

# Constitution Court examines its jurisdiction

By Carolyn Lamberson  
Of the Emerald

The ASUO Constitution Court on Friday heard testimony concerning its jurisdiction over OSPIRG.

Earlier this month, three students asked the Court to place a permanent injunction on the Oregon Student Public Interest Research Group. The students say OSPIRG is inherently political and should not receive incidental fees.

Andy Clark, Constitution Court chairman, requested briefs from both sides on the Court's jurisdiction in the matter before a hearing date was set. Those briefs were submitted early last week.

The petitioners seeking the injunction are James Randall, former chairman of the Incidental Fee Committee, Ron Munion, current member of both the IFC

and the EMU Board, and Laura Romano, EMU Board member. They argue that "the First Amendment of the U.S. Constitution prohibits requiring persons to aid the dissemination of viewpoints with which they disagree."

Therefore, the three students say the use of mandatory incidental fees for OSPIRG violates their First Amendment rights.

Munion, Romano and Randall say section 2.3 of the ASUO Constitution gives the Court jurisdiction in the OSPIRG case. Section 2.3 says no agency or program of the ASUO shall abridge "the privileges and immunities of any person and program under the Constitution and laws of the United States or the State of Oregon."

In response, the IFC, the EMU Board, ASUO President Steve Nelson and OSPIRG, argue that the three petitioners are just using section 2.3 as a link to federal and state law and fail to raise issues that fall under ASUO Constitutional boundaries.

Nelson argued on behalf of OSPIRG at the Court hearing. Specifically, he said the Court should not try to interpret broad U.S. Constitutional issues.

He made an analogy to circles, saying the ASUO Constitution was a small circle within the larger circle of the U.S. Constitution.

"The little circle does not have jurisdiction over the big circle," he said.

The Court is expected to formally release its decision today.

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## Riverfront Continued from Page 1

"We have made a commitment that if anything had to be built where the playing field is, the field would be relocated," he said. "We're obligated to find a new location for the field."

Williams was surprised when he first heard of the ballot measure because none of the students involved had contacted him about the field, he said.

Because no site decisions have been made yet, it is hard to be specific about the location of the research park and how the field will be affected, Williams said.

But rather than relocate the field, Stotter thinks the park should be relocated.

"Our feeling is that the only companies that can afford that location are the big ones that would probably not want to locate in Eugene, so we believe the smaller firms would prefer the lower rent that would be charged if the park was not on

the river," he said.

Rosemary Pryor of the Eugene Development Department said the field's fate has not been determined. More will be known by June, she said.

"We are now constructing a master site plan to decide where the buildings will be, and even that master site plan may leave issues such as the one surrounding this field up in the air," Pryor said.

Carolyn Skolnick, captain of the women's Ultimate Frisbee Team, said the field is one of the best in Eugene.

"It seems a shame to rip up a beautiful piece of land to put a building on, especially when there are so many other places the park could be built," she said.

Members of other club sports teams were surprised when they heard the field was in jeopardy. "They were really shocked, and some actually did not believe me," Skolnick said.

If the ballot measure passes, students will lobby the University administration and the Campus Planning Committee to preserve the field in any long-term plans, according to the measure.

If the ballot measure fails, the "Save Southbank Riverside Field" group will continue to lobby the University and the city, Stotter said.

More than 1,000 students signed a petition to place the measure on the ballot. The measure has been endorsed by the Greek Endorsement Committee, the Survival Center, the Student Cooperative Association and several intramural teams.

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