

Judge delays cross decision

■ **HEARING:** Judge Thomas Coffin gave both sides one more week to file arguments

By Eric Collins
Community Reporter

No final decision was made on the removal of the Skinner Butte cross Tuesday morning, and citizens shouldn't expect a decision for at least a week, U.S. District Judge Thomas Coffin told plaintiffs, defendants and city attorneys in a hearing to decide the fate of the cross.

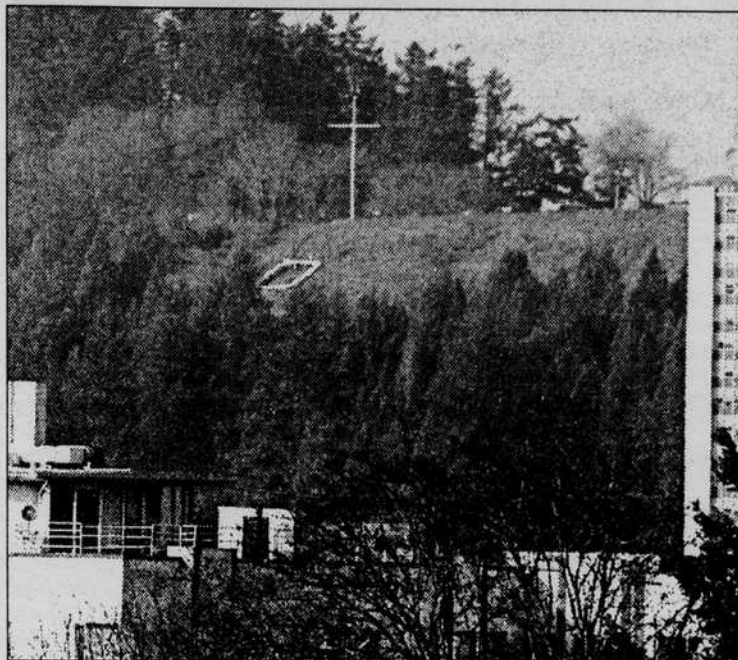
Judge Coffin decided to give both sides an additional week to file legal arguments in light of a recent challenge by the defendants, the American Legion Post No. 3. Their challenge claimed a federal court should not have had any legal right to review a ruling by the Oregon Supreme Court.

In 1976, the state of Oregon ruled that the cross could legally stand in its current position atop Skinner Butte Park. Last August, a federal court, the 9th U.S. Circuit Court of Appeals, said the Skinner Butte cross violated the federal constitution and must be removed.

In light of these events, the American Legion and attorney William Wheatley were arguing that there was a conflict between a federal court overruling what a state had already decided.

"Because [the American Legion filed their complaint] on such short notice, with this hearing already set, the court was kind enough to say that since written response had been prepared in such a hurried basis, all parties could have one more week to file more legal arguments on that subject," said Mike Lewis, an attorney for the plaintiffs, the Separation of Church and State Committee.

Judge Coffin was reassigned to the case by U.S. District Judge Michael Hogan. It is not known



MATHEW STIFFLER/Emerald

People interested in the Skinner Butte cross case have been given a week to file legal arguments on the case.

why the reassignment occurred. Coffin said after the one week period, he would issue a ruling as soon as his schedule allows.

After arguing over the jurisdiction claim, the plaintiff's council focused on receiving a quick decision based on the federal ruling. The plaintiffs are asking for the cross to be removed within 10 days of the court's decision. Since the city of Eugene is requesting a 60-day period to plan the removal, Lewis proposed that the cross be enshrouded with opaque material in order to alter its form during the city's removal period.

"It is the symbolism of the structure that is important," Lewis said.

However, Judge Coffin reminded Lewis that enshrouding the cross might have additional religious connotations, and defeat his purpose.

"In certain religions, such as in

the Catholic Church, during Lent, the cross is enshrouded," Judge Coffin said. "And tomorrow is Ash Wednesday."

Lewis apologized for the misunderstanding and said his intention was to suggest altering the cross in some way.

While the plaintiffs emphasized a quick decision, city attorney Bill Gary argued that the city needs 60 days in order to reasonably plan for the cross' removal.

"What we're asking is that we be given an opportunity to use the normal citizen input process that the city council routinely uses in issues of this kind," Gary said.

Currently, a seven-member relocation committee has been chosen to recommend possible sites to the city council, but the committee has been waiting for the court's ruling before meeting and acting.

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