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## Fees

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as the LGBTA and WisPIRG — Wisconsin's version of OSPIRG — was in violation of their First Amendment rights to free speech.

The students have based their case on a complex group of court decisions, including a case in 1977, which established that free speech includes both people's right to speak and their right not to speak. Southworth sees the students' obligation to pay the fee as a form of compelled speech and a violation of their right not to speak.

But their case goes beyond just political and religious groups. Southworth also claimed students shouldn't have to fund other groups like women's centers and multicultural forums unless they want to.

But the case currently has everyone at the University in the dark. Students and administrators alike disagree with whom the court will side and the ramifications of either decision. They aren't even sure when the court will hand down a decision. It could come as early as Tuesday, but it could be as late as April or May.

In the meantime, there isn't much to do but wait.

ASUO President Wylie Chen said the executive is working on a campaign to let students know what the fee actually funds.

The executive "is running a campaign to educate people on what the fee is all about," he said. "Right now, that's really all we can do."

Chen said letting students know exactly what the incidental fee does is the key.

"People don't realize how much was created by incidental fees. The Rec Center, ASUO programs, Mac Court, the bookstore ... all were built with student fees," he said.

EMU Director of Student Activities Gregg Lobisser said he's looked into some minor changes into the University's fee system but agrees with Chen that the EMU — and the University in general — can't prepare much until the court decides.

"It's kind of difficult to prepare for something when you don't know what exactly is going to happen," Lobisser said.

One group of students, however, has made a class project out of predicating how the court will decide Southworth. Some students in political science 484/584: U.S. Supreme Court have spent the term researching and deliberating the case. Students take on the roles of the actual justices and lawyers in the case, research the people and the previous cases influencing Southworth, then deliberate in a mock trial.

Last week, they voted 6-3 in favor of Southworth.

ASUO University Affairs Coordinator J.R. Fitzpatrick played Justice Sandra Day O'Connor in the mock court. He believes the real Supreme Court will vote 6-3 in favor of Southworth as well. But Oregon Student Association Executive Director Ed Dennis, who has watched the case closely and helped prepare one of Wisconsin's lawyers, said he is confident the court will vote 5-4 in favor of Wisconsin.

"All the court watchers think the institution is going to win," he said.

Senior political science major Scott Austin, who is a teaching assistant in the class, said he thinks the court will outlaw student ballot measures, even if the court rules for Wisconsin.

"If a certain group is popular on campus, they could win money by a popular vote through a student ballot," Austin said.

Some of the Supreme Court justices seem to agree that funding ballot measures would be a violation of free speech.

"The First Amendment is supposed to protect views that are unpopular. Yet under this mechanism, the money could go to only liberal groups, which are popular on [the Wisconsin] campus, but not to the conservative organizations that are not popular," Justice Stephen Breyer said in the Nov. 10, 1999, issue of *The Commercial Appeal* (Memphis, Tenn.).

But Lobisser said he thinks the University still might not be affected, even if the court rules for Southworth, because the University's fee is allocated differently than Wisconsin's. Namely, WisPIRG receives fee money it can use toward political activism and OSPIRG can't.

"Groups like OSPIRG are separated between their political lobbying and educational campaigns. The political lobbying doesn't get any fee money. That will make our case stronger," Lobisser said.

Other political programs such as College Democrats and College Republicans don't receive fee money here as well. They are supported by donations and fund raising.

If changes do occur, Lobisser is certain they won't happen this year.

"Once the Supreme Court delivers its decision, it doesn't instantly become the law of the land," Lobisser said.

He said the Ninth Circuit Court, which has jurisdiction over Oregon, will look at Southworth and see where it has relevance to the University's fee system.

"The [Supreme] Court didn't enjoin the two cases. [But] it doesn't mean we're separate from any influence," he said.

But Dennis worries a vote for Southworth will give Oregon legislators the grounds to pass a bill limiting student control over the fee, which has happened before. In 1997, HB 3644 attempted to limit the power students have to allocate the fee at the University. If it had passed, it would have outlawed spending fee money in support or opposition of any candidate, ballot measure or political committee.

Dennis said the bill went through more than 20 amendments to pick up extra voters before it finally died by a 26-31 vote.

He said that while the Ninth Court interprets the decision, Oregon legislators might try to push through another bill like HB3644.

"In 1999 [the incidental fee] was not talked about at all. But if Southworth wins, the legislature will probably take another run this session," he said.

While he waits, Lobisser said he is growing worried about the future of the student groups.

"I'm very concerned. If there's a ruling [in favor of Southworth], some things may change. There may be a period of transition where we're not as effective in creating a sense of community," he said. "And it may take a couple of annual cycles to get it right."

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## Jay and Holly

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**Q:** What experience do you have that makes you a worthy candidate?

**A:** [JB] Right now I'm the coordinating intern of the U of O diversity program, which stems from the sit-in last spring and then the 10 internships that ran last summer. This year I have gained incredible experience working from the [University] president's office ... And then my one year as the program coordinator for the Multicultural Center, and then my sophomore year as the program organizer which is also one of the co-director positions.

[HM] I have never been directly involved with the ASUO before, but I think that we can see that as a positive. I have done a lot of community outreach, involving myself mentoring at-risk youth. I'm the current panhellenic delegate for my Greek house, and I also served on the judicial board last year.

**Q:** What sets you apart from the other presidential candidates?

**A:** [JB] I would say one of the biggest ones is perspective. Neither one of us has ever been directly involved with the ASUO. I think we come in unbiased; we don't carry any grudges, and as far as we know nobody carries any grudges against us.

**Q:** Why did you choose Holly as your running mate?

**A:** [JB] Holly is incredibly intelligent and very enthusiastic, and she has a lot to learn. But she is learning it really, really fast.

**Q:** What do you consider the two most pressing issues at the University? What plans do you have to address those issues?

**A:** [HM] ... Faculty compensation. ... We are paying, I believe, 18 percent less than other [peer] colleges and universities, and we may say that this isn't a problem for the students, but it is. Because when teachers do not get paid a lot, they don't want to be here, we won't get quality education.

[JB] And number two is encouraging students to get involved. We are student activists, and we want to facilitate activism in all of its forms. So we need to find what students want to be active about and try to find ways for them to be active.

**Q:** What are the strengths and weaknesses of the University?

**A:** [JB] I think one of our strengths is that we do have a lot of strong student leaders. U of O student government has always been a powerful thing.

[HM] But I also think, on the same point, we do have a lot of students that are very passionate about what they do ... but we don't have enough. So I really think that may be a weakness.

**Q:** Critique Wylie and Mitra as ASUO Executive.

**A:** [JB] When this election is over, there's going to be a lot of rollover in the Student Senate, and

there'll be a new administration and we'll be able to get together and talk. ... I think [Chen and Anoushiravani] have done a good job.

**Q:** Could you critique the diversity issue on campus? What changes, if any, would you make?

**A:** [JB] Right now we are in the process of putting together an institutional plan for diversity, which will set the goals for the next five years. Short-term, long-term goals, what we want the University to be like. ... There's a lot of energy coming out of last summer, that's kind of slowed down a bit, so we need to bring the energy back up, somehow.

**Q:** How would you represent the University at the state level?

**A:** [HM] I think it's important that we represent ourselves at the state level because we are the largest university in Oregon, so obviously we have the largest pull and strength in numbers is definitely something I believe in. Definitely financial aid is a big issue there.

**Q:** How do you see your relationship with the administration being?

**A:** [HM] I think we'll definitely be in contact. Jay obviously has a good relationship working directly with the administration, but we need to be run by the students, not by the administration.

This is the fourth in a series of stories profiling the ASUO Executive candidates. The Emerald will profile all of the candidates before the ASUO primary election.