

Monday, April 5, 2004

EDITORIAL

EPD officers lack causes, abuse power in searches

In January, newly hired Eugene Police Chief Robert M. Lehner replaced the interim police chief after the city went two years without a permanent figurehead.

Shortly after beginning his tenure, Lehner told the Emerald that he considered the University "... just another set of neighborhoods" and emphasized his strong desire to work and form partnerships with neighborhood groups in Eugene.

In February, the Emerald Editorial Board met with Lehner and talked about several aspects of his job and philosophies. During that discussion, Lehner assured us that any policy changes at EPD would be guided by the community's priorities.

To sum up his viewpoint, Lehner explained that, ultimately, he wanted to strive for a community-driven police force.

"I am just the driver of the bus," he said. "I don't determine where the bus goes."

We sure hope Lehner can make good on his promise. Because instead of being treated like any other community group, it seems EPD's policy regarding students thus far has been "guilty until proven innocent," along with the infamous "sorry, the Fourth Amendment doesn't apply to you."

Consider: Roger Eugene Magaña — a former EPD officer who has been indicted on 51 charges ranging from rape to kidnapping to official misconduct in separate incidents — joined officer Melvin Thompson to investigate a noise complaint at a students' residence.

The two officers arrived at the apartment of Phillip Piper and Julie Dickenson on Nov. 6, 2002, knocked on the door and obscured the peephole when Piper came to answer it, according to an official complaint. When the officers finally identified themselves, Piper became suspicious of their actions and refused to open the door without a warrant or visual identification.

The officers then contacted Eric Bradley, a tenant who was working as a maintenance person, and demanded a key to Piper and Dickenson's apartment. According to the complaint, Bradley initially refused, but gave up the key after the officers convinced him it was in his best interest.

Back at the scene of the "crime," the officers entered the apartment, ordered the people inside to sit on the couch and ransacked the rooms for more than an hour.

Nothing was found. No party was in progress. No meth was on the cooker.

The officers cited the tenants for a noise violation, which was later dropped in Eugene Municipal Court. The tenants, who have since sued, said the only noise coming from their apartment was a radio that wasn't even playing very loudly.

In June 2003, charges against University senior Patrick McEachern were dropped after a judge ruled evidence gathered against him was illegally uncovered. The charges of furnishing alcohol to minors, possession of less than an ounce of marijuana and minor in possession stemmed from a party McEachern hosted at his Ducks Village apartment. When an EPD officer arrived at the party and couldn't get anybody to answer the door, he climbed onto the second-floor balcony and entered through a door. The officer then unlocked the front door and let other officers inside.

Eugene Municipal Court Judge Alan J. Leiman ruled that the officers lacked probable cause or a search warrant, and therefore the search was illegal.

Fast forward to February, this time under Lehner's watch. Undercover EPD officers, disguised as party-goers, infiltrated a gathering in the West University neighborhood in hopes of witnessing the unlawful sale of alcohol. The basis of their suspicions? A keg, obtained legally, was registered to the address. Their reasoning? To prevent a riot.

The fact that the students in all these examples may or may not have been committing a crime is irrelevant. What's important is that the police follow procedures that secure the rights of the innocent (i.e., anybody accused of a crime or suspected of a crime) until they are proven guilty in a court of law. When police fail to fulfill that imperative part of their job, they are ignoring a most basic tenant of public safety — not to mention the U.S. Constitution.



Steve Baggs Illustration

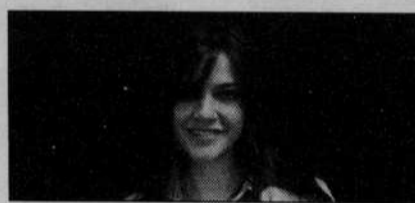
Check your hat at the door

Growing up outside Atlanta, the only time I was allowed to wear a hat at school was when the local baseball team was in the playoffs. It seems rather humorous to me now, but you have to consider the time I was in middle school and how bad Atlanta had actually been in the past. When the team played the Pirates, everyone showed up with their rally caps. It was a privilege to wear a hat because school policies forbade it. That was the rule. No game, no hats.

Now people are calling to question public schools' rules about dress codes, saying such rules violate religious freedom. In Muskogee, Okla., an 11-year-old girl was suspended for continuing to wear her Muslim head scarf to school. But have no fear, the federal government stepped in to side with the young girl, saying the policy infringes on the girl's civil rights.

After the suspensions were upheld by a district hearing, the girl's parents decided to sue the school district for \$80,000, and now the federal government wants to make sure her parents get that money. What a wonderful use of tax dollars. I suppose \$80,000 is a good amount for religious discrimination, but I don't really think that occurred.

The school stands by its interpretation of the policy, with good reason. First of all, the school is not discriminating based on religion. Headdresses of any religion are not welcomed. This is not discrimination; it's the rule. Second of all, the policy is in place because hats and bandanas are seen as distracting in the classroom. Also, they are often linked to current problems of



Marissa Jones
 Cry me a river

gang activity in schools. Religious groups might not be viewed as gangs, but can you think of anywhere in the world where people kill each other because of different religious viewpoints and fight over religious territory? Starting to resemble gangs?

So what is the answer? If Nashala gets to wear a hijab (head scarf), then Abraham will want to wear a yarmulke and who knows, maybe John will want to wear a thorny crown. That should make for a fun recess. Now, if little Suzanne wants to wear her Atlanta cap, assuming it's not a playoff day, she'd be out of luck. That's fair, right? The question, really, is why does religion not play by the rules? The policy applies to all children, except those with a religious affiliation that has "head gear" as part of its belief system. That is discrimination.

The rule either applies to all or none, and in this case, the Muskogee Public School District chose to apply it to all. Of course, the school district has a little bit of a battle. The state of Oklahoma passed the Religious Freedom Act in 2000, which states "no governmental entity shall

substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability."

Many states began to pass these religious freedom acts as a result of schools taking out phrases from the Pledge of Allegiance, such as "one nation under God." In Oklahoma, prisoners were being punished because of their religious belief against haircuts. The RFA provided relief for these criminals. "Was Oklahoma really looking to become a sanctuary for all religions or trying to prevent prison beatings and get the Bible back in schools? Let me also note that in the RFA it is stated that interpretations of the act are not to be misconstrued to "authorize same-sex marriages." Well if that doesn't say "freedom," I don't know what does!

Maybe the Muskogee School District is out of luck because of the RFA, but the act lends itself to more questions about the mixture of religion and state. You don't need a religious affiliation to get married, so why should same-sex marriages be shunned in a governmental document outlining religious freedoms?

It is time to let rules be rules and to not allow religion to be an exception. The bad news is sometimes you have to work on Sunday, you don't get religious holidays off (remember, it's called "winter break"), and sometimes you have to leave your hat at home.

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

ONLINE POLL

Each week, the Emerald runs an online poll and publishes the results, along with next week's question, in this space.

Visit <http://www.dailyemerald.com> to vote.

Last question: What was your reaction to President Bush's humorous references

to the hunt for weapons of mass destruction?

Results: 62 votes.

I was offended, it isn't a joking matter: 61.3 percent or 38 votes.

I don't care, it was politics as usual: 14.5 percent or nine votes.

I thought it was funny: 24.2 percent or

15 votes.

This week: Will you be voting in the ASUO primary elections this year?

Choices: Yes - So few people vote that I know my vote will count; Yes - I support the democratic process; No - I don't know enough about the issues; No - Why waste my time?