

Appeals court rules butte cross must go

By RICK BELLA
Of the Emerald

From the Courts:

SALEM—The Oregon Court of Appeals ruled Monday that the 51 foot high concrete cross atop Skinner's Butte Park in Eugene is a religious symbol, and must be removed unless the decision is successfully appealed to the Oregon State Supreme Court.

The opinion, written by Chief Judge Herbert Schwab, affirms a December 1974 ruling by Lane County Circuit Judge Edwin Allen. However, attorneys for Eugene Sand and Gravel, who gave the cross to the city in 1964, said they

would further appeal the case. They contend that the cross was donated as a memorial to Eugene's war dead, and is not intended to be a religious symbol. This intention, they say, was reaffirmed in May 1970, when Eugene voters approved a city charter amendment declaring the cross to be a memorial.

Originally, a citizens committee filed a lawsuit in circuit court in 1965 seeking removal of the cross. The Oregon Supreme Court ruled 5-2 in October 1969, that the cross was a religious symbol, and that Eugene was unconstitutionally using governmental power by allowing a religious

symbol on city property. The charter amendment election that followed was started in hopes of getting around that ruling.

The City of Eugene, originally a party to the cross suit, decided not to participate in the appeals process when Eugene Sand and Gravel carried the case to the Court of Appeals.

John Alltucker, president of Eugene Sand and Gravel, says the company will assist in moving the cross—if necessary.

From Harris Hall:

• Lane County District Attorney Pat Horton blasted the proposed public defender program Tuesday, calling it "very costly and bureaucratic."

The program, under consideration by the Board of Lane County Commissioners, would create an office to provide and coordinate legal defense for those unable to obtain their own lawyers.

Currently, the court assigns private attorneys to these people and the county picks up the tab. Horton predicted that the creation of the new office would triple the cost of county defense. Although the plan was endorsed by a study team from the National Legal Aid and Defense Association, Horton called their report "very biased."

"The quality of defense would not improve," said Horton. "And the cost would be high."

Horton pointed out that public defender programs already in existence have shown a high incidence of plea bargaining, but pledged that "whether or not we have a public defender's office, we're going to try as many cases as we can as long as I'm the district attorney."

• The Board of Lane County Commissioners voted Wednesday to place a proposal for a 15-member, part-time commission board on the November ballot.

The 15-member plan will appear on the ballot along with two earlier proposals to keep the board at its present number of three full-time commissioners, or to increase it to five full-time members.

• Two committees planning a new jail for Lane County said Thursday they support the idea of a plan smaller than the \$11.7 million package rejected by Lane County voters in the May primary election.

Committee members say they will now study plans in the \$7-9 million range, and will try to use the existing jail for any plans for expansion.

County officials said earlier that they hope to secure a federal grant for the construction.

From EWEB:

• The Eugene Water and Electric Board (EWEB) is taking bids

on a proposed \$2.25 million water reservoir which engineers compare to a 35 million-gallon waterbed.

The reservoir is EWEB's latest step in a \$20 million water expansion system, and is to be built off Beltline Road, north of Eugene. The liner material, produced by DuPont and marketed as "Hypalon," will form the bottom and top for an earth dike 356 feet by 675 feet, and 16 feet in height. The five-acre dike will be topped by a concrete ring to hold the two big sheets of flexible membrane.

EWEB received the first bids on the project Friday, and the plan is scheduled for completion next June.

From SWOMSI:

• Federal funds for a new home in Eugene's Alton Baker Park for the Southwest Oregon Museum of Science and Industry (SWOMSI) have been awarded

by the Economic Development Administration, SWOMSI reports.

The federal grant of \$410,800 must be matched by \$337,200 in local revenue to provide the needed \$748,000 to build the new museum and planetarium. Local funding will come from the Lane Intermediate Education District, SWOMSI, Lane County and the City of Eugene.

The project is spearheaded by the Cooperative Science Museum Commission, composed of representatives of local government and school districts, the University and Lane Community College.

From the Eugene Hotel:

• The owners of the Eugene Hotel announced Tuesday that they have started big remodeling effort which will try to restore the building as "part of Eugene's heritage."



Photo by Perry Gaskill

Long the subject of controversy, the cross atop Skinner's Butte has been declared a religious symbol by the Oregon Court of Appeals. The court says the cross must go — but nobody is sure where.

Defenders of the 51-foot concrete structure say it was intended to be a memorial to Eugene's war dead, and they will appeal the decision to the Oregon State Supreme Court.

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