



Think again before
fertilizing muscles
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Oregon Daily Emerald

Wednesday, April 22, 1987

Eugene, Oregon

Volume 88, Number 107

FEMA proposes alternative to nuclear emergency test

By B.J. Thomsen

Of the Emerald

SALEM — The battle with the Federal Emergency Management Agency over whether Oregon will lose more than \$1 million in federal management funds has been won, according to Gov. Neil Goldschmidt.

During a press conference Tuesday, Goldschmidt said he is "very pleased" with FEMA's decision to allow Oregon to participate in the test under an alternate scenario.

The state has shown that "federal money is not going to be enough to persuade us from what we believe," he said. "Our folks don't want a nuclear lay-down as an option for

testing our readiness."

Goldschmidt sees a need for the exercises to encompass types of emergencies other than nuclear attack. As examples he mentioned toxic and nuclear waste spills and natural disasters such as the two crippling ice storms Portland recently experienced and was unprepared to handle.

"The amount of tension (surrounding the exercises) doesn't bother me. What does bother me is people being asked to step out their doors and count incoming missiles," Goldschmidt said of the originally proposed plan.

The threat to cut funding came when Oregon refused to participate in FEMA's national

security exercise because state officials believed participation would be an acknowledgement that a nuclear war could be survived. Ten counties in the state — including Lane County — were to participate in the drill, but nearly all were opposed.

The conflict between the state and FEMA began Feb. 23 when Goldschmidt announced Oregon would not participate in national nuclear war-planning exercises. The exercise would have staged a mock nuclear attack on the United States in which 48 nuclear weapons hit targets in Oregon.

In a letter to Goldschmidt on

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Constitution Court makes decision, won't interpret state, federal laws

By Carolyn Lamberson

Of the Emerald

Editor's note: Due to an oversight by Oregon Daily Emerald staff on Monday, a story about the Constitution Court that ran in Monday's paper was repeated in Tuesday's paper. We regret any confusion or inconvenience this may have caused.

The ASUO Constitution Court has decided it does not have the power to interpret state and federal laws.

In a split 3-2 decision released Monday, the court determined it did not have the jurisdiction to hear a case filed against the Oregon Student Public Interest Research Group, the Incidental Fee Committee, ASUO President Steve Nelson and the EMU Board.

The decision, written by court member Lori Honjiyo, concluded the court is an "informal panel of students" and only has the power to interpret the ASUO Constitution. The court agreed with the respondents' argument that the students bringing suit did not present any issues under the court's dominion.

James Randall, former IFC chairman; Ron Munion, IFC and EMU Board member; and Laura Romano, EMU Board member, charge OSPIRG should not receive mandatory incidental fees and rent-free office space in the EMU because the group is in violation of the ASUO Constitution, state and federal law.

They contend the group is inherently political and therefore is not qualified to receive

student fees under state law. They also believe the use of their incidental fees violates their First Amendment rights.

Tom Herrmann, a second-year law student who wrote the jurisdictional brief for the petitioners, argued the court was "mandated" to accept jurisdiction because of section 2.3 of the ASUO Constitution. This section states no ASUO program can abridge privileges or immunities guaranteed under state and federal law.

The court decision said it was clear this section was being used as a mere "conduit" by the petitioners to "assert exclusively state and federal claims."

Honjiyo wrote, "This court will not allow this petitioner or any other to 'bootstrap' their claim into this court by merely citing one section of the ASUO Constitution, in order to support a finding of jurisdiction."

Court member Richard Weiner concurred. "On matters of U.S. Constitutional and Oregon state law, a wide array of judicial and administrative bodies with jurisdiction on the issues at hand exist," he said.

"I cannot believe the Constitution Court is best suited to settling matters of state law," Weiner wrote. The petitioners' argument rested on the First Amendment and Oregon state law, and these issues have been dealt with in the past by the attorney general's office and the Oregon State Board of Higher Education, he wrote.

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Senate passes bill that could help athletic departments

By Stanley Nelson

Of the Emerald

SALEM — The state's Duck and Beaver athletic departments are not going to receive any direct funding from the State General Fund, several lawmakers and state officials agreed Tuesday.

But state leaders are working on other options that might help Oregon intercollegiate athletics survive and prosper.

Senate Bill 400, which the Senate passed 21-9 on Tuesday, could indirectly aid the University and Oregon State University athletic departments.

The bill says students should benefit from the interest earned on fees students pay each term — and not the state, which

presently deposits the interest in the State General Fund.

Sen. Larry Hill, D-Springfield, pointed out that student government will have the option to decide who should benefit from the interest from student fees if the measure passes.

University students are required to pay \$61 a term in incidental fees, which in turn are used to fund the Athletic Department, the EMU and other student-run organizations and student services.

The Oregon Student Lobby-sponsored measure, known as the Student Activities Bill, will allow revenue from student incidental fees and health service fees to be returned to fund student activities.

The interest on student funds now is deposited in the State General Fund. If the bill is passed, students will receive an estimated \$170,000 a year as a result, said OSL Director Sherry Oeser.

The Incidental Fee Committee will have authority over the allocation of that money, and the Athletic Department may receive a share.

Still, most lawmakers agree intercollegiate athletics lack legislative support for any direct allocations from the State General Fund.

"We have too high of a need in the instructional area" of higher education, said Sen. Grattan Kerans, D-Eugene. There is no legislative interest in putting athletics before instruction, even if it

means the Ducks and Beavers must drop out of the Pacific 10 Conference, he said.

The issue is for the athletic directors and boosters to consider until higher education satisfies its instructional needs first, Kerans said.

If the Legislature decided to fund athletics, the decision would be based on the potential lost revenue to the University and OSU resulting from lost association with the Pac-10, Hill said. So far, there has been no indication that remaining in the Pac-10 is the University's highest priority, he said.

The University Athletic Department has submitted no letters, proposals or

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Down to earth

"Cool Can," also known as Brian Foran, educates passersby on the benefits of recycling at the Energy Fair in the EMU Courtyard on Tuesday.

Other booths at the fair included information on carpools, pedal power and water conservation. The fair is one of the many events celebrating Earth Week.

Photo by Bobbie Lo

General election begins today

Once again political pamphleteers will be accosting students and soliciting the vote for a specific candidate or issue.

At seven locations today and Thursday from 9 a.m. to 5 p.m., students are encouraged to vote for a favorite candidate or in support of a ballot measure. The polling booths will be in the same locations for the general election as they were in last week's primaries.

Students will be voting on either Sarah Lachkar and Jodie Mooney or Kasey Brooks and Karen Gaffney for ASUO president and vice president.

Both the available one-year and two-year IFC positions will be decided this week as well. The one-year positions should have been decided in the primaries, but a write-in candidate forced the position to the general election ballot.

There are also four Student Senate seats before the voters.

Also on the ballot for student approval or disapproval will be 10 ballot measures. There are two ASUO constitutional updates on the ballot as well as advisory measures and six funding questions.