

EDITORIAL

Initiative petitions need legal scrutiny

Oregon's recently passed assisted-suicide initiative, the so-called "Death With Dignity" Ballot Measure 16, has reached a legal impasse. Opponents of the measure have succeeded in blocking the implementation of the narrowly approved initiative through a court-ordered injunction.

This has resulted, rather predictably, in shouts of protest from Measure 16 supporters, who charge that their rights are being trampled, since the initiative was approved by the voters, fair and square.

Many of the supporters of 1990's property-tax-limiting Measure 5 felt the government betrayed them after the voters approved their measure. Because of legal maneuvering and changes to the assessment process, few people realized any real tax relief through Measure 5. It seemed as if the government just threw out the measure because it didn't approve.

With Measure 16 in similar jeopardy, some people are again asking, "Why should we bother having the initiative process when the government can just ignore the will of the people and overturn the new law?"

It can be frustrating, surely, to expend all the time, money and energy necessary to get a measure on the ballot and approved by the voters, only to find that measure invalidated by government before it even takes effect.

To some degree, that's unavoidable. The initiative process puts lawmaking power into the hands of people who don't always know the law. Some of the laws are bound to be deemed unacceptable or unworkable (of course, laws written by the Legislature often meet a similar fate). Sometimes there's no way of knowing all a law's flaws until after it's been in place for a while.

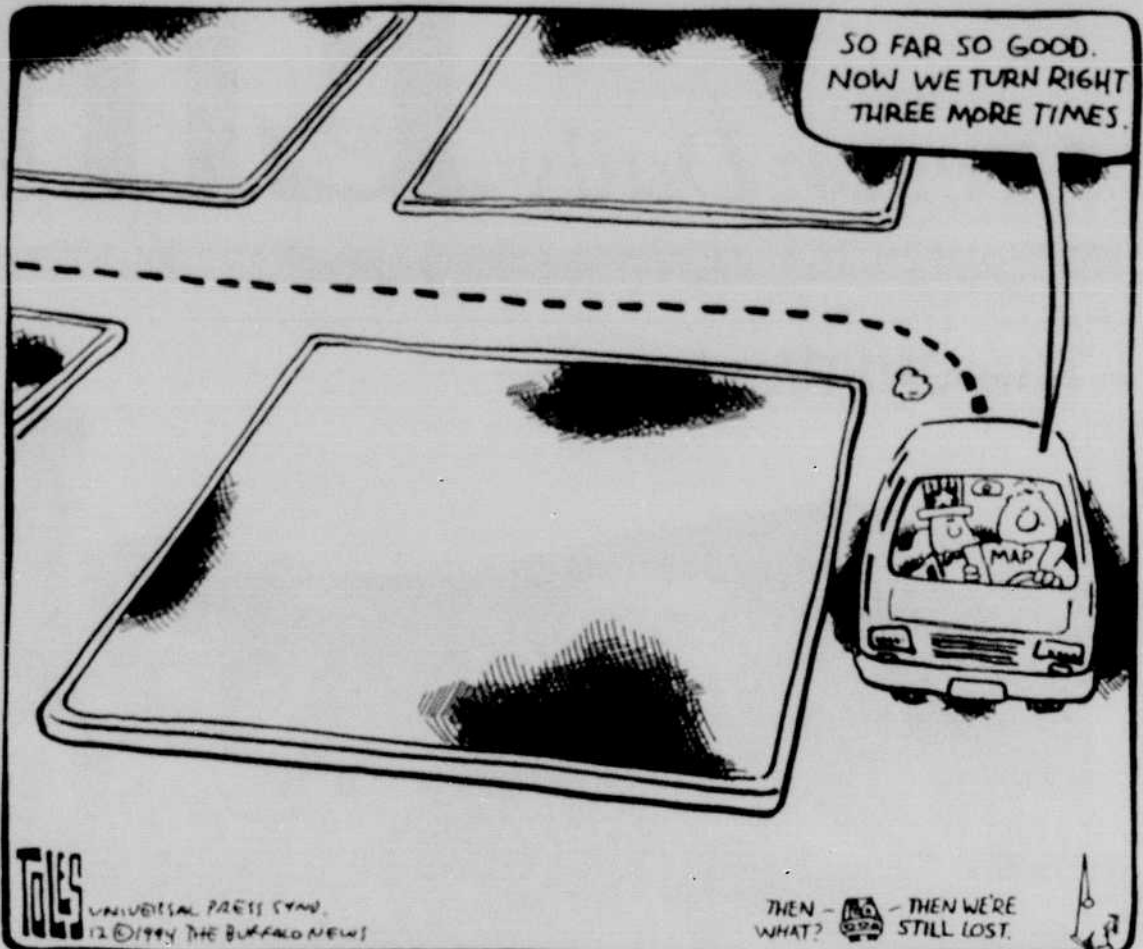
But the state should still consider expanding its pre-election review process, to help weed out measures that could never stand up in court, or to fill in the kinds of loopholes in measures that may doom Measure 16 and hamstring the old Measure 5.

There were 18 measures on last November's ballot; some of them could never have stood up very long, even if they had been approved by the voters. So why were the people forced to vote on them?

As long as this state remains committed to preserving the initiative process (let's not forget there are plenty of states that don't let the people put their own measures on the ballot), then that process would receive a tremendous boost if the state reviewed the measures more closely.

The process loses credibility whenever a measure, duly approved by the voters, gets shot down by the courts or circumvented by the Legislature. People begin to think the process is a sham.

There's enough cynicism in politics already. If the state could take action to keep some of these doomed initiatives off the ballot in the first place, it might go a long way toward renewing people's faith in government.



OPINION

Sacred Heart abortion policy valid



PRIMO A. J. FONTANA

Following a national business trend which should be quite familiar by now — the Eugene Clinic and Women's Care PC are currently considering joining the Sacred Heart Health System. If they decide to do so, they will no longer be allowed to offer such services as abortion, artificial insemination, or, in the unlikely event that Measure 16 ever leaves court, physician-assisted suicide.

To most people, this seems completely logical. Sacred Heart is run by a group of nuns, and most of us know the Catholic Church's stand on the previously mentioned procedures. But once again, Eugene is crossing the boundaries of reason, and we get to sit back, relax, and enjoy another circus courtesy of the far left.

From all over the area we've had to listen to complaints about the possible merger. The anti-Sacred Heart, anti-Catholic rhetoric has concentrated on two main points, one addressing the merger and the other the practices themselves, both of which were perfectly exemplified in a letter to the editor in last Friday's *Emerald* (Jan. 6).

The first argument from Sacred Heart's detractors is that the doctors of the Eugene Clinic and Women's Care PC are somehow being "forced, financially," to use the writer's words, into the merger.

Although "financially" has been added as an afterthought, the clear implication is that the people in charge of the Sacred Heart Health System have used what the writer terms their "monopolistic, oppressive atti-

tude" to push the smaller groups into the fold.

Now, before we allow visions of burly priests storming into medical offices demanding protection money to wander into our heads, let's set the record straight.

As Jennifer Ulum, a spokeswoman for Sacred Heart, told me last week, the physicians of the Eugene Clinic and Women's Care PC were the ones who expressed initial interest in forming an integrated delivery system with Sacred Heart.

The physicians, as members of the Eugene medical community, understood the group with whom they were getting involved, and as professionals, they must have also known, as Ulum said, that "when you merge into one organization, you compromise."

She told me that she hasn't sensed any "outrage or surprise" from those who may join, and there is no reason to think differently, since as stated before, Sacred Heart's reputation precedes them. Do not let anyone mislead you by trying to imply that the Eugene Clinic and Women's Care PC are being shoved into an agreement with which they do not agree.

The second part of the argument against Sacred Heart is that since it is tax-exempt, it should have to provide all medical services to the community, even those towards which it is blatantly opposed.

This argument is quite flawed. The system is tax-exempt because it provides essential services to this community that would otherwise need to be performed by the government.

As things stand presently, abortion is not such a service. It is a voluntary procedure which is performed by other institutions in the area, such as McKenzie-Willamette Hospital (at one of the clinics, not the hospital) and the Feminist Women's Health Center.

The definition of a hospital, according to *The American Her-*

itage Dictionary of the English Language, is: "An institution providing medical or surgical care and treatment for the sick and the injured."

Quite obviously, Sacred Heart has fulfilled this definition succinctly, and as a consequence deserves its tax-exempt status. Even if the Eugene Clinic and Women's Care PC cannot provide the services in question, it still will deserve that status.

When some say that Sacred Heart is "erecting unreasonable barriers to safe, legal medical care," they are totally out of line. The system provides "care" to many, and because it does so its rights as a Catholic organization should be respected.

In His Holiness John Paul II's new book *Crossing the Threshold of Hope*, the Pontiff devotes a section of the work to once again distinctly define the church's position. He calls abortion a "moral evil," and this is certainly aligned perfectly with all of his predecessors and the dogma of the Faith. He has also made similar claims about the other practices in question, which also are firmly rooted, for better or for worse, in Catholic tradition.

In a world where the popular media (from Rush Limbaugh to Connie Chung to the Christian Coalition to the Mighty Morphin' Power Rangers) have begun to redefine morality almost daily, the Catholic Church, love 'em or hate 'em, has stood firm.

Sacred Heart's Sisters are protected by the First Amendment to exercise their freedom of religion, and it is obnoxious and insensitive for anyone to think that this is improper.

There is not a medical monopoly in Eugene, and unless the Clinton health care plan passes and gives us one, we are all free to go to another location for any legal service which we desire.

Primo A. J. Fontana is a columnist for the *Emerald*.

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Newsroom: 346-5511 **Display Advertising:** 346-3712

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