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The Oregon Daily Emerald is published daily Monday through Friday during the school year by the Oregon Daily Emerald Publishing Co. Inc., at the University of Oregon, Eugene, Ore. The Emerald operates independently of the University with offices in Suite 300 of the Erb Memorial Union. The Emerald is private property. Unlawful removal or use of papers is prosecutable by law.



■ Guest commentary

Give me liberty or my money back

"The core power of a legislator acting within the legislature's subject-matter jurisdiction is to make a discretionary decision on what the law should be; that is why a legislator may not be legally ordered to exercise discretion in a particular way without damaging the legislative power as such." — U.S. Supreme Court Justice David Souter (Printz v. United States, 521 U.S. 898 (1997))

The various constituencies were so busy fulfilling their pundit-decreed roles in the sandbox fight over the Oregon Commentator that they all missed what actually matters. The central issue is not what the Commentator has printed, whose buttons it has pushed in muckraking fashion or its inherent right to print what it wants; rather, it is whether student legislators possess a constitutional right to speak freely, like any other legislators in the United States, and to legislate the student incidental fee, even to defund a group.

In a real legislative process, nobody is entitled to anything more than a chance to present his or her request. However, more critical is whether those who oversee the University sandbox can refrain from interfering with the democratic process among University students, despite the bureaucracy's overarching want to maintain another revenue stream for student services

that the fee represents, which effectively relieves fiscal pressure from the bureaucracy's own budgets.

As you may know, the ASUO Constitutional Court has chosen to disenfranchise three University student legislators indefinitely for doing nothing more than expressing their opinions on a legislative question in a Programs Finance Committee legislative hearing. I have wondered over the past few weeks what on earth could prompt fellow University students to accept the judicial gagging of a fellow student — even one with legislative rights. Sadly, many seem content that a court can do this sort of thing to ensure that "viewpoint neutrality" is a reality of political life at Oregon. Never mind this was how nations such as East Germany used to stifle political criticism and freedom. And, of course, never mind that no court can ever exercise this jurisdiction over the legislative process in America, regardless of governmental level.

What concerns me is not that a piece of paper says or does not say something or that some kangaroo court thinks it gets to interpret it so as to assign itself immutable power to disenfranchise legislators. This is all, naturally, an exercise in American students learning how the American system works. But therein lies the worrisome problem that has prompted me to comment. Somebody has

erroneously taught students that courts may order legislators on how a legislative vote shall be cast and which words surrounding it are constitutionally acceptable. This does violence to our society's understanding of liberty's dependence on the principle of separation of powers.

In America, legislative power carries with it legislative immunity from suit, derived from nothing less than the U.S. Constitution, Article I, Section 6 and applied through common law to the states and their subordinates, such as public universities. Would you find it outrageous to find one morning that Chief Justice William Rehnquist had ordered Sen. Edward Kennedy's votes no longer counted, because he was not "viewpoint neutral" when denouncing Secretary of Defense Donald Rumsfeld's mission in a legislative hearing before voting against his request?

To rectify this severe departure from American practice of government, I have introduced two ASUO resolutions to restore full voting rights to these student legislators. To do anything less cheats University students of their education in American government and their inalienable rights. Please contact your ASUO senator to urge support for these resolutions.

Michael Watson is ASUO
Academic Senator

INBOX

Marijuana issue needs closer examination

As a student at the University, I am aware that there is a large community of marijuana users on campus. I am also aware of the history of marijuana and how it became illegal in this country. It has a past that was full of lurid journalism and protection of corporate financial gains for groups like the pharmaceutical and timber industries. One of the arguments for criminalizing marijuana was the violent tendencies

it gave to people (which to anyone who has used marijuana knows this is simply not true). Much of the debate was also based on racial discrimination against African Americans and Hispanics.

I feel that it is important and absolutely necessary for not only lawmakers but also the average person to take a look at the evidence for the legalization of marijuana. The U.S. government has continued to mislead people on the true nature of marijuana since it was made illegal. And

today marijuana research is very limited, even for the purpose of medical treatment, while cocaine and morphine are legal for medical use. Now may not be the time to legalize marijuana, and maybe there will never be a time for that, but one thing that is sure is that people need to get past the brainwashing of our government, take a step back, and actually learn the truth, not just accept everything we have been told.

Brandyn Bakanoff
Undergraduate

OREGON DAILY EMERALD LETTERS POLICY

Letters to the editor and guest commentaries are encouraged, and should be sent to letters@dailyemerald.com or submitted at the Oregon Daily Emerald office, EMU Suite 300. Electronic submissions are preferred. Letters are limited to 250 words, and guest commentaries to 550 words. Authors are limited to one submission per calendar month. Submissions should include phone number and address for verification. The Emerald reserves the right to edit for space, grammar and style. Guest submissions are published at the discretion of the Emerald.

■ Editorial

PFC quickly transforms into working committee

Last month, the Oregon Commentator's mission statement proposal resulted in a two-hour, emotionally charged, chaotic meeting in which First Amendment rights were threatened, content was criticized and a committee member quit (temporarily) and accused other PFC members of "sleeping with the devil." The next day grievances were filed against three members of the committee. Those members are currently prohibited from voting.

Monday, the Commentator's hearing was a serene, half-hour gathering that actually fulfilled its purpose. There was no yelling, no insults and no drama. PFC members remained viewpoint-neutral, as their jobs require.

Furthermore, late Monday night, PFC members experienced a change of heart and embraced long-sought after changes to the stipend model.

What has happened? PFC Vice Chair Mason Quiroz and member Eden Cortez are no longer allowed to vote; member Dan Kieffer resigned; Michael Sherman and Jared Axelrod joined the committee. Now budget hearings are calm and businesslike, and actions which should have been implemented months ago are finally being undertaken.

We congratulate our student leaders for finally seeing the light at the 11th hour. And while it is a huge relief to have sane people on the PFC, this sudden shift proves we desperately need to evaluate the system. The personalities and backgrounds of the committee members have radically shifted the dynamic, and that screams of flaws in the selection, training and education processes.

The PFC is supposed to be viewpoint-neutral; it shouldn't matter who is on the committee because the members' own opinions and temperaments should not affect the decision-making process. Committee members need to be made aware of the nature of their jobs before budget hearings begin in order to avoid the chaotic screaming mess that resulted when a couple of volatile PFC members let their personal opinions into the process.

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CORRECTION

In Monday's Emerald, Mike Martell was misidentified as an ASUO controller in "Student funding benchmark overspent." Martell is ASUO finance coordinator.

In "Stipends overhauled for budget fix," published in Tuesday's paper, the Emerald reported that the new stipend model would give top-level student government leaders \$200 per week, lower-ranking government leaders \$175 per week and group leaders and some government members \$150 per week. All are paid per month.

In "Making messes with messages," published in Tuesday's paper, an Emerald columnist claimed that the Emerald's estimated readership was 10,000. The estimated readership for the Emerald is 20,000.

The Emerald regrets the errors.