Oregon Daily Emerald

COMMENTARY

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EDITORIAL

DPS conduct fans flames of animosity

In recent months, the University's Department of Public Safety has drawn steady fire from students and ASUO.

Over the summer, both the department and the University administration pushed for the Eugene City Council to empower DPS officers to write municipal citations for infractions they witness on campus — particularly minor in possession and possession of less than an ounce of marijuana. But ASUO leaders decried the administration for pushing the issue while much of the population that the authorization affects — namely students — was away on summer leave.

At the public July 14 City Council meeting when officials made the decision, ASUO Campus Outreach Coordinator Shannon Tarvin lambasted the motion, rightly saying that students didn't have sufficient time to weigh in on the issue. Regardless, the City Council shot down two moderating amendments, including one that would have pushed the decision back until students returned to campus and could offer their ideas. At that same meeting, the council granted the powers with a 7-1 vote.

Only a week later, DPS fell out of the frying pan of campus criticism and into the fire. In the early morning hours of July 21, former department officer Michael Bonertz pursued a bicyclist into a pedestrian area with a department-issue patrol truck, eventually striking him with the vehicle. Twenty-five-year-old Bonertz was placed on administrative leave and resigned shortly thereafter.

All in all, a regrettable incident but not a particularly distressing one. The more damning revelations would come weeks later, when the department finished its internal investigation and produced a final deposition — a document obtained in late September by the Emerald through the state Public Records Law.

The investigator ultimately found that Bonertz was guilty of wrongdoing: The report states that Bonertz's actions reflect "lack of awareness regarding not only policy but also the potential liability he subjected the department and university to in his actions."

Moreover, the investigator reported that "(i)t was of great concern that officer Bonertz does not view his actions unsafe in any fashion and feels fully justified in what he did."

This incident so far seems to reflect only the unwarranted, misguided decisions of one rogue officer during an otherwise routine early-morning patrol. Also, his departure is a step in the right direction for the department and for the community that it protects.

Disturbingly, rule violations are not limited to Bonertz's file: According to the Bonertz, some officers created unspoken rules outside the DPS code book that can contradict DPS policy. Pertinently, with the exception of medical emergencies and construction blocking the street, DPS officers are not allowed to drive vehicles on sidewalks.

But it all begs the question, what circumstances in the campus community, and particularly within DPS, paved the way for such a problematic situation? One of the presumably screened officers believed that seriously violating the organizational rules of DPS is acceptable, and others apparently think that at least milder violations are unobjectionable. Perhaps there weren't any warning signs that such an incident might occur, but the very fact that Bonertz held this mindset suggests that the department can better stress the importance of certain campus regulations to new officers or implement a more goal-oriented training regimen.

In light of these negative circumstances, it's particularly important to recognize that, by and large, DPS has a good long-term track record of serving students and the campus community. But, recent department history also illuminates issues that might currently affect DPS' credibility performance. Here's to hoping they take this situation in stride, and that gross officer misconduct is a thing of the past.

EDITORIAL POLICY

This editorial represents the opinion of the Emerald editorial board. Responses can be sent to letters @dailyemerald.com. Letters to the editor and guest commentaries are encouraged. Letters are limited to 250 words and guest commentaries to 550 words.

Steve Baggs Illustrator

Supreme lunacy

In July, evangelist Pat Robertson launched what he described as a "prayer offensive," formally known as Operation Supreme Court Freedom. On his television show, the 700 Club, he instructed viewers to kneel down and pray for God to remove a liberal justice from the high court.

"One justice is 83 years old," Robertson said, "another has cancer and another has a heart condition. Would it not be possible for God to put it in the minds of these three judges that the time has come to retire?"

He then added: "Retire permanently! Bwuu ha ha haaa!"

Well, I am happy to report that all nine justices survived the wrath of God this summer and on Monday returned for the official beginning of the 2003-04 term. They will be glad they did, for this year promises to be another wild ride. Separation of church and state, capital punishment, the USA PATRIOT Act, medical marijuana and campaign finance reform are just a few of the high-profile issues that the Supremes are expected to tackle before the year is over.

In the coming months I will be writing about these cases, but first I would like to take a brief look back at the top five wackiest, zaniest or just plain stupid Supreme Court decisions from last year. Frankly, it is hard to narrow it down to five, but here they are:

1. Lockyer v. Andrade and Ewing v. California

Twice the Supreme Court upheld California's "three strikes and you're out" statute (originally known as "Do not pass go, do not collect $200" statute) by a 5-4 margin. In the first case, Gary Ewing received 25 years to life for stealing golf clubs worth $1,200. In the second case, Leandro Andrade received the same sentence for stealing videotapes worth $153. Oh well, look on the bright side: Most Americans don't know about the Eighth Amendment anyway. I'm sure they won't miss it.

2. Kevin Nigel Stanford

The court refused to review this case involving the use of capital punishment on a prisoner who committed his crime as a minor. Seven international treaties prohibit the practice, yet in 2002 the state of Texas executed more child offenders than the rest of the world combined.

In another capital punishment case two years ago, the court ruled that killing the mentally ill was unconstitutional. My advice: Convince the justices that minors are mentally ill. I'm looking at all the Timberlake fans.

3. Miller-El v. Cockrell

In this case, the court ruled for a black inmate who claimed that Texas prosecutors used racial bias when they struck 10 of 11 black jurors from his trial. The ruling was 8-1. Who was the only dissenting justice? You got it: Clarence Thomas. This guy is about as black as Michael Jackson.

David Jagernauth
Critical mass

4. Virginia v. Black.

A Ku Klux Klan leader, ironically named Barry Black, was found guilty of violating Virginia's anti-cross burning statute during a rally. The ACLU hired a black lawyer to defend Black and Black's right to anti-black speech.

Anyhoo, in a 6-3 vote — where only Justice Thomas defended the anti-cross burning statute in its entirety (I'm sorry I compared you to Michael Jackson. I take it all back!) — the Court ruled that cross burning is OK as long as it is done without the intent to intimidate. So if you are burning a cross for the purpose of, say, roasting marshmallows during a camping trip, then Godspeed my friend, Godspeed.

5. Lawrence v. Texas

This was the case that really lit a fire under Pat Robertson's cross. In a shocking 5-4 decision, the court voted to decriminalize all acts of private, consensual and non-commercial sex on privacy grounds, putting a kibosh on the 13 remaining state laws banning sodomy.

Even though Oregon's law was repealed in 1972, it was still good news for Oregonians and the nearly 90 percent of adults who engage in sodomy nationwide, according to researchers P. Blumstelm and P. Schwartz. It was especially good news for Idahoans who faced a potential five years to life for anything from fellatio to feuille de rose.

Justice Kennedy, by choosing to argue on privacy rather than on equal protection grounds, reversed the high court's controversial decision in 1986's Bowers v. Hardwick. (I swear, I am not making that name up. It seems like every sodomy case has a suggestive title; for example, Bottoms v. Bottoms from Virginia, or State v. Limberhand, in which the Idaho Supreme Court freed a man who was arrested for masturbating in a public toilet stall.)

The oral argument phase of Lawrence saw its share of juvenile behavior. At one point, Justice Breyer received roaring laughter with his double entendre: "I would like to hear your straight answer." Later, Justice Scalia compared homosexuality to "flagpole sitting." (For those of you born after the Depression, flagpole sitting is the lost art of sitting on top of a flagpole before a crowd of onlookers, a fad that swept the nation during the '20s).

But my favorite moment was when the attorney defending Texas argued that its law, which singled out homosexual behavior in its definition of sodomy, did not discriminate against gays because it banned same-sex intercourse for heterosexuals as well.

Even Scalia had to crack a smile at that one.

Contact the columnist at davidjagernauth@dailyemerald.com. His opinions do not necessarily represent those of the Emerald.