



Thomas Patterson Emerald

Tammy Cole (left), manager of one of the nonprofit groups that operates Bingomania, and Cory Fischer, general manager of Bingomania, say they're angered by strict readings of Eugene's smoking ban. 'We've spent so much time and money on being accomodating,' Fischer said.

Bingomania files lawsuit against city's smoking ban

■ The company said the ban is not only discriminatory, it also violates the 14th Amendment

By Marty Toohey
Oregon Daily Emerald

Bingomania of Eugene is suing the city for an exemption to the recently enacted smoking ban, but city lawyers say constitutional law almost certainly favors the city.

Bingomania's lawsuit, which was filed March 6, is based largely on the assertion that the city is violating the 14th Amendment's section requiring a government to have a rational reason for passing a law.

"The ban serves no legitimate government purpose," Bingomania general manager Cory Fischer said.

Jeff Matthews, a lawyer with Harrang, Long, Gary and Rudnick, which is the firm contracted by the city to handle its legal services, said in most cases "courts have set low hurdles" to prove that a law "is rationally related to a government interest."

He said that the ban protects citizens, and specifically business

employees, from involuntary second-hand smoke, and is "therefore rationally related to a government interest."

"A government is always concerned with the health of its citizens," he said.

The city has 30 days to reply to Bingomania's complaints, and the earliest they could go to court is eight months, Matthews said.

In addition to its other charge, Bingomania said the smoking ban discriminates specifically against the company.

Under the ban, which took full effect Jan. 1, a room must have at least 25 percent of its walls open to outside air before smoking is allowed in it, city Senior Policy Analyst Jan Bohman said.

Bingomania built a \$60,000 designated smoking room with ventilation four years ago, and Fischer said the ban should also allow for smoking in such rooms.

"It's segregation, and it's not fair," she said.

She also said that the ban has

"crippled" business. In the first month of the ban, Bingomania earned \$19,000, as compared to \$78,000 for Dec. 2001, she said.

"It's devastating," Fischer said. "We've lost a ton of money."

Much of the lost business, both for Bingomania and for bars around Eugene, has gone to Springfield, Fischer said.

"All you have to do is drive five minutes, which is great for Springfield but not good for Eugene businesses," she said.

Fischer said Bingomania management has tried "everything" from appealing to the city council to trying for a land use variance before taking the city to court, "but the way the ordinance is worded, they don't even know what they want."

Both sides said it's too early to know how the suit will go, and that it might depend on the judge's leanings.

A judge will try the suit instead of a jury because Bingomania is not suing for monetary damages.

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Color-coded terrorism alert system to take effect in federal buildings

By Seth Borenstein
Knight Ridder Newspapers

WASHINGTON (KRT) — Homeland Security Director Tom Ridge on Tuesday unveiled a new five-color terrorist attack alert system, but it will be up to local officials to decide what people should do during periods of higher alerts.

The terrorist alarm system, which can focus on targeted states, cities or even industries, replaces an unpopular and undifferentiated system that has been used almost incessantly since Sept. 11. Experts say those alerts were too vague and never told people what to do.

Attorney General John Ashcroft will issue the new alerts, as he did most of the old ones. Some disaster experts, who disliked the old system, approve of the new one.

"We've taken a step out of chaos and toward organization," said Randall Duncan, the emergency management director for Sedgwick County, Kan.

For now, America is on yellow

"elevated" alert, the middle level of the five, signifying "a significant risk of terrorist attacks," Ridge said. He said that level would persist "for the foreseeable future."

The highest level of alert in the new system is red, which is considered "severe"; it is followed in descending order of risk by orange for "high," yellow for "elevated," blue for "guarded" and green for "low."

Response to a red alert would be similar to Sept. 11. It would entail closing public and government buildings, shutting down public transportation and possible establishing curfews, officials said.

Ridge, in a briefing in the Roosevelt Room at the White House, said he hoped threats would recede to green someday, "but I think it's years away."

The new terror alert system, Ridge said, leaves a big question: "What do we do to prepare?"

That's up to the cities and towns, he continued. "There is no prescrip-

tion we can write out and give to our communities," Ridge said. But he said cities and states that want federal aid for homeland-security measures would have to submit preparedness plans to Washington to get the money.

Dennis Mileti, co-director of the Natural Hazards Center at the University of Colorado in Boulder, called the new alarm system "a fantastic first step." Local preparation, he said, is "the other 90 percent."

President Bush issued the new alarm system as Homeland Security Order No. 3. It takes effect immediately in federal settings, but must go through a 45-day public comment period and then a 90-day review before being adopted as the nation's system.

How these alerts will be communicated to people remains to be seen, Ridge said.

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