

Presumption of guilt new judicial standard

In a landmark ruling favoring stronger anti-crime laws, the U.S. Supreme Court threw out the judicial principle of presumption of innocence in a 6-3 decision about pretrial detention on Tuesday.

The Court upheld the 1984 Bail Reform Act, saying it was constitutional to deny a suspect bail if a judge determined "the safety of any other person and the community" was at risk. The ruling will apply to suspects charged with federal crimes.

This ruling follows a similar stance taken two years ago when the Court allowed the preventive detention of juveniles that are perceived to be a potential threat to the community.

The purpose behind our judicial system is to protect society and to uphold an individual's constitutional rights. This decision, however, denies the individual's right to due process in a futile attempt to prevent future crimes.

Chief Justice William Renquist circumvented the 14th amendment's right to due process of law by claiming the 1984 Bail Reform Act is regulator in nature. He said the time a suspect spends in jail does not reflect a form of punishment but instead is a short-term detention.

But jail is jail. Regardless of any label placed on the reason for imprisonment, the suspect still will suffer the same negative effects of prison that criminals experience.

According to the New York Times, a suspect in federal custody will spend an average of 31 days in detention. During this time, people can lose their jobs and suffer other hardships directly related to their imprisonment. Studies by William Roe for U.S. Senate hearings in 1981 show this economic hardship can effect the outcome of the trial.

With jail overcrowding becoming an increasing problem, confining people who haven't been convicted of a crime is presumptuous. It assumes the defendant is guilty before the trial. This goes against the Bill of Rights, the 14th amendment and the presumption of innocence.

In the decision the Court did not make provisions for individuals who had been detained but were later found innocent. In these cases people have been punished for no reason.

Chief Justice Renquist supported society's best interests in the majority opinion. "...in times of war, when society's interest is at its peak, the Government may detain individuals whom the Government believes to be dangerous," he said.

This is a very dangerous perception of the Government's Constitutional powers. The Court can say it is protecting society with a regulatory measure, but it is actually destroying the principles ingrained in the Constitution. The Court has, in essence, said the government can imprison anyone it deems a threat.

Justice Thurgood Marshall voiced this fear in his dissenting opinion.

"Throughout the world today there are men, women and children interned indefinitely, ...because their governments believe them to be 'dangerous.' Our Constitution, ...can shelter us forever against the dangers of such unchecked power," he said. He continued to say the Court's decision is demolishing the powers of the Constitution.

THE ISLIP BARGE GETS NEW ORDERS:



Letters

Proud people

May 17 is not much to get excited about in the United States; however, in Norway the date marks the celebration of that nation's independence. Few people in Eugene knew that until an army of Norwegians marched through campus that Sunday.

The University community could have benefited from this cultural event a great deal, but the Norwegians chose to "economically segregate" their patriotic celebration.

In order to finance an "Independence Day Brunch" and a private fete at Guido's, the organizers demanded a \$7.50 cover charge.

Unfortunately, many students cannot come up with that sum this late in the year, finding it better applied to overdue phone bills or a couple dozen cups of freshly brewed Boyd's coffee.

Even if you find the admission price reasonable, you've still got to wonder why the Guido's party was off limits to the non-paying public. After all, if the Norwegians are proud of their nation's sovereignty, which certainly appears to be

the case, why did they find it necessary to lock the rest of us out of their celebration?

Perhaps too many mundane Americans would have lowered the high standard of "partying" that has been established at Norwegian functions.

If this is the way they plan to culturally diversify the University campus, they might as well take their parades back to Oslo.

John Tapogna
Journalism

Human hatred

A sad aspect of human behavior is the irrational hatred some people have toward others who are different in some way.

It is sadder still when these people attempt to rationally justify their hatred since they may delude others as well as themselves.

Recent letters to the editor about homosexuality exemplify this. Sharon Cuddie (ODE, April 8) wrote that homosexuality was illegal in all 13 original states and suggested that we were better off with the original laws.

Did she forget that it was then legal to buy and sell black people and illegal for women to vote?

Brenda Robinson (ODE, May 13) wrote that homosexuality could not be determined by genes because traits which interfere with reproduction must disappear from a species if the carriers can't reproduce. It is embarrassing that she is so poorly informed.

Parents whose children are dying of cystic fibrosis, muscular dystrophy, early-onset diabetes, multiple sclerosis, hemophilia, Tay-Sach's disease and beta thalassemia would not be impressed by the argument that these recessive genetic diseases cannot exist.

A natural law proposed by the Swiss scientist A. Guyot in "Earth and Man" (Gould and Lincoln, Boston, 1851, p. 254)

humorously illustrates the depths to which reasoning about fellow humans can sink:

"Man presents in our view his purest, his most perfect type, at the very center of Asia-Europe, ...and departing from this geographical center, ... the types gradually lose the beauty of their forms, in proportion to their distance, even to the extreme points of the southern continents, where we find the most deformed and degenerate races, and the lowest in the scale of humanity."

So much for objectivity.

Stephen J. Remington
Molecular biology

Clear point

We would like to respond to a series of articles about the ASUO Elections (Board) recounting process that ran in the ODE during the last two weeks.

We felt that the articles implied there was an adversarial relationship when in actuality there was not.

The purpose of allowing the ODE to interview each of us was to bring attention to the inherent problems with the current election process and the need for its reform.

The intention was NOT to imply that we were not satisfied with the results, as a headline stated.

Rather, we were trying to draw attention to the process. During the interviews, Collin made this intention clear, but this was not brought out in any of the articles.

Throughout this difficult process, all those involved worked together in a mature manner to resolve the situation.

We hope that we have made our point clear and that the necessary changes will be made before next year's election.

Collin Farrell
1987-88 IFC candidate
Caitlin Cameron
1986-87 ASUO vice president

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