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State court kills PETA suit Ruling may set precedent for similar cases

By Carrie Dennett
Emerald Associate Editor

A three-year-old case filed by People for the Ethical Treatment of Animals closed last week, when the Oregon Supreme Court ruled the group has no legal standing to contest the approval of University research involving barn owls.

The court's ruling may set a precedent on the rights of public interest organizations to challenge decisions made by state agencies.

"The Supreme Court's ruling upholds previous denials of PETA's legal standing by the Marion County Circuit Court and the state Court of Appeals," said John Mosely, University vice president for research.

"It also follows the decisions of federal and state courts in the past which have ruled that representatives of animal rights groups are not aggrieved parties with legal standing to challenge governmental decisions on animal care," he said in a news release.

Had PETA won the case, it would have established a precedent that might have cast them in the same role as other public interest groups, said Todd Hausman, a member of the University chapter of Students for the Ethical Treatment of Animals, and a recent appointee to the University's Institutional Animal Care and Use Committee.

Environmental groups have met with some success in appealing timber sales, but animal-rights groups have not been able to fight animal research within the legal system, Hausman said.

"They were arguing on the basis that the University is a public institution, much like the forests are public lands," he said.

The lawsuit began in November 1988 when PETA, a national organization based in Washington D.C., filed a petition for review under the Oregon Administrative Procedures Act in the Mar-

ion County Circuit Court.

The petition alleged that the IACUC did not follow proper procedures when authorizing Professor Terry Takahashi's research on the auditory system of barn owls.

The petition alleged that the committee violated Oregon Public Meetings Law, Oregon's quorum statute, the federal Animal Welfare Act and Public Health Service policies.

The case was dismissed in February 1989 on the grounds that PETA did not have standing to sue. The Court of Appeals upheld the ruling in June 1990.

PETA attorneys Allen Johnson and Mary Scurlock then filed a petition for reconsideration and review with the Supreme Court and the Court of Appeals. The Court of Appeals refused to reconsider the case, but the Supreme Court granted a review in November 1990.

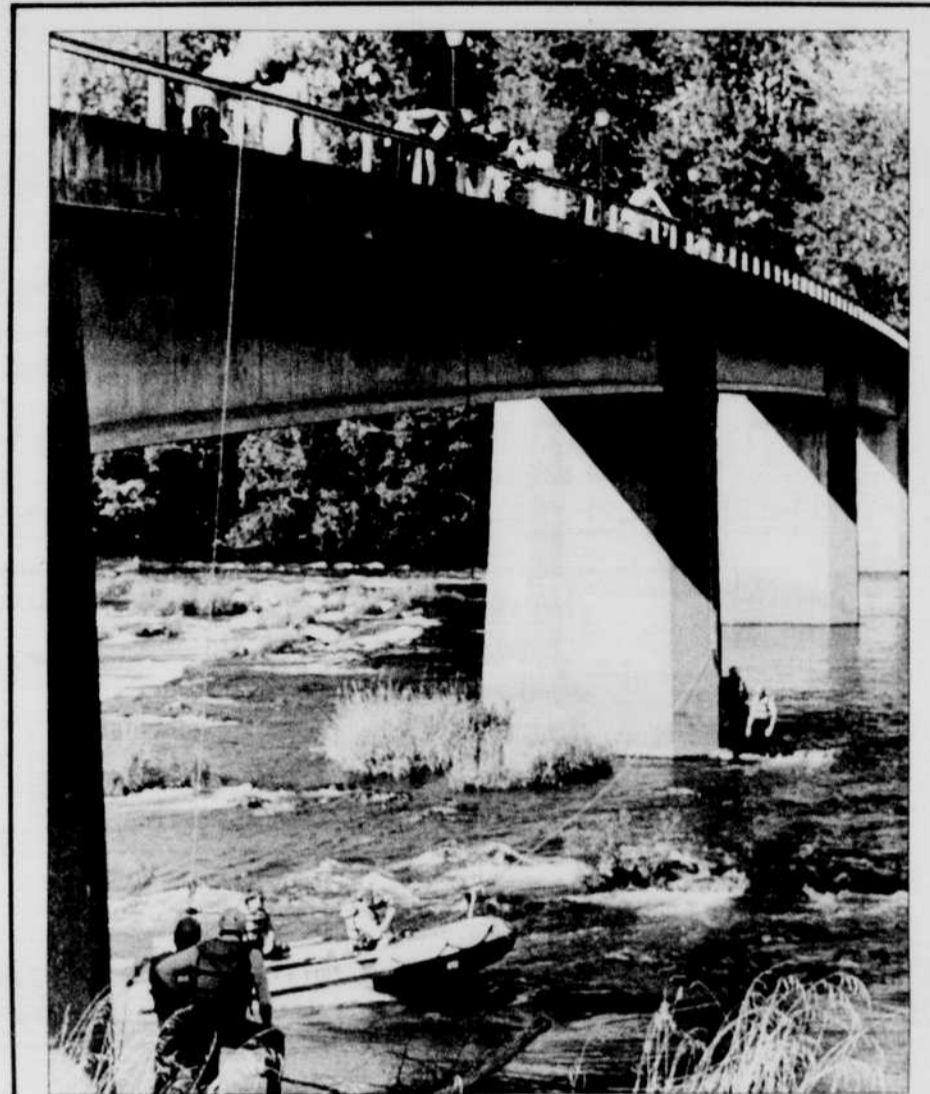
'They were arguing on the basis that the University is a public institution, much like the forests are public lands.'

— Todd Hausman,
IACUC member

The Supreme Court ruled that not only was PETA's interest political, but the group could not meet any of the requirements under which it might have found legal standing to dispute the IACUC's decision.

One of PETA's primary handicaps was that the group was targeting the University from its base in Washington D.C., and was viewed as an outside political interest group trying to tell a University on the other side of the country

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Current practices

Eugene Fire Department's water rescue team conducts rescue training under the Autzen footbridge Wednesday. The fire department's rescue raft is anchored into position by cables suspended from the bridge, which enables divers to conduct sweep searches of the area without being washed downriver by the swift Willamette currents.

Photo by Brian Kelly

Speakers rally against Thomas nomination

By Hope Neelson
Emerald Reporter

Speakers voiced their opposition to Supreme Court justice nominee Clarence Thomas at a rally in the EMU Courtyard Wednesday.

The rally was sponsored by a variety of University and local groups, including Students for Choice, Oregon National Abortion Rights Action League, NAACP, National Oregon for Women, and the National Lawyers Guild.

People are rallying and speaking out all over the country, and the rally was a chance for local groups opposed to Thomas to also speak out, NARAL political organizer Judith Schoap said.

"Although the press has not played it up, there is opposition to this candidate," she said.

"It's important to show this is not a popular choice with a lot of people. It's important to go on record why we oppose it," Schoap said. "And it's im-



Ellen Firstner, of the National Organization for Women, speaks out against the nomination of Clarence Thomas to the U.S. Supreme Court.

portant just for the sake of morale."

The two concerns brought up repeatedly by the six speakers included the issues of abortion and affirmative action.

Mary Widoff of Lane County

Planned Parenthood said that after carefully weighing Thomas' record, the national organization of Planned Parenthood came out against him.

"The reason that Planned Parenthood formally came out

against Clarence Thomas is it's clear to us that he's not willing to uphold Roe versus Wade," she said. "He's got a track record that concerns us."

Widoff said some of the past indicators of Thomas' anti-choice leanings included his praising of an article written by Lewis Lehrman that dealt with natural law and had a severe pro-life slant.

The article argues that human fetuses have a constitutional right to life, which, if necessary, supersedes the right of a woman to terminate a pregnancy.

According to *Newsweek*, Thomas called this a "splendid example of applying natural law," thereby making it possible that Thomas could use natural law to rule against abortion.

Thomas' past record plus his refusal to say where he stands on the abortion issue have alarmed groups such as Planned Parenthood, Older

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Deaths

Theodor Seuss Geisel, the Dr. Seuss whose classics delighted generations of children and parents, died yesterday. He was 87.

See story, page 9

New directors

The Student Health Center is starting the school year with two new administrators. Gerald Fleischli is the new director of the health center, and Weston Morrill heads the University Counseling Center.

See story, Page 4

Sports

The Oregon football team, facing their toughest test of the season thus far, may have to play USC Saturday without star running back Sean Burwell.

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