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Crusading 'Billboard Bandit' Convicted of Vandalism : Activism: Jury finds him guilty of defacing cigarette ads in a one-man campaign against smoking.

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Donald G. House, San Diego's "Billboard Bandit," whose one-man campaign against tobacco advertising included his painting anti-smoking slogans on 46 cigarette advertisements, was convicted Tuesday of four counts of vandalism.

Before he allowed himself to be arrested in June at a San Diego Padres game--where he spray-painted a corner of a billboard advertising cigarettes--House had embarked over a three-month period of mostly late-night climbs up billboard poles with his spray paint.

His messages--"Do You Want to Seduce Our Kids?" "Smoking Kills" and "Cancer Ain't Suave"--blocked out a pack of guitar-playing camels, the Marlboro Man and other tobacco industry characters plastered on billboards throughout the city.

House, 42, intended to get arrested so he could turn his trial into a debate on the hazards of cigarette advertising, particularly as it affects teen-agers.

When he discovered earlier this year that he could not get a proposition on a statewide ballot that would prohibit cigarette advertising because federal laws prevent it, the self-employed painting contractor started his billboard campaign.

House believed he could win by invoking the same defense that helped acquit a Chicago priest who argued that painting billboards advertising tobacco was necessary to avoid "a greater public injury" to children in the city.

His first setback came Monday, when Municipal Judge Richard J. Hanscom ruled that House's attorney, Thomas J. Ulovec, could not use the "necessity" defense, the same one used by the Rev. Michael Pfleger in Chicago.

Ulovec said he planned to call experts who would testify about the problems of tobacco advertising. And, although House testified, he was precluded by the judge's ruling from explaining why he defaced billboards.

Ulovec argued that House had not exactly vandalized the billboards, in that the U.S. surgeon general's warning and the cigarette company's name were still visible despite the spray paint.

In addition, Ulovec said all House had done was make more clear the intent of the surgeon general's warning about the health hazards of cigarette smoke.

The jury came back with convictions after less than two hours of deliberation.

His sentencing is set for Thursday. House could be sentenced to a maximum of six months in jail, a \$1,000 fine or both.

But the judge asked House and Ulovec for ideas about how to come up with a "creative" sentence, including community service.

After the verdict was read, House acknowledged the difficulty he faced in court.

"I'm frustrated as much as disappointed in the fact that I wasn't able to convey to the jury why," he said. "When the 'why' is missing, it's very difficult to understand. I don't understand a judicial system when the 'why' is left out. I knew it was a long shot. I've always known that."

Representatives of outdoor advertising companies testified that House had often spray-painted over the same billboards again and again.

A smoker for 20 years who quit in 1987 when he started feeling chest pains, House said the "Billboard Bandit" saga has "put a lot on the line, including my reputation and my financial stability. But I had to do it. People are dying because of this."

<https://www.latimes.com/archives/la-xpm-1991-09-25-me-2586-story.html>