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Redden still working on divestment ruling

To determine who controls

By RICHARD SEVEN
Of the Emerald

Although the divestment discussion is now slipping into the forest of legal jargon and statute-studying, Atty. Gen. Jim Redden's legal opinion can be expected in "about 10 days" according to Redden's assistant, Mark Nelson.

Nelson says the initial draft of the attorney general's opinion, which was prepared by Ed Branchfield, chief counsel for higher education, is currently being reviewed by an opinion staff. The staff will rewrite the draft for style and legal arguments, if necessary.

Also accompanying the draft was a legal brief prepared by the People for Southern African Freedom (PSAF) and Clergy and Laity Concerned (CALC) upholding the legality of the State Board of Higher Education's divestment decision Nov. 18. The ASUO, in conjunction with the Office of Student Advocacy (OSA), has also formed a legal brief upholding the state board's divestment decision. The attorney general should receive that brief today.

"The OSA, at the request of the ASUO president, has reviewed and answered the questions the board has raised regarding divestment," says OSA Attorney Don Chalmers. "Following that review we remain convinced the state board, and not the Oregon Investment Council (OIC), has the power to divest the stock in South Africa. The board should order its administrative officers to proceed full speed in divesting the stock."

At its Dec. 16 meeting, the board drew up 11 questions for the attorney general to review in deciding who has the actual control over higher education investment policy — the board or the OIC.

After the board decided to divest, questions were raised about the legality of the action because of a 1975 statute. The statute has been construed by the attorney general as giving the control of higher education stocks to OIC.

The attorney general has already "infor-

mally" told the board that the OIC has control of the investment procedures, which means selling the stock has been placed in a "holding pattern" until the official decision is released.

The attorney general has agreed to allow members of the PSAF, CALC and ASUO to sit in on some of the legal proceedings to discuss the pro-divestment arguments.

"It will strictly be a legal discussion on the pros and cons of the situation," says Nelson. "The gentlemen might find themselves on the same side as the attorney general's interpretation."

According to PSAF spokesman Walt Sheasby, the whole question of who has the legal authority should have never come up.

"This entire issue of investment authority seems to have been manufactured by misinformed members of the media who pressured the attorney general into suggesting there was a problem, when in fact, the question had been settled by his predecessor more than a year ago."

Sheasby was referring to a 1976 opinion by Lee Johnson, former attorney general, who attempted to clarify the corresponding roles of the two state bodies.

According to the PSAF brief, Johnson defined the OIC's role as a "sub-agent" to the board, which would make the council merely an executory arm of the state board.

The ASUO brief says the question of control was settled among the two bodies by a series of letters. The brief goes on to say the board was assured of maintaining its control over its equities-investments through a mutual agreement with the OIC.

The agreement was authorized by statute ORS. 190.110, which allows cooperation and agreements between state agencies, according to the brief.

Another major question for the attorney general to consider is whether divestment would violate the "Prudent Man Rule." The rule states trustees and fiduciaries of state investments must use the same discretion and intelligence as if they were managing their own affairs. The rule apparently was designed to keep investment actions to remain on a primarily economic basis.

PSAF and ASUO contend the prudent man rule would not be violated by

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Report says out-of-state enrollment on the wane

Three out of every 10 students enrolled in fall term classes were from out-of-state, according to University student body enrollment figures recently released by the registrar's office.

Overall, however, the percentage of non-resident students has dropped since reports in 1972 estimated 34.2 percent of the University students were from outside Oregon.

The fall 1977 term report shows more than 69 percent of the students enrolled were Oregon residents. Total enrollment was 16,701, with 11,564 students coming from Oregon and 5,137 from out-of-state or from other countries.

Of the students from Oregon, there were 5,996 men and 5,568 women. The total enrollment breakdown included 9,035 men and 7,666 women, 12,282 undergraduates and 4,419 graduate students and 13,970 full-time students and 2,731 part-time students.

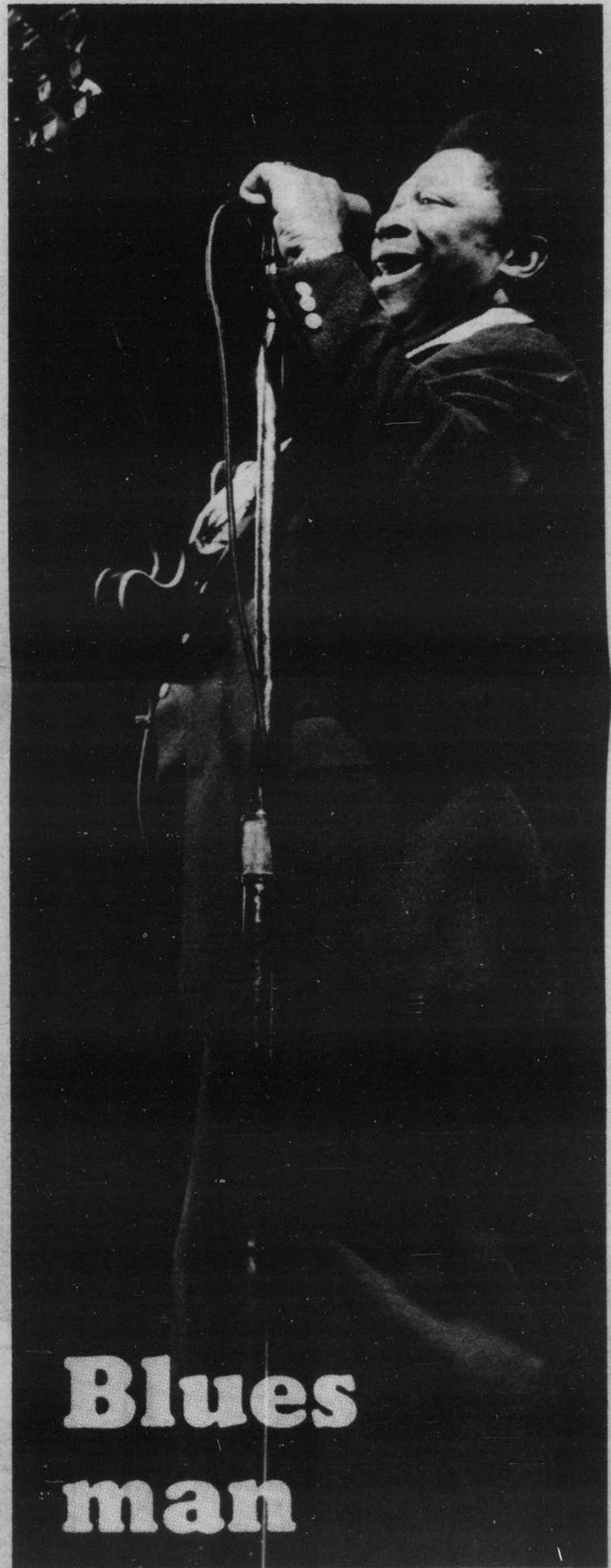
Every county in Oregon was represented by

at least three students. Counties with the largest number of students enrolled were Lane County with 4,401, Multnomah County with 2,315, Marion County with 712, Clackamas County with 680 and Washington County with 521.

Since 1972, the University has lost more than 500 California resident students. There were 1,421 students from California enrolled fall term, as opposed to 1,980 enrolled five years ago.

Other states and regions have increased their student enrollment at the University since 1972. Some of these include the states of Alaska, Montana, Colorado, New Mexico and Arizona.

New England, the South Atlantic states and the "West North Central" region, including the Dakotas, Minnesota, Nebraska, Iowa, Missouri and Kansas, continue to send more students to the University each year according to the report.



Blues man

Photo by Erich Bookthalde

In two sell-out performances Friday night in the EMU, B.B. King demonstrated how he earned his folk title "King of the Blues." King performed "Why I Sing the Blues," "Nobody Loves Me But My Mother," "The Thrill is Gone" and several tunes from earlier in his career.