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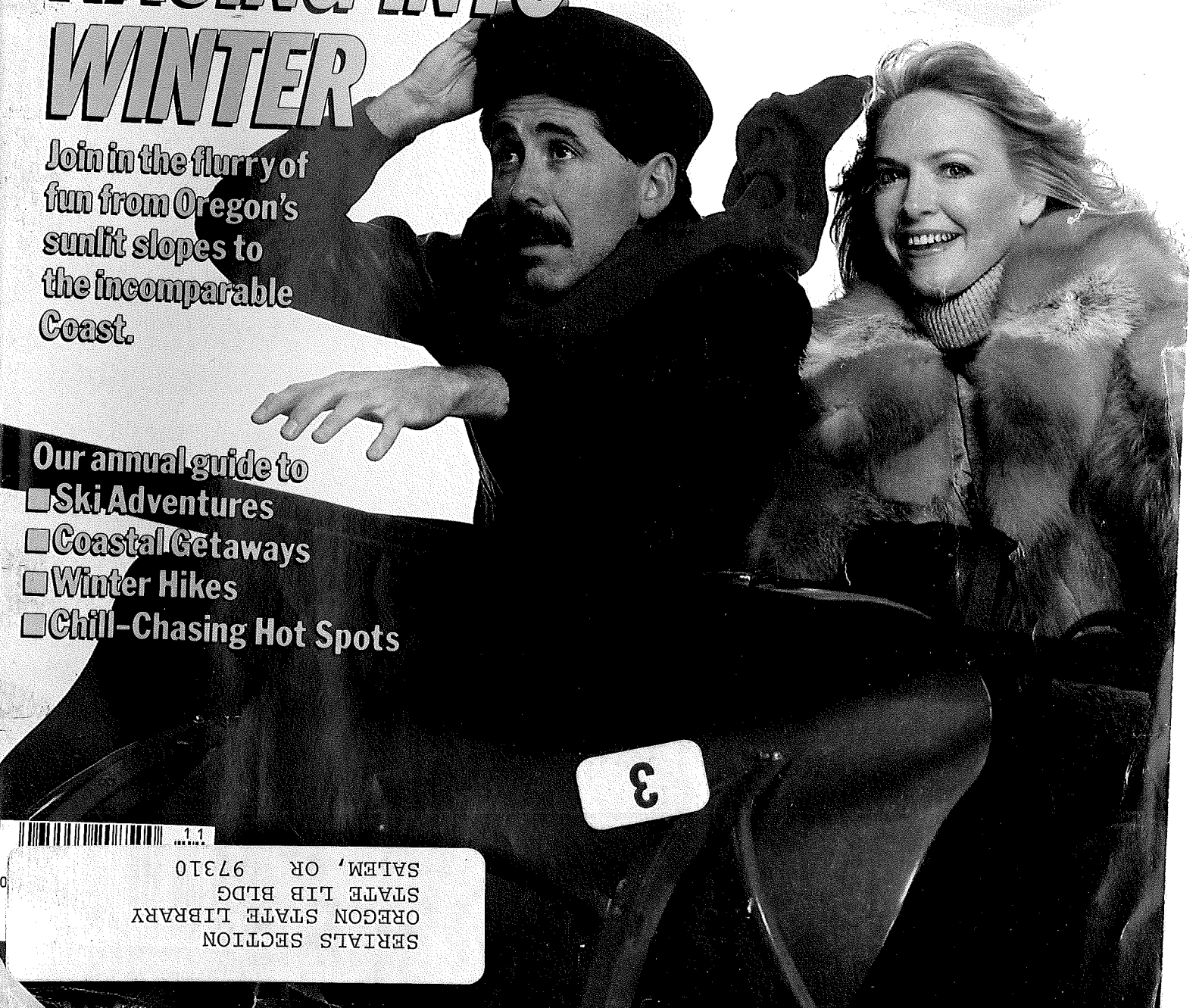
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PAT HORTON

AND THE

WILD BUNCH

Big-city police tactics haven't stopped the narcotics trade. But a trial in Eugene this month may determine whether they have created an unholy trinity of cops, cocaine and corruption.

BY DANA TIMS

DOROTHY MERWIN HAD just put her ninety-two-year-old mother to bed and was trying fruitlessly to fall asleep herself. Nighttime noises outside her small, west Eugene home had her on edge. Then, shortly after 1:00 AM on March 14, 1980, she was startled by a loud rapping at the front door. Creeping into the living room, Merwin heard a husky, male voice call, "Police, open the door!" She moved to the door and flicked on the porch light,

spotting "a bunch of men, guns drawn, crouched down, who looked like hoodlums."

Merwin began unbolting her door after seeing a badge through the window, but before she could turn the night-lock the door was kicked in, knocking her against the far wall. Wearing only a "shorty, peek-a-book nightie," the sixty-five-year-old widow found herself surrounded by revolver-waving men, some of whom ran through the rest of the house before she could respond. "I thought we were going to be raped, tortured and probably murdered," Merwin said later. "The only thing I could think about was how to protect Mother." The men continued pressing their guns "up against my skin" and



took nearly ten minutes before telling the trembling Merwin they had made a "terrible mistake" in thinking a suspected cocaine dealer they were tailing had entered the woman's home. Merwin can't sleep soundly to this day, still haunted by memories of the now-dead Lane Interagency Narcotics Team (LINT) storming her house. A subsequent, internal investigation cleared the officers involved of any wrongdoing.

Wendy Curry peered out her front window to see what the ruckus was and was



startled to find several carloads of "scruffy-looking men," guns drawn, running up the front lawn toward her Springfield home. The seven small children out in front of the residence and the three others inside—at the Currys' for a birthday party November 20, 1980—began screaming hysterically when one of the men shoved a gun against Curry and told her not to move, "or they would blow my 'f---ing' head off." Police did confiscate a gun from a suspected drug dealer on the street in front of the house. But despite finding no evidence inside, they forced all occu-

pants to line up, and then spread-eagled the adults against a pickup truck in the driveway. Curry was not allowed to return to the house to tend a sick baby left crying inside. A subsequent, internal investigation cleared the officers involved of any wrongdoing. However, in an out-of-court settlement that never made the local newspaper, the law enforcement authorities paid Curry \$5,000—without admitting liability—for physical and emotional anxiety.

Steve Makinson and Dan Tipton, both

Marcola residents, stopped at the Marcola Tavern after finishing a swing shift at Weyerhaeuser Co. in Springfield on March 23, 1982. Makinson had just purchased a glass of orange juice and a dollar's worth of quarters to play "Missile Command" when three men burst through the front yelling, "Freeze, you motherf---ers, this is the police." From his vantage point at the rear of the tavern, Makinson could see only a bearded man wearing an English riding cap and waving a pistol. He crouched down behind the video-game machine, thinking a robbery was in progress.

One of the men then pointed a gun at his head, prompting Makinson to follow orders and stand face up against a wall near the bar for what turned out to be a thirty-five-minute ordeal.

"The guy screamed at me that if I so much as moved an inch he'd cut me in half," Makinson recounts. Later, after three other men at the tavern were placed under arrest on drugs and weapons charges, Makinson asked one of the drug squad officers why they let Tipton and him walk into what amounted to a trap.

"He told me, 'We do all our raids this way and no one's gotten hurt yet,'" Makinson says. A subsequent, internal investigation cleared the officers involved of any wrongdoing. Makinson and Tipton, however, have filed suit in U.S. District Court in Eugene, seeking more than \$300,000 in damages.

OREGON'S COCAINE CAMELOT

WELCOME TO LANE County, the uncrowned cocaine capital of Oregon. About one million dollars worth of the white powder now travels through Eugene each week, estimate police informants. An area once better known for its bagels and Birkenstocks now finds itself recognized for white-lined, eight-lane drug trafficking, where the emphasis is turning from sandals to scandals—usually involving drugs.

"There is so much coke going through Eugene it's not even funny," says Peter Murphy, a former Eugene TV reporter now working at Portland's KOIN. "There are a lot of one-lane roads leading out to small airports and a lot of private pilots carrying expensive cargoes."

Murphy, who developed sources on both sides of the fence in Lane County—that is, police agents on one side and major cocaine dealers on the other—says that more cocaine regularly travels through Eugene than any other city between Seattle and San Francisco. "I had the whole scenario laid out for me," he says. "The chief operative's office was located out near the airport, with all other transportation lines established and running out from there."

Oregon's cocaine Camelot, though, is

'Ultimately, when the story of what's happened in Eugene is told, it will amount to a classic case of corruption. All the right ingredients were present.'

not a mellow place. Twin clouds of concern hang heavily over the area. The first contains the issue of police over-zealousness, the swear-word-loaded, blitzkrieg entries of birthday parties, taverns and senior citizens' homes. In the dirty business of narcotics enforcement, innocents are too often confused with dealers.

The second cloud is bloated to capacity and may soon release a hailstorm. Emblazoned on that cloud is a capital "C," for corruption.

"Narcotics and the temptation for corruption is where the real red flag is today in police work," says Bob Hamilton, a public corruption prosecutor in the Oregon attorney general's office. Hamilton has been appointed as a special assistant U.S. attorney to investigate the disappearance of drugs confiscated by police. In a case set to begin November 14, Hamilton will prosecute Stan Meyers, former head of the county's now-defunct police drug squad. Meyers is charged with conspiring to steal, possess and distribute cocaine and marijuana that had been seized as evidence in narcotics cases. One source close to the federal court case jokes, "This trial could answer a lot of the questions and rumors we've been hearing around here for a long time now. Front-row seats may go for as high as \$50 each."

Among the rumors of corruption that will get a public hearing is the oft-heard complaint of narcotics officers siphoning off confiscated drugs for sale or personal use. Another rumor that *may* be aired is that there has been a systematic effort, over the years, to ignore big-time, local dealers and pick up largely small-time dealers, especially those with out-of-town connections.

Don't be surprised if J. Pat Horton is in the first row at the trial. The controversial Lane County District Attorney has served more than a decade in that office. He's been viewed as a maverick from his earliest days in public life [see page 62]. But his control of LINT, the Lane Interagency Narcotics Team, has probably prompted the sharpest notes in what has, at times, amounted to a shattering crescendo of criticism. "Pat was the man in charge when he wanted to be," observes a former Eugenean close to the drug scene. "He was running the show even though there were some deputies on his

staff who had formal control of LINT."

The wild bunch that was LINT was a roughly seven-member group staffed largely by Pat Horton's own investigators and coordinators. Detractors branded it as "Horton's own police force." Though that force died in 1982, due to funding shortages and disagreements among member police agencies, it remains controversial. Its memory is kept alive both by its legacy of gangbuster enforcement tactics, which have survived LINT's demise, and by continuing court actions.

"Ultimately, when the story of what's happened in Eugene is told," says one inside source, "it will amount to a classic case of corruption. All the right ingredients were present to produce an inevitable outcome." The same source compares basic elements in the Meyers case to ones found in drug investigations in the well-publicized 1981 case of Portland officer Scott Deppe and of a similar, 1978 Gresham case.

"The parallels are just too close to be ignored," the source continues. "It's the tremendous frustration those guys deal with, coupled with incredible temptation, where they can make more in one night by breaking the law than they can in an entire year by following it."

ROUGH-AND-TUMBLE GANGBUSTERS

THE ESTABLISHMENT OF LINT in 1969 was innocuous enough. The law enforcement co-op was organized to deal with the emerging drug-oriented society that crossed over jurisdictional lines. It was at first directed by an executive board comprising the heads of the five police agencies involved: Eugene, Springfield, Cottage Grove, the Oregon State Police and the Lane County sheriff's office. Although the unit never scored the spectacular busts hoped for—in fact, LINT seized a total of only seventeen ounces of cocaine between 1977 and 1980—it nonetheless drew praise from its member agencies.

As time and tempers wore on, the executive board disappeared. None of the officials involved can pinpoint the date of that disappearance. Control of LINT was transferred to the district attorney's office, where by 1977 the squad bolstered

Pat Horton's already beefy cadre of eleven investigators—a record among Oregon district attorneys.

In the old days—roughly between 1977 and 1982—the Horton-administered drug squad held sway over virtually every aspect of county drug investigations. Gradually, LINT dissolved amid interagency dissension and budget cuts. With LINT's demise has come a corollary strengthening of the role played by the Eugene Police Department and the popular new kid on the block in funding terms, the federal Drug Enforcement Agency.

Critics say, though, that while the names have changed, the tactics haven't.

"LINT used to operate the same way the Eugene and Springfield [police departments] are today," says Dan Gordon, a Eugene attorney representing the Marcola Tavern plaintiffs. "They were rough-and-tumble gangbusters and all of that. Some thought LINT was out of control and rife with big-city police paranoia. It seems to have been their *modus operandi*, and they admitted it."

Most LINT raids, and there were dozens over the years, didn't receive the glaring publicity that the Merwin, Curry and Marcola Tavern incidents did. Often, the public never knew about them at all. But far from being the exception, the big-city police tactics employed first by LINT members and now by members of police drug teams—some of whom used to be LINT members—were the rule.

"We can count on what we are going to do," says one former LINT officer, who participated in the Marcola Tavern raid. "We can't count on what people in a house or a car are going to do. Somebody has got to control the situation and it's got to be us—that way everybody comes away safely."

"Those guys don't follow any proper constitutional procedures, period," counterpoints William Jones, the Roseburg attorney also representing Marcola residents Makinson and Tipton in their court bid against Lane County, the cities of Eugene and Springfield and the individual officers involved. "This represents a horrendous, horrible, clear violation of constitutional rights. There's a definite pattern, and these guys have been getting away with it for years."

Jones is investigating an old state stat-

'This represents a horrendous, horrible, clear violation of constitutional rights. There's a definite pattern and these guys have been getting away with it for years.'

'It's the . . . incredible temptation, where they [police] can make more in one night by breaking the law than they can in an entire year by following it.'

ute he believes may allow a restraining order to be brought against the individual officers involved. "We'll try to remove these guys from engaging in narcotics operations and put them behind a desk, where they can't constitute any danger to the public. If these guys keep going on, something drastic is going to happen. Somebody is going to get killed."

Eugene Police Chief James Packard says his department attempts to maintain almost daily contact with officers assigned to undercover duty. He says supervisors are constantly watching for signs—such as "heavy-handed" conduct by agents and questionable operations being run—showing someone has been "out" too long. "Still," Packard adds, "I have a grave concern for any individual working in that situation. It's an extremely stressful occupation."

REELING IN A BIG FISH

THIS IS THE murderer, who comes immediately," a young female voice whispered on his message recorder. Ray Ainge had just received a disturbing, cryptic phone message at his Eugene home. A large, silver-haired man with survivalist training, Ainge stood nervously by his bedroom window. "I don't know how you explain terror, but that's what I felt," he recalled later.

Only minutes after receiving the message Ainge heard what he called "thunderous" footsteps racing up the stairway toward his bedroom, where he stood waiting with a handgun, ready to "protect my home." Told by an informant that Ainge was a violent man likely to fight it out with police, the raid team coming after Ainge elected to enter the southwest Eugene residence without knocking, shouting "police" while sprinting up the stairs to the second-floor room. Ainge maintains he didn't believe that the intruders were really police officers, and when the first one turned the corner of the stairwell to face the bedroom, Ainge squeezed off one shot, narrowly missing team leader Rob Olson's head. Olson returned fire, missing Ainge's shoulder by a few feet.

Startled that anyone would shoot back, Ainge called out, "Who are you?" "Police, throw your gun out!" Olson re-

sponded. Immediately, the gun came sliding out into the hallway, and Ainge was placed under arrest.

The March 1982 arrest of Ray Ainge throws into high relief the problems plaguing Lane County narcotics law enforcement. The first issue is one of the tactics used—the charge of police overstepping their bounds.

Says Ainge attorney Robert McCrea, who claims that his client was "set-up" via the mysterious phone call: "The Ainge case, in my estimation, is an analytical scrutiny of the nature of drug investigations as they are being conducted in Lane County. From the development and use of informants, through the testing and corroboration of their reliability, into the issues dealing with how search warrants should be executed—the so-called 'knock-and-announce' issue—to the way the officers dressed, it captured the essence of how police agencies in this county are operating. As one juror put it in a note to the judge, 'If police insist on impersonating counter-culture clowns while performing official duties, they must suffer the consequences.'"

Ainge's wife, Cass—who clearly has reason to be bitter—adds her own remembrance of unusual police conduct. She says she cleaned up the three giant pizza boxes left by officers who had spent up to six hours "partying loudly" while investigating the premises. She washed "every glass in the house, which had been left dirty out on the counters." She also claims that officers consumed a half-gallon of her bourbon and vodka.

But beyond the issue of raucous police behavior are the still more serious ones.

Cass Ainge further claims her husband, over the years, donated significant amounts of money to Horton's campaigns through indirect, unreported contributions. Records show that Ainge did contribute \$100 to Horton's re-election campaign in 1976, a donation Horton later said he didn't recall. While Horton denies any illegal contributions and maintains he never met and didn't know of Ray Ainge, Cass Ainge says, "Ray and Pat knew very well of each other. Ray had his side of town and Pat had his." Ainge used to have his side of town. In September, Ainge, whose drug and attempted murder convictions are on appeal, was sentenced

to twenty years in prison.

Horton's name has also been connected in another way with the case. According to records entered in the Ainge court case, an unnamed, paid police informant accused Pat Horton of being "on the take." Horton, of course, vigorously denied such allegations in the local press. "Madness, sheer madness," the DA maintained.

Curiously, it was the same informant—a former mental patient and drug addict—who gave the police enough "reliable" information to secure a search warrant to raid Ainge's house.

How convincing does a witness have to be for a judge to issue such a warrant? Explains Lane County Presiding Circuit Court Judge Gordon Cottrell, "There must be an intrinsic ring of truth to what they are saying and some indication based on supporting information that they had been reliable before."

Attorney McCrea wonders what happened to the cocaine found in the Ainge investigation. Although narcotics law enforcement officers were the only people to transport the seized substance, the analysis of the drug went from "nearly pure," as judged by the federal Drug Enforcement Agency, to as low as 42 percent after final measurement by a private laboratory.

The Ainge case is still an enigma. His arrest occurred but one week after the Eugene Police Department decided to pull out of LINT. The raid was conducted by a Eugene Police Department squad that included former members of the LINT team, including Stan Meyers. The arrest of Ainge—with 2.2 pounds of cocaine—constituted a rare nabbing of a big local dealer. Was the bust an aberration in the narcotics enforcement trade? Was the timing of the arrest significant?

A QUESTION OF CORRUPTION

OUR MANDATE WAS never to focus on Stan Meyers," says Bob Hamilton, the prosecutor in the Meyers investigation. "Our charge was to solve the case of the missing cocaine. We are investigating any individual and any number of individuals that have any responsibility for that theft—wherever

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'We are investigating any individual and any number of individuals that have any responsibility for that [cocaine] theft—wherever that goes.'

THE WAR-HORSE RETREATS

Due to the fallout from the corruption trial, Pat Horton pulls back from the front line.

FOR HIS PART, Pat Horton isn't talking. Gone are the days of weekly news conferences and affable relations with the press.

That's quite a switch for the three-term, forty-one-year-old Lane County district attorney. Horton has amassed as formidable—and as questionable—a reputation as any district attorney in Oregon. Once a brash, outspoken advocate of everything from liberalized marijuana laws to the toughest legislation in the country for possession and sale of harder drugs, he has increasingly slipped from view at a rate roughly corresponding to the rise in public awareness of the Stan Meyers police corruption case.

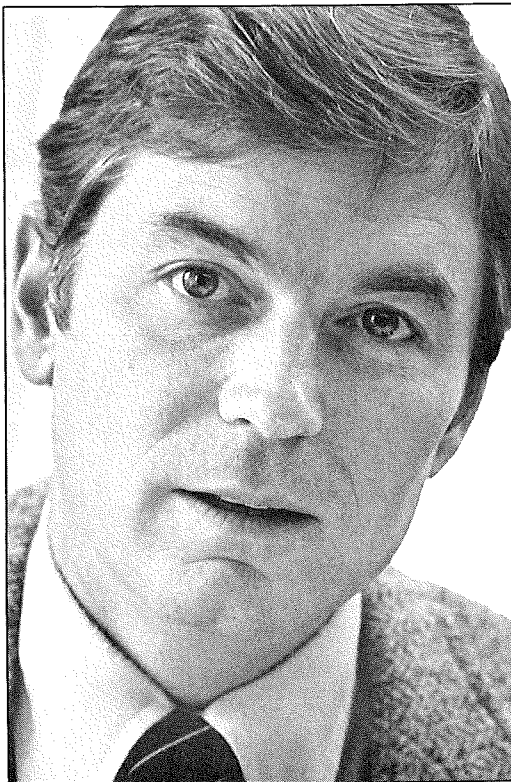
Lane County Commissioner Jerry Rust, a long-time political adversary of Horton's, says the DA still harbors old fears that federal investigators are "out to get him." As for Horton's uncharacteristic submergence of late, Rust says, "He's been shell-shocked. . . . He knows the old days of high-rolling office are over, and he's just back to the basics like everybody else."

How much will the court charges of police corruption and over-zealousness affect Horton? Will he be able to survive the scandals and remain a major political force in Lane County? Horton has already said he won't seek re-election to a fourth term next year. Recently, he has privately stated his intention to resign around the first of the year. Such a move would shock Oregon politicians, who do not expect Horton to walk quietly away from the lime-light.

So far, J. Pat Horton has managed to weather his career as DA with at least most of his public popularity intact. Elected in 1972 by a slim margin over an appointed incumbent, he was re-elected twice by nearly two-to-one counts. During his tenure, however, Horton has chalked up enough controversy to have netted most other politicians a quick exit through recall.

In his first bid for office, for instance, he accepted a \$500 contribution from locally based MGM Enterprises, the principal owners of the Gentlemen's Retreat, a "body shop" located just outside the Eugene city limits. Jerry

Uhrhammer, a former investigative reporter for the Eugene *Register-Guard*, recalls that Horton eventually led in person the raid that finally closed down the establishment. The raid, however, only occurred after Horton learned that Uhrhammer was preparing a story on the campaign contribution and the fact that a civil proceeding, known as the Red Light Abatement Act, had never been invoked to shut down a business so obviously involved in prostitution.



Horton raised more eyebrows during his first term by traveling the country, often at the behest of NORML—the National Organization for the Reform of Marijuana Laws—advocating to civic groups, state legislators and even the Canadian Parliament that pot laws should be liberalized along the lines of Oregon's 1973 marijuana decriminalization bill. A group of local attorneys questioned more than his judgment in making the speeches. They filed charges with the Oregon Government Ethics Commission claiming Horton had repeatedly double- and triple-charged organizations for expenses.

That is, he requested full reimbursement from each group he addressed, even though he used a single tour to deliver the same speech in several cities. Horton admitted to the practice, but the ethics commission, while not endorsing it, eventually ruled he had violated no law.

His current critics are tempted to assign much of the blame for alleged excesses and possible abuses in Lane County law enforcement to Horton and what they term his "overbearing, sometimes offensive" personality. But the more objective among them readily concede that he has assembled a highly competent, "straight-arrow" staff of deputy prosecutors. They admit the staff has a credible record of convictions and a history of handling tough, politically explosive cases with the adeptness and determination of a top-notch, tough-minded district attorney.

"You can't be a wimp and still be a good DA," says former Eugene Police Chief Pierce Brooks, a rare example of a Lane County law enforcement head who never feuded with Horton. "Someone has to be the boss, and Pat's style of aggressiveness has gotten a lot of things done around here."

Yet the question remains whether Pat Horton has outlived his usefulness. "Pat sees himself as a law-enforcement zealot," says one Oregon district attorney. "He's the good guy and everyone else is bad, with no gray area in between. As a result, there is a war-zone atmosphere in Lane County between defense attorneys and the prosecution."

It's a good bet that Horton's influence in Lane County is not finished. Various descriptions of him as a "bully," "untrustworthy," "a damn good district attorney" and "an enigma no one will ever figure out," Horton is bound to be around awhile. Still young and as fit as ever for public life, he concedes only that his immediate plans don't include a run for higher office. Stan Meyers's upcoming drug trial stares him in the face and, according to some, leaves him on the run. Horton, however, tersely sums up his own response to the looming drug investigations in his backyard, noting, "I'm not gone yet." —D.T.

WILD BUNCH

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that goes." A so-far unnamed co-defendant is listed in the Meyers indictment.

Meyers, thirty-three, is charged with stealing twenty-six ounces of cocaine, the bulk of which had been seized during a bust at Portland International Airport in March 1982. He is also charged with subsequently attempting to sell other illegally obtained drugs, including a pound of high-grade marijuana, to a Montana drug dealer while working as a free-lance narcotics agent in that state after leaving Lane County.

Meyers will also be tried separately on a charge of perjury for allegedly lying to a federal grand jury convened to investigate the cocaine disappearance. That disappearance was first discovered November 10, 1982, when a Springfield police officer spotted what appeared to be a cocaine substitute while transporting evidence to a pretrial hearing. The perjury charge resulted in Meyers being fired by Horton last December.

Those close to the case recognize that Meyers's November 14 trial on the theft and distribution charges could well provide the key that eventually opens doors leading to other suspects currently padding along well-traveled and well-protected pathways.

How far might the charges of corruption go? From the mid-seventies on, the manpower and resources devoted to narcotics enforcement increased dramatically. Increasing as rapidly was the narcotics trade itself. Yet in those years, law enforcement authorities largely brought on only penny-ante drug dealers to trial, while the bigger ones remained free.

Chris Van Dyke, Marion County DA, says of the drug traffic/enforcement spiral, "You could draw two conclusions . . . either they [officers] are involved, or they are totally ineffective. . . . Protection has obviously occurred in larger cities, involving all kinds of areas, including prostitution, vice, gambling and narcotics, where cops have been paid off to look the other way."

Says journalist Peter Murphy, "Eugene just isn't a very big town. I started checking around with my sources and it turned out a whole lot of those people were heavily involved in the cocaine business."

Murphy says a LINT informant, whose information was commonly used by police, once slipped him the list containing the names of people who constituted LINT's active file of prospective targets. "Well, they [LINT] had the same names on the same list I did and I'll tell you, no one on that list was getting arrested. They only busted little people. Either they were directly irresponsible on purpose or they were complete bunglers. And I frankly don't believe the second option."

Murphy says reliable reports of the

type of activity Meyers is now charged with were filtering down to him "at least a year" before Meyers was arrested last year. The journalist's decision to leave Eugene shortly after Christmas 1980 was accelerated after Jim Hunt, coordinator of LINT at the time, told him a contract had been put out on his life, purportedly by one of the area's biggest cocaine importers.

Local law enforcement agencies basically must start from scratch in addressing the problems of corrupt cops first brought to light in this country by the mind-boggling revelations of New York City undercover-agent-gone-public Frank Serpico in 1971. Indeed, if the lessons learned from Serpico's confessions mean anything, it is that, like a hometown Hydra, two heads will likely sprout for every corrupt one lopped off.

That point was ably made last summer at the Oregon District Attorneys' Association's annual convention in Bend. Ira Silverman, a news writer and drug researcher for NBC News, shocked delegates with word that of the sixty, "cream-of-the-crop, untouchable" investigators brought in by the special commission spawned by Serpico's sensational testimony to "work the dirty cops," forty-four of them are today either dead or in jail.

"Several examples in Oregon in the last few years indicate we may think we are immune to this sort of thing with a Pollyanna idea that Oregon is clean," says prosecutor Bob Hamilton. "But when you get down to the nuts and bolts of it, it isn't necessarily true. It goes right back to Serpico . . . right out of New York. All of that major corruption seems to always end up in narcotics because of the tremendous temptation and frustration these guys work under."

Lawyers, prosecutors and police officials alike agree that sending officers out into the underworld of narcotics is like injecting massive doses of carcinogenic substances into an otherwise healthy organism.

"Narcotics is the epitome of a corrupting influence," says Pete Sandrock, Benton County district attorney. "It is an extremely difficult area to police and still keep your people clean. When officers have been undercover for an extended period of time, their supervisors refer to the reeling-in process by saying, 'It's time to bring so-and-so back in. We have to clean him up.'"

The same basic but disquieting point was made much closer to home a year ago when Pat Horton leaned far back in his office chair and said, "If one-half of the New York City Police Department at one time was on the take because of prostitution alone, can you even imagine what that figure will climb to once the full effect of drugs, with its incredible ability to corrupt, hits police forces around this country?"



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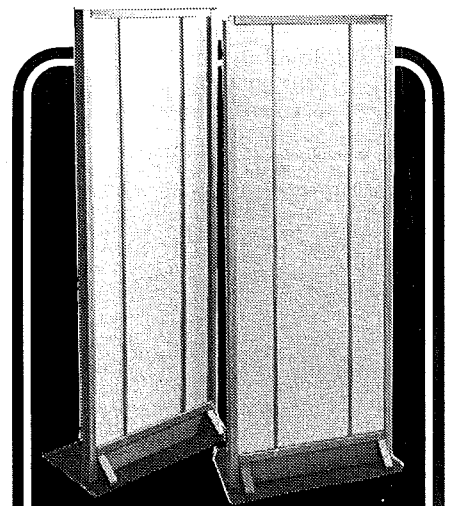
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