

Court: Austin can appeal decision, file recall petition

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president for nonfulfillment of duties under the constitution.

It found, though, that it could only remove a president for "non-fulfillment so egregious that the position is all but vacant." It decided Miner's failure to fulfill one duty did not warrant a removal.

Corcoran's concurrence said the court was implying that punishments for nonfulfillment of duties should be weighed against the severity and nature of the offense.

The court also ruled that it could decide cases that deal with discrimination under federal and state law. Miner had argued that the justices had not passed the bar, and so do not

have the authority to decide cases that deal with federal or state laws.

The court argued such laws were incorporated in the ASUO Constitution and therefore fell under its jurisdiction. Corcoran explained that the court cannot treat the ASUO as "an island of law independent and apart from" Oregon and the United States.

However, the court said nothing in the state or federal constitutions suggest that law students are a protected class.

Corcoran's concurrence noted that Miner admitted he had failed to appoint a justice within 30 days, thus violating the constitution. But he emphasized that the court has no power to impose a

sanction other than removal.

"Quite simply, President Miner has violated the Constitution, yet the Constitution provides no means for this Court to correct that violation," he wrote.

Austin said the court had made "a severe error" in its decision.

"The court lacks the backbone to ensure that our government is run by integrity and honesty," he said in an official statement. "They are a joke."

The decision establishes several precedents, Miner said. Most importantly, it recognizes the president's power of appointment and agrees he or she can appoint almost anyone. The Senate must ap-

prove all presidential appointments — a check against the president that the court said would prevent presidential abuses.

"This is the way the United States Constitution separates the powers of the government branches, and if it is good enough for the United States government, it is good enough for this one," the decision stated.

The ruling also establishes a high standard for nonfulfillment of duties: "We do not believe that the failure to perform one of a number of duties is sufficient to remove" the president in this case.

But the court did not define what would meet that standard. That means officials can neglect

some duties and not be sanctioned, Austin said.

The ASUO executives also said that established a strong precedent.

"Basically, you would have to be in a coma for three weeks not to fulfill your duties," Unger said. "I can't think of anyone that would be so distant."

The court outlined several other options Austin had, including appealing to University President Dave Frohnmayer, filing a recall petition or taking his case to state or federal court.

Austin said he had not decided whether to pursue those options.

"I don't know if I even care that much anymore," he said.

Minister on trial for performing lesbian unity ceremony

Rev. Jimmy Creech violated the rules of the Methodist church

The Associated Press

KEARNEY, Neb. — A Methodist minister who could be fired for performing a lesbian unity ceremony testified before a church jury Thursday that he was simply serving the couple's spiritual needs.

The Rev. Jimmy Creech, 53, pleaded innocent to charges that

he held an unsanctioned liturgy and disobeyed United Methodist Church rules by conducting the ceremony.

The trial is the first challenge of the church's policy on homosexual ceremonies, Methodist officials said. They said the trial's outcome could shape how the church interprets its stance on homosexuals.

Creech, who was senior pastor at First United Methodist Church in Omaha before being suspended Nov. 10, testified that he takes

the church's liturgy seriously but his main calling is to serve his local church and its members.

"I was responding to them as a pastor, to give them pastoral care," Creech said, referring to the two unnamed women involved in the September ceremony.

Homosexual unions someday may be accepted by the church but Creech violated current policy and should be punished, said the Rev. Loren Ekdahl of Lincoln, who presented the church's case.

The ceremony that Creech performed was an "unauthorized ritual conducted as if it were an official rite of the church," Ekdahl said during opening statements. "We're not talking about a simple prayer or blessing here."

In Creech's defense, Nebraska Wesleyan University religion professor the Rev. Douglas J. Williamson asked the jury of 13 fellow ministers "to make their minds as free and clear as possible."

"If there is no evidence, clear

and convincing argument, than this body cannot convict," Williamson said.

Williamson argued that the church's Social Principles, which were amended in 1996 to prohibit "ceremonies that celebrate homosexual unions," are merely guidelines.

The trial is scheduled to end Friday with a verdict expected by the end of the day.

If found guilty, Creech could be stripped of his ministerial credentials.

New calculations indicate asteroid will miss the Earth by miles

Astronomers say the asteroid will come within 600,000 miles

By Paul Recer

The Associated Press

WASHINGTON — Relax, Earthlings. That asteroid streaking toward our planet is going to miss by miles. Actually, by 600,000 miles, according to new calculations.

Just a day after one group of astronomers reported that an asteroid was expected to pass within 30,000 miles of the Earth's center and could possibly collide, astronomers at NASA's Jet Propulsion Laboratory said their calculations

— based on newly uncovered data — indicate the asteroid will pass no closer than 600,000 miles away.

"We are saying now that the probability of an impact is zero," said Donald K. Yeomans of JPL. "It poses no threat to the Earth whatsoever."

Yeomans said he and fellow astronomer Paul W. Chodas dug out some eight-year-old pictures of the heavens taken by the Palomar Observatory telescope and found that the photos contained images of asteroid 1997 XF11, which then was just an unidentified point of light.

Using the 1990 pictures and recent observations of the streaking

space rock, Yeomans and Chodas recalculated the orbital path of the asteroid and found that it would miss the Earth by 600,000 miles in its closest approach in October 2028.

Brian G. Marsden of the International Astronomical Union, the astronomer who made the calculations released on Wednesday, could not immediately be reached for comment.

Steve Maran, an astronomer with the American Astronomical Society, said that Marsden's calculations were based only very limited data.

"They got more information about the orbit," Maran said of Yeomans and Chodas. "They should have a much better esti-

mate. This should certainly be more reliable because it is based on more data."

By looking at the 1990 pictures, Maran said Yeomans and Chodas, in effect, have a total of eight years of orbital measurements about the asteroid.

"You really do need an intensive set of observations to really nail it down," he said.

On Wednesday, Marsden had issued a notice that the asteroid was expected to pass within only 30,000 miles of the Earth's center. "The chance of an actual collision is small, but one is not entirely out of the question," he concluded.

Those calculations were based

on short measurements taken just last week and included less of the asteroid's orbital path than the old, archival pictures from Palomar.

Even though the asteroid will pass outside of the Earth-moon complex, Yeomans said it will still be spectacularly close for an object that is about one mile across.

Even though the Earth now appears safe from asteroid 1997 XF11, thousands of other asteroids that, theoretically, could one day approach the Earth are still out there, Maran said.

"This whole exercise was a useful reminder of the fact that these things can, in fact, hit the Earth," said Maran.

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Program Funding

The ASUO Programs Finance Committee committed \$35,984 of student incidental fees for the 1998-99 year. Budget proposals from the first five groups were approved on March 5. The budget for the University Theater was approved on March 9.

ORGANIZATION	1998-99	1997-98	% CHANGE FROM LAST YR	\$CHANGE FROM LAST YR
Black Women of Achievement	\$6,060	\$5,542	9.3%	\$518
Westmoreland Tenant's Council	1,917	1,297	47.8	620
Malaysian Student Organization	2,817	2,567	5.2	250
Latin American Student Organization	490	480	2.1	10
Parents Attending Law School	300	0	100	300
University Theater	24,400	23,400	4.3	1,000
Total	35,984	33,286	8.1	2,698

Emerald

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