

Justice Department urges judge to avoid Gulf debate

WASHINGTON (AP) — The Justice Department on Tuesday urged a federal judge to stay out of the evolving political discussions between President Bush and Congress over whether U.S. military force will be used to push Iraq out of Kuwait.

Arguing that it was a matter for the "political branches" of government, Congress and the

White House, Assistant Attorney General Stuart M. Gerson asked for dismissal of a lawsuit by 54 Democratic lawmakers that seeks an injunction requiring Bush to seek congressional approval before attacking Iraqi forces.

But counsel for the lawmakers said the court could and should tell the president not to engage in "snubbing his

nose" at Congress.

Gerson told U.S. District Judge Harold H. Greene that an injunction is unnecessary because "there has been no decision, one way or another, to deploy forces" against Iraq.

"It may well be that Iraq will come to its senses, it may very well be for the Congress to endorse the United Nations resolution" passed last week by the

Security Council authorizing force to expel Iraqi troops from Kuwait after Jan. 15, Gerson said.

"At this point, it's a matter to be worked out by the political branches," Gerson said.

Gerson argued that granting the injunction "would put this court directly in the way of de-

fining what a war is — itself becoming commander-in-chief," Gerson said.

The lawmakers, joined Tuesday by Sen. Tom Harkin, D-Iowa, and eight House Democrats, brought suit Nov. 20 to challenge Bush's power to wage war against Iraq without first getting authorization from Congress.

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WETLANDS

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ed not to take the EPA to court but to do the best job we could to come to an out of court agreement," Missar said. "In spring 1990 we reached an agreement of how to mitigate for the fill, although we neither admit nor deny wrong-doing."

Some \$250,000 in funding for the project came from the state, which Missar said was interested in making certain jobs were retained and that Spectra Physics did not decide to simply leave. The city of Eugene has agreed in principle, Missar said, to reimburse the company for \$200,000 in costs.

"Our argument was that when we came here, it was a three-way agreement," Missar said. "No one knew about this problem when we came, so it's no one agency's responsibility to pay the costs."

Besides controlling flooding, wetlands store water, minimize erosion and sedimentation, improve water quality, provide wildlife habitat and recreation areas, said Tim Bingham, an analyst at Lane Council of Governments.

"The gist of the problem is finding ways to balance the protection of valuable resources with the needs for certain kinds of land use," said city planner Neil Bjorklund.

"So much of the land that we had for industrial development out there is land we've sunk public money into," he said. "We've tried as much as possible to provide for development where the infrastructure is already in place."

Over a period of years, Bjorklund said, \$12 million of public money has gone to build sewers, roads, water lines and other developmental infrastructure on lands now identified as at least partial wetlands.

LCOG is preparing a draft plan to be reviewed by the EPA in December and by the public early next year. The proposal, Bingham said, is to build a wetlands parkway along the Amazon Channel for research and recreational purposes. The idea is to develop a "mitigation bank" of already restored wetlands for commercial builders who are required to mitigate to buy into.

"Eugene is at the threshold of restoring wetlands, something that hasn't been done anywhere else," Bjorklund said. "We're trying to turn this issue into a real benefit for the community, and one they can be proud of."

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