

VIOLATE

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that only the Oregon Supreme Court can make an ultimate determination on the legality of same-sex marriages.

"Until the Supreme Court rules, we should abide by the laws of the state of Oregon — just as we abide by every other law," Kulongoski said. "Without the rule of law, our system cannot function."

Kulongoski said he wants all Oregonians to have equal rights as dictated by the Oregon Constitution.

"What is most important to me and to the people of Oregon is that we ensure that we foster an environment of tolerance for all people, regardless of their race, ethnicity, gender or sexual orientation," Kulongoski said.

Although he said same-sex marriage is not yet legal, Kulongoski indicated that it is important "to ensure that this matter is decided in the most expeditious manner possible." He added that marriage licenses do not ensure equal treatment among gay people, and he pledged to add principles of equality to state statutes during the next Legislative session.

Myers' statement came a week after Kulongoski's request for a review of existing Oregon laws in response to Multnomah County's controversial March 2 decision to become the first county in Oregon history to issue same-sex marriage licenses.

University Law Professor Dominick Vetri called Myers' statement "highly significant" because it corroborates the Oregon Legislative Council's and Multnomah County Counsel's findings that prohibiting same-sex marriages violates the Oregon Constitution.

"It would be wrong to stop

(Multnomah County) now," he said. Vetri said he is confident the case will eventually reach the Oregon Supreme Court, which he believes will rule in favor of same-sex marriages.

Ideally, Vetri said he would like the governor and attorney general to advise all counties to start following the constitution and award same-sex licenses. He added that the most important issue is to "quickly find a way to include gay and lesbian people in (marriage)."

Basic Rights Oregon spokeswoman Rebekah Kassell said the decision is

significant because it supports Multnomah County's ruling that the Oregon Constitution does not permit discrimination against same-sex couples. The organization played a key role in pushing for gay marriage in Multnomah County.

"Our reaction wasn't as mixed as the statement," Kassell said. "We are feeling very positive about a lot of the statement, but we are aware that there may be a legal fight ahead of us."

Parker Howell is a freelance reporter for the Emerald.

BUST

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the apartment through the balcony's unlocked door, McEachern said. The officer then went downstairs and opened the front door for his colleagues, who proceeded to search the residence and issue citations.

Eugene Municipal Court Judge Alan J. Leiman ruled the entry was illegal because police lacked probable cause to enter the residence and did not have a search warrant.

"... The police must be mindful that there is no 'college apartment' exception to the search and seizure requirements," Leiman wrote.

Koleszar said EPD sometimes gives less credence to the rights of college students than other adults.

"I think the police are much more

likely to come into a college student's home than mine," she said. "I do think the perception is that students are lesser citizens or they have lesser rights."

Tilby said college parties are more likely to involve minors and that entries are based upon evidence of crime being committed.

Koleszar said EPD officers use "fast and loose" guidelines regarding when they can and can't enter residences without a warrant. The guidelines are based on the 1998 Oregon case State v. Jangala.

"Most of the entries are based on that case, and it has been used by the police to say that nearly everything is probable cause and nearly everything is exigent circumstances," Koleszar said. "I think that the police enter very readily."

Tilby said police use care when determining whether to enter a party

"Most of the time we don't pick and choose when we have exigent cir-

"I think the police are much more likely to come into a college student's home than mine. I do think the perception is that students are lesser citizens or they have lesser rights."

Ilona Koleszar
ASUO Legal Services Director

cumstances," he said. "They're either there or they're not."

EPD officers justified their entry in

McEachern's case by saying they observed minors drinking alcohol on the balcony, which led them to surmise that alcohol was being furnished to minors, according to the police report.

Koleszar said there was no way for the police to know that the drinkers on the balcony were minors, however.

"Of course, everybody looks under 21 to them, especially when they're testifying," Koleszar said.

Koleszar said EPD sometimes claims exigent circumstances exist when officers feel evidence is likely being destroyed inside the residence or if suspects are trying to escape.

McEachern said in his case, EPD claimed exigent circumstances existed because someone inside might have had alcohol poisoning and been in need of medical assistance.

"I have serious doubts that that was why they decided to go in,"

McEachern said.

After Leiman approved a motion to suppress the illegally gathered evidence on June 11, 2003, the prosecutor dropped the charges against McEachern.

McEachern said he was happy to have the charges dropped and won't pursue the matter further.

However, students with police-related concerns can contact the Eugene Police Commission, which is affiliated with the city of Eugene.

Eugene Police Commission Coordinator Jeannine Parisi said the commission would be happy to hear citizens' concerns.

"They tend to be real responsive if they hear from a couple people with the same issue," Parisi said.

Contact the campus/federal politics reporter at chuckslothower@dailymerald.com.

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