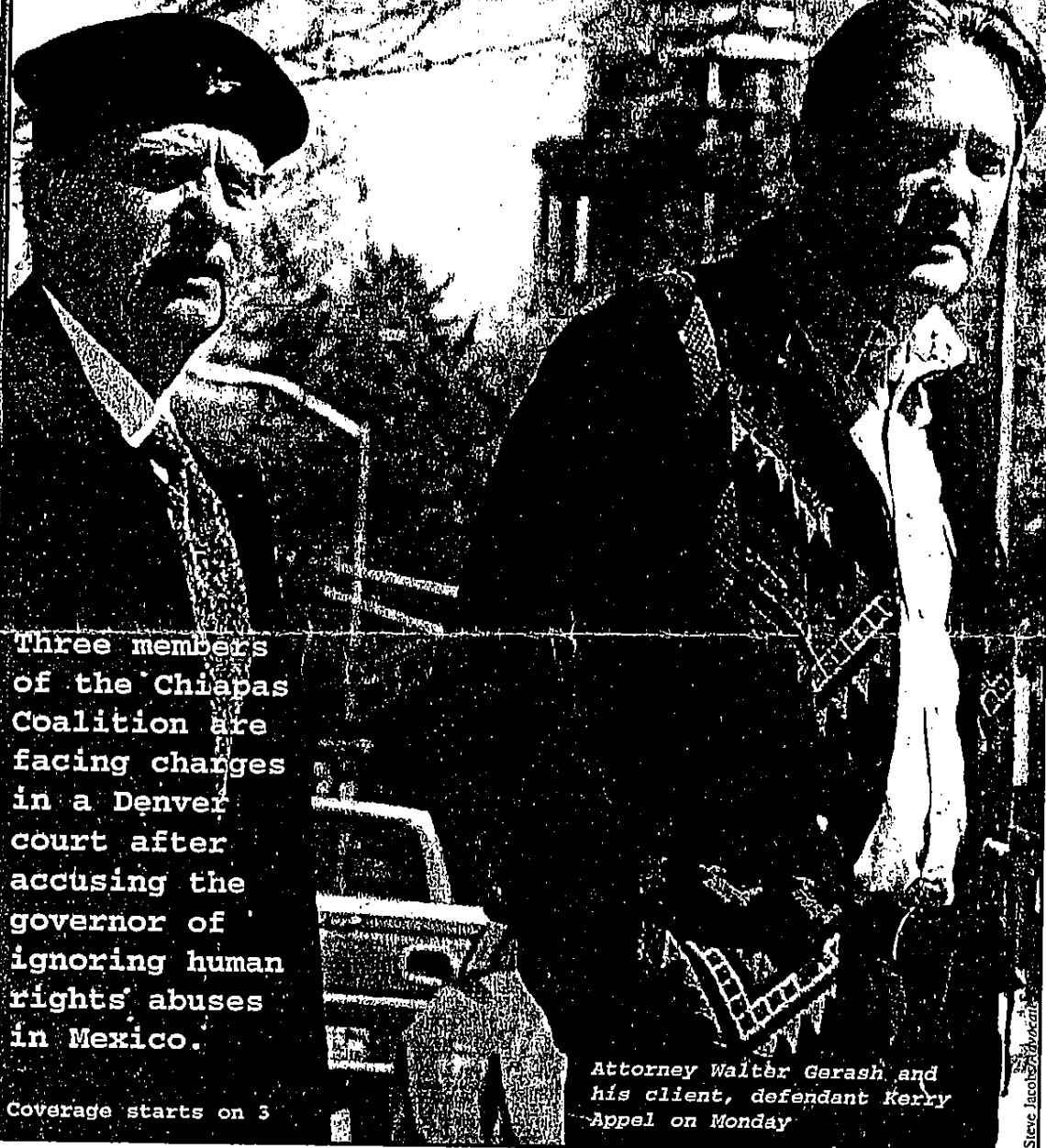


# Freedom of speech on trial



Three members of the Chiapas Coalition are facing charges in a Denver court after accusing the governor of ignoring human rights abuses in Mexico.

Coverage starts on 3

Attorney Walter Gerash and his client, defendant Kerry Appel on Monday

Steve Jacobs/Advocate

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NEWS  
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**Spring into v-ball**  
BUFF WOMEN ARE READY TO RULE AGAIN  
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**ZAP!**  
A GLANCE AT THE HISTORY OF COMIC BOOKS  
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## NEWS

# Advocate editor subpoenaed in trial of Chiapas 3

Advocate Staff

The *Advocate's* editor in chief has been subpoenaed to testify in the Chiapas Coalition trial.

Newspaper editor Michael A. de Yoanna and other witnesses were asked to leave the courtroom following opening statements on April 3. Yet the court made two exceptions. Colorado State Trooper Tim McClinchy, an aide to Governor Bill Owens, will continue to sit in on proceedings and testify for the prosecution, while *Colorado Daily* reporter Brian Hansen, who was con-

cerned by a lack of media at the courtroom Monday, was allowed to sit in with the defense.

The defense said Hansen's testimony may be seen as less credible, but considered Hansen's concerns on the media valid. In making the decision, they emphasized de Yoanna's testimony may be more crucial than Hansen's.

Former *Advocate* Senior Reporter Tina Torrez is also scheduled to testify.

The case deals with the alleged trespassing of members of an estimated 70 members of the Chiapas Coalition at a US-Mexico

Chamber of Commerce trade luncheon attended by the governor.

The trial focuses on the arrests of three members of the coalition during a demonstration meant to bring attention to human rights in Chiapas, Mexico (see related story below).

"This story remains close to my heart. It's hard as a reporter ... after the jury selection and opening statements, I was asked to leave," de Yoanna said.

De Yoanna's testimony will center on what he witnessed in the early moments of the protest

at the downtown Embassy Suites Hotel. It was there, he says, that members of the US-Mexico Chamber of Commerce and officials for the governor attempted to close the doors to a private banquet room as a single masked "human rights observer" reached out to grab a door. According to de Yoanna, officials let go of the door, signaling to let members of the Chiapas Coalition enter the room.

"I did see a hand motion," said de Yoanna, "presumably it was meant to avoid a conflict."

The testimony would imply the

demonstrators may have been inadvertently invited in by officials who maintain the Chiapas Coalition was not invited.

Torrez's testimony will likely focus on what she heard when the governor, who had excused himself after the protest, returned to the luncheon after the arrests. As the sole member of Denver's media present after the Chiapas Coalition was locked out of the event, Torrez will tell about the comments of the governor, public officials, and corporate leaders, who made disparaging remarks about the incident. **A**



A Chiapas demonstrator attempts to make his point at Governor Bill Owens' table last September

## First Amendment at center of Chiapas trial

Michael A. de Yoanna  
Editor in Chief

Opening arguments in the trial of Chiapas Coalition members was completed by Monday.

The trial, which highlights freedom of expression, will likely continue until at least April 5—Wednesday afternoon—attorneys predict. Colorado Governor Bill Owens will likely testify via video.

The defendants, Kerry Appel, Mark Thompson, and Mark De La Cruz—all members of the Chiapas Coalition—are each charged with trespassing and disturbing the peace. Thompson is additionally charged with interfering with a police officer. If found guilty, each faces up to a year in jail and a maximum fine of \$999.

On September 16, 1999 the defendants and an estimated 70 members of the Chiapas Coalition peacefully entered a luncheon sponsored by the US-Mexico Chamber of Commerce attended by Governor Bill

Owens. The luncheon was meant as a send-off for the governor who would embark later that week with top Colorado business officials on a policy meeting with Mexican President Ernesto Zedillo.

Appel, speaking during the demonstration through a bullhorn, warned business leaders that making deals in Mexico may exacerbate human rights violations in the southern state of Chiapas.

Prior to jury selection, Denver Judge Andrew Armatas, who denied defense motions on March 3 (that the trial should be dropped in part because Denver's trespassing laws are unconstitutional), forbade the defense from bringing up constitutional issues. "They've already been dealt with," Armatas said.

Yet Walter Gerash, Appel's attorney, objected, arguing the First Amendment is central to the trial. During a brief recess prior to jury selection, a member of the Chiapas Coalition brought in a large copy of the First Amendment printed on poster-board.

## Neighborhood now battling environmental contamination

Terra Cracraft  
Staff Writer

Anthony Thomas has lived in the Clayton neighborhood in northeast Denver for 32 years. He and his wife raised their daughter in the place he still calls home. But unlike most typical Denver residents, Thomas has battled for the safety of his community for years, not from gangs or drugs, but from concentrated levels of environmental contaminants.

Furthermore, he blames the cancer that lives in his body, and the cancer he has seen take the lives (or is taking the lives) of many of his friends and neighbors, on the hazardous waste lingering in his community.

The Clayton neighborhood and several surrounding neighborhoods have been dubbed "environmental justice" areas by the Environmental Protection Agency not because they are normal, healthy communities. Contaminants from over a century of metal refining coupled with the neighborhood's proximity to two major freeways, heavy industry, and truck routes have made them environmental dumps.

"It's an area that has been impacted disproportionately by many sources of contamination," said Bonnie Lavelle, EPA Remedial Project Manager for the site.

Now Thomas, who is secretary for the Clayton Neighborhood Association, along with many of his neighbors, are watching closely to see that dangerous toxins hidden in the soil of their yards gets cleaned up.

Soils around thousands of northeast Denver homes are being resampled for dangerously harmful levels of arsenic and lead—two of the four most dangerous metals to human health. In some homes, the state and EPA have issued a "time critical removal" of soils because of "alarming high levels" of lead and arsenic, according to Barbara O'Grady, Colorado Department of Public Health and Envi-

Jodi M. Summers  
Senior Reporter

CU-Denver student government voted to support the student referendum that, if passed, will increase your fees by \$20.50 each semester.

Jeff Stamper, assistant director of the Tivoli Student Union spoke to student government, garnering their support for the Auraria Bond fee that many say is desperately needed in order to compensate for \$500,000 in lost revenues due to the departure of AMC Theaters and much needed renovations.



AHEC's Dean Wolf

Currently students pay \$39.50 for the Auraria Bond in student fees. The proposed referendum

will increase the fee so that students will pay \$60.

According to Stamper, \$7.50 of the money will go toward the renovations, repairs, and restoration of the Tivoli Student Union. Stamper estimates \$11.5 million is needed in repairs.

He also said another \$7.50 will go towards the losses accrued from the AMC Theaters. The remainder of the money, according to Stamper, will cover student auxiliary services. Currently, student clubs use facilities at the Tivoli without charges. Also student lounges are not charged for space.

If the referendum fails, Stamper claims, the spaces may have to be closed to students and rented to vendors.

The student fee referendum will be voted on by all Auraria students.

Three polling sites will be open on April 11 and 12. CU-Denver students can vote in the North Classroom. An Open Forum will take place on April 10 in order to serve the students questions and comments.

## First Amendment poster banned from court by judge

—TRIAL from page 3

Armatas immediately acted to ban the poster on the grounds it was a disruptive form of protesting.

"I can't believe he banned the First Amendment," De La Cruz's attorney, Margaret Carey later said.

In his opening statement, prosecuting attorney Russell Stone said the governor and attendees at the luncheon were frightened on the afternoon of September 16. "People were literally scared to death," Stone said. "They were worried that this could be some kind of terrorist thing."

But Gerash, who took a majority of the 30 minutes allotted by the judge for opening statements, said the case is about freedom of expression in the US as it pertains to international human rights. Gerash called it an "honor" to defend Appel, Thompson, and De La Cruz, stating the demonstration was a protected form of political speech.

Gerash said the demonstration was peaceful and said police and officials at the luncheon overreacted. "It was not a ruckus," Gerash told jurors. "Not one glass was broken ... the governor keeps eating, laughs, makes a few comments."

Gerash also countered an earlier line of questioning by Stone during jury selection. Stone had wanted to know the conditions under which jurors believed it acceptable to break the law, implying that it is always wrong to break the law.

Citing the women's suffrage movement, the abolition of slavery, and civil rights movement, Gerash said civil progress is a function of protesting via First Amendment rights. He added the Chiapas Coalition came to the luncheon in order to convince business leaders there are human rights abuses taking place in Mexico. "They were trying to prevent a mass killing of a culture of 5,000 years," Gerash said.

Opening statements also outlined basic disagreements over the facts that jurors must later sift through in terms of evidence. Sue Tyberski, who is representing Thompson, challenged the prosecution's idea that the luncheon was private and that the defendants violated Denver's trespassing ordinances. She cited a filmed deposition of Gil Cisneros from the US-Mexico Chamber of Commerce stating the luncheon was a public forum. She also cited some 2,000 invitations sent to the public by the chamber.

Tyberski added no one asked the defendants to leave the luncheon—a de facto invitation.



Appel



Thompson



De La Cruz



Armatas



Stone



Gerash



Tyberski



Carey

## Chiapas testimony underway

Steve Jacobs  
News Editor

Testimony began Monday in the trial of the Chiapas 3.

Trooper Tim McClinchy, a technician with the Colorado State Patrol and five-year veteran, took the stand for the prosecution first. McClinchy is one of Governor Bill Owens' key personal security officers and was the only trooper dedicated exclusively to Owens on the day of the US-Mexico Chamber of Commerce, September 16, 1999.

"I was nervous," testified McClinchy. He described the 70 or so members of the Chiapas Coalition as "militant-like, militia-type."

McClinchy said he thought to himself, "what are they [Chiapas Coalition] going to do next." Prosecutor Russell Stone asked McClinchy what Owens' demeanor appeared like and, after several objections from the defense, was able to extract, "he was very scared that day."

Walter Gerash, Appel's attorney, objected again when Stone tried to elicit a response from McClinchy as to how the luncheon attendees appeared. "I saw terror..." said McClinchy even as Gerash's objection was sustained for hearsay.

Judge Andrew Armatas chided both the prosecution and defense for excessive objections. "You can raise your hands to get my attention, but no standing up," Armatas said.

McClinchy on cross-examination affirmed an earlier quote that he was afraid he might have to "dodge bullets." Defense attorney Sue Tyberski asked: "Did Owens engage in dialogue [with the Chiapas Coalition] that day?"

"He did," McClinchy said. "Did you have to dodge any bullets that day?" Tyberski asked.

"No ma'am, I did not."