

Jury Disapproves of Misusing Guns



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Jury disapproves of misusing guns

■ Damages totaling \$600,000 against a Southwest Portland man who threatened a canvasser send a message

By JOHN PAINTER JR.
of The Oregonian staff

On a dark street in Southwest Portland, David V. McKibben had the wits scared out of him.

As it turned out, his brief panic was worth \$600,000 in damages awarded Tuesday by a Multnomah County Circuit Court jury.

The drama occurred Oct. 27, 1992, while McKibben, 24,



McKIBBEN

was working his way along Southwest 45th Avenue on what he believed was a virtuous mission — soliciting money for the environmental group Greenpeace.

In the 4100 block, he rang the doorbell at the home of William J. Schumacher, who is retired from the Schumacher Fur Co.

What followed was the result of a "complainant and suspect (who have) extremely opposing views and got in a heated argument that degenerated into name calling..." says the police report on the incident.

According to police reports, as well as McKibben and his lawyer, this is what happened:

When Schumacher, 64, opened the door, McKibben, who grew up in Vancouver, Wash., has a degree in engineering and now works for a solar energy firm in Eugene, began his spiel, "Hello, I'm Dave from Greenpeace..."

Schumacher, he says, "became upset almost immediately. It got worse and worse."

Schumacher, who refused to comment for this story, began criticizing Greenpeace and McKibben tried to reply, said McKibben's lawyer, Gregory Kafoury of Portland.

"I like to resolve things at the door if I can," says McKibben. "I don't want to leave in a hostile fashion. But if it's clear I'm in danger or it's not possible, I leave."

As McKibben and Kafoury tell it — Schumacher's lawyer, William Kelly Olson of Portland, also declined comment — McKibben turned to leave.

When he reached the iron gate to the yard, Schumacher shouted that McKibben was "a gutless, spineless punk."

McKibben in turn called Schumacher a name.

Schumacher then yelled, "Wait right here, I've got something to show you."

At trial, Schumacher testified that the "something" was an article in Forbes magazine critical of Greenpeace.

But McKibben says he thought at the time that the "something" might be a gun, so he headed down the street, abandoning his canvassing.

"I've had guys say ... 'Get off my property' and there are a couple of people I've been scared of in a year of canvassing," McKibben says, "but nothing to that extent."

As McKibben headed down the street, Schumacher scurried after him and in a confrontation, pointed a .357-caliber Magnum revolver

point-blank at McKibben's chest, according to trial testimony. It was loaded with six .38 special hollow points, according to the police report.

Mesmerized by the handgun, McKibben asked, "What are you going to do, kill me?"

Nobody calls me that name, replied Schumacher.

Kafoury says McKibben was getting ready to jump Schumacher and try to take the weapon away when he noticed salvation approaching.

It was a Chevy Suburban driven by Jeffrey Scharf, an emergency room physician. Beside him, with a pizza on her lap, was Scharf's wife, Nancy.

As McKibben suddenly jumped in front of the rig, Scharf hit the brakes.

"I'm from Greenpeace," McKibben said he told the couple. "This man just pulled a gun on me."

Meanwhile, Schumacher was returning to his house. He later testified that he took the gun with the Forbes magazine because McKibben had sworn at him. McKibben says he never saw a magazine, just the gun.

The Scharfs took McKibben to their nearby home, where he called Greenpeace and the police.

McKibben called it a night soliciting but returned to the neighborhood the next day, saying he didn't want to be "frightened off by Schumacher."

He also contacted Kafoury and sued Schumacher, asking \$145,000 in general damages and \$1 million in punitive damages.