

DISSENTING VOICE

So Dan Carol (Kumbaya Dammit, 2/26) laments Ralph 3.0. How amusing. What Carol fails to see (or affirm anyway) is that Nader represents the only dissenting voice of any real substance. Mainstream Democrats don't provide a compelling alternative platform and haven't in decades. Yet again they're proving themselves to be simply a potpourri of reactionary voices that only know how to dissent.

Thank God for the presence of Ralph Nader then: At least the political left has somebody in their mix who actually stands for something. Will he cost them the election? Sadly, the underlying calculus all points to whether or not enough people are sufficiently angry at Bush. In other words they won't be voting for the Democratic leader and whatever new and innovative ideas that person might have, but against Bush.

Inside party faithful notwithstanding, does anybody actually know what Kerry stands for?

Until the Democrats actually come up with a platform of substance, they will always lose votes to the Naders of the world. Frankly, after all these years of not doing so, I'm beginning to doubt that they're actually up to the task.

Mark Grant
Vancouver

ED UNDER ATTACK

Teaching is an honorable and rewarding profession. I have encouraged many talented young people, including my daughter, to

consider it a career. But recent developments have thrown doubt on the wisdom of such advice.

Just last week, Rod Page, secretary of education, the man in charge of public education in this country, labeled the National Education Association (NEA) a "terrorist organization." As a member of NEA, the largest teacher organization (2.7 million members) in the world, I was appalled. For more than 30 years I have participated in the NEA by advocating for public education. Now we have been branded "terrorists" for bringing up concerns about the so-called No Child Left Behind Education Act. Many teachers, parents and students believe that the ultimate aim of this act is the destruction of the foundation of our democracy — public education. By branding public schools inferior and its teachers "terrorists," it opens the door for privatization of education through the voucher system.

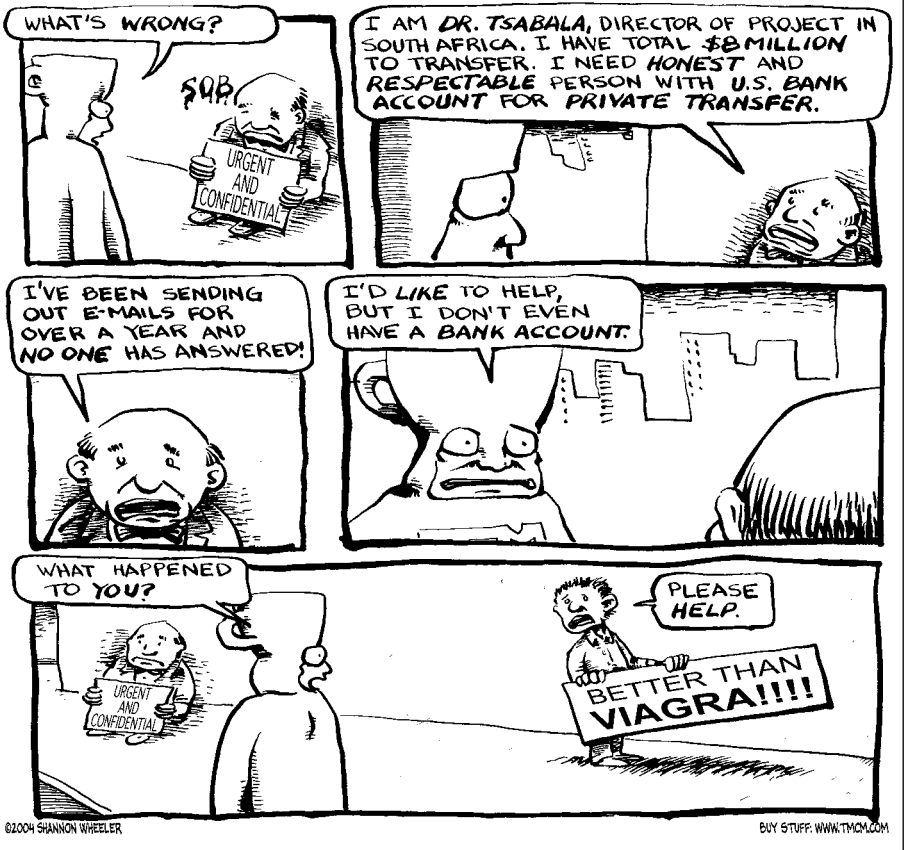
In the same week, Alan Greenspan, Federal Reserve chairman, proposed cutting Social Security benefits and making recent tax cuts for the rich permanent.

This comes just as I was getting used to the idea of my state pension decrease of 25 percent after 30 years of teaching.

In the next 10 years, close to two million teachers will retire. These developments, along with the trend to defund public education (failure of Measure 30) don't bode well for recruiting the best and the brightest young people to work with our children.

Pete Mandrapa
Eugene

RE: TOO MUCH COFFEE MAN FROM: SHANNON WHEELER



SLUSH FUND

The Riverfront Urban Renewal Area (news story, 3/18) is a tax giveaway! Approximately 178 acres will have taxes based on improvements on mostly vacant land removed from the city budget for the next 20 years. This is a costly decision against the best interests of the people of Eugene. The projected revenue is \$150 million.

We should all thank the city councilors who opposed this boondoggle. They are once

again thinking for the people of Eugene rather than allowing this "slush fund" for developers.

On March 8, five City Council members allocated \$750,000 out of the Urban Renewal District for "planning" courthouse transportation improvements and they plan to give another \$350,000 in a few months. The council has also adopted a resolution that if the feds fail to pay, the city will. A million dollars of the Eugene city budget, and I

reasonable DOUBT BY TOM LININGER

Getting Confrontational
Supreme Court decision hinders prosecutions of batterers.



In the last decade, the U.S. Supreme Court hasn't made a lot of waves in the area of evidence law. Last year, I was asked to give a presentation about the Supreme Court's recent decisions in this area, and I didn't have much to report. My title? "Legally Bland."

That all changed last week. In the case *Crawford v. Washington*, the Supreme Court breathed new life into the Confrontation Clause of the U.S. Constitution, which requires that all defendants in criminal cases must be allowed to confront their accusers. Evidence law is suddenly a hot topic. (Well, maybe "hot" is too strong a word; you won't see any evidence professors like me pushing Bennifer off your television screen.)

The Supreme Court's opinion in *Crawford* prohibits the admission of certain out-of-court statements in criminal prosecutions unless the defendant can cross-examine the witness. That's good news to many criminal defense attorneys. But it's very troublesome for advocates of domestic violence victims who want to take advantage of an innovative statute that Oregon passed in 1999.

Here's the problem. Victims of domestic violence are often reluctant to testify in court against their assailants. This reluctance may be attributable to fear, economic dependence, or a wide range of other psychological factors. How would you feel if you called 911, summoning the police to arrest your abuser, only to see him back on your doorstep four hours later because the jail is too full? Testifying in court may seem too dangerous, so a high proportion of complainants recant or refuse to testify at trial.

Of course, the abusers still deserve to be prosecuted. The prosecutors need to be able to rely on the initial complaints made by victims of domestic abuse who are not testifying at trial. The Oregon Legislature passed a statute in 1999 that allows the admission of statements by victims of domestic violence who speak to police within 24 hours of being assaulted. This law — the first of its kind in the U.S. — helps to ensure that batterers cannot escape punishment through intimidation of trial witnesses.

But the Supreme Court's decision in *Crawford* casts doubt on the viability of Oregon's 1999 law. After *Crawford*, a battered woman's statement to police may not be admissible unless she is available for cross-examination at trial. In fact, last week the *Oregonian* reported that the Multnomah County District Attorney's Office dropped a domestic violence prosecution because the defendant moved to dismiss the victim's out-of-court statement under *Crawford*.

Cases involving child abuse may be harder to prosecute as well. Until last week, an Oregon statute admitted hearsay statements by victims of child abuse who don't take the stand at trial. Here in Lane County, many victims of child abuse have given such statements at the Child Advocacy Center, which provides a safe, non-threatening environment that is vital to the recovery of severely traumatized children. Advocates for abused children are watching closely to see how the *Crawford* decision will affect the important work of the Child Advocacy Center.

Is *Crawford* a get-out-of-jail-free card for convicted abusers? The retroactivity of the ruling is an unsettled issue, but Multnomah County prosecutor Norm Frink said last week that, "I'm sure every sex abuser in the penitentiary is probably thinking they are going to get out." (If Frink's name sounds familiar, it's because he handled the prosecution that transformed Tonya Harding from an Olympic figure skater to a professional boxer.)

The issue of confrontation is a complex one, and I was disappointed that Justice Antonin Scalia's majority opinion in *Crawford* did not address the full breadth of the issue. Then again, Scalia is not afraid to take sides. Earlier this year he drew criticism for hunting with Vice President Dick Cheney while a case involving Cheney was pending before the Supreme Court. Scalia also raised eyebrows when he spoke at a fund-raiser for an anti-gay group while the Supreme Court was considering whether to strike down an anti-gay statute in Texas. There's no word yet on whether Scalia was shooting cans with batterers the night before he issued the *Crawford* decision.

I think the *Crawford* ruling has blown the Confrontation Clause out of proportion, with potentially tragic results for battered women and abused children. In an effort to facilitate greater confrontation in court, the Supreme Court may unwittingly have escalated confrontation at home.

Tom Lininger teaches evidence and other subjects at the UO School of Law. In his former job as a federal prosecutor, Lininger obtained the nation's first conviction under a 1996 provision of the federal Violence Against Women Act.