

State court clears Measure 37

Controversial land-use form is constitutional, says Oregon Supreme Court

Derek Erickson
The Clackamas Print

What does it take to maintain a sense of community? It should look like people working together to form a greater whole. Members of the community elect leaders to determine and delegate what's best for the community in their charge. These leaders control meetings, events, businesses and roads. They have the authority to control land usage. Measure 37 was passed in November of 2005. By October of 2005 it had been halted in Marion County. On Feb. 21 of this year the Oregon Supreme Court deemed the law constitutional, which, barring an appeal to a federal court, makes it unstoppable. There are many things that one could do with a piece of land. With Measure 37, governments on the local or state level with these laws that forbid certain actions must pay land owners the amount of money they would have made with the changes they requested. For example, if someone owned a large piece of land and wanted to subdivide it, making a new suburb in the community, and the community council didn't approve it; they would have to pay them the profit they would have made from the subdivision.

The communities where this is a problem – mostly rural – can't afford to pay off all of these landowners.

Such landowners are greedy; they have no respect for their local council's plans for the community. They should realize that they elected the local government because they had good plans for their community, and know how to plan for the future accordingly.

When a claim is filed, the applicant pays \$750 just to have their claim looked at. The Clackamas County officials then have 180 days to review the application, let the community know what's happening and hold a public hearing before deciding the fate of the claim.

All of this is very time consuming. According to a March 2 news story in *The Oregonian*, "Hearings held by the commissioners became marathon affairs, county staff said – three times a week, more than four hours at a time, 20 claims at a sitting."

Measure 37 is bad for communities, bad for citizens, and shows the unfortunate side of humanity. The side that cares more about the dollar than their neighbor, and more about their bank accounts than their own wellbeing.

I foresee a lot more opposition to this measure, and hopefully another judge or group of concerned citizens will put a halt to this incarnation of the downfall of America.



Illustration by E. E. West Clackamas Print

The expected 'Brokeback Mountain' Oscar sweep comes to 'Crash'-ing halt

Ciamarella
The Clackamas Print

When Jack Nicholson couldn't win from raising an eyebrow, he presented the winner for Best Picture at Sunday's Academy Awards. In the months leading up to the Oscars, almost everyone had been calling "Brokeback Mountain" as the winner. But when Nicholson spoke into a microphone, it was "Crash," a race-relations flick, which walked away with the best award of the night.

Maybe it was all about the type that killed "Brokeback." Maybe "Crash" was simply a better film. Maybe "Brokeback" got passed because, oh, I don't know, it was about GAY BOYS.

Gay rights advocates likely (and probably expect) to take the late-night blow to the gay rights movement that "Brokeback" lost – a sign that America still isn't mature enough to handle anything more serious than "Queer Eye for the Straight Guy" when it comes to gay.

The question must be posed, though: if "Brokeback Mountain" had won Best Picture,

would it be a victory for the gay rights movement?

I say no. Movies like "Brokeback" can't be considered victories, even if they win, until they are accepted by the public as movies, not pieces of propaganda – pawns in a larger debate.

The real tragedy of "Brokeback Mountain" was not that it was passed over for an Oscar because of a not-so-silent majority of backwards fundamentalists. The tragedy was that a movie centering on gay characters couldn't stand on

its own merit, only its perceived agenda.

Of course, "Brokeback Mountain" did win three Oscars, but it was the equivalent of telling a successful black person he or she was a "credit to their race." It was a good movie ... for a gay flick.

There won't be a victory for the gay rights movement in cinema until a movie like "Brokeback Mountain" comes out, and it doesn't have to "triumph" or "succeed" over prejudice.

The main problem is our nation's current mentality. When many Americans think "gay," they're still imagining the biker dude from *The Village People*. They can't fathom the idea of homosexual love. It doesn't compute. You might as well show an episode of "The Real World" to a group of nomadic Bedouins.

This mentality is what turned "Brokeback Mountain" into a novelty, parodied by every late night host and his brother, rather than a serious drama. It's what kept everybody talking, but not about the acting, plot or cinematography, just a steamy tent scene.

Sorry Ang Lee, until America can get its mental posterior into gear and into the 21st century, like most first world countries already have, you'll just have to wait for that Best Picture award.



Illustration by Kyle Steele Clackamas Print

Supreme Court will not hear college case

David Stark
The Clackamas Print

In a shocking move, the U.S. Supreme Court declined to hear an appeal from former student journalists at Governors State University, letting stand a lower court ruling that could allow college administrators to censor student publications.

The case has been in various levels of the court since January 2001, when a dean blocked the paper from being printed after several stories critical of the university's administration appeared. Patricia Carter, Governors State's dean of student affairs, told the printing company not to print the newspaper, *The Innovator*, before she reviewed and approved it, according to court documents.

The paper, which was founded in 1971 and supported solely by student fees, hasn't been published since.

In June, the 7th U.S. Circuit Court of Appeals ruled 7-4 that Carter should not be held liable for her decision because of "unconstitutional uncertainties," meaning that the case law was murky enough that she couldn't be expected to know what was legally permissible.

Even worse for the rights granted by the First Amendment is the fact that the appeals court also found that Governors State administrators had a right to

regulate the paper's contents because it was published under the auspices of the university, a ruling that some fear could limit what college students publish. The court claimed to have relied in part on a 1988 Supreme Court decision, *Hazelwood School District v. Kuhlmeier*, that allows high school administrators to censor student publications.

The Supreme Court's denial is a huge loss for student rights and freedom of the campus presses, and could prove to have an intimidating effect on student newspapers.

This situation could prove to be even more disastrous for all the other forms of student expression. What happens when students wish to show controversial films, or bring in a potentially offensive speaker?

Hazelwood School District v. Kuhlmeier also affects teachers by limiting what they can or cannot teach. With this ruling in place many teachers may find their classes edited for content.

This decision is an all-around huge mistake. This new Supreme Court has only a very short time in which to prove what kind of a court it will be, and I, for one, am not impressed by their record so far. One can only hope that they can prove to be a balanced and fair court, as opposed to simply being another weapon for the conservative right to wield.

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