

OCA can't ignore constitution ruling

Momentum is a curious thing.

Four years ago, an initiative known as Ballot Measure 8 was passed. It repealed an executive order by Oregon's then-Gov. Neil Goldschmidt that made it illegal for the executive branch to discriminate based on sexual orientation. The measure was OCA-sponsored and many considered it the precursor to Ballot Measure 9.

Thursday, Measure 8 was declared unconstitutional by the Oregon Court of Appeals. The court specifically said the Oregon Constitution protects "free and open expression about sexual orientation," and that Measure 8's practical effect was to "chill speech" and "severely limit open communication by state employees."

The decision should signify to the OCA that anti-gay measures are not legal in Oregon and won't be tolerated. But the OCA will hit back — though the court implied the right-wing group has no legal right to do so.

Basically, the Court of Appeals turned Measure 8 into a free speech question under Article 1, Section 8 Of the Oregon Constitution. Section 8 protects an individual's right of free expression on any subject. With regards to a person's sexual orientation, the court said a citizen could not be fired from a job for admitting one's homosexuality.

The decision is a significant victory for the state and seemingly shifts the momentum back to gay rights supporters.

But what isn't entirely clear is how it will impact the gay rights battle. By implication, Measure 9, if it had passed, was unconstitutional based on Thursday's decision. However, Phillip Ramsdell, political director of the OCA, said after the decision, "It's more important than ever for us to refile Measure 9 to reinforce the will of the people."

Dave Schuman, a professor in the University law school, said he believes if a new version of Measure 9 were proposed, the OCA would have to disclaim the Oregon Constitution and previous court rulings. In other words, the measure would have to include a statement saying it is exempt from Article 1, Section 8 of the state constitution.

Yes, this is legal. A measure can be passed that is technically unconstitutional if it asks to be exempt from ordinary constitutional law. The death penalty, for instance, is exempt from Article 1, sections 15 and 16 of the state constitution — the vindictive justice and cruel and unusual punishment inclusions.

And the battle is certainly not over. Backers of the original Measure 8 can still appeal to the Oregon Supreme Court in hopes of reinstating the measure. The American Civil Liberties Union expressed disappointment that Thursday's ruling did not specifically prohibit government discrimination against homosexuals, which Measure 9 focused on.

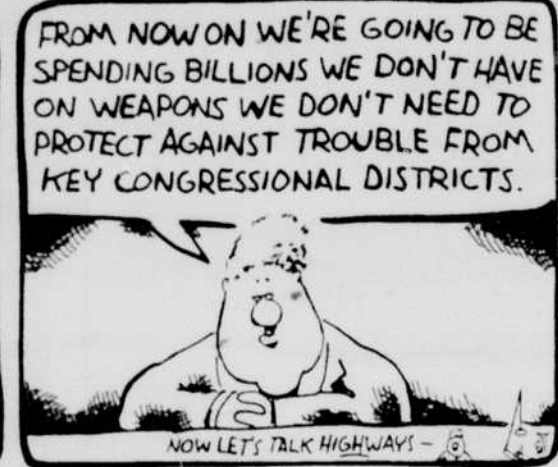
And even if a newly worded Measure 9 were passed with an exemption of Section 8, Schuman said it probably would be challenged on a federal level, where it probably would not pass muster.

So where does the OCA go from here? Hopefully back home. More realistically, it will try another Measure 9 with the exemption written in. OCA members have already tapped the emotions of several hundred thousand citizens in Oregon and believe they are on a mission that can't be turned back.

But the OCA should take Thursday's decision as a signal to stop the campaigning. Measure 8 was unconstitutional. Measure 9 would have been. As it stands now, the OCA is backing itself into a corner against the courts, the government and the majority of Oregon voters in a dead-end crusade.

Victims of anti-gay measures will cite free speech as an argument for gay rights. And the OCA should know that free speech is the most protected right in America — and that its cause is hopeless.

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LETTERS

Pro-choice

The state law requiring students be immunized against measles ought to be repealed. The law is an invasion of a person's right to control his or her body.

Although I understand the desire of those who wish to protect students against measles, the only course consistent with personal liberty is educating students about the dangers of the disease. The state has no right to forcibly inject students with a vaccine. And, because it is forcing them, it is a double violation of their liberties to charge them for such coercion.

I was raised by naturopath parents who believed our bodies have natural defenses against disease.

I don't follow my parents' practices today, but I strongly believe they had the right to decide on health treatments for themselves and their children. In many ways, the health establishment is just beginning to accept the ideas of disease prevention and proper nutrition that my parents practiced 60 years ago.

When I was born, tonsils were routinely removed at birth. Today this is considered unnecessary and never done.

My mother gave birth without drugs with the assistance of a woman doctor at a time when women were routinely drugged before birth (to eliminate the pain) and spent 10 days in the hospital recuperating.

In short, each individual has the responsibility for his or her own health. Students ought to make their own decisions regarding inoculation.

Tonie Nathan
Media coordinator
Libertarian Party of Oregon

Respect sacrifice

Wednesday, Nov. 11, 1992. Just another day of classes at the University. A university that prides itself on honoring diversity and being politically aware.

This being the case, it's ap-

palling that the University and the *Emerald* failed to sufficiently acknowledge Veteran's Day, a day in which we should all take time to remember those men and women who served and died doing their duty for their country.

All political issues aside, and forgetting about whether the war was justified, I believe the University should acknowledge this "holiday" in some fashion. Whether it be putting up a banner at the EMU or (God forbid) suspending classes for one day, attention must be paid.

As for the *Emerald*, one little "Today in History" blurb at the bottom of the front page does not constitute sufficient coverage. How easily we forget the events in our country's history that we deem wrong or unpopular, and in so doing also forget those men and women who made the ultimate sacrifice.

Perhaps people in my generation would rather read about the trials and tribulations of skaters in Eugene or about the Public Enemy concert or about a ridiculous ballot measure that was already defeated. Perhaps people in my generation no longer care or are no longer interested in what occurred 20 years ago in a small country halfway around the world.

As the son of a Vietnam veteran, I do care and I hope I'm not the only one.

Mike McLemore
Business Administration

Enemy no more

There seems to be some confusion regarding the rap group Public Enemy and their supposed "anti-Jewish" sentiment.

If Pat Bryan (*ODE*, Nov. 12) had done his research, instead of believing the letter printed in the *Emerald* (Nov. 6) accusing PE of being "anti-Jewish," he would have found the true story.

The truth is that in 1989, one member of PE, Professor Griff, made anti-Jewish comments, after which he was released from the group. Griff has no affiliation with PE currently and has

not appeared with the band since 1989.

The group Public Enemy, as was displayed at their concert at the University, supports a world without prejudice and racism. Just because one former member of PE made these comments years ago, there is not justification for setting them up as Jew haters.

If anything, Chuck D. and Flavor Flav showed their support of equality by kicking Griff out of the group.

To quote PE's song "Letter to the *New York Post*," when it comes to the PE, "Get your (expletive) correct!"

Jason Porter
Student

Curb it

Defenseless hunks of concrete everywhere are vulnerable to the selfish acts by ruthless vandals known as skateboarders. These persistent punks are out to have fun at the expense of worthless, useless, drab and otherwise ignored bunches of processed rocks. No curb, bench or wall in the city is safe.

And if you're an innocent pedestrian, never-mind the rollerbladers and out-of-control bicyclists, the sidewalk terrorists will rip you to pieces.

But don't fret, the Eugene police department and the University Office of Public Safety waste plenty of time and money attempting to stop these freaks.

In one rare capture, three OPS officers were able to stop a single skateboarder caught in the act of threatening the general concrete and pedestrian populations. It was 3 a.m. on a weeknight during finals week, in an empty and secluded area of campus.

Needless to say, the arresting officer awarded the menace a ticket, then sent him home to bed.

Without EPD and OPS to control the madness, our streets probably wouldn't even be safe.

Eric Schoenborn
Student