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The Oregon Daily Emerald is published daily Monday through Friday during the school year and Tuesday and Thursday during the summer by the Oregon Daily Emerald Publishing Co. Inc., at the University of Oregon, Eugene, Oregon. A member of the Associated Press, the Emerald operates independently of the University with offices in Suite 300 of the Erb Memorial Union. The Emerald is private property. The unlawful removal or use of papers is prosecutable by law.

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# OSPIRG

Continued from Page 1

the Rounds case: "OSPIRG is wholly unique in its legal situation. OSPIRG focuses on ideological/political advocacy; this advocacy occurs primarily off-campus in the community at large and does not benefit the collective interests of students."

The brief stated that funding OSPIRG through student incidental fees conflicted with the students' First Amendment rights.

"Ideologically, I would like to see incidental fees completely voluntary," Rounds said. "People who have a passion for groups will not only give their time, but money."

On Oct. 7, 1996, U.S. Magistrate Thomas M. Coffin ruled in favor of the University and the ASUO and retained the right for student fees to fund OSPIRG.

But Tuesday's ruling stated that OSPIRG offered students educational opportunities on campus through research and internships and advanced the student body through educational campaigns. "This is the second strongly worded victory in a row," said Shaun Sieren, Oregon Student Association Organizing director.

According to an Oregon Revised Statute, incidental fees must be used to enrich the educational, cultural and physical lives of students. The Oregon University System has final control over the use of the fee, but a system has been in place since 1984 to ensure students have a democratic voice in the allocation of student funds.

Student fees are considered state money because the University is a state institution and the money cannot go toward political activity such as lobbying or to support or oppose ballot measures.

In 1985, Attorney General Dave Frohnmayer issued a response to questions presented by the vice chancellor of the State Board of Higher Education and a state representative concerning the student fee process.

His response said funding was legal: "If the program is under the supervision or control of the board, if the board determines the activity to be advantageous to the cultural and physical development of students and if the activity is one that directly will benefit the collective interests of the students who must pay the fee."

The response stated public funds and incidental fee money are restricted from supporting or opposing measures before the voters.

The OSA report said the loca-

tion of the organization does not matter because OUS has the final authority over incidental fees and can determine if the group is culturally and physically advantageous to students whether or not it's located on campus.

The debate continues

Critics of the incidental fee process on campus believe the fee is unconstitutional because all students must pay it and the fee goes toward political and ideological issues they disagree with.

"Student incidental fees — money coerced from students' tuition bills — should not fund political causes," said Jonathan Collegio.

Collegio spearheaded the Honesty Campaign during last spring's ASUO election. The campaign sought to hold OSPIRG accountable for a line-item budget and wanted student money to stay on campus.

The OSPIRG budget, which pools funding from campus chapters, is available to students.

Last spring, students voted down a ballot measure to fund the campus OSPIRG chapter for \$147,390. The campus chapter of OSPIRG was the original environmental, consumer and social advocacy group started 27 years ago by Ralph Nader.

"PIRGs, no matter what any of their spokespeople say, are archetypal political interest groups," Collegio said. "Students should not be required to fund organizations as such."

Rounds adamantly agrees with Collegio.

"You can't take student money and lobby Salem on behalf of rent control, clean water and Superfund," Rounds said.

For Merriah Fairchild, state board chair of OSPIRG, the court ruling was good news even if the campus chapter is no longer funded.

"They have continually upheld the University's ability to fund student organizations," Fairchild said, referring to the courts. "It doesn't really change anything."

The controversy over the student PIRGs and student funding has been a national issue for quite some time.

The Wisconsin case

At the University of Wisconsin at Madison, a decision in October by the 7th Circuit Court of Appeals absolved the university's student fee process for funding student organizations.

In the case of Southworth vs. Grebe, several Madison students objected to funding the UW

Greens and the International Socialist Organization.

The court ruling is forcing the board of regents to change its student fee process. The process will allow one of two things. Students could opt out of funding groups with which they disagree. Or students would be required to fill out which organizations they are willing to fund on a tuition bill.

"It is absurd, not to mention legally suspect, to decide a group's funding on some vague definition of 'political and ideological,'" said Eric Brakken, chair of the Associated Students of Madison, in a response to the 1998 court decision.

"Students should not be penalized for being politically active or having ideologies."

The Wisconsin case was argued differently from the Oregon case, Sieren explained.

The judges in the Oregon case were better informed about the student fee process, Sieren said. The attorney general's office allowed OSPIRG and ASUO to file "friend of the court" briefs to explain their positions and purpose.

"The fundamental difference was a misunderstanding by the [Wisconsin] judges of the student fee process," Sieren said.

The Wisconsin Board of Regents has decided to appeal the decision and it might take the case to the Supreme Court.

"With all of the conflicting precedents nationwide, I am confident that the issue will eventually be resolved by the U.S. Supreme Court," Collegio said.

Hollingsworth vs. Lane Community College, another OSPIRG suit, is still pending in the 9th Circuit Court.

The Future

Sieren and Wortman both believe the state Legislature may attack the incidental fee process in the next session.

A House bill to ban the use of student fees was defeated last session with a narrow margin of 26-31, but the OSA believes another attack on the fee is imminent.

"I think they can and probably will," Sieren said. "But for the student fee process in the political realm, this gives us a stronger moral background because we have withstood the test of fire."

"The courts looked at every single thing the fees go to and they found it appropriate and germane to the process of the university."

Felicity Ayles contributed to this report

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