

Handguns: Oregon Firearms Federation speaks on financing Stubbs' case

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decision, but noted he had hoped it would rule the other way.

Kevin Starrett, executive director of the Oregon Firearms Federation, said his organization helped finance the Stubbs case because the OUS rules were in violation of the law.

He said it was a beneficial coincidence that his organization needed a plaintiff to challenge the OUS policy on concealed handguns and Stubbs needed financial support for his case.

"We knew that schools all over the state were violating the law, but what we didn't have was a plaintiff," he said.

Starrett said he was disappointed by the outcome of the Stubbs case, although he is accustomed to losing such cases.

Roggendorf said a court decision clarifying the legality of the OUS policy "is a matter of the right case coming forward."

He said the case would probably involve a graduate student because a person must be 21 years old to get a CHL.

"The state knows that they have an issue here and that they are probably on the wrong side of the law on it," he said. "In my opinion, they know that the statute is pretty clear."

Roggendorf said questions about the OUS policy violating state statutes remain, as well as "legitimate federal questions" about whether CHL holders' civil rights are being violated.

Starrett said his organization might challenge the policy again, but is wary of a decision similar to Stubbs' case.

"Obviously, our concern is that we might just get another nonsensical judicial decision that will have accomplished nothing but spending a lot of money just to say, 'We're not going to decide anything,'" he said.

Starrett said that CHL advocates may need to wait for another lawsuit similar to Stubbs', but any University student who violated the OUS rule might have to sacrifice his or her academic career.

"I don't obey those rules because I know those rules have no force of law," he said. "But I'm not a student at a University who (might be thrown out)."

Starrett said the OUS is willing to wait until someone successfully challenges its policy.

"It's the typical reaction of any

SHOULD INDIVIDUALS WITH LICENCES TO CARRY CONCEALED WEAPONS BE ALLOWED TO DO SO ON CAMPUS?



"University policy should trump state law ... Its mission is to protect the safety and well-being of students."

COREY JOHNSON | Grad student



"Not feeling safe enough on a public campus (to need a firearm), that's a little extreme I think."

KARA COX | Sophomore



"Preferably, I'd probably want no one to have a gun in class ... I wouldn't necessarily just feel unsafe, but it would be kind of unnerving to learn people had a gun and I didn't know."

ROBERT IMAMURA | Senior



"It's in our Bill of Rights, but it's outdated and needs to be updated."

SAM REDHEAD | Junior

bureaucracy," he said. "They just try to beat you into submission with the knowledge that the average person does not have the resources or time to fight it."

He said policies on CHL, such as those set by the higher education board, sometimes dissuade CHL holders from carrying firearms, although the policies are not regularly enforced, noting that Stubbs decided not to carry.

"That's quite typical of people with licenses; they don't want to break the rules," he said. "If their policy was just to scare people, it certainly worked."

But OUS General Counsel Ben Rawlins said the board has the power to exclude CHL holders on campuses.

"The Oregon State Board of Higher Education is on record ... as feeling it has adequate authority from the Legislature to manage and provide safety on its campuses," he said, saying that authority "still in its view includes the ability to prohibit weapons on campus."

Rawlins said the OUS policy will stand until the board is instructed otherwise.

"The board is of the opinion that its position is sound and will continue to do so until advised otherwise by the Legislature or a court," he said.

Rawlins said OUS has not issued any citations for CHL holders bringing their firearms on OUS property.

He added that CHL holders at other campuses have asked why the OUS policy can prohibit them from

carrying their concealed handguns.

Kevin Neely, spokesman for Oregon Attorney General Hardy Myers, said the policy is valid.

"We believe that the current policies of the university system are very defensible in court," Neely said.

However, he said there is a possibility the OUS policy could be challenged again in court.

"This is an area of the law in which we don't currently have a significant amount of jurisprudence or guidance from the court, and because of that, the likelihood of litigation is enhanced," he said.

Starrett said his group's actions have not been based on an interpretation of the law, but came from the lawyers who wrote the law. He cites a March 10, 2004, letter from Legislative Counsel Gregory Chaimov to Oregon Representative Wayne Krieger in which he stated OUS doesn't have the authority to ban CHL holders from carrying on Oregon campuses. Legislative counsel opinions are meant to advise legislators in law-making matters but hold no official authority.

"The law is not the least bit ambiguous," Starrett said. "Whether you agree with our position or not, you still would hope there would be respect for rules."

A safety issue?

Safety considerations also fuel the debate over whether to allow concealed firearms on campus.

The Baron's Den firearm safety instructor Raye Gunter said designating an area, such as the University campus, as off limits for CHL holders to carry can be dangerous because it creates a safe zone for criminals to operate without fear of people defending themselves. He said cities with the highest restrictions on guns have some of the highest crime rates.

"All that stuff is increased when you take away people's ability to defend themselves," he said.

Some people also worry that concealed weapons might accidentally discharge, but guns designed to be concealed have internal safety mechanisms preventing such incidents, Gunter said.

Starrett agreed, saying incidents from around the country have shown that "competent, intelligent" students with handguns can help stop criminals. He added that it would be a tragedy if a shooting occurred that could have been prevented if a student had been allowed to carry his or her handgun.

Starrett said safety concerns are based on "illusions."

"The fact is that every day they are surrounded by people who are carrying guns who they don't know about," he said. "They're not afraid because they don't know about it. They're afraid of something that's going to happen, when in fact it's

happening right this minute."

Gunter said people interested in obtaining a CHL should get as much training as possible, even beyond the class required for the license.

"Mainly, you need that confidence level to be up," he said. "If you're not confident, don't carry."

But opponents of CHLs, such as the Brady Campaign to Prevent Gun Violence, argue that most people who gain permits and are not law enforcement officers have limited training and undergo little testing.

"Yet they are led to believe that, given a dangerous situation, they will use deadly force with the same care and consideration that police officers will," according to the group's Web site. "Once a bullet leaves a gun, who is to say that it will stop only a criminal?"

FBI statistics show that only a few people justifiably shoot others every year. In 2001, handguns were used justifiably 143 times, and in 2002 154 times.

The Brady Campaign also says CHL holders' own weapons can be turned against them.

In 1998, six out of 58 law enforcement officers killed in the line of duty were slain with their own weapons, according to the FBI.

Taking CHL controversy to the legislature

Starrett said there is no need to draft new legislation because the law is already "perfectly clear" that CHL holders should be allowed to carry on University grounds.

Roggendorf said license holders could be banned from schools if the Legislature passed a specific bill to that effect.

"It'll be interesting to see if the Legislature tries to do anything this session," he said.

Roggendorf said any attempts to pass such a law would show the OUS's regulation on firearms is invalid.

"That alone should be enough to let you realize they're not within their rights to (make firearms policies)," he said.

New legislation slated to be introduced later this month may be a step in that direction. State Senator Ginny Burdick said she will propose legislation before the Judiciary Committee on Jan. 28 that would allow K-12 school districts in Oregon to ban CHL holders from carrying firearms on school property.

Burdick said it's a "very simple, clear-cut issue" that all guns don't belong in schools. Currently, state law allows CHL holders to carry in public buildings, including schools.

"I would guess that most would elect to have completely gun-free schools," she said.

Ceasefire Oregon President Shawn Alford, whose organization is also sponsoring the bill, said it hasn't taken an official position on CHL

policies at universities, but does not approve of allowing concealed firearms at schools.

She said the bill should apply to all schools, but her organization doesn't have jurisdiction over universities because they are governed by different rules.

Burdick said safety concerns about unattended guns prompted the legislation.

"There have been incidents where people have brought guns into schools and been careless with them," she said. "When you're careless with a gun and there's children present, that's a recipe for disaster."

Although the bill would only apply to K-12, Burdick said she knows there is a similar issue with state higher education, although the administrative rules governing higher education are different.

"I'm certainly willing and very interested in talking about what the state system of higher education would like to do in this area," she said.

After the legislation is proposed, Burdick said the next step would be to get a vote on the senate floor, where it would have "pretty rough footing."

"I don't think that a lot of people are opposed to this idea, but a lot of people are afraid of the NRA and the more extreme elements of the gun lobby," she said.

Concealed firearms and law enforcement

Department of Public Safety Interim Director Tom Hicks said he couldn't recall any incidents involving concealed weapons that his department has dealt with. Hicks said students sometimes accidentally bring a hunting rifle to school and DPS confiscates it until the student can take it off campus.

Hicks said DPS officers, who are outfitted with pepper spray and a collapsible baton, react to people suspected of having weapons in different ways, but often the DPS officers will contact the Eugene Police Department to make contact.

He said there are sometimes concerns that an officer could be outgunned by a civilian.

"There certainly is that ongoing concern for the safety of our officers," he said.

EPD Sgt. Mark Montes, who has supervised campus officers since February 2004, said he was not aware of any case or incident in which EPD officers had to follow up on a firearm violation at the University.

But Montes said there is a possibility that people are carrying concealed weapons on campus, noting that University grounds are similar to any public area.

"Are there some on campus? I would say, reasonably, I think there are," he said. "But the Eugene Police are not going to go through and check anybody's record to see who has a (CHL) permit."

Montes said it's the responsibility of CHL holders to know the applicable laws and regulations governing where they can carry their weapons.

"The onus is on you to make yourself aware of and in compliance with applicable statutes," he said.

Montes said people who go through firearms training to get a CHL might not realize the OUS policy exists in addition to the state law allowing CHL holders to carry on public property.

"It may be unclear to them that they are in violation of a code of conduct or an OAR," he said.

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-MLK Jr.

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