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Girl testifies shower was prank

■ The student wants her valedictorian title back after it was revoked for showering in the boys' locker room

By Jeff Barnard
The Associated Press

COQUILLE — A high school senior who lost the title of valedictorian for showering with some boys testified Wednesday that it was just a spring-fever prank, and she had skinny dipped or soaked in a hot tub with the same boys.

Following her appearance in Coos County Circuit Court, Leslie Shorb, 18, said if she had it to do over, she would not take the shower in the Powers High School boys' locker room and now wants to get on with her life, studying engineering at Oregon State University and someday raising a family.

"I just want my valedictorian status back," she said. "That's it."

Shorb went to court for a preliminary injunction restoring her title as valedictorian of Powers High School and allowing her to address her class at graduation Friday.

After hearing testimony and sharply questioning Shorb's attorney about legal issues, Judge Richard Barron said he would issue a written opinion by Thursday morning.

Shorb testified that she walked into the boys' locker room during the last period of the day on April 11, undressed and went into the shower, where five other boys joined her after their physical education class.

"There was no reason besides I thought it would be funny," Shorb testified. "I don't know. Something to do, I guess."

Under cross-examination, Shorb acknowledged that she gets a little crazy when springtime comes. Asked if she considered her behav-

ior bizarre, she answered, "Not for me."

Asked if she knew she would be disciplined, she answered, "If they found out."

Three senior boys who showered with Shorb testified they did not feel their privacy was invaded or that they were sexually harassed in any way. There had been no touching or sexual overtones. They added that they had all skinny dipped or soaked naked in a hot tub with Shorb on previous occasions.

Don Grotting, principal of Powers High School and superintendent of the Powers School District, testified that he imposed a suspension of 10 days, twice the limit noted in the student handbook and twice what he had ever handed out for fighting, because the shower incident was so unusual.

In closing arguments, Shorb's attorney, Charles Zennache of Eugene, argued that Grotting had no authority under the rules for student conduct or choosing the valedictorian to take the title away on the basis of a student's behavior.

He added that Shorb was never told a specific written rule that she had violated or given a chance to respond.

"They washed away seven semesters of hard work for five to six minutes of an error in judgment where nobody was harmed," Zennache said.

The judge said of Zennache's argument: "That would allow anyone who commits criminal acts to speak at graduation. Partly what you're asking me to do is partly what courts don't do, unless there is a clear violation. I don't substitute my judgment for the school."

"We're not asking you to substitute your judgment," Zennache said. "What we are saying is they don't have the authority to do that."

Attorney Thomas Moore, representing the school district, said in closing only that the school's actions were appropriate, legal and should not be overturned.

Grotting testified he felt Shorb had invaded a place where boys expected to have privacy, violated prohibitions against immodest dress and disrupted the academic environment.

He said he learned of the prank in a telephone call from the mother of a boy who had not been present. The mother was very upset.

Shop teacher Phillip Wolcott testified that he noticed no disruption as a result of the shower incident until newspapers and television stations started calling the school after the punishment was meted out and Grotting ordered a "lockdown," with paper put over the windows and the doors locked.

Shorb testified she had been told by Grotting last January that her grade point average of 3.88 had earned her co-valedictorian honors.

After the hearing, Shorb said she has no plans to continue the lawsuit if she is denied the chance to speak at graduation.

Though she hired an agent to screen the media attention created by her prank, she had no plans for show business, and was more interested in a career as a marine engineer. However, rather than leave her home state to attend a maritime academy, she plans to go to Oregon State University in the fall.

If granted the chance to speak at graduation, Shorb said she would make it short and simple, with no reference to her prank or legal battle with the school.

"I'd just simply welcome everybody and tell them this is a group of 16 bright young kids, and they'll do fine in life," she said of her class.

**Gov. Bush may delay
killer's execution date**

By Mark Babinek
The Associated Press

HOUSTON — Days after Texas Gov. George W. Bush advocated DNA testing to "erase any doubts" from some death penalty cases, he said Wednesday he was leaning toward delaying the looming execution of a convicted killer.

Bush, campaigning in Albuquerque, N.M., told reporters he was "inclined" to give Ricky Nolen McGinn a 30-day reprieve as his lawyers push for renewed DNA testing of crime scene evidence. McGinn is scheduled to be executed Thursday for the rape and killing of his stepdaughter.

"I'm inclined to because I want to see whether or not — I want the man to have his full day in court," said Bush, the presumed Republican presidential nominee. "If there is any doubt, any outstanding evidence that exonerates him from the rape we ought to look at it."

In more than five years in office, Bush has never used his power to grant a one-time reprieve to a condemned inmate. During that time, 128 men and two women have been executed.

The Texas governor may commute a death sentence only upon the recommendation of the state parole board. Once, two years ago, Bush agreed to reduce self-proclaimed serial killer Henry Lee Lucas' sentence to life in prison when he determined the evidence was far too weak.

Bush's statement came a day after the Texas Court of Criminal

Appeals denied new DNA testing for McGinn, although he still has last-ditch motions before the 5th U.S. Circuit Court of Appeals. Bush said he would wait until McGinn has exhausted all of his appeals before acting.

The possibility of the unusual move by the governor comes a week after Bush said he supported the use of DNA testing to scrutinize pending death penalty cases.

McGinn is scheduled to be executed for the 1993 rape and killing of his 12-year-old stepdaughter, Stephanie Rae Flanary. The parole board voted 18-0 on Wednesday to deny his request for commutation.

McGinn's lawyers had persuaded the trial judge to recommend retesting of hair and semen. State District Judge Steven Ellis referred the request to the appeals court, which rejected it Tuesday on procedural grounds.

While conceding that there was incriminating evidence against McGinn, including DNA evidence, his attorneys said some evidence wasn't tested because of inadequate technology.

Barry Scheck, the former O.J. Simpson attorney who specializes in DNA issues, offered to pay for the new DNA testing in McGinn's case, which he said is superior to that done before McGinn's 1995 trial.

"Basic decency and common sense tell you, you do not execute people if there's a DNA test that can show you're innocent or guilty," Scheck said Wednesday on NBC's "Today" show.

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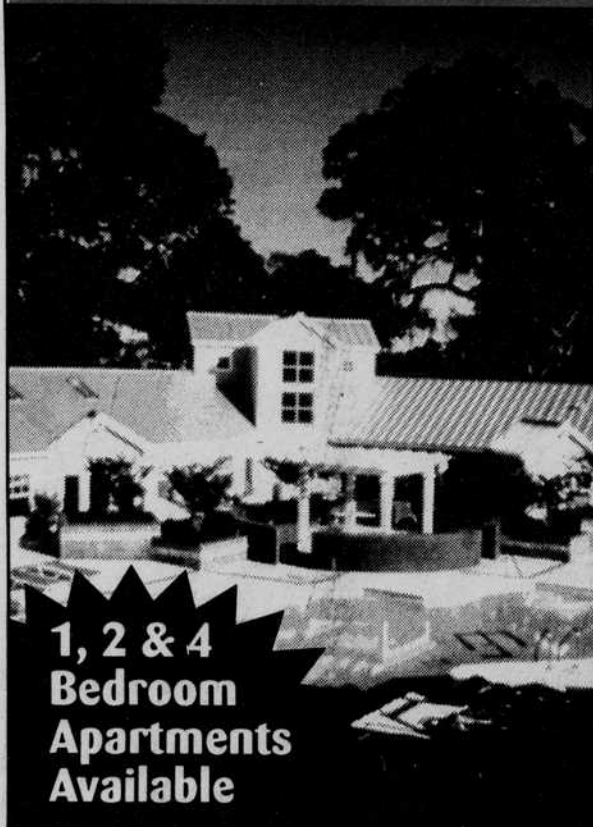
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