



legislative issues

Oregon court strikes down pot paraphernalia ordinance

By GREG WASSON
Of the Emerald

The Oregon Court of Appeals ruled Monday that a Brookings city ordinance banning the sale of drug paraphernalia is unconstitutionally vague.

In its ruling, the Court cited the United States Supreme Court standard for determining when a law is so vague that it must be thrown out.

"It is settled that, as a matter of due process, a criminal statute that 'fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute' is void.

The ordinance defined paraphernalia as "any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing" drugs.

The decision will affect three bills in the Oregon Legislature that seek to establish a state anti-paraphernalia law, predicts Rep. Tom Mason, D-Portland, who heads the House Judiciary Committee to which the bills have been assigned.

"In the long run, people will look at these proposals and evaluate them from the standpoint that if you're going to go after drugs, go after drugs," Mason says.

"The first time we outlaw a testing kit for cocaine by outlawing a certain chemical in the testing kit, two weeks later there will be another testing kit with a different chemical. That's just the nature of the process."

The ordinance was challenged under a procedure of seeking a declaratory judgement. An individual seeks the court's advice as to what

will happen before being subjected to arrest — a sort of preventative justice.

When a statute or ordinance is challenged as unconstitutional on its face — that there is no fact situation where the law could stand scrutiny by the Constitution — the court is obligated to search for an interpretation narrow enough that the law can stand.

"But that obligation," wrote the court, "does not require us to engage in tortured analysis or to amend the law. The testimony indicated that there are myriad items that can be and are used by drug abusers. The range of items that can be considered drug paraphernalia is limited only by the ingenuity of illicit drug users."

In other legislative business, a Senate committee considered a bill giving official approval to any school district that wants to teach human sexuality.

There are currently districts with sex education classes, but the sponsor of the proposal, Sen. Frank Roberts, D-Portland, said this bill would give the districts protection.

The bill says any school district that wants to offer the class may, but parents must be notified that the subject is being taught and be given the opportunity to request that their children be excused from the class.

"Although this bill has the wording of being a voluntary sex education bill, it seems to be the precursor to mandatory sex education, teaching such areas as homosexuality, bestiality, self-abuse and premarital sex, just to name a few," said a member of Moral Majority who testified against the bill.

Plant closure bill sparks debate

The Legislature is considering a proposal — commonly known as the Plant Closure Bill — which would help small communities cope when a major employer closes down.

Requested by the AFL-CIO, the bill requires owners of plants employing more than 50 persons to give advance notification of an impending closure or lay-off.

The bill also requires the employer to pay maintenance salaries and relocation expenses to employees and a one-shot payment of property taxes to the taxing district the business is leaving.

Oregon's business community is outraged at the proposal. Although the bill isn't scheduled for hearings until April, speeches condemning it have already been made on the Senate floor.

Rep. Jim Chrest, D-Portland, says many business leaders are becoming concerned prematurely. Opponents of the bill should give the legislative process a chance to work, says Chrest,

who is chairer of the House Labor Committee.

Committee member Rep. Eldon Johnson, R-Medford, says the prior notice provisions in the bill must be deleted before he can vote for the bill, but that the concept has strong merit.

The bill also requires state agencies to give special assistance to communities suffering from the impact of a plant closure and that employees be given an opportunity to buy the plant.

The state's Economic Development Department would be required to help the workers secure financing.

A similar bill was introduced last session by Sen. Ted Kulongoski, D-Junction City. Kulongoski says it's time to change our thinking about an owner's right to pull up stakes and leave.

"Employees are entitled to some dignity and respect. They aren't fixed assets in the process, like a log that goes through a sawmill," Kulongoski says.

Health program begins class

SelectCare, Lane County's health maintenance organization, is sponsoring a series of free programs on women's health issues.

For the first session on Wednesday, local doctor Dennis Schuelke will discuss "Contraception — State of the Art" and "Toxic Shock Syndrome."

The programs are open to the public and will be held from 7:30 to 9:30 p.m. in Conference Room 3 of the Eugene Hospital and Clinic.

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ESCAPE can't duck IFC budget slash

By STEPHEN KNIGHT
Of the Emerald

The Incidental Fee Committee cut more than \$3,000 from the ESCAPE program's 1981-82 budget request Monday night.

Anticipating a hefty budget cut, ASUO Pres. Dave Eaton praised the group as cost-effective and cautioned the IFC to be "extremely careful" in considering the program's budget.

Despite Eaton's praise, a dispute arose early in the meeting when ESCAPE director Jim Doty refused to reveal how much money the group receives from sources besides incidental fee funding.

ESCAPE receives funds from the education college and the community service and public affairs school. Doty feared the IFC would excessively cut the group's budget if the outside income was known.

But IFC chairer Jon Neiderbach said the committee could not make any budget decisions without knowing other sources of income.

Doty relented and said ESCAPE received \$8,000 for stipends from the education college.

The committee voted 5-2 to fund the ESCAPE director at \$1,260 for the coming year, \$540 less than the group's request. Other staff salaries were cut by \$2,025, bringing the group's stipends to a total of \$6,574.

After 20 minutes of haggling over the cost of paper clips, book rings and hole-punches, the committee allocated \$1,500 for the group's office supplies.

Before the committee discussed the group's telephone budget, Eaton said "every second was documented."

When the IFC cut \$16 from the group's telephone budget, Doty said, "What is the use of documentation if you're going to be arbitrary?"

The IFC sliced away \$1,541 from the group's printing and duplication budget, including \$733 for the the volunteer's manuals that have been a subject of committee controversy for several years.

"You're cutting quality out of our program and it's going to be felt," Doty said of the budget cut.

The group's total allocation came to \$15,493, \$4,540 less than requested and almost \$6,000 less than its 1980 budget.

In other business, the Council for Exceptional Children received \$273 for the coming year.

Talk for disabled begins

The University affirmative action office is sponsoring a workshop today on hiring handicapped and disabled individuals.

Shalini Reilly, from the University office, and Mike Goldhammer, from the Oregon Vocational Rehabilitation Division, are putting on the workshop.

The workshop will be 9 a.m. to 11 a.m.

Scheduled are a discussion of an Oregon Senate bill that outlines procedures for hiring the severely handicapped, and a panel discussion with representatives of the personnel division of Adult and Family Services.

The film "A Different Approach" also will be shown.

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