

Gunman kills psychiatrist in downtown office



The Oregonian/BRENT WOJAHN

AFTERMATH — Women who were on the same floor of offices console each other Wednesday following the shooting death of psychiatrist Michael J. McCulloch at his office on Southwest Market Street.

Secretary witnesses slaying

By TOM HALLMAN JR. of The Oregonian staff

A 41-year-old Portland psychiatrist was killed Wednesday when a man walked into his downtown office in the 200 Market Building and calmly fired several blasts from a 12-gauge shotgun while a secretary watched in horror.

Killed was Dr. Michael J. McCulloch. Police arrested one of McCulloch's patients, John Carl Eaton, 38, of 1308 N.E. 111th Ave., and accused him of murder.

McCulloch, who was giving dictation in his 17th-floor office, was only able to yell, "Don't do it, John" before he died from multiple gunshot wounds to his head and body.

The attacker did not say anything when he entered the office and did not threaten the secretary. He walked back to the waiting room past three stunned patients and met police, who had been called by building tenants, at the front door, said Sgt. Jay Decker, public information officer for the Portland Police Bureau. The attacker said nothing, but he handed over a pump-action shotgun that still had a shell in the chamber, Decker said.

Decker said Eaton, who had no criminal record, was held in the Justice Center jail and would appear in court Thursday.

Decker said investigators were trying to determine whether Eaton was a former or current patient of McCulloch. He said Eaton had a file at the doctor's office, but Decker said he did not know when or why Eaton had been treated.

A neighbor of Eaton said Eaton

Despite the second slaying of a psychiatrist in Oregon this year, many still say they do not fear an attack by a patient. Page H12.



Courtesy KATU

IN CUSTODY — John Carl Eaton, his face dotted with blood, is led away by police Wednesday from scene in 200 Market Building, where a Portland psychiatrist, Dr. Michael J. McCulloch, was slain.

"could be found sometimes walking up and down the street talking loudly to himself or to some imaginary somebody."

"He would appear to be talking into an imaginary walkie-talkie," the neighbor said.

Except for that behavior, the neighbor, who asked not to be identified, said Eaton "has never given any reason for anyone to feel fear around here."

"He has not exhibited any violent tendencies in the neighborhood at all," the neighbor said.

Decker said McCulloch was shot once in the head and that an undetermined number of shots were fired into his body when the doctor was lying on the floor.

The episode began shortly after 10 a.m. when the manager of Club 200, in the lobby of the 200 Market Build-

ing, called offices throughout the building to report that he had seen a man walking through the lobby carrying a shotgun.

"I was just sitting there when I got a call and was told about the guy with the gun," said Mark Copeland, who works for the Merchants Exchange on the 16th floor. "We were told to lock our doors and to not go out in the hallway."

"We did what we were told and just waited," he said. "It was very frightening. We didn't know what was going on until about 15 minutes later we heard that someone had been shot."

It was not known whether workers in McCulloch's office received the warning.

After walking through the lobby, the attacker took an elevator to the 17th floor and opened the door to

Northwest Resource Group Mental Health Consultants, a six-member group in which McCulloch was a partner.

The offices take up half of the floor, and McCulloch's office is in the rear of the complex. The attacker walked past a receptionist, went directly to McCulloch's private office and opened fire.

News of the shooting spread quickly through the building.

McCulloch was a "first-rate, conscientious, hard-working" psychiatrist, said his associate, Dr. Elmore Duncan, a psychiatrist who had been in practice with McCulloch since 1972.

Dr. Greg Reiter, a psychologist who joined the Northwest Resource Group, nearly four years ago, said McCulloch was "extremely dedicated" and a family man who had five children.

Ailing hostage freed; exchange offered

By CHARLES P. WALLACE LA Times-Washington Post Service

BEIRUT, Lebanon — Lebanese Shiite Moslem leader Nabih Berri released an ailing American hostage Wednesday and offered to transfer the remaining 39 captives to a Western embassy here or to Syria as part of a prisoner exchange with Israel.

Berri said he was offering the United States several options for removing the hostages from their kidnappers' control as a compromise to settle the crisis, which began 13 days ago when fundamentalist Shiite gunmen hijacked a TWA airliner on a flight from Athens to Rome.

Berri — who is Lebanon's minister of justice, as well as the leader of Amal, the country's largest Shiite militia — cautioned the Reagan administration against pressuring the hijackers with actions such as a blockade of Beirut, a move the White House threatened to take if diplomacy did not win the hostages' release.

"Until now, the problem has been between the kidnappers and the government of the United States, and I am the mediator," Berri said. "But when it comes to threatening us, we cannot accept aggression. We will defend ourselves."

Appearing ebullient despite the



UPI/Reuters

FREE — Jimmy Dell Palmer, 48, of Little Rock, Ark., shakes hands with top Shiite Nabih Berri (right) after his release in Beirut Wednesday.

strains of the past week's hectic round of negotiations, Berri held a tumultuous news conference in the cramped basement of his home and was joined by one of the hostages, Jimmy Dell Palmer, of Little Rock, Ark.

Palmer, who is suffering from a heart condition, was released on

humanitarian grounds, Berri said. After the news conference, Palmer was driven to the airport, where the hijacked TWA airliner still is parked with gunmen aboard, and boarded a plane to Cyprus.

Berri said he also would review the medical condition of another hostage,

Simon Grossmayer, 57, of Algonquin, Ill., who had a cancerous lung removed recently. He said he would make a decision on his release in the next 24 hours.

In another medical note, airport control tower officials said one of the three crew members of the hijacked airliner, co-pilot Philip Maresca, was taken to American University Hospital for examination of a week-old insect bite that had become infected and inflamed his shoulder and elbow. Upon returning to the plane after tests, Maresca reported to the tower by radio, "I'm OK now."

In his news conference, Berri suggested a series of complex maneuvers with the remaining hostages that would meet concerns for their safety while satisfying the hijackers demands, which he has supported.

Berri, who has been under increasing international pressure to end the hijacking, offered to turn over the Americans to a Western embassy in predominantly Moslem west Beirut, suggesting the embassies of France or Switzerland as possible sanctuaries.

He said the hand-over would carry one condition: that the embassy pledge not to release the hostages until the prisoners in the Israeli jail also were released.

Additional details on Page A6.

Release of hostage may delay Israeli plan

By JONATHAN BRODER Chicago Tribune News Service

JERUSALEM — The release of one American hostage in Beirut Wednesday may hold up Israel's plan to free 70 Shiite Moslem prisoners from jail Thursday, informed sources here said.

Israeli security officials were set to release the 70 Shiites from Atlit Prison south of Haifa on Thursday as part of their policy of freeing Lebanese detainees in accordance with the security situation in south Lebanon, said the sources, who spoke on condition that they remain anonymous.

They stressed that freeing the 70 Shiites, like the release of 31 prisoners Monday, had no connection with the hostage crisis in Beirut, where the hijackers of a TWA jetliner are demanding the release of 735 Lebanese prisoners in Israel in exchange for the American hostages, which until Wednesday numbered 40.

Nachman Shai, a spokesman for the Defense Ministry, would not confirm the planned release of the

The Reagan administration returned to a hopeful note, dropping all talk of retaliation in the hostage crisis. Page A6.

70 or the reported delay. He said Israel would continue to release the Lebanese prisoners in small groups with no connection to the Beirut hostage crisis.

One of the 31 prisoners freed Monday, Youssef Mohammed, said after he reached the Lebanese city of Tyre, the Israelis had told him that another group of prisoners would be freed later in the week.

Meanwhile, it became clear Wednesday that despite a friendlier tone toward the United States in the Israeli government's public statements, it has not changed its policy regarding a release of the remaining 735 prisoners all at once.

Israel still is insisting that for that to happen the United States must explicitly request it.

Supreme Court eases access to libel damages

Compiled from wire reports

WASHINGTON — In a decision Wednesday that is likely to increase the libel troubles of news organizations, a splintered Supreme Court made it easier for some victims of libelous statements to win large damage awards.

The court concluded that a publication or other defendant was not entitled to the special constitutional protection for free expression unless its allegedly defamatory statements involved "matters of public concern."

The court did not define that phrase, thus leaving it up to lower courts to interpret it in future libel cases.

"The real problem is it puts courts back into the business of being supereditors, of deciding what speech has the importance of public concern," said libel defense lawyer Bruce W. Sanford of Washington.

By a 5-4 vote, the justices affirmed a jury verdict requiring the financial reporting firm of Dun & Bradstreet to pay \$350,000 in compensatory and punitive damages for falsely informing five subscribers that a Vermont con-

struction firm, Greenmoss Builders, had filed for bankruptcy.

The issue before the high court was whether the construction company had to surmount the difficult hurdle of proving "actual malice" — that is, whether Dun & Bradstreet had deliberately lied or recklessly disregarded whether its report was true.

Proof of actual malice has been required by the Supreme Court in cases filed by public officials and public figures as a means of preserving First Amendment protection of "uninhibited, robust and wide-open" debate on public issues.

In addition, the high court ruled in a 1974 case called Gertz vs. Robert Welch that even a private figure had to show actual malice to recover heavy damages, especially those meant to punish defendants found guilty of libel.

Justice Lewis F. Powell Jr., in announcing the Supreme Court's decision Wednesday, said proof of actual

malice by Dun & Bradstreet was not required because its credit report did not involve "matters of public concern" and therefore had a "reduced constitutional value of (free) speech."

Powell, in an opinion signed by Justices William H. Rehnquist and Sandra Day O'Connor, concluded that persons suing for libel or slander might recover the large awards — in the form of presumed and punitive damages — without proving actual malice "when the defamatory statements do not involve matters of public concern."

(A Portland lawyer who handles legal cases involving news media pointed out that Oregon law bars punitive damages. "It appears to me that this decision will have little impact in Oregon because, under Oregon law, punitive damages are not allowed and because the Oregon Supreme Court has already held that courts should not make a distinction between matters of public concern and matters of private concern in a libel context," said

Charles F. Hinkle of the law firm of Stoen, Rives, Boley, Fraser & Wyse.)

The high court's decision was clouded by the fact that Powell's opinion did not represent the views of the majority of the court. Chief Justice Warren E. Burger and Byron R. White, while agreeing with the result, said the high court should overturn the Gertz ruling and re-examine the special protections first given to the press in the landmark 1964 decision in New York Times vs. Sullivan.

Justices William J. Brennan Jr., Thurgood Marshall, Harry A. Blackmun and John Paul Stevens joined in a dissent concluding that allowing recovery of heavy damage awards on less than proof of actual malice "simply exacts too high a toll on First Amendment values."

In another major ruling, the court found that states may not force employers to let workers have the day off on their Sabbath.

The ruling, finding that that prac-

tice violated the constitutional ban on government promotion of religion, struck down a Connecticut law giving workers an absolute right to be off duty on the day they designated as their Sabbath.

That law, Chief Justice Warren E. Burger wrote, "imposes on employers and employees an absolute duty to conform their business practices to the particular religious practices of the employee."

Connecticut, the court said, "has decreed that those who observe a Sabbath any day of the week as a matter of religious conviction must be relieved of the duty to work on that day, no matter what burden or inconvenience this imposes on the employer or fellow workers."

The state law thus "has a primary effect that impermissibly advances a particular religious practice," the court declared.

"Government must guard against activity that impinges on religious freedom, and must take pains not to compel people to act in the name of any religion," Burger wrote.

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