

Measure may face scrutiny



PORTLAND (AP) — The same constitutional problem that led the Colorado Supreme Court to declare that state's anti-gay-rights law unconstitutional could pose problems for Oregon's Measure 13.

Amendment 2, adopted by Colorado voters in 1992, prohibited local governments from outlawing discrimination against gays. The state's high court ruled Tuesday the amendment denies homosexuals equal protection under the U.S. Constitution.

The "fatal flaw" of Amendment 2 was that it made it impossible for a group of people to use the legislative process for its own protection, said David Schuman, a University of Oregon law professor.

"It put the political process out of their orbit by basically prohibiting state and local governments from passing gay rights laws," said Schuman, an expert in equal protection issues.

"Measure 13 does the exact same thing," he said.

Measure 13 would overturn gay-rights laws in Portland, Corvallis, Ashland and Eugene and bar state and local governments from enacting specific protections for gays and lesbians in the future.

It also places restrictions on how public schools teach about homosexuality and bars governments from establishing affirmative action or hiring quo-

tas based on homosexuality.

The measure is the Oregon Citizens Alliance's second attempt to pass a statewide measure. Voters defeated the OCA's Measure 9 in 1992, so the group came back with a differently-worded proposal for this year's ballot.

"It's a mainstream compromise that protects kids in public schools from promotion of homosexuality but at the same time preserves basic human rights," said Scott Lively, the OCA's state membership director.

The OCA expects Measure 13 to fare better than the Colorado law because it contains a clause that protects all citizens, including homosexuals, from discrimination, Lively said.

The clause says all citizens are guaranteed state and federal constitutional rights.

"That's ironclad," he said. "It supersedes the other parts of Measure 13 and its written right into language."

But the clause cited by Lively does nothing to make the Oregon measure different from the one in Colorado, Schuman said.

The clause, he said, means "that if Measure 13 is declared unconstitutional it cannot be enforced. That's a completely circular piece of language."

The Colorado decision comes as no surprise to the OCA, which expects the constitutionality of both Colorado's law and Oregon's, should Measure 13 pass, to be decided in the U.S. Supreme Court, Lively said.

People become sick, ice cream recalled

PORTLAND (AP) — At least four people in Oregon who ate Schwan's ice cream or yogurt products tainted with salmonella bacteria have become ill, the Oregon Health Division says.

Six or seven more cases haven't been confirmed but are suspected among people who had eaten the dairy products, the health division said Tuesday.

Schwan's Sales Enterprises Inc. of Marshall, Minnesota, which distributes food mostly by home delivery in the 48 contiguous states, is recalling a variety of ice cream and yogurt products because they might be tainted with the bacteria. Other Schwan's products are not affected.

Because of the extensive distribution system, Minnesota Health Department epidemiol-

ogists think this may be the largest food-borne disease outbreak ever.

Company officials would not say how many customers Schwan's has in Oregon or Washington or how much of the ice cream and yogurt had been distributed here.

Consumers who have eaten the products and feel sick — especially children, the elderly or those whose immune systems are compromised — should contact their physicians.

Symptoms of salmonella poisoning include abdominal cramps, diarrhea and sometimes vomiting and fever. Symptoms can appear from 12 hours to five days after the bacteria are ingested.

(For more information or assistance, consumers can call Schwan's at 1-800-544-6855.)

Stores fined on scanners that charge too much

SEATTLE (AP) — Four retail stores have been cited by the city for using scanners that charged prices that were higher than indicated by advertisements or labels.

Fines of between \$20 to \$200 are imposed on stores with four or more price errors out of 100 items chosen at random, said Dick Selander, license and standards supervisor in the consumer affairs section of the city's Department of Finance.

He said he believes the citations are the first under a 1970 ordinance that has only recently been interpreted to include scanning.

Inspectors will monitor scanner prices at a total 72 area retailers of various kinds, marking a shift from an earlier focus on grocery stores.

Four of 23 stores checked in the last few days have been cited, including three PayLess Drug Stores, two in Rainier Valley and one downtown, and an Eagle Hardware & Garden store.

The PayLess store in the Rainier Valley overcharged for five of 105 items when it was checked Tuesday. The errors ranged from a 2-cent overcharge for cotton swabs to a \$2.72 overcharge for damaged yarn. The yarn had been reduced to 25 cents, but rang up at \$2.97.

A Thrifty PayLess Inc. spokesman called the errors "very, very surprising," and said improperly scanned items should be given free to customers.

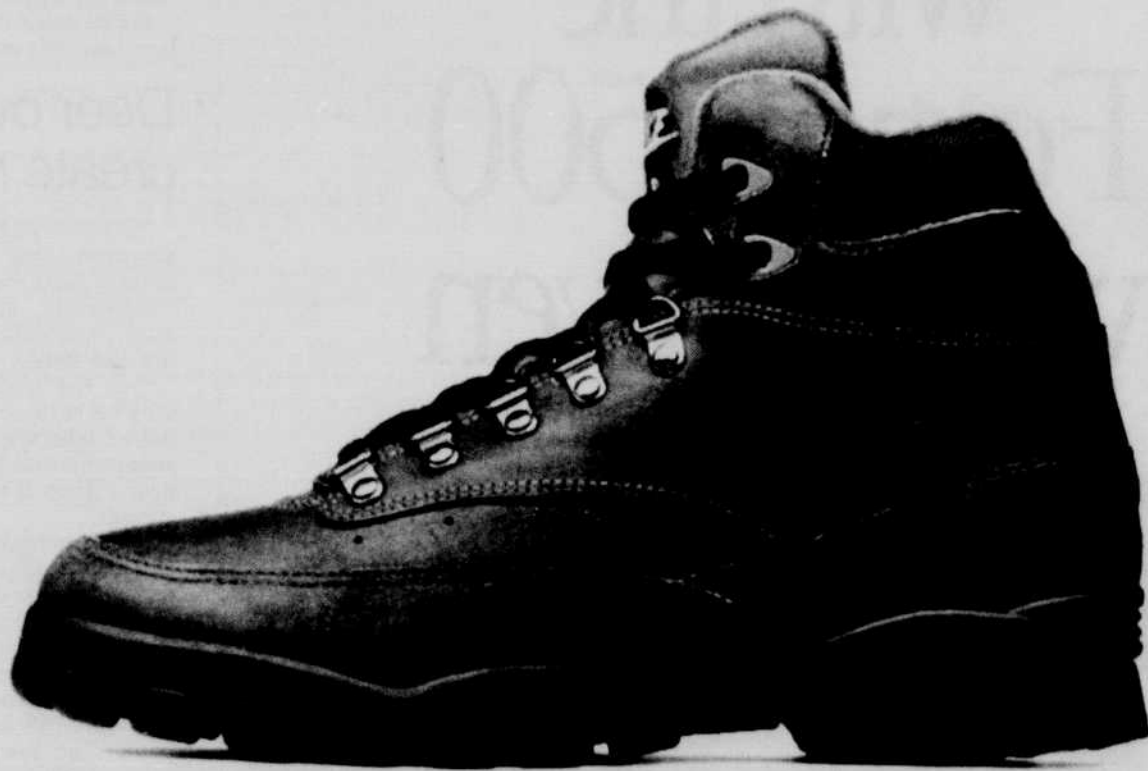
"We want to do everything to comply (with the law), and currently our management is meeting with our managers to be sure we are complying," spokesman Bill Wells said.

The president of Eagle, Richard Takata, said he had identified and corrected a human error that caused the pricing discrepancies.

"We want to be in 100 percent compliance with the city," Takata said.

A customer complaint prompted the inspection at the Eagle store.

GET CAUGHT BETWEEN A ROCK AND A SOFT CUSHIONED PLACE.



Air Tumbalo.

THE NIKE STORE.

5th Street Public Market. Take I-5 to City Center exit across Ferry Street Bridge to 6th Street exit. Store hours Mon-Sun, 10-6. (503) 342-5155.