

Court's decision sets dangerous precedent

Innocent or guilty. That question, the cornerstone of our judicial system, has been ruled irrelevant by the U.S. Supreme Court when deciding whether a person can be executed by a state.

On Monday, the Court ruled that "a claim of 'actual innocence' is not itself a constitutional claim." This in response to an argument put forth by a Texas death-row inmate, Leonel Herrera, who claims to have new evidence that proves his innocence, ten years after being convicted for the murders of two police officers.

The basis for the Court's decision is that once a person has been fairly tried and convicted and can raise no constitutional claim concerning the conviction, justice has been served and the sentence imposed is fair.

Therefore, a person convicted of a crime cannot be innocent, so no innocent person can ever be executed. "The trial is the paramount event for determining the guilt or innocence of the defendant," said Justice Sandra Day O'Connor.

The flaw with this reasoning is in putting absolute faith in the ability of the Constitution to ensure the innocent are acquitted. Yet even this standard does not apply, according to the Court. Chief Justice William Rehnquist, in writing the majority opinion, said the due process clause of the Fifth Amendment "does not require that every conceivable step be taken, at whatever cost, to eliminate the possibility of convicting an innocent person."

Apparently, there is an acceptable level for convictions of innocent people. But surely a death penalty case deserves extra consideration? Not according to the Court, which said it refuses "to hold that the fact a death sentence has been imposed requires a different standard of review"

The Court overstepped its bounds when it, in the words of Justice Harry Blackmun, "stepped into the shoes of a district court" and passed judgment on Herrera's new evidence. The Court decided that the new evidence was not sufficient to warrant further action by any court.

It was also critical of the length of time it took for this new evidence to surface. But if the facts of a case are solid, shouldn't they remain as true today as they were 10 years ago? 100 years ago?

Neither of these decisions are ones that fall under the jurisdiction of the Supreme Court, which only deals with Constitutional questions, not questions of fact. Yet, the six majority justices decided to assume this new responsibility anyway.

In his dissent, Blackmun criticized the Court's "obvious eagerness to do away with any restriction on the States' power to execute whomever and however they please." We couldn't agree more. The possibility of an innocent person going to jail is morally distasteful. The possibility of an innocent person being put to death goes beyond our usually ready supply of descriptive words.

Blackmun summarized it best when he said "The execution of a person who can show that he is innocent comes perilously close to simple murder."

BOB PACKWOOD:
HE STILL DOESN'T
GET IT.

OH.... YEA. I'M TOO SEXY FOR
MY SHIRT, TOO SEXY TO QUIT
NOW, TOO SEXY FOR THEM
AALLL.



LETTERS

The Fisher king

I want to thank Martin Fisher so much for opening my eyes to what this campus really is about (*ODE*, Jan. 26). It's true, a hand full of "radical leftists" have turned it into a "training ground for domestic terrorists." They were "rallying ... mindless cattle" like me to protest against everybody and everything.

They also have accomplices in the faculty. How else could there be "a whole set of classes designed to eradicate your personality"? Yes, it is all one big, big conspiracy.

Bob Weigel
Eugene

But there is hope. If we take Fisher, as he suggests, as "the example," we may regain the respect of the government and potential employers. So please, Fisher, share more ingenious insights with us. We need them.

Christof Romahn
Physics

Communication

In response to Shannon Greer and Peter Shair's letter (*ODE*, Jan. 25):

First, I should thank the editor for the absurd title, which bares no relevance to their letter since they made no effort to refute my argument.

Second, the responses I referred to were verbal. I assumed they "had the same things in their minds" because they did not thank me for imparting any new information to them. They just said "good letter," which makes me believe they were in agreement with its contents.

I therefore am quite justified in saying what I did and would certainly prefer talking one or two on one over refuting Greer and Shair's insults in a public forum.

(For those who may not know, several phrases in their letter were things I have written over the past several years, thrown back at me in a sarcastic manner. "Do lunch" was an excerpt from a letter I wrote a couple of years ago in response to a letter by Heather Pipen, who never took my offer.)

I would love to do lunch, where effective communication might take place on things requiring more than 250 words —

most of which might not be worth printing for the public to waste time reading anyway. I am in the phone book — neither Greer nor Shair is — so give me a call.

I place great value on discussing things that are killing people. I've never tried drugs, booze or sex, and I'm a happy man. Maybe others would like to discover the source of joy.

The whole story

I read the article in the *Emerald* on Friday, Jan. 22 about student life as an architecture major at the University, and I found the article to be generally accurate except for one section.

Stating that "... instructor and classmate approval ... is the only feedback students get on their designs ..." may not quite tell the whole story.

Students in design studio classes work closely in a "tutorial" mode (one on one) directly with their instructor so that personal evaluative feedback is provided to students constantly throughout the term.

In addition, every studio class has a term-end "review," where students present their work to groups of faculty and professionals (some from other universities), who spend a considerable amount of time discussing the project with the student designer.

Finally, every student in a studio class has a term-end interview with their instructor where students are evaluated on departmental forms that cover a wide range of evaluative factors, from skill development to concept creativity. These interviews can last up to one hour.

One last point just to set the record straight. In the School of

Architecture and Allied Arts, we have many areas that utilize studio-based education mode. In addition to architecture, this also includes landscape architecture, interior architecture and fine and applied arts.

Thanks for the very nice article. It is true that to survive as a serious student (in any of the above fields) requires an extraordinary love and respect for the physical environment.

Jerry V. Finrow
Dean
School of Architecture
and Allied Arts

Just imagine

One of the guilty pleasures I've allowed myself is reading the letters column of the *ODE*. I often smirk at the arguments therein, and occasionally I feel I should respond.

This feeling usually passes. But on Jan. 18, I read a letter by Sonja Adams concerning enrollment of foreign nationals in the Community Education Program. While I cared not about the contents of the letter, the title moved me finally to write my first letter to the editor.

The editor affixed the title "Foreign gyp" to the letter. The word "gyp," according to the largest dictionaries I could find in our library, denotes a swindle or a cheat.

The word derives from the word "gypsy," presumably because this is what gypsies do. And while I'm sure the gypsy population on this campus, and even in this community, is quite low, it seems callous to use such a derogatory term.

Imagine if a letter complaining about landlords and application fees were entitled, "Students Jewed."

Rich Peterson
History

Oregon Daily Emerald

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The Oregon Daily Emerald will attempt to print all letters containing comments on topics of interest to the University community.

Letters to the editor must be limited to no more than 250 words, legible, signed and the identification of the writer must be verified when the letter is submitted.

The Emerald reserves the right to edit any letter for length or style