aide speaking



MILLER: El Salvador advisory is "an abridgement of democracy."

Commissioner is worried, it seems, that right wingers would get their issues on the ballot, and political energy would be wasted fighting their advisories. The Commissioner favors "a more narrowly defined" initiative process, one which the County "is able to control."

Commissioner Miller echoes these worries, and adds, even more strongly, that citizen advisories such as the El Salvador initiative are "an abridgement of democracy." Her reasoning is that money spent putting an issue on the ballot—for inclusion in the Voters Pamphlet, additional lines of typesetting, etc.—is ill-spent on what she calls "opinion polls." This money, she says, should go into needed social services, rather than this excess of democracy.

Ms. Miller adds that she's tired of

"getting it in the neck" from people who are mad at the federal government; she wants to be left alone to tend to local business.

Yet she recognizes that the ERA and the proposed nuclear freeze (recently placed on the Oregon ballot as Measure 5 for this November) are fit subjects for advisories since women's rights and a nuclear holocaust directly affect Multnomah County's citizens. She doesn't feel this about El Salvador; however, she acknowledges difficulty in knowing where to "draw the line."

Both Commissioners Miller and Blumenauer indicated that they favored stopping aid to El Salvador (what they seem to oppose is the voters telling them to say so to the President and Congress). Commissioner Blumenauer, according to his



BLUMENAUER: Favors only an initiative process the County can control.

aide, is willing to introduce a resolution directing the County to communicate its opposition to El Salvador aid, and to have public testimony on the matter. Commissioner Miller points out that she has attended rallies opposing U.S. intervention and in other ways has gone on record on this and other progressive issues.

The fact is that an advisory vote on a matter like El Salvador or nuclear war is not just an "opinion poll." An advisory tells politicians that there is a constituency which, more than simply having a point of view on an issue, is willing to take political action, and put politicians in the hot seat. It tells politicians that there are progressive activists out there, involved with, informed about, and concerned enough with government to carry out a difficult and costly petition drive and electoral campaign. It lets them know, as the campaign succeeds, that these activists have a political base among the people.

This is the kind of thing that moves politicians, not passive opinion polls.

The proof is that all the Commissioners are much more agitated by the El Salvador petition drive than they have ever been by a public opinion poll!

The fact is that these advisories are evidence of potential political power, exercised by the people themselves, outside the control of their representatives-in-office.

Could this be why our County Commission is so nervous about this issue?