



### Sect leader arrested

Japanese troops on alert as Shoko Asahara is taken into custody

Nation/World, C1



### FOREST SERVICE SEEKS WILDERNESS CAMP LIMITS

Sports, D1

### 'The Phony Gourmet'

Slob sisters present their first, slightly offbeat cookbook.



Food

# The Columbian

SERVING CLARK COUNTY, WASH.

TUESDAY, MAY 16, 1995

50 CENTS

## Judge Heavey investigated

Credit card fraud is the focus of a probe by state and Skamania County authorities

By BRETT OPPEGAARD

**The Columbian**  
STEVENSON — State and Skamania County authorities are in the middle of an investigation into the fraudulent use of a dead woman's credit card, and Superior Court Judge Bernard Heavey is being questioned.

Here is what has happened:  
On April 10, The Columbian received an envelope from an anonymous source. It contained two dated and signed credit card receipts — one for lunch at Denny's in The Dalles, Ore., and the other for gas at Texaco in Stevenson.

The receipts showed charges in 1989 and 1990 made to Edna Forrest Hyde's credit card. They were signed, "Forrest Hyde," but the woman died in 1980.

The bills were sent to a Stevenson post office box.

According to an official in the Skamania County Prosecuting Attorney's office, the person who used the dead woman's card could face felony charges for criminal impersonation, theft, forgery and unlawful use of a credit card.

Asked by telephone this morning Please see Heavey, Page A6



Superior Court Judge Bernard Heavey is being questioned about a fraud case involving a dead woman's credit card. Here he pours a soda for himself at Rosalie's Delf in downtown Stevenson before his first day on the bench in March.

### Controversy not the first

By BRETT OPPEGAARD

**The Columbian**  
STEVENSON — Since his appointment in March as the Superior Court judge of Skamania and Klickitat counties, Bernard Heavey has been a geiser of controversy.

Born Bernard Joseph Heavey, Jr., on Jan. 11, 1927 in Brooklyn, N.Y., Heavey grew up poor. His mother died during his childhood, a family member said, and after her death, Heavey's father placed the boy in an Illinois orphanage until the family was reunited several years later in Seattle.

Heavey was graduated with an engineering degree from the University of Washington in 1951 and started his life as an engineer.

In the 1960s, his firm was involved in a cost-overrun scandal on a contract to renovate the King County Courthouse. Heavey was found to be only marginally involved. He later decided to go back to school and look for a new career.

In 1973, he earned his law degree by taking night classes at Santa Clara University in California.

Heavey then moved to the Columbia River Gorge to start one of the only private law practices in Skamania County.

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## Man charged with DWI twice in one day

'I'm not that stupid,' suspect allegedly said to deputy when told not to drive after being arrested the first time

By JOHN BRANTON

**The Columbian**  
A 45-year-old Salmon Creek man was arrested for alleged drunken driving early Saturday. Twice. By the same officer.

Alan E. Wright, 1913 Lechner Road, No. 38, was jailed on suspicion of two counts of driving while intoxicated.

About 1:30 a.m. Saturday, accord-

ing to a sheriff's report, Deputy Duncan Hoss saw a red 1988 Ford pickup swerving in the 10400 block of Northeast Highway 99 in Hazel Dell. The pickup stopped for a traffic light and the driver stalled the engine. In addition, the license plate was partially obscured by a trailer hitch.

When Hoss stopped the truck, Wright slurred his speech, smelled

of alcohol, walked off balance and said he'd been drinking whiskey, the report said. Hoss locked the pickup, handcuffed Wright and took him to the jail. After refusing to take a breath test, Wright was cited for alleged drunken driving and released.

"My last words to him were telling him not to drive his truck (that morning)," Hoss reported.

"Alan's reply was, 'I'm not that stupid.'"

Next, Hoss was sent to a disturbance at a Hazel Dell tavern near where Wright was first arrested. Hoss, while in his patrol car, said he watched as a taxi drove up to Wright's truck, and Wright got out.

When Wright drove away in the pickup, Hoss arrested him again in the 11200 block of Highway 99.

This time, Hoss called a tow truck to take the pickup away and took Wright to jail. It was about 3:33 a.m. Saturday. A jail spokesman said Wright spent several hours in the jail before being bailed out about 3 p.m. Saturday.

Clark County District Court records show no previous drunken-driving charges against Wright, an employee said.

### Japanese luxury cars targeted

Clinton threatens \$5.9 billion in trade sanctions

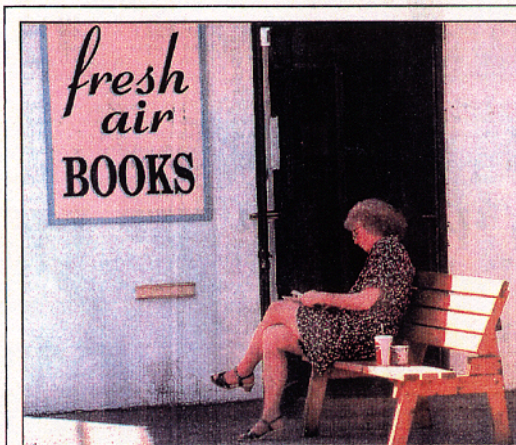
WASHINGTON (AP) — The Clinton administration today threatened to punish Japan by slapping punitive tariffs on \$5.9 billion worth of Japanese luxury auto imports if agreement is not reached in a bitter fight over expanding sales for American auto companies.

The proposed 100 percent tariffs were aimed at 13 Japanese car models, ranging in price from \$25,000 to more than \$50,000, and were designed to eliminate totally those sales from the American market as retaliation for Japan's failure to lower barriers to the sale of American cars and parts.

The \$5.9 billion would represent a record amount in U.S. trade sanctions, but the final list of products will not take effect until June 28, after a public comment period.

This also gives negotiators from both countries a chance to resolve the trade disagreement short of sanctions. And it will allow President Clinton to raise the issue per-

Please see Trade, Page A6



### Capturing the moment

After working in a downtown Portland high-rise building for years, Loisama Howard decided she wanted to work where she could open the windows. Now, she owns Fresh Air Books in Washougal. It was fortunate she enjoyed the sunshine and fresh air Monday. The National Weather Service forecasts low clouds Wednesday morning with a chance of drizzle tonight and Wednesday.

TOM BOYD/The Columbian

## BPA will back out of Tenaska project

Move will cause havoc in banking and energy industries, officials of Nebraska firm say

By THOMAS RYLL

**The Columbian**  
The Bonneville Power Administration, hammered by customers defecting to cheaper power, says it will not honor its 20-year contract for electricity from a gas-fired plant being built near Tacoma.

In a press release, officials of Omaha, Neb.-based Tenaska Inc. said Monday that the BPA move makes no sense because pulling it would cost taxpayers or ratepayers more than it would cost BPA to proceed with the project.

Tenaska spokeswoman Kelly Kimberley said this morning the firm has filed a \$1 billion damage claim against BPA. "We will be pursuing all reasonable means of enforcing this contract," she said. "We have a non-cancelable, 20-year contract, and they are obligated to fulfill it."

The BPA, the regional wholesaler of electricity, in April 1994 signed a 20-year agreement with Tenaska for electricity from the \$150 million-plus Tacoma project, which is due to begin operating this summer. In the meantime, the rates the BPA agreed to pay have become considerably higher than current prices, which have dropped to levels

described by one industry consultant as "historically unprecedented."

The Tenaska project has been watched closely by Clark Public Utilities officials, who are planning an essentially identical facility on a site near the south end of Vancouver Lake.

In a press release, BPA vice president Judith Johansen said the agency was backing out of the Tenaska contract because of "dramatic reductions" in projected demand for BPA power. Because of that and new federal regulations, the BPA says it is "no longer obligated to purchase power under the 1994 agreement."

Johansen said the BPA action is "consistent with applicable law," and that Tenaska's liability claim is "grossly exaggerated."

Tenaska's Kimberley said the contract contains no language allowing the BPA to back out because of falling demand for BPA elec-

"We have a non-cancelable, 20-year contract, and they are obligated to fulfill it."

— Kelly Kimberley, Tenaska

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### Monday's winning lottery numbers:

Washington Daily Game 4-5-5  
Keno 4-6-12-25-29-30-34-35-39-41-49-50-60-63-65-70-71-74-77-78  
Oregon Daily 4 8-4-5-1

### What's inside...

'Her Cry' ▶  
Sculpture at Kirkland



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### Heavey...

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He used the credit card after yde's death, Judge Heavey said, "that doesn't deserve the dignity of reply." When asked again, he said, "this is not the forum for that discussion," and hung up. Heavey met Hyde in the late

1970s. He was the executor and main beneficiary of the widow's estate. He controlled her money, her credit cards and also received more than \$400,000 from her will. The credit card was finally revoked in August 1994, nearly 10 years after her death, because the annual fee wasn't paid. The Columbian turned the requests over to the Skamania County Sheriff's office in mid-April.

Chuck Bryan, chief criminal investigator for the county, has been working on the case since then. **State joins probe** "We are continuing our investigation with the assistance of the attorney general's office," Bryan said. He said the state became involved because of the possible conflict of interest between Skama-

nia County prosecutors and Heavey's position as the only superior court judge in Skamania and Klickitat counties. Attorney general investigator Robert Keppel, who has previously worked on several misconduct cases as well as the Ted Bundy and Green River killer cases, will head the state's investigative team, and Greg Canova, a senior assistant attorney general, would handle any

prosecution. "We will be working closely with Skamania County," Keppel said. Monday, Sheriff Bryan received the last piece of evidence needed to get a subpoena for Hyde's credit report. He plans to interview Heavey Wednesday. If Heavey is found to be one using the card, he would be in violation of the judge's code of conduct,

said David Akana, executive director of the Commission on Judicial Conduct. "A judge will follow the law," Akana said. "It's one of the basic rules." A judge found in violation of that code can be brought in front of the 11-member commission, which can then recommend suspension or removal of the judge to the state supreme court.

### Career...

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He branched out of the courtroom in 1976 into a consulting business in asbestos removal. The business failed in the early 80s, and the state alleges he still has more than \$9,000 in state sales

tax from the venture. He also owes Skamania County more than \$6,500 in property tax in 1993 and 1994. "I don't think it's a proper debt," Heavey said in an earlier interview about both tax debts. "But I may end up stuck with it." It wasn't until the late 1970s that Heavey met Edna Forrest Hyde. They became friends when

Heavey became the executor of her husband's will. They spent a lot of time and money together, Hyde's family members said. Shortly before her death in 1985, the then-97-year-old Heavey spent an estimated \$10,000 of Hyde's money on one Atlantic City, N.J., getaway, members of her family

said. Heavey promised to marry her, those relatives said, but he never did. "She said she fell in love with him," said Emmalene Quigley, Hyde's niece of Seattle. "But I'm convinced he manipulated my aunt." After Hyde's death in 1985,

Heavey became the executor of her will and received \$400,000 from her estate. Inheritance shares for the remaining members of her family were \$5,000 or less. Another niece, Janice Hollingsworth of North Hollywood, Calif., said her uncle "wanted to leave that estate to the Shriners for crippled children and the rest to

the family. Bernie pulled the wool right over Aunt Forrest's eyes." Receipts from Hyde's credit card showed use as long as five years after her death, and the card was active until August 1994. The Skamania County sheriff and the state attorney general's office are investigating the credit card situation.

### BPA...

From Page A1

According to Monday's press release from Tenaska, in early May BPA notified Tenaska that the agency did not intend to honor the year contract. Last week, Tenaska filed the suit with the BPA for damages. Tenaska says BPA's liability for damages exceeds the cost of fulfilling the contract. Tenaska says it has met all its

contractual obligations and expects the same of the BPA. "BPA's intent to abrogate its contract is ethically and legally wrong," Tenaska project chairman Howard Hawks is quoted as saying in the company's release. Tenaska officials say the BPA move will "create serious concern and uncertainty in the banking and energy industries as well as the entire business community." Early this month, Gary Saleba, an industry consultant who has done extensive work for Clark Utilities, told The Columbian that the

### "BPA's intent to abrogate its contract is ethically and legally wrong."

— Howard Hawks, Tenaska project chairman

BPA would have to pay nearly \$400 million more over 20 years for the Tenaska electricity than the going short-term rate. The contract calls for the BPA to pay nearly 4 cents a kilowatt-hour for power in 1996. Clark Utilities, which at this point buys nearly all

its power from the BPA, pays about 2.5 cents now, and sells it to customers for about 4.5 cents. Another source said BPA's problems are being experienced throughout the industry as gas prices have fallen. The BPA contract calls for pay-

ment of predetermined rates that escalate every year until 2015, the end of the contract. One result of such widespread problems in the face of falling rates is likely to be development of an indexing system that would allow long-term contract rates to rise and fall with the market, the source said. In any case, Saleba, a vice president with Economic and Engineering Services, Bellevue, called the BPA contract "bad business... stupidity or incompetence" for its lack of an escape route for the agency.

When one of Saleba's engineers examined the BPA/Tenaska contract in April, he wrote "potentially fatal flaw" next to language that allows Tenaska, but not the BPA, a right to cancellation. The gas-fired Clark utilities proposed plant near Vancouver Lake would produce power sufficient for about half of the utility's average needs. The project, now in the early stages of environmental study, was undertaken to insulate the local utility from expected BPA rate increases.

### Trade...

From Page A1

nally with Japanese Prime Minister Tomiichi Murayama at the annual summit of the world's ten richest industrial countries, he is-17, in Halifax, Nova Scotia. "We can't anymore deny this or creep it under the rug," Clinton said. "We have to go forward and we are going to do that." But in Tokyo, the threatened sanctions were denounced by Japanese automakers and the government said it would notify the World Trade Organization this week that it would file an appeal of proposed sanctions on the grounds they violate international trade rules. "The U.S. government conducts trade policy in a coercive manner completely beyond our comprehension — its simply unacceptable," said Toyota executive vice

president Masaharu Tanaka. U.S. Trade Representative Mickey Kantor pointedly said in his announcement that the final target list was unlikely to be pared down much from the preliminary \$5.9 billion list issued today. "Because the list contains a narrow range of products, we do not expect at this juncture that the final list would be altered significantly," he said. The target list of 13 models includes all five models of Toyota's Lexus, three of Nissan's Infiniti models, two models of Honda's Acura, Mazda's 929 and Millennia and Mitsubishi's Diamante. A 100 percent tariff would mean that a car shipped from Japan that now costs a dealer \$30,000 would rise in price to \$60,000. William C. Duncan, general director of the Japan Automobile Manufacturers Association, called the administration's threatened sanctions "ill-conceived, ill-considered and illegal... The Clinton administration has gone to bat for the Big Three U.S. automakers and are now on the verge of stealing the bases with a blatant and irresponsible violation of international law." Representatives of dealerships stocking the luxury cars were warning that such steep tariffs could force them to shut down. "Potential U.S. trade sanctions against Japanese imported automobiles will devastate thousands of American small business auto dealerships," said Walter E. Huijenga, president of the American International Automobile Dealers Association.

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For more information on this story, call Info-Line, 699-5000, category 1776

### 10th-old boy recuperating after heart transplant

LOMA LINDA, Calif. (AP) — A 10th-old Vancouver boy was recuperating from a heart transplant but needed a ventilator to help him breathe. Justin Pittaway was listed in critical-but-stable condition following a six-hour surgery Sunday at Loma Linda University Medical Center, spokeswoman Anita Rockliss said. Justin was born April 18 with

hypoplastic left heart syndrome, a fatal underdevelopment of the left side of the heart. He was placed on a Loma Linda transplant list two weeks ago when his health began to deteriorate. The operation came less than a week after Loma Linda doctors successfully transplanted a new heart into infant Matthew Krugler of La Canada Flintridge. "Last week, the Krugler boy

took just two days to get off the ventilator, and I believe that is probably the quickest of any baby that we've had" for a transplant, said Rockwell. "Every child comes off that at his own pace." A child's official condition is upgraded to "serious" only when he can breathe without help, she said. Loma Linda has performed six heart transplants this year on youngsters under 6 months of age.

### Angus threatens ailing daughter of UO president Frohnmayer

MINNEAPOLIS (AP) — A potentially deadly fungus is the latest test to the recovery of Kristin Frohnmayer, the daughter of University of Oregon president Dave Frohnmayer. Kirsten underwent a bone marrow transplant at the University of Minnesota Hospital in February. She suffered a stroke last month as surgeons removed a catheter that was mistakenly placed in an artery instead of a vein. The 22-year-old Stanford honor student was making progress in her recovery from both the transplant and the stroke when it was learned she was infected with a fungus that attacks her lungs and blood system. The common, yeastlike fungus is found in the body's mouth and skin, but can be fatal when it grows inside the body's internal organs, according to Kirsten's mother, Lynn Frohnmayer. So far, Kirsten appears to be winning the battle against the fungus, but the toxicity of the anti-fun-

gal drugs. She took a five-block walk outdoors Monday to enjoy a picnic with her mother. Kirsten Frohnmayer has left the hospital's intensive care unit and is no longer using a respirator. "I am pretty optimistic right this minute," her mother said Monday.

"Kirsten is making progress, that's clear. But a week ago, we were frantic." The Frohnmayers believe the Candida infection resulted from antibiotics needed to combat bacterial infections following the stroke Kirsten suffered April 10.

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