

ACLU: victims' rights law is wrong

■ **LAWSUIT:** American Civil Liberties Union of Oregon says Nov. 5 measure violated a state wording clause

By Charles E. Beggs
The Associated Press

SALEM — As a judge considered whether to block a victims' rights law Wednesday, an appeals court rejected a similar challenge to a 1994 law that imposed minimum sentences on juvenile offenders.

The victims' rights measure, passed by voters Nov. 5, is scheduled to take effect today unless Circuit Judge Pamela Abernethy blocks it while a lawsuit is considered. She said Wednesday she would rule on today.

The American Civil Liberties Union of Oregon filed the lawsuit against the victims' rights measure Wednesday, saying it violates the state constitution's requirement that ballot measures deal with only one subject.

But the Oregon Court of Appeals rejected the same argument against the juvenile sentencing measure passed by voters in 1994.

The juvenile provisions are part of a broader measure imposing tougher sentences for violent crimes. Various legal challenges to other parts of the measure are pending.

Besides creating minimum sentences, the measure also required all 15- to 17-year-olds accused of certain crimes to be tried as adults instead of in juvenile courts.

The appeals court said having both provisions in one measure was allowed under constitutional wording permitting "matters properly connected therewith" in ballot measures.

The appeals were brought by two juveniles who received 70-month prison terms for assault and robbery.

The ACLU lawsuit against the victims' rights measure also claims the measure breaches a constitutional prohibition on ini-

tiative measures that make wholesale revisions of the constitution.

And it contends the measure opens the door to infringing on civil rights by such steps as allowing easier non-criminal searches and seizures.

Wednesday's arguments were limited, however, to whether Abernethy should temporarily stop the law from taking effect while the court considers the objections to it.

ACLU attorney Carl Neil said the measure meets a legal test justifying a judicial restraining order because it would cause irreparable harm by revising jury selection procedures and evidence rules and permitting non-unanimous verdicts in murder cases.

But Katherine Georges, an assistant attorney general, said opponents didn't show that the plaintiffs in the lawsuit would suffer some kind of personal injury if the new law were not blocked.

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