

Thursday, January 22, 2004

## EDITORIAL

# Downtown ordinance goes too far

You've read them in campy joke books or in mass e-mail forwards: dumb laws. And Oregon has plenty of them.

Whether it's the silly (in Lebanon, kids cannot race bikes under Ordinance No. 1819), the ridiculous (babies may not be carried on the running boards of a car under 811.205), the probably-covered-by-another-law (a person in a motor vehicle cannot throw a container of human feces on the highway under 811.172), the unenforceable (in Willowdale, it's illegal for a husband to say "dirty" things during sex) or the vaguely tempting (in Portland, riders of sleds may not attach themselves to passing cars under 16.70.520), 145 years of statehood has given local and state legislators plenty of time to pen loopy laws.

And Eugene is no exception. While it's illegal to show movies or to attend a car race on a Sunday, as local law dictates, it's legal to conduct a horse race or a symphony concert.

And try city Ordinance No. 20303: This legislative gem, passed Nov. 24, requires that organizers secure a permit from the nonprofit business consortium Downtown Eugene Inc. for any event that "is likely to attract at any one time an assembly of more than 25 persons" in the "downtown activity zone." The downtown activity zone is defined as the publicly owned property and rights-of-way located within the area bounded by the centerlines of Sixth and 11th avenues and Lincoln and High streets, including all public improvements therein — an area of 30 square blocks. These provisions actually extend those of a 10-year-old ordinance that has evidently gone largely unenforced.

The Eugene City Council voted 5-2 for this logistically and constitutionally unsound legal snippet. From a constitutional viewpoint, the rule seems to prevent 100 people from peacefully gathering to protest a federal law at the courthouse, or a 26-student group looking from standing on a corner for 10 minutes, deciding where to have dinner, or any group of more than 25 people who are exercising their own constitutional rights to free assembly and speech (and not infringing on others') in the "activity zone" without acquiring a permit.

While officials have said that locals can trust DEI to respect rights to assemble and speak, it's far better that fundamental rights have no legal context for potential infringement than the assurances of a governmental institution — or in this case, and more absurdly, a private and commercial, albeit nonprofit, organization — that those powers won't be used "unfairly."

Certainly, something can be said for the necessity of permits in certain situations. For example, organizers of a park block concert who expect a crowd of 500 should clearly need not only a city permit but also approvals of relevant city officials so that disruption of citizen plans is minimized.

For the sake of philosophical coherence and respect of the Eugene everyman's rights, the Emerald Editorial Board strongly encourages the City Council to pass an ordinance modifying the Eugene City Code by eliminating this constitutionally dubious provision.

## EDITORIAL POLICY

This editorial represents the opinion of the Emerald editorial board. Responses can be sent to letters @dailyemerald.com. Letters to the editor and guest commentaries are encouraged. Letters are limited to 250 words and guest commentaries to 550 words. Authors are limited to one submission per calendar month. Submission must include phone number and address for verification. The Emerald reserves the right to edit for space, grammar and style.

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Eric Layton Illustration

# Uncertain state for the union

If you are like me, you spent Tuesday night anxiously awaiting President Bush's State of the Union address.

OK, OK, OK. If you are like me, you were watching reruns of "The Daily Show" and "Late Night with Conan O'Brien" on Comedy Central while President Bush gave his State of the Union address.

But during a commercial break I downloaded a transcript of the speech and skimmed through most of it, thus allowing me to pontificate about it like the rest of my media pundit buddies.

Back in 2002, Bush was still a little rusty at the whole presidential thing. During a speech in Connecticut he said, "And so, in my State of the — my State of the Union — or state — my speech to the nation, whatever you want to call it, speech to the nation ..."

This time around he seemed to know exactly what the speech was called. And he wasted no time in going immediately to the patriotic rhetoric. My favorite part was when he tried to justify the Iraq war as part of the war on terrorism.

"Let us be candid about the consequences of leaving Saddam Hussein in power," Bush said. "We're seeking all the facts. Already, the Kay Report identified dozens of weapons of mass destruction-related program activities ..."

Weapons of mass destruction-related program activities? Well, no wonder we couldn't wait for the weapons inspectors to do their job. No wonder hundreds of Americans had to lose their lives. It is just like the Bush administration has said

from day one: Saddam was harboring weapons of mass destruction ... -related program activities, and we cannot allow related program activities to fall into the wrong hands.



**David Jagernauth**  
 Critical mass

Thanks to Paul O'Neill and his predilection for revenge, we now have proof of what we all suspected. Bush from the beginning wanted to attack Iraq. Documents from January 2001, long before the war on terrorism, speak of "Plans for Post-Saddam Iraq," with maps of Iraqi oil fields and potential contractors.

"It was all about finding a way to do it. That was the tone of it. The president saying, 'Go find me a way to do this,'" said O'Neill during a CBS interview.

Not everything in Bush's address to the nation was about foreign policy. For example, Bush proposed to double federal funds for abstinence-only education. It is amazing to me that the right wing would endanger our children by basing their policy decisions on archaic moral beliefs rather than on science, which

shows comprehensive sex-ed is the most effective means of achieving the ends that Bush claims to desire: safer sex.

Bush also threatened to put a heterosexual-only definition of marriage in the Constitution. This is a historic idea, since it would be the first time something was added to the Constitution in order to advance discrimination rather than stop it.

Personally, I was interested more in what was missing from his State of the Union speech than what was in it. For example, Bush said nothing about the state of his AIDS initiative, the hallmark of his last State of the Union address. That is probably because not a penny has been spent in the year since he promised it.

Bush also didn't mention his idea to rework the civics test that every foreigner must pass before they can become a U.S. citizen. I suspect that he was afraid of his distinguished guests breaking out into roaring laughter. I mean, come on. President Bush overseeing the creation of a civics test? This is the man who once said, "The legislature's job is to write law. It's the executive branch's job to interpret law." That's the wrong answer to questions No. 35 and 37 on the test!

Despite great hopes, this year's speech turned out to be no different than in years past. More than 5,000 words and 70 separate applause later, I still feel no better about the state of our union.

Contact the columnist at davidjagernauth@dailyemerald.com. His opinions do not necessarily represent those of the Emerald.

## LETTER TO THE EDITOR

### Vote 'yes' on Measure 30 for students

As a student enrolled in the University's Honors College and a Presidential Scholar, I urge you to vote yes on Measure 30. If this measure fails, the higher

education system will lose more than \$14 million; this will significantly increase the amount of general fees and drastically raise tuition. Oregon Gov. Kulongoski has publicly addressed the need for a strong education system. He believes that education is the basic framework to move the state forward. A "no" vote will not only hinder student access

to higher education, it will force Oregon further into debt.

Vote yes on Measure 30 — show Oregon that students have a strong voice in the decisions concerning their future!

**Sarah A. Koski**  
 sophomore  
 political science