

holed up in a bank vault with three hostages, that's not an option. Then the question is: At what level do you keep that capacity to be able to deal with that situation and two, when do you use it?

EW: We had somebody come from Los Angeles who looked at Eugene like it was L.A. We have peaceful protests here. And we have a SWAT team that has come out and faced down peaceful protesters.

RL: Well, I've done pretty well on record as saying you don't use advanced tactical operations against peaceful protesters. You don't.

EW: So, pepper spray? What do you think about using it?

RL: It depends on the circumstances.

EW: Peaceful protest.

RL: Now define peaceful protest.

EW: People gathered, they may be shouting, or singing or chanting, but they don't have guns or weapons of any kind, maybe marching down the street.

RL: Are they violating the law?

EW: Would you use pepper spray against somebody who's jaywalking?

RL: No.

EW: Would you use pepper spray against somebody who's sitting in a tree?

RL: That depends. The short answer to the question is none of these are black and white. Every situation depends. If you're dealing with nonviolent protesters, there are protesters of three types. There are those that are nonviolent and legal, not breaking any laws. Obviously you don't. You don't use any type of police action against a protester like that, at all. Let's use the opposite

extreme: those who are throwing stuff, breaking stuff, violent. You may very well use pepper spray against them.

EW: Pepper bullets?

RL: Against a person who is throwing things, breaking things, setting things on fire or violent? Yes. But for the second kind of protest, in the spirit of Martin Luther King Jr.'s nonviolent civil disobedience, the short answer is 'no.' I don't think you do. Where it gets tricky is, if for example, there's something else going on. Let's say, and I'm making stuff up, because I have no idea, but if there's a court order trying to remove that person from that tree. What that means is there's some kind of time imperative on it because in most cases I don't see why there would be a time imperative on it and frankly, if you want to sit in a tree for 20 days, I really don't care.

(EPD public information officer Pam Olshanski interrupts and tells him about the 1997 June 1 incident.)

EW: It's happened. Police approached someone in a tree, pulled his pants open, pepper sprayed down his pants, while the mayor sat in his car and watched. Symantec Corporation wanted the trees removed to build a parking lot. Now the trees are gone, and so is Symantec.

RL: I don't know enough about that specific case. But I tell you, it doesn't sound good. **EW**

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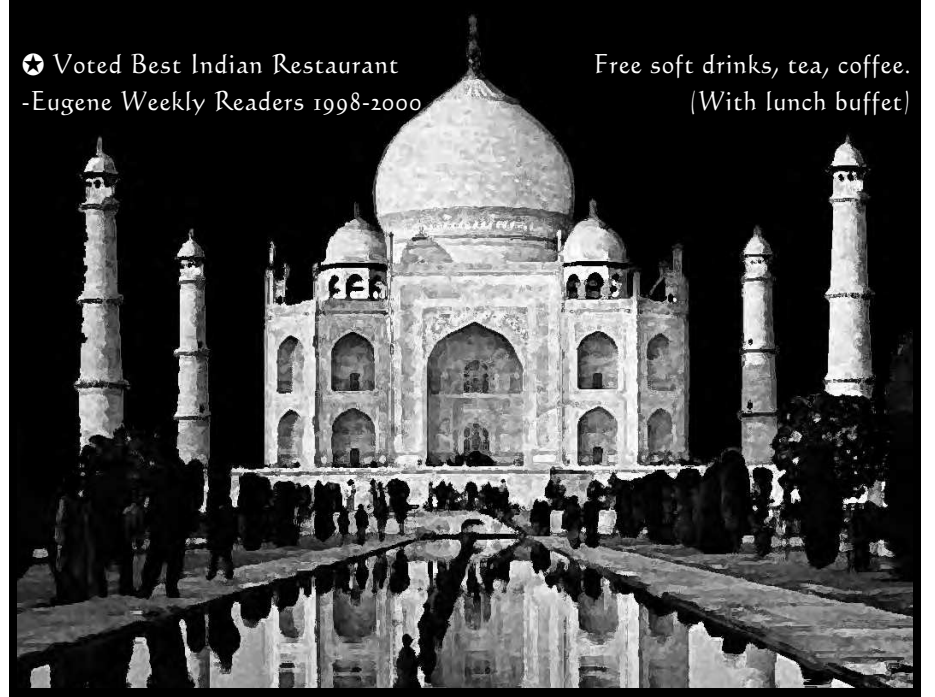
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