

Forfeitures tied to guilt

■ Measure 3 would require police to get a conviction before seizing property

By Jesse Thomas
For the Emerald

If Ballot Measure 3 passes, the notion that people are innocent until proven guilty would be extended to property.

Current Oregon law allows police to seize the property of suspects before they are arrested or convicted. Ballot Measure 3 would change this, amending the Oregon Constitution to prohibit the forfeiture of property unless the owner is first convicted of a crime involving the seized property.

Supporters say this measure would protect citizens' property from undue seizure, but opponents say it will lock Oregon law into a complex situation and make law enforcement less efficient.

"They're punishing people where they can't convict them," said Ray Heslep, chief petitioner of the measure. "It may be legal, but it isn't right."

If passed, Measure 3 would require government to prove through clear and convincing evidence that seized property was used to commit, or was the profit of, a crime for which a person is convicted. If the person whose property was seized is not convicted of a crime or charged, the property must be returned, unless it was abandoned or was contraband.

"Police believe that the Oregon state law is a good law and that it

helps reduce recidivism," said Jan Powers, Eugene Police Department spokeswoman. "In over 20 years working here, I have only seen one case where I wanted to know more about it before the seizure of the property."

Forfeiture in Oregon law is commonly used to take cars away from people who repeatedly drive while drunk. This year, DUII deaths are at an all-time low, according to the State Attorney General's office.

A statement provided by Mothers Against Drunk Driving (MADD), which opposes the measure, says forfeiture in the State of Oregon has helped prevent unnecessary deaths and injuries caused by repeat DUII offenders.

In 1999, 1,069 Oregonians lost property to asset forfeiture, and 72 percent of those people weren't convicted or charged. No one got their property back after charges were dropped, according to Amy Klare of the Oregonians for Property Protection.

Currently, money gained from forfeitures of property goes toward attorney and investigation fees, as well as to law enforcement, where it is used to purchase weapons or pay for officer overtime or fund capital improvements.

Under Measure 3, forfeiture proceeds will be used for drug education and treatment.

"We are trying to take out the incentive to abuse this law and reform a system that is out of check and off kilter," said state Rep. Floyd Prozanski, D-Eugene.

tural adviser, said the measure would change the atmosphere of the community college.

"It would completely change the climate here to one that is completely intolerant of LGBT students and staff," she said. "I think that just having the measure on the ballot is devastating. It legitimizes homophobia."

Mabon, however, said the measure would allow criticism of homosexuality but not harassment of gay and lesbian students.

"We are opposed to harassment at any level," he said. "But a lot of these programs are just disguising acceptance."

Though the measure's opponents say its passage would eliminate counseling for non-heterosexual students, Mabon disagrees, saying school counselors would be barred only from telling students it's acceptable to be gay. They could still counsel for depression and encourage students to seek support from independent counselors.

Another concern opponents expressed is the possible restriction of health education.

"Measure 9 would place a stranglehold on the ability of schools to provide good HIV education," said May Gossart, a Planned Parenthood education director.

Jose Solano, a Portland high school teacher who supports Measure 9, said health education would not be restricted but rather expanded to include the what he called the dangers of homosexual sex.

"It's harming students," Solano said of his school's decision to suppress books that encourage homosexual students to change. "We have students who are swearing that they're born that way, that they can't change, that we can't help them. They'll believe it, they won't want to change and they'll face the health hazards of the gay lifestyle."

Use of tobacco funds disputed

■ Two measures offer rival plans for using the state's tobacco settlement monies

By Jeff DeMoss
For the Emerald

What to do with all this money?

There are two measures on the state ballot this year that attempt to answer this question, which refers to the sizable chunk of funds coming Oregon's way via the recent major settlement with U.S. tobacco companies.

How sizable? State estimates predict that Oregon will receive \$339 million by the end of June 2003 and as much as \$2.3 billion over the next twenty-five years under the Tobacco Master Settlement Agreement of 1998.

Ballot Measures 4 and 89 present two different plans for allocating the money, which is currently unrestricted by state law. Because the two measures are in direct conflict, the one receiving more "yes" votes will be adopted, unless neither measure gets a majority vote.

Measure 4 would establish the Oregon Health Plan Trust Fund. All interest earned by investing the trust fund would be continuously applied to the Oregon Health Plan, which provides low-income health-

care assistance to thousands of Oregonians.

The trust fund itself would also be available for the Oregon Health Plan if deemed necessary. If state economists predict economic recession, the legislature could, with a two-thirds majority vote, cut into the trust fund to subsidize the health plan. Ed Patterson, vice president of governmental relations for the Oregon Hos-

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Association

pital Association, thinks the Oregon Health Plan is the right place to invest settlement dollars.

"The health care industry has been greatly affected by tobacco use," Patterson said. "It makes sense to put the money back into health care."

Measure 89 would put all settlement money into creating the Health Security Fund, which would support a variety of pro-

grams in the following order: public and mental health programs, transportation services for the elderly, housing for low-income and disabled people, tobacco use prevention, Oregon Health Sciences University and shelter care for women who are victims of domestic violence.

The Health Security Fund itself could also be used for these programs under the same conditions that would apply to the Oregon Health Plan Trust Fund under Measure 4. Steve Manela, human services commission manager for the Lane County Department of Health and Human Services, likes the broad distribution plan of Measure 89.

"The state needs improvement in a wide variety of programs," Manela said, "not just in health care or smoking prevention."

Many people and organizations are critical of both measures. John Valley, state advocacy manager for the American Cancer Society of Oregon, believes that both measures are misguided because they don't prioritize tobacco-use prevention and education.

"We should use tobacco money to fight tobacco use in Oregon," Valley said. "We need to invest in tobacco prevention now if we want to achieve long-term success."

Campaign finance reform is considered

■ Measure 6 gives candidates public money if they curtail their private fundraising

By Bennett Lacy
For the Emerald

Supporters of Measure 6, which would give public funding to candidates running for state office, say it would reform an ailing campaign finance system by getting private money out of state politics and by encouraging more candidates to run for office.

"We must put citizens back in the driver's seat of American government," said Carolyn Jefferson-Jenkins, president of the League of Women Voters, during her Oct. 16 visit to Eugene.

But opponents of the measure say it would give public money to candidates who don't deserve the support and would do little to eliminate corruption.

"Measure 6 would support candidates people don't agree with," said Becky Miller, executive assistant with Oregon Taxpayers United, an anti-tax organization that is opposing the measure.

The measure would give candidates running for state offices

\$25,000 with which to campaign. To qualify for public funding, candidates must limit private contributions and receive a specified number of \$5 contributions from Oregon residents. Candidates running for governor, secretary of state, state treasurer, attorney general and legislative seats would be

reformed. Both go hand in hand."

The League of Women Voters of Lane County is supporting Measure 6 because it wants to see an increase in grassroots campaigning, said Dian Smissar, a league member.

"Measure 6 forces grassroots politics so that politicians know who they are representing," Smissar said. "I would rather put campaigns back in the hands of the everyday voter. I think the taxpayer's dollar is a more sound dollar to apply toward voting issues than the corporate dollar."

Opponents of Measure 6 say it will not completely solve the problem of corruption in campaign financing.

"The power to be gained in elections is so great, there will always be corruption," Miller said. "There are ways to corrupt Measure 6, and taxpayers would have to pay for it."

Supporters of the measure argue it would help more people run for office and give citizens more candidates to choose from.

"Candidates will have to listen to the needs of the citizens," Jefferson-Jenkins said.

“Measure 6 forces grassroots politics so that politicians know who they are representing.”

Dian Smissar
The League of Women Voters
of Lane County

able to choose whether to seek the public campaign funding.

If Measure 6 passes, Oregon will follow only four other states — Arizona, Maine, Massachusetts and Vermont — that have passed similar measures.

"Oregon can set the direction for reform across the country," Jefferson-Jenkins said. "Campaign finance needs to be reformed because the political system needs to

Lower taxes may mean higher tuition

■ Measure 88 allows more federal taxes to be deducted from state income tax returns

By Anna Seeley
for the Emerald

It's hard to say exactly how much the University would be affected by Measure 88, a tax-cutting measure, but both opponents and proponents of the measure say it would reduce the amount of funding distributed by the state government.

Measure 88 would cut taxes by allowing Oregonians to deduct \$2,000 more of their federal income tax payments from state income tax returns, increasing the maximum deduction from \$3,000 to \$5,000.

If passed, this would reduce the amount of funds available for general government expenditures, in-

cluding funds for higher education.

Douglas Bilheimer, a consultant for the Oregon Education Association, said the measure would reduce the general fund by \$160 million and would continue to reduce the amount of resources supplied to the University. He said he feels this measure is unfair and unnecessary.

"This is awful legislation," said Bilheimer. "Passage would result in education funding losses at time when schools are already strapped for cash."

State Rep. Leslie Lewis, R-Newberg, disagrees. She said the amount to be deducted is very modest and won't have any impact on the amount of funding the University receives from the state.

"The \$3,000 limit was set back in 1986 and was never indexed for inflation," Lewis said. "This measure

was written because we recognized that the \$3,000 deduction was way outdated. More and more people are receiving higher incomes and are forced to pay more taxes as a result."

Melissa Unger, legislative organizer for the ASUO, said Measure 88, like Measure 91, could raise tuition. She was not able to comment on whether she is for or against the measure, but said that with the tuition freeze ending this year, future tuition would likely be higher if the measure passes.

"[The University] wouldn't want to cut money from programs, so they would have to compensate with a tuition raise," Unger said.

Oregon University System spokesman Bob Bruce also can't speak for or against the measure, but did say the measure could have a fiscal impact on the general fund.

Homosexuality at issue again

■ Measure 9 makes schools part of the controversy over homosexuality and the OCA

By Darren Freeman
Oregon Daily Emerald

The Oregon Citizens Alliance's first ballot measure since the organization's defeat at the polls in 1996, Ballot Measure 9 has made schools the latest battleground for gay rights in Oregon.

If Measure 9 passes, all state schools from kindergarten through community colleges would be prohibited from sanctioning or promoting homosexuality, and those schools that do encourage it could lose state funding.

Counseling programs, gay student unions, health education and school tolerance policies would be challenged, though supporters and opponents of the measure disagree about how they will change.

Though OCA director Lon Mabon said the OCA could convince the legislature to bar state universities from sanctioning homosexuality if the measure passes, Oregon University System spokesman Bob Bruce said state universities would be unaffected.

The University's neighbor, Lane Community College, however, would be significantly affected by the measure's passage.

"It would affect LCC just as it would affect K-12 schools," Robert Ackerman, chairman of the LCC board, said, adding that the LCC school board unanimously voted Sept. 13 to oppose the measure. "We view this as a denial of free speech, a violation of academic freedom and the marginalization of a group of students."

Opponents of the measure say that its passage would brand non-heterosexual students as targets and could lead to higher rates of depression and teen suicide.

Susan Matthews, LCC multicult-