

State court cuts down 1988 OCA Measure 8

□ Court of Appeals cites free speech concerns in decision

By Daralyn Trappe
Emerald Associate Editor

A statewide anti-gay rights ballot measure voters passed four years ago was declared unconstitutional by the Oregon Court of Appeals Tuesday.

The ruling sets the first state precedent on the constitutionality of gay rights.

The ruling addresses 1988's Ballot Measure 8, which overturned then-Gov. Neil Goldschmidt's order banning discrimination on the basis of sexual orientation in the Executive Branch of state government.

Dave Schuman, an associate law professor at the University who specializes in constitutional law, called the ruling "very important."

"This adds to the list of forbidden discriminations in this state, although it does it in a roundabout way by focusing on speech," Schuman said.

A three-judge panel ruled on an appeal filed in July by the American Civil Liberties Union on behalf of University employee Harriet Merrick, a lesbian.

Merrick and the co-petitioners appealed Measure 8 on the ground that it conflicts with Oregon State Board of Higher Education rules prohibiting discrimination on the basis of sexual orientation.

In the court opinion, Judge John Buttler wrote that Measure 8 violates the Oregon Constitution's guarantee of free speech and expression.

"The sweeping protection of that clause extends to all forms of speech, regardless of the social acceptability or offensiveness of the communication," Buttler wrote. "Free and open expression about sexual orientation is clearly protected. ... A statute that establishes a content-based restriction on the free expression rights of public employees cannot be sustained."

Measure 8 allows state officials to take "personnel action against any state employee based on the sexual orientation of such employees," according to the ruling.

Buttler wrote that although Measure 8 does not explicitly prohibit speech about sexual orientation, it does so by implication.

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Dang! Look at that thing burn



Photo by Michael Shindler

Eugene Fire Department firefighters look on at a practice burn in Eugene Thursday. Developers wanted the lot cleared, giving the department a chance to try out its new compressed-air foam firefighting technique.

IFC plans to lower funds for groups

□ IFC members say tuition rise and enrollment drops force decreased funding

By Chester Allen
Emerald Reporter

For the second year in a row, the Incidental Fee Committee is planning to reduce IFC funding to student groups and other recipients of IFC funds.

"Because of Measure 5, tuition is going up, and enrollment is going down," said IFC chairman Steve Masat. "That results in less students paying incidental fees, which means less money to distribute to everyone."

Masat said the budget crunch has left the IFC with two choices: increase the incidental fee charged to each student or reduce IFC funding to student groups.

"It's pretty clear that the committee was elected to hold incidental fees down," Masat said. "So, unless the Legislature passes a tax bill, we'll have to reduce IFC funding to many groups."

The IFC is a six-student committee that distributes the incidental fees every full-time student pays each term. This year, every full-time student at the University pays a \$106 per term incidental fee.

During the IFC budget process, money is allocated to each group for next year's use. For example, this year's ASUO is using IFC money budgeted to them last year.

In the 1991-92 school year, the IFC distributed \$4,614,895 of incidental fees to 89 ASUO-sponsored student groups, the Department of Athletics, the EMU, Saferide and Campus Recycling.

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Cold spell increases concern for homeless

□ Local shelters feel the pinch as they increase clothes-collecting efforts

By Jacqueline Woge
Emerald Reporter

Chilly weather, such as the Willamette Valley had this past week, raises appreciation for thick sweaters and warm interiors. It also raises renewed concern for those who don't have either — the homeless.

"We keep hearing it's going to be a cold one this year," said Ofie Serles, who works at the Family Access Center, 1995 Amazon Parkway. "We are trying to save blankets and warm jackets for people to wear."

Eugene Emergency Housing, a private non-profit human services agency, is doing the same thing, said Executive Director

Susan Ban.

Although the shelters are scrambling to collect clothes, the community is better equipped to provide actual emergency shelter than it was during the record-breaking cold of winter 1990.

The Eugene Mission's new dormitory, constructed in January, adds more than 70 spaces, creating a new total of 370 spaces. The Interfaith Shelter Program and the Family Access Center, both created in the 1990 emergency, are still operating.

The Shelter Program provides overnight accommodations for 10 families at one of 36 different churches each week. The Family Access Center is open to all homeless people Monday through Friday and provides showers, phones, some child care, housing information, referrals, some case management, a kitchen and food as it comes in.

Eugene Emergency Housing and Catholic Community Ser-

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WEATHER

There will be low clouds and fog this morning. Highs will be in the mid 50s. Saturday might give us a break from the cold with sunny skies after morning fog. Highs in the upper 50s.

Today in History

In 1956, the U.S. Supreme Court struck down laws calling for racial segregation on public buses.

OUT-OF-STATE INCREASE?

A state Board of Higher Education ad hoc committee meets at 10 a.m. today at Portland State University to review OSBHE's proposal to tighten tuition residency requirements for out-of-state students.

The meeting is open to the public. The committee will report its recommendations to the board Nov. 20 when it meets at the University. The board is expected to vote on the proposal then, said OSBHE President Bob Bailey.

Topping the committee's list of concerns is the proposal's effective date, July 1993. Students around the state complained to the board that the date would affect this year's new students.

SPORTS

TUCSON, Ariz. (AP) — Officials are hopeful of inviting Brigham Young and giddy at the possibility of Arizona for this year's fourth annual Copper Bowl.

They also announced Thursday a deal with eight Pacific-10 Conference teams, including Arizona, Stanford and Washington State, under which each will commit to the Copper Bowl if invited as the fourth pick from the Pac-10.

Oklahoma, Kansas, Oregon, Wisconsin and Illinois also are under consideration, said bowl director Larry Brown.

Brown said a San Diego State victory Saturday over Western Athletic Conference leader Hawaii would improve the chance of getting BYU to play in the Dec. 29 game.