

City judge withdraws from case

By PATTY FARRELL
Of the Emerald

Eugene Municipal Judge Frank Bocci withdrew Wednesday from hearing the cases of seven persons charged with disorderly conduct during University Pres. William Boyd's inauguration.

Bocci excused himself from the cases after affidavits of prejudice were filed Tuesday by the seven defendants.

Each affidavit reads that Bocci "is prejudiced against me and my interests so that I believe I cannot receive a fair and impartial hearing or trial before this judge."

Bocci says that he withdrew "in response to the affidavits, which in a sense makes it voluntary." He said that any decisions or court orders are now up to the new judge to make.

The judge denied that he was prejudiced against the defendants. "But they claim I am, so they get another judge," he said. "Now they don't have anything to complain about."

During pre-trial hearings, Bocci asked Larry Brown, court-appointed attorney for the seven defendants, to supply him with names and addresses of the defendants' parents. He said he needed statements from the parents saying that the defendants were independent and indigent, or unable to afford their own lawyers. When Brown objected to the request, Bocci threatened to withhold his authority as a court-appointed attorney.

The deadline for submission of the names and addresses was Tuesday, but Brown did not comply with the deadline and has not supplied the information. Bocci said that since the request was not an order, he was not involved with the case any longer. He said that it would be up to the new judge whether the defendants will have to supply the information.

Brown said he doesn't know if the defendants will supply the court with their parents' names and addresses, or if they will even have to. "We're just waiting for a new judge to be appointed," he said.

Christie originals on show

Original Agatha Christie manuscripts are on display in the library's special collection's division.

The library owns nine full-length Christie mysteries and four of Christie's short stories, according to Martin Schmitt, curator of special collections.

The manuscripts, whose publication dates range from 1936 to 1965, were given to the library by Mrs. Joseph Medill Patterson in 1972. Patterson (formerly Mary King), was the fiction editor of *The Chicago Tribune-New York News* syndicate. She bought the mysteries and ran them serially in the newspapers.

The display will continue through the second week of February.

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Chancellor denies actions illegal

By LOIS LINDSAY
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Chancellor Roy Lieuallen denies the State Board of Higher Education (SBHE) acted illegally in spending \$430,000 of excess dormitory revenue to construct tennis courts at the University.

Lieuallen says the money was spent with the full knowledge and consent of the Oregon State Emergency Board (OSEB). He also claims the action was in complete compliance with Oregon law and the board's policy.

In a Tuesday letter to Edward Branchfield, assistant attorney general for the state of Oregon and legal counsel for the board, attorney Robert Ackerman had accused the SBHE of acting in violation of the Oregon Constitution, the Oregon Revised Statutes (ORS), direction from the OSEB, and the board's own policy in authorizing the expenditure.

The letter claimed depletion of dormitory reserves created by the board's alleged misuse of the funds has led to artificially high dormitory rates.

It also said if the board is allowed to continue to funnel dorm reserves into the construction of educational facilities, "many students will be priced out of higher education."

The administration is presently planning to raise dorm charges

approximately 10 per cent next year.

Ackerman represents the ASUO, presidents of several campus dormitories and members of the Dormitory Standards Board in the case.

According to Lieuallen, the plaintiffs have no legal basis for their claim. He says he has consulted with attorney Branchfield and feels confident there is no grounds for the allegation.

"We have little or no doubt at all that this action (funding the facility out of the dorm reserves) was in complete compliance with the law and the board's policy," he says.

Lieuallen cites a May 1, 1970, letter addressed to E.D. Potts, chair of the State Emergency Board at that time, as evidence that the OSEB had full knowledge of the board's spending plan at the time of approval.

The letter, signed by Lieuallen, requests that the OSEB authorize the board to funnel \$580,000 of the money needed to construct the facility from "self-liquidating bond borrowings...and/or other balances available for auxiliary enterprises, such as student building fees and dormitory operation."

However, minutes of the June 19, 1970, meeting at which the OSEB approved the construction of the facility, only state that \$50,000 of the project was to be paid out of state funds with the balance of \$580,000 to come from

bonds repaid by student fees. The document contains no reference to authorizing the use of auxiliary funds such as those from the dormitory surpluses.

Lieuallen says he will instruct Branchfield to draft a reply to Ackerman acknowledging receipt of the letter and stating his disbelief in the claims.

"From that point, it will be up to Mr. Ackerman to take any further action," he says.

When contacted, the ASUO denied that Lieuallen had in any way disproved its case. According to Mark Cogan, Executive administrative assistant for legislative affairs, the plaintiffs' contentions are legally sound.

"They (the State Board) appear to be attacking only one of our contentions, and they weren't even able to disprove that. If they expect to win this case, they will have to prove us wrong on all four points," he said.

Cogan says the plaintiffs are especially displeased with the board's apparent disregard for the 30-day grace period they had extended the board before beginning litigation.

"We allowed that time period for their benefit," he says. "We know no one likes to go to court. But if they chose to ignore that we are perfectly willing to begin legal proceedings."

The administrative assistant says the plaintiffs will evaluate Branchfield's letter to Ackerman "and decide where to go from there." If they go to court they have grounds to sue each individual member of the SBHE who took part in the alleged illegal expenditure of the funds, he claims.

Lieuallen admits that the plaintiffs could probably sue each member, but says they may have a hard time collecting the money. He says the plaintiffs are "welcome" to sit down and discuss their claims with attorney Branchfield. However, he says the case will probably have to be settled in court.

The plaintiffs have scheduled a Friday press conference to air their side of the issue. Time and location will be posted.

At the conference, the ASUO will outline its major reasons for pursuing the case. According to Cogan, these include the need to provide financial relief to dormitory students.

But more important than that is the need to curtail the State System of Higher Education's and the SBHE's highhanded bureaucratic decisions, he says.

"We hope this action will make them realize they can't use extra-legal or illegal means in spending student monies."



Photo by Greg Clark

A grave melody

Music may have the power to soothe the savage beast, but Puss Lyon and Irma Field didn't have anything but a little enjoyment in mind Wednesday. The pair picked out a handy tombstone in the campus graveyard and plucked away, while the sunshine provided accompaniment.