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# The San Diego Union-Tribune.

UNION-TRIBUNE EDITORIAL

## Smear tactics

### Aguirre probe exposes prosecutorial abuse

March 24, 2007

City Attorney Mike Aguirre is engaged in a reckless campaign to criminalize his civil dispute with Sunroad Enterprises over an office tower the developer is building near Montgomery Field. Fortunately, Aguirre's abuse of prosecutorial authority has hit an urgently needed roadblock in the form of Police Chief William Lansdowne.

To his credit, Lansdowne refuses to execute a baseless search warrant obtained by Aguirre for the office of Sunroad Vice President Tom Story. After reading the affidavit filed by Aguirre in requesting the warrant from Superior Court Judge Woody Clarke, Lansdowne concluded there was no evidence of any crime. State law requires that, when executing a search warrant, a law enforcement officer must act in the good-faith belief that an illegal act has been committed.

Lansdowne's determination that Aguirre concocted the affidavit without substantiation is a stinging indictment of the city attorney himself. Because state law stipulates that search warrants may be served by law enforcement agencies only, Aguirre now has no ability to further his groundless search of Story's office, which appears designed to bully and coerce Sunroad.

The warrant obtained by Aguirre to search Story's office has been sealed, thus leaving the public in the dark. What's more, Aguirre's spokesman declared yesterday that the city attorney would not comment on it, period.

Aguirre's high-profile assault on Sunroad has generated ample headlines. There is no doubt here that Sunroad erred grievously in putting up a 12-story building close to the airport even after the Federal Aviation Administration ruled it to be a safety hazard. Yet even though civil infractions of state or federal regulations indeed may have occurred, we have seen absolutely no evidence of criminal wrongdoing.

The lack of evidence, however, did not stop Aguirre from calling a press conference two months ago and urging the U.S. attorney to prosecute not only Sunroad executives but also city officials who differed with Aguirre on the project. To date there is no indication the U.S. attorney did anything other than ignore Aguirre's carefully staged call for his opponents in a policy disagreement to be prosecuted.

Aguirre's probe of Sunroad bears all the markings of a smear campaign, pure and simple.

In fact, Sunroad officials are among an ever-growing group of Aguirre's opponents branded by him as criminals, from members of the City Council to the developers of Liberty Station. In every case, Aguirre's charges have fizzled. All the same, his tactic of trying to criminalize policy differences has no doubt helped to intimidate those who disagreed with him and unfairly sullied their names.

San Diegans should pay close attention to the outcome of the Sunroad "investigation" and decide for themselves in the end whether the real abuse was perpetrated by Tom Story or Mike Aguirre.

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