

and the Minimally Revised Version (MRV). In addition, Willard is writing what she hopes will be a "broad, clear" version.

The major differences between the versions occur in the "scope" section, which defines terms and affects just what items, actions, and conduct will be prohibited. Other important differences deal with language on research, knowledge and intent regarding affected activities, and appointment vs. election of an NFZ Board. Important words and phrases affecting "scope" include the use of "primary intended purpose," "exclusive use," "sole purpose," "delivery systems" vs. "delivery devices," and "major purpose."

The most narrowly defined version, "A," was written by a subcommittee of the Task Force dealing with scope. It refers to a more limited "Delivery Device," rather than a broader "Delivery System," and bans only those "devices" made "exclusively" to deliver nuclear weapons, and then only if such devices are destroyed during normal operation. It does not prohibit planes, ships, submarines, or vehicles that carry nuclear weapons. Similarly, it bans only those "Command, Control and Communications" (C³) devices that are destroyed in normal operation. Associated data processing hardware and software are not included. "Defensive Systems" are included only if they stop "nuclear ballistic missiles." It has been pointed out that it is impossible to differentiate between nuclear and conventional missiles. "Components" of the above

are only included if "originally manufactured" for "exclusive use" in a nuclear weapon. The manufacture of components of other systems, components originally manufactured for other uses, or components with a primary use other than nuclear weapons would be allowed.

Compromise version "B" was written by Task Force member and City Council person Cynthia Wooten along with member Steve Johnson after the "pro-peace" group objected to version "A." "I am a member who is genuinely seeking consensus," says Wooten. While somewhat broader in scope than "A," it is more limited in its prohibitions than the MRV. Parts must have a "major purpose" of being included in a nuclear weapon and must be destroyed during normal operation in order to be covered under this version. Only "Delivery Systems" that are "specifically designed or manufactured" to deliver nuclear bombs are banned; most planes, ships, etc. are allowable unless they meet the "specifically designed or manufactured" rule. The definition of "C³" systems does not include data processing hardware or software. Prohibited "Defensive Systems" are only those that stop "nuclear weapons," leaving the same detection dilemma as in version "A." A "component" must be manufactured with a "major purpose" of use in a nuclear weapon to be included.

"A" and "B" have the same language covering production of nuclear power, food irradiation, storage and transportation of waste, civil

defense exercises for nuclear war, and city contracts with nuclear weapons makers.

Some task force members feel that these two versions vary too much from the original. "The key for us is the scope," says Zupan. "We can't go against the will of the voters." He compares the differences between "A" and "B" as "choosing between two evils."

Zupan along with Task Force members Steve Johnson, Ronna Friend, Dean Baker, and Martha Evans responded by writing the Minimally Revised Version, which they say resolves all legal problems and maintains integrity to the original version.

Under the MRV, nuclear weapons along with prototypes and test devices are banned. All "Delivery Systems" whose "major purpose" is delivery of nuclear weapons are covered (as opposed to "exclusively designed for"), including ships, planes, submarines, and vehicles. Its "C³" definition includes data processing hard- and software that contributes to nuclear weapon operation. "Defensive Systems" are defined by inclusion of the wording of the 1972 Anti-Ballistic Missile Treaty, and bans systems that defend against both conventional and nuclear missiles. The MRV bans "components" with a "primary intended purpose" of use in nuclear weapons systems, rather than the narrower "exclusive" or "sole purpose" language used in other versions.

The MRV has sections similar to "A" and "B" stopping nuclear power generation, food irradiation, waste storage and transportation, civil defense exercises for nuclear war, and city contracts with nuclear weapons manufacturers.

Another major difference between the versions is the "knowledge and intent" sections. All versions have wording to determine an individual's "knowledge of" and the "intent" of manufacturing activities as related to the ordinance. While "A" and "B" have guidelines here, the MRV provides a detailed test for such determinations.

While versions "A" and "B" allow all research, the MRV bans "applied research" on nuclear weapons systems and allows basic research in nuclear medicine, and other areas for the advancement of scientific knowledge.

Finally, the MRV retains the original provisions for an elected NFZ Board to oversee implementation of the law while "A" and "B" mandate a City Council appointed Board. All three versions limit the Board's en-



David Zupan

David Zupan feels the peace advocates have been patient. "We have stayed in the process the whole way," he notes.

forcement powers somewhat to avoid conflict with the city charter.

All versions have virtually the same language regarding NFZ signs, notifying heads of state and politicians of Eugene's NFZ status, and for an annual commemoration day on the anniversary of the nuclear bombing of Hiroshima, Japan.

Despite admitting that "we fought for months over scope," Nancy Willard believes that all of the versions are "vague." She says that the peace advocates were unable or unwilling to describe the intent of the original ordinance. She has written her own version that bans "the bomb, the missile, the control systems, the launcher, and the components of all those," and plans to present it to the Task Force.

Other Legal Issues

Lawyers on both sides believe "A," "B," and the MRV solve most problems with state and federal pre-emption. But City Attorney Tim Sercombe believes they all still contain vague sections and is "decidedly mixed" on enforcing such an ordinance. He allows that there have been no

court tests of NFZ legislation, and defends the lengthy re-writing process as necessary to create an enforceable ordinance rather than a "symbolic" one.

Questions have also been raised regarding the right of the City Council to rewrite or rescind a voter-passed measure, particularly through a task force process. One speaker at an October public hearing likened it to having "convicted murderers re-write the laws on murder." Several lawyers, including Eugene Attorney Mike Goldstein, say there is no precedent for such a revision. Sercombe replies that there is no precedent showing the city can't change an ordinance, and argues that lawyers who specialize in municipal law would agree with him.

The Public Meeting

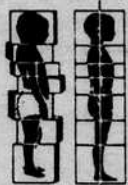
On October 19, the NFZ Task Force held a public hearing. The City Council chambers were full, and over 45 people testified. Only three of those spoke out against having an NFZ; all of the others expressed support for a

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Ronna Friend and Martha Evans

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