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## Handgun: Stubbs argues policy violates 14th Amendment

Continued from page 1

Community College that qualifies students to apply for a CHL — said there is a two-to-one ratio of men to women interested in concealed carry.

### The concealed carry suit

The issue of concealed weapons on OUS property gained attention in March 2004 when conservative talk radio host Lars Larson refused to speak at a First Amendment forum at Southern Oregon University after learning he could not bring his concealed weapon under OUS rules. SOU eventually rescinded Larson's invitation.

The OUS policy made news again in January 2004 after Stubbs, a graduate teaching fellow who had obtained his CHL, sued the members of the higher education board in federal court. Stubbs alleged that the OUS policy violated state laws allowing CHL holders to carry firearms in public buildings.

The suit named members of the board because they set the policies that are enforced by the OUS. The suit also named then-OUS Chancellor Richard Jarvis and University President Dave Frohnmayer as defendants because they were responsible for implementing the weapons policy.

Before filing the lawsuit, Stubbs asked OUS administration whether it would enforce its policy if he carried his weapon on University property, according to court papers. In response, Stubbs received a letter indicating that administrators would enforce the policy, which includes academic sanctions, if he attempted to carry his firearm on University grounds.

After receiving the letter, Stubbs complied with the policy by not carrying his concealed weapon, according to the papers.

In the suit, Stubbs argued the OUS policy violated state statutes and he was deprived "due process" rights



TIM BOBOSKY | PHOTOGRAPHER

The Baron's Den instructor Raye Gunter displays two of the most popular guns for people to carry concealed: a Glock .40-caliber pistol and a Smith & Wesson Airweight .38 Special.

granted by the 14th Amendment.

Stubbs said his case related to an important issue concerning the rights of citizens, according to a Jan. 23, 2004 article in the Emerald.

"It is important that the board and university system respect the limitation of their powers and cease infringing on the rights of students, faculty and staff," Stubbs said in the article. "This lawsuit is about restoring rights to citizens and making the board of higher education and the Oregon University System obey the law."

The members of the board, represented by Oregon Attorney General Hardy Myers, moved to dismiss the case, arguing Stubbs' case lacked standing because the policy had not actually been enforced. The defendants also disputed the court's jurisdiction over Stubbs' due process claims.

OUS spokeswoman Di Saunders defended the decision to ban handguns on campuses, citing safety concerns, according to the Jan. 23 article.

"Student safety on OUS campuses is our first and foremost concern," she said in the article. "That is why the state board went beyond the Oregon statute and voted to not allow handguns on Oregon public campuses."

U.S. District Judge Ann Aiken agreed with the defense and dismissed the case on procedural grounds, saying Stubbs failed to present an adequate "case or controversy" because the policy had not been enforced.

Yet Aiken noted that the outcome of the case didn't determine the legality of the OUS policy on CHL holders.

"Defendants concede that interpretation of the state's firearm preemption (sic) statute is 'inevitable,'" she said in the ruling. "However, because there is no federal case or controversy, this question must be addressed in a different forum."

### LCC revises its policy

Most recently, the LCC Board of Education revised its policy on concealed firearms in November to comply with its interpretation of state law. The new policy allows CHL holders to carry their guns on college-owned property or at LCC-sponsored events.

The revision adds an exception to the college's ban on firearms and other weapons as provided by Oregon or federal law. Under the exception, CHL holders can carry their weapons "if that is their interpretation of the (Oregon) law," Director of Health and

Safety Sandy Ing-Weise said.

Although the rule change allows CHL holders to carry, Vice President for College Operations Marie Matsen said LCC officials will "strongly discourage people from carrying."

Matsen said LCC administrators are still working on the implementation of the policy, which might require that people who have a CHL and want to carry on campus notify LCC officials.

Matsen said the policy was changed because LCC's legal counsel advised the board that its policy "really wasn't consistent with the ORS."

"What our legal counsel told us was actually anyone who has a valid concealed weapons permit, we can't prohibit them from carrying on campus," she said.

Because it's not part of the OUS, LCC is governed by different rules than the University.

Ing-Weise said the board had to consider two differing views on concealed weapons and seek a compromise.

"Basically, you come down to two kinds of people with philosophical beliefs," she said. "One is that protection of the group is worth the infringement on the right (to carry concealed). The other is that the protection of the group is not significant enough to justify infringing on the right."

Ing-Weise said there haven't been problems at LCC with concealed handguns since the revision, but said the old policy provided support for administrators to talk to a student suspected of carrying a concealed weapon if another student felt threatened by that weapon. Now they can't.

Ing-Weise said some administrative rules have been drafted about certain circumstances under which people can't carry concealed weapons at LCC, although the rules have not returned from review by legal counsel.

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# THE REC

WHAT'S HAPPENING AT

## REC PROGRAMS

### Floor Hockey Manager's Meeting

| Mandatory Meeting Dates           | Time    | Location        | Leagues              |
|-----------------------------------|---------|-----------------|----------------------|
| Tuesday, January 18 <sup>th</sup> | 4:00 PM | SRC Ulrich Room | Men's, Women's, Coed |

### Coed Volleyball

| Mandatory Meeting Dates             | Time    | Location        | Leagues |
|-------------------------------------|---------|-----------------|---------|
| Wednesday, January 19 <sup>th</sup> | 4:00 PM | SRC Ulrich Room | Coed    |

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