

Christopher Reeve sues government

By Christopher Newton
The Associated Press

WASHINGTON — Seven scientists and actor Christopher Reeve have filed a federal lawsuit accusing the Bush administration of illegally withholding funding for stem cell research.

In the suit, they say the administration is doing "irreparable harm" by delaying the creation of therapies they believe could save lives.

The Bush administration, which has halted all funding and ordered a review of the issue, now has less than 60 days to respond to the lawsuit.

"We are not suggesting that the administration should begin funding projects immediately," plaintiffs' attorney Jeffrey Martin said Tuesday. "We just want the process to move forward quickly, and with consideration of existing laws. We do not want delay because of politics."

Reeve, who played Superman in four movies, has been an active voice for stem cell research since a horse-riding accident left him paralyzed.

The lawsuit, filed earlier this month in Washington, claims that Bush officials have skipped over administrative procedures necessary to halt

research that federal statutes have made legal.

Last year, the National Institutes of Health passed guidelines that allow federal funding of some research involving stem cells, which many scientists believe have the potential to help repair injured or deteriorating organs.

The issue of federal funding for the research is especially sensitive because it sometimes involves experimentation with embryonic stem cells.

Those cells are derived from leftover embryos destined to be discarded after test-tube fertilization. Some ethicists and abortion opponents say it is wrong to use them for research, because it could encourage the creation of embryos for science.

Stem cell experiments on animals have shown promising results, but there is no conclusive evidence of the potential benefits of stem cell therapies on humans.

The lawsuit makes bold claims that, by delaying stem cell research, the Bush administration is "preventing or delaying the advent of a cure for paralysis, Parkinson's Disease, diabetes and other debilitating conditions."

"There is, in essence, a moratorium that is delaying the funding," Martin said.

In one of his first actions as president, Bush asked U.S. Department of Health and Human Sciences Secretary Tommy Thompson to review the guidelines of funding for stem cell research. That process includes the creation of a review board, which, as of late last week, has never met.

The lawsuit could force health officials to explain where they are in the review process.

"This is great because it will hopefully embarrass the Bush administration into action," said researcher Tim Dale of the Malen Clinic in New York. "At the very least it will make them explain themselves."

Among the plaintiffs are James Thompson of the Wisconsin Regional Primate Research Center, Roger Pedersen of the University of California, John Gearhart of Johns Hopkins University, Douglas Melton of Harvard University, Dan Kaufman of the University of Wisconsin, and Alan Osborne Trounson and Martin Pera, both of Monash Medical Centre in Australia.

Survivor of fatal border crossing arrested

By Giovanna Dell'Orto
The Associated Press

PHOENIX — One of 12 survivors of a border crossing that ended in 14 deaths in the scorching hot Arizona desert was charged Monday with smuggling illegal immigrants, a spokesman for the Immigration and Naturalization Service said.

The charges against Jesus Lopez-Ramos, 20, of Sonoita in the Mexican state of Sonora are bringing in illegal aliens, conspiracy to bring in illegal aliens and harboring illegal aliens, court documents show.

If convicted, he could receive up to life in prison or the death penalty, an INS news release said.

INS spokesman Ron Rogers said Lopez-Ramos was among a group rescued from the southern Arizona desert east of Yuma last week. They were the survivors from a

group of 26 that attempted to cross 70 miles of desert in temperatures reaching 115 degrees.

Three survivors of the border crossing were released into U.S. Border Patrol custody Monday.

The immigrants spent five days wandering the desert after some of the smugglers told them they were leaving to get water and never returned, officials said. Mexican authorities planned to return the bodies home by Wednesday night.

Eight survivors were released from the hospital into U.S. Border Patrol custody on Saturday and Sunday. The last survivor who remained hospitalized was in good condition Monday.

The Border Patrol has not released the names of any of the survivors.

The Border Patrol was holding the men and teen-age boys who

were released from the hospital at the Yuma County Adult Detention Facility. They were being held as witnesses in the smuggling investigation.

Officials said they also must check the immigrants for any past deportations or criminal activity before they will be turned over to Mexican authorities and sent home.

The immigrants, who were from the Mexican states of Veracruz and Guerrero, crossed the border into southern Arizona in the Cabeza

Prieta National Wildlife Refuge.

Family members in the poor, highland villages of Veracruz said the immigrants were seeking a better life after plummeting coffee prices left them no other choice but to seek work in the United States.

Since 1998, 991 people died crossing the border, most from heat exposure or drowning, according to the Border Patrol. More than 5,000 others were rescued by agents.

Admissions

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Yet the Supreme Court's move to not review the earlier decision does not offer a clear mandate on the issue of affirmative action at universities and only leaves the status of the issue unchanged for schools in the states covered by the 9th Circuit.

"I think they just decided to punt on this issue," said Ken Lehrman, director of the University's Office of Affirmative Action.

He said at this point the court has decided that the use of race in admissions is acceptable, but he said the ambiguous nature of the decision means these policies could change.

Because of this uncertainty, Lehrman said the University won't adopt any new recruitment or admissions policies because the Court has delivered no new interpretation of the law.

"They haven't given us any new guidance on this one," he said.

Associate Law Professor Garret Epps, who specializes in constitutional and federal civil rights law, said the Court's action "doesn't mean anything."

"All it means in practical terms is no four justices wanted to tackle the issue," he said.

Epps explained that when there is no clear consensus on the Court's bench, justices will often leave the issue as it is until retirements change the Court's ideological make-up.

He said making a decision on such an important topic with a possible 5-4 vote would leave the Court's opinion open to speculation.

"They're just saying 'I ain't get-

ting into it,'" he said.

Jim Buch, associate vice president for enrollment services, said the decision will not change the University's enrollment policies at all.

"We'll continue doing what we've been doing," he said.

Accepting students from various economic, social, racial and geographical backgrounds has always been a key element of admissions, Buch said, and the Court's ruling is an affirmation that "diversity is a legitimate" element of the University's recruitment policies.

Randy Choy, assistant director of the Office of Multicultural Affairs, said he viewed the Court's decision as a message that the University is doing the right thing when it comes to ensuring a diverse campus.

"This ruling is a positive message to send to all universities," he said. "The University should continue to enroll more students of color. ... This affirms using race as a policy of admission."

The 1978 Supreme Court ruling in Regents of the University of California v. Bakke set the standard for universities affirmative action policies, and since then the issue has come up periodically most often in terms of admissions. In 1997, three University of Washington law students challenged the Bakke ruling by arguing that the school applied more challenging standards for admission to white students than to those of color.

The 9th Circuit ruled against the students and upheld the school's policies, but a Washington law voted into effect in 1998 banned affirmative action.

The Associated Press contributed to this article.

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