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Women profs pleased with court action

By ANN PORTAL
Of the Emerald

University women faculty members say they are pleased by the recent class certification given to a lawsuit alleging that Oregon colleges and universities discriminate against faculty women.

Instead of having to pursue affirmative action lawsuits on their own, all faculty women employed in the state system as instructors or professors since July 1979 are represented by the class action suit.

"It's a very positive step for us," says Biology Prof. Jane Gray, one of the four original University plaintiffs in the case.

The case was filed in April 1980 on behalf of 13 women faculty members from five state colleges and universities. However, U.S. District Court Judge Helen Frye's decision last week dismissed four of the plaintiffs, leaving only four schools with representatives in the case — the University, Oregon State University, Western Oregon State College and Portland State University.

Gray says the class certification puts faculty women in a much stronger position for fighting discriminatory practices.

The key question is the extent to which the women involved in the suit are representative of all faculty women, Gray says, acknowledging that some may remove themselves from the class.

"I know a lot of the women on the faculty don't think it's the correct thing to do," she says.

Lois Schreiner, an assistant professor in the University library and another University plaintiff, says she is not surprised the suit received class certification.

"I expected it to go that way," she says.

But the president of the state board of higher education says the suit is prosecuting the wrong party — part of the board's defense against class certification.

"Obviously we feel that the state board as a state system does not practice discrimination," says Pres. Ed Harms.

The board is only responsible for taking action against institutions that discriminate, he says, adding that rules exist for dealing with such cases.

Each state college and university is charged with drawing up its own affirmative action plan, according to Melinda Grier, board compliance officer. The board's plan covers only its own employees, she says.

However, Chancellor Roy Lieuallen says that only the board can make legal payments if damages are assessed at the outcome of the lawsuit.

"Bringing the suit against individual institutions wouldn't do any good," he says.

Portland attorney Don Willner, who represented the 13 faculty women, says the suit is for both money damages for past discrimination and injunctive relief to prevent future discrimination.

The suit alleges that state schools discriminate against women faculty in pay, promotion, tenure, professional duties, sabbatical leave, grant-application support, administrative and adjunct appointments, salary support and grievance mechanisms.

Willner says he may or may not be able to prove discrimination, but says, "Obviously, this preliminary ruling does not hurt me any."

Yet James Casby, the assistant attorney general representing the board, says Frye's complex decision limits the kind of damages that could be collected if the suit is successful, and may even require women to file individually to receive those damages.

The decision identifies eight sub-classes — the eight state colleges and universities — within the class, Casby says, adding that unless the four schools currently without representatives come up with them in the 60 days specified in the decision, the suit may apply to only four schools.

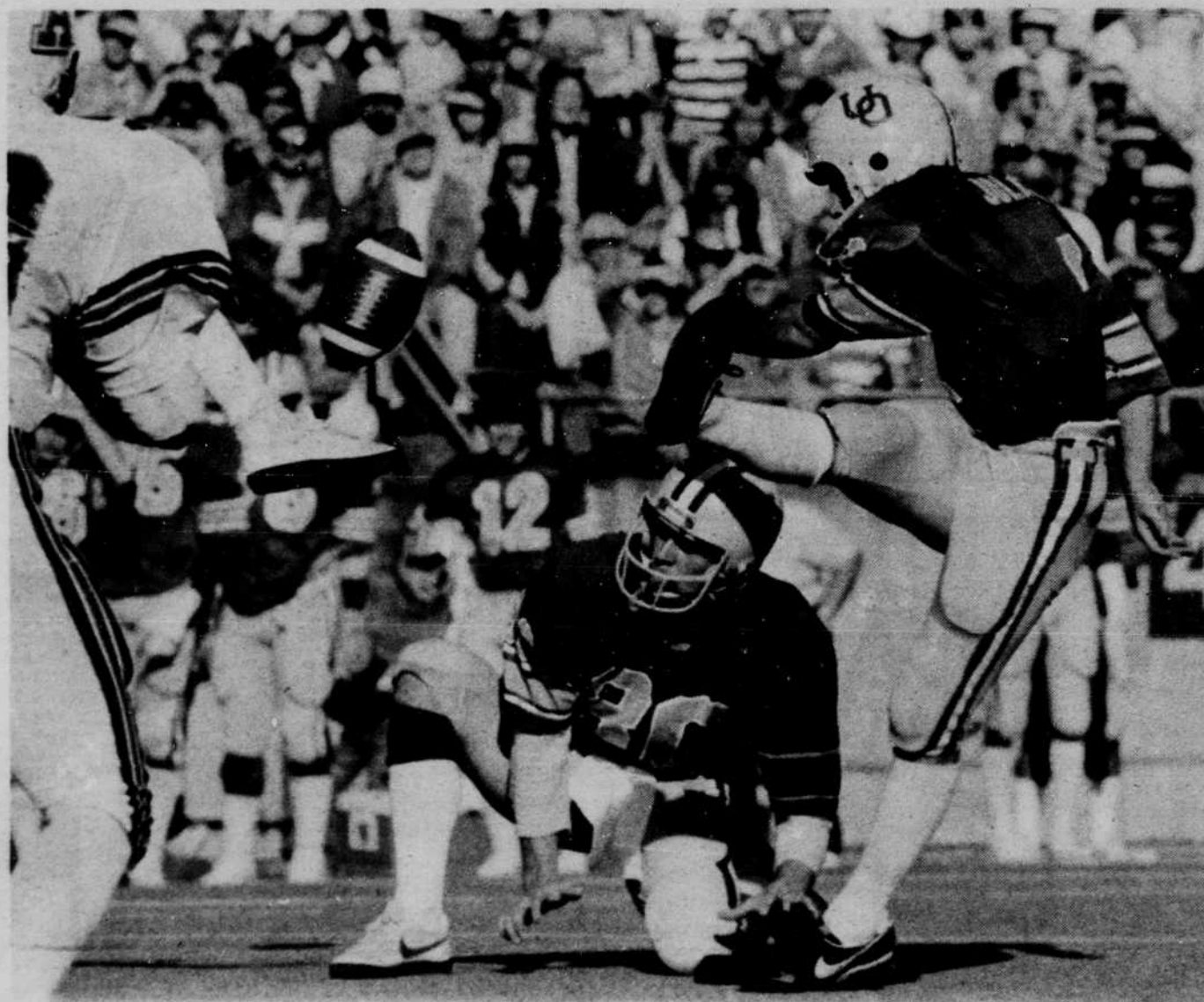


Photo by David Corey

Blocked!

With Arizona leading 15-14, Oregon kicker Doug Jollymour attempted a 43-yard field goal with less than six minutes left in Saturday's homecoming game against the Wildcats, but defensive back Al Gross blocked the kick and put the Ducks' hope for victory on ice. Arizona won the contest 18-14.

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Youth brigade members found guilty of arson

By MARIAN GREEN
Of the Emerald

When two Revolutionary Communist Youth Brigade members burned a gasoline-soaked cloth last February during a speech by a former Iranian hostage, they committed first-degree arson, a jury decided in Lane County Circuit Court Friday.

After deliberating 2½ hours, the eight-woman, four-man jury found RCYB members John Kaiser and Nancy Whitley guilty of first-degree arson, a Class A felony that carries a possible 20-year sentence and/or a \$2,500 fine.

Presiding Judge George Woodrich ordered an investigation to precede the defendants' sentencing.

Prosecuting attorney Frank Papagni, a county deputy district attorney, indicated the defendants probably will not receive the maximum sentence.

During the jury's deliberation, Kaiser and Whitley took their usual stations outside the courthouse, carrying red flags and distributing copies of the Revolutionary Communist Worker newspaper to passersby, as they had at almost every recess and lunch break of the trial's two-week duration.

During Friday's closing arguments, Papagni said the burning created a "danger of panic" and possibility of serious injury to audience members, including University student Brian Lewis, 19, who attempted to extinguish the blaze with his coat. Showing the jury a

frame-by-frame videotape of Lewis' attempt, Papagni said Lewis came close to searing his lungs from the gasoline fumes.

Between 1,000 and 1,200 people attended the speech on Feb. 9 by former Iranian hostage Victor Tomseth in the EMU Ballroom, where Kaiser and Whitley said they burned the ribbon to make a "symbolic political statement."

Whitley's attorney Michael Phillips and Kaiser's attorney Ralph Bradley both refuted Papagni's charges, arguing that possibilities of injury and panic were remote.

The defense attorneys also maintained that the burned "ribbon," which Papagni sometimes called a "rag," was not something of value, a stipulation contained in the first-degree arson definition. Papagni countered that argument, saying the ribbon had value to both Kaiser and Whitley.

Wearing red armbands and T-shirts with slogans such as "Mao Tsetung, The Greatest Revolutionary of Our Time," Kaiser and Whitley, both 29, showed little emotion while the verdict was read.

Leaving the courthouse, the defense attorneys said an appeal was probable but wouldn't be announced until after the sentencing.

Whitley said the verdict "kind of blew me away, but it's not like I wasn't prepared for it."

"I enjoyed fighting them," she added.