

Dumb idea doesn't equal crime in case

Is stupidity a crime? That apparently is the case former Oregon's men's basketball coach Don Monson is trying to make in his lawsuit against the University. Monson argues that being re-assigned to be men's golf coach and then compliance coordinator for NCAA rules and regulations was a breach of contract because, essentially, it was a dumb idea that made no sense.

Monson is seeking \$425,788 in damages — \$204,722 in direct wages and benefits and \$221,066 in lost income from outside contracts.

The later income is not a valid issue because the University bears no responsibility for what is by its very name an "outside contract." To say otherwise would logically mean that the Chicago Bulls would be responsible for Michael Jordan's contract with Nike.

Becoming Oregon's head basketball coach provides an opportunity for television and shoe contracts. The University made Monson aware of this when he was hired in 1983, but as an opportunity for additional outside income — not as a guarantee. Nowhere in Monson's contract did the University promise any outside income.

Monson is also suing the University for lost wages and benefits from his coaching contract. The University counters that it re-assigned Monson to other positions in the University, first as men's golf coach and then as NCAA compliance officer. Monson apparently didn't have much enthusiasm for these assignments because he never showed up. It is understandable that Monson, who had been a basketball coach for 34 years, wouldn't want to be a golf coach. It was an absurd idea for Monson to become head coach and instructor of a sport with which he has no coaching or instructing experience.

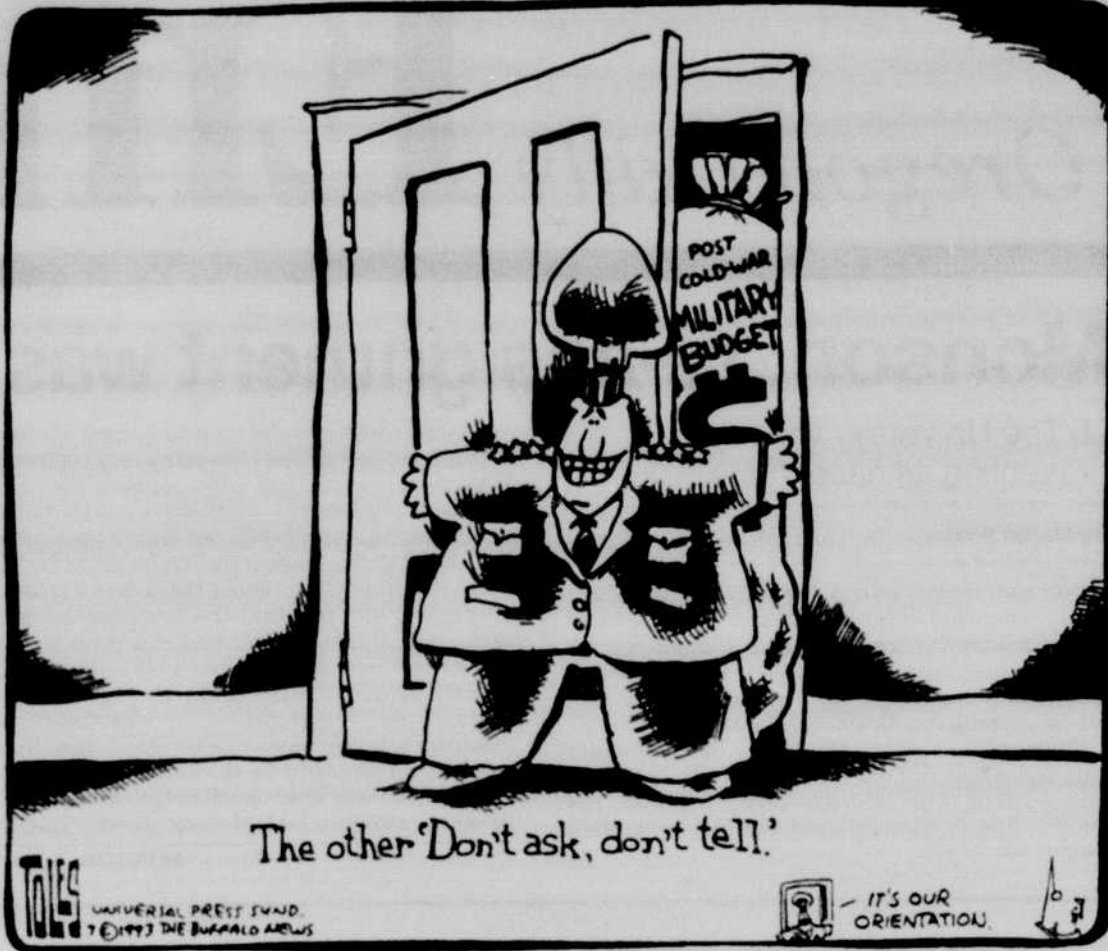
However, Monson's contract, which he signed, said, "The position as offered is subject to ... State administrative rules." Oregon Administrative Rules say "personnel may be transferred or reassigned within an institution in accordance with the staff needs of the institution or other units." Did the University honor its contract obligations with Monson? Yes.

The University probably would have been better off assigning Monson to a real position for which he was qualified or negotiated a contract settlement. Or looking farther back, the University shouldn't have extended Monson's contract during a disappointing season when that was the reason he was fired just two months later.

However, the University had every right to sign Monson and then make him Oregon's golf coach. It doesn't matter from a legal standpoint whether Monson would have been a qualified golf coach or NCAA compliance officer. The University is not required to do a good job or make sound decisions. Where would government be if public institutions were held to such a high standard?

The University, and the athletic department in particular, may have treated Monson poorly — but within the contract. Monson understood, or should have understood, the contract when he signed it. Ignorance of the law is no defense, but ignorance isn't a crime either.

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OPINION

Twenty-eight ways to say failure



Write Angles

Don Peters

Oops.

My handy-dandy Roget's Thesaurus has a full page of synonyms for the word "failure," and I plan to use a whole bunch of 'em to describe what happened in the Oregon House of Representatives last week.

They'll be the ones in italics. Oh, by the way, for those of you who haven't been paying attention to state politics, Friday wasn't what you could call a good day to be a legislator.

First off, the governor bodyslams your operating budget bill, telling lawmakers to take a bigger bite off of their own funding before slicing other state budgets.

Screwup No. 1. Then came the grand master of *fiascos*, the *collapse* of House Bill 2500 — the accompaniment bill to the recently passed sales tax measure.

Here's the scene. The House approves HJR 10 and sends it to the Senate. HJR 10 would, pending voter approval in November, create a constitutional amendment detailing a 5 percent sales tax to raise more money.

OK. They pass HJR 10. All that remains is to push the operating bill (HB 2500) through the House, wait out the Senate hearings, hash out a compromise in the conference committee and then, most likely, watch the proposal *fall to ruin* and *grief* at the hands of the voters. After all, sales tax measures are about as popular as Mapplethorpe photos at an OCA convention.

But at least they would have tried, right? Legislators could point to the *founded* measure and say, "We did all we could."

If nothing else, a face-saving play.

So what happens? They put HB 2500 on the floor, and it *bombed*. Went down to a 34-26 defeat.

Like I said, oops. Now, the Senate will have hearings on an all-but worthless bill.

The *debacle* was a result of both parties' House leadership not paying close attention in the caucus meetings. The sales tax was a compromise between the parties. And with HB 2500, both parties assumed the other would crack the whip and ensure a majority.

Well, heh heh, a funny thing happened on the way to the vote: Nobody bothered to count heads. The 26 yes votes came from 13 Republicans and 13 Democrats. Equal credit and equal blame all around.

C'mon folks. This is the kind of *blooper* we columnists live for. At least make us work to make fun of you. This is too easy — like deer hunting with an Uzi.

I see Friday's *unsuccessful* effort as one of three things:

- The House leadership wanted the bill to fail, bringing it in on the floor to *wreck* it. Possible, but unlikely, given their support of the earlier measure. Too Machiavellian even for Republicans.
- Both sides violated the rule of making sure you got enough votes before you bring something to the floor. Legislative surprises usually result in higher blood pressure and constituent laughter.
- Obstinacy on the part of the party caucuses, wanting the other side to provide the majority for

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what will probably be an unpopular bill. If that's the case, in searching to screw the other guy, the parties *made a mess* of things.

Personally, I go for option No. 2. During a legislative session that's gone on longer than the Jurassic period, it's no wonder lawmakers are weary and prone to *errors*, *flops* and *floundering*.

Though I sympathize and support the need for a sales tax, Capitol residents must realize such proposals are like *rolling the stone of Sisyphus* (I like this one), pushing the rock up to the top of the hill only to watch voters toss it back down.

So unless lawmakers can pull something off, the days of pondering and pounding the desk over the sales tax have *come to nothing*, *ended in smoke* and *gone bankrupt*. The House *took a wrong turn* Friday, and when the doors are finally closed on this session, the success of such things as the health care plan will be forgotten in face of the obvious *malfunctions*, *rebuffs* and *drubbings*.

What a shame.

Don Peters is a columnist for the Emerald.

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