

O R E G O N

# COMMENTATOR

MARCH 10, 2004

VOLUME XXI ISSUES VII, VIII

A JOURNAL OF OPINION

# HELD HOSTAGE!

How THE OLCC AND OUS ARE USING THEIR POWER TO ABUSE STUDENTS.



PLUS: OREGON'S BUDGET, CAMPUS CASH, AND STATES' RIGHTS



FOUNDED SEPT. 27, 1983 • MEMBER COLLEGIATE NETWORK

**EDITOR-IN-CHIEF**  
Timothy Dreier

**MANAGING EDITOR**  
Tyler Graf

**PRODUCTION MANAGER**  
Jeremy Jones

**ASSOCIATE EDITOR**  
Colin Elliott

**COPY CHIEF**  
Courtney Sweet

**CONTRIBUTORS**

Dan Atkinson, Jeremy Berrington, Ben Brown,  
Brett Callahan, Ben Carver, Erin Flood, Sho Ikeda,  
Andrew MacKenzie, Mike Monroe, Scott Parker,  
Olly Ruff, CRITTNER, Marla Traweek

**BOARD OF DIRECTORS**  
Timothy Dreier, Chairman  
Jeremy Jones, Director, Olly Ruff, Director

**ALUMNI ADVISORY BOARD**  
Thomas Mann '88, Charles H. Deister '92  
R.S.D Wederquist '92, Scott Camp '94  
Ed Carson '94, Owen Brennan Rounds '95  
Mark Hemingway '98, Andrew Oberriiter '98  
William Beutler '02

**BOARD OF TRUSTEES**  
Richard Burr, Dane Claussen  
Robert Davis

The OREGON COMMENTATOR is a conservative journal of opinion. All signed essays and commentaries herein represent the opinions of the writers and not necessarily the opinions of this magazine or its staff. The COMMENTATOR is an independent publication and the Oregon Commentator Publishing Co., Inc. is an independent corporation; neither are affiliated with the University of Oregon nor its School of Journalism. And, contrary to popular, paranoid opinion, we are in no way affiliated with the CIA, FBI, or the Council on Foreign Relations.

The OREGON COMMENTATOR accepts letters to the editor and commentaries from students, faculty and staff at the University of Oregon, or anyone else for that matter. Letters and commentaries may be submitted personally to Room 205 EMU; placed in our mailbox in Suite 4 EMU; or e-mailed to [editor@oregoncommentator.com](mailto:editor@oregoncommentator.com). The OREGON COMMENTATOR can be found on the world wide web at <http://www.oregoncommentator.com>.

We reserve the right to edit material we find obscene, libelous, inappropriate or lengthy. We are not obliged to print anything that does not suit us. Unsolicited material will not be returned unless accompanied by a stamped, self-addressed envelope. Submission constitutes testimony as to the accuracy.

## MISSION STATEMENT

The OREGON COMMENTATOR is an independent journal of opinion published at the University of Oregon for the campus community. Founded by a group of concerned student journalists Sept. 27 1983, the COMMENTATOR has had a major impact in the “war of ideas” on campus, providing students with an alternative to the left-wing orthodoxy promoted by other student publications, professors and student groups. During its nineteen-year existence, it has enabled University students to hear both sides of issues. Our paper combines reporting with opinion, humor and feature articles. We have won national recognition for our commitment to journalistic excellence.

The OREGON COMMENTATOR is operated as a program of the Associated Students of the University of Oregon (ASUO) and is staffed solely by volunteer editors and writers. The paper is funded through student incidental fees, advertising revenue and private donations. We print a wide variety of material, but our main purpose is to show students that a political philosophy of conservatism, free thought and individual liberty is an intelligent way of looking at the world — contrary to what they might hear in classrooms and on campus. In general, editors of the COMMENTATOR share beliefs in the following:

- We believe that the University should be a forum for rational and informed debate — instead of the current climate in which ideological dogma, political correctness, fashion and mob mentality interfere with academic pursuit.
- We emphatically oppose totalitarianism and its apologists.
- We believe that it is important for the University community to view the world realistically, intelligently and, above all, rationally.
- We believe that any attempt to establish utopia is bound to meet with failure and, more often than not, disaster.
- We believe that while it would be foolish to praise or agree mindlessly with everything our nation does, it is both ungrateful and dishonest not to acknowledge the tremendous blessings and benefits we receive as Americans.
- We believe that free enterprise and economic growth, especially at the local level, provide the basis for a sound society.
- We believe that the University is an important battleground in the “war of ideas” and that the outcome of political battles of the future are, to a large degree, being determined on campuses today.
- We believe that a code of honor, integrity, pride and rationality are the fundamental characteristics for individual success.
- Socialism guarantees the right to work. However, we believe that the right not to work is fundamental to individual liberty. Apathy is a human right.

# COMMENTATOR



**COVER:** The OLCC recently demonstrated the wanton extent of its own power by busting a party whose hosts were trying to be responsible. Sho Ikeda and Tyler Graf get the whole story. **PAGE 8**

The Oregon University System does not allow students, even those with permits, to carry concealed weapons on campus. GTF Brian Stubbs isn't taking it lying down. Tyler Graf investigates. **PAGE 16**



Gay people getting married in Oregon? Man, that's great! Dan Atkinson breaks down the relevant state statues for you. **PAGE 20**

## DEPARTMENTS

EDITORIAL	4
NOBODY ASKED US, BUT...	6
ANOTHER PERSPECTIVE	28
SPEW	30

March 10, 2004

Copyright ©2004 Oregon Commentator Publishing Co., Inc.

You are the apex of sexy danger



# GOING OFF THE RAILS ON A CRAZY TRAIN

*THIS YEAR'S ASUO EXECUTIVE HAS FAILED TO FULFILL MANY OF ITS DUTIES. THE WHOLE ORDEAL REVEALS MUCH ABOUT THEIR PRIORITIES, SKILLS, AND COMPETENCY LEVEL.*

Incompetence, nepotism, impropriety, and a lack of ethics; are we describing the Russian government? Perhaps the Catholic Church circa 1400? Nay, friend, we're talking about the den of inequity that is the ASUO. You must be thinking that we've given them enough flak, that the horse is dead and we should certainly stop beating it right about now. You're wrong. As long as the occupants Suite Four keep acting like petulant, irrational children there will be a need to point out their horrible, horrible flaws.

The most recent in a series of disasters is the Executive's appointments to the ASUO Constitution Court. The Court sat three judges short for months while the Exec dragged its feet finding candidates for the positions. In the end, it took a mandate from the Con Court's sitting justices to get the Executive to

make some appointments. Worse, the appointments made, and ultimately approved by the Senate, could not have been poorer.

Randy Derrick, who is Co-Chair of the College Democrats, is at least qualified on paper. His involvement in politics via the Democratic Party is well known, and he has qualities that members of government find at least useful. Rumors abound about his personal characteristics and integrity, however. Many of these rumors are negative, and for the sake of propriety will not be enumerated here, but it does raise certain questions about

Derrick as a Con Court justice. Furthermore, he's heavily involved with other political and academic obligations, so one must wonder if Derrick will be able to make the proper commitment to his role on the Con Court. A justice who's purported to be a jerk is one thing, but a justice without the time to give his duties his utmost attention is a disaster waiting to happen.

Andrea Hall, however, has no business sitting on the Con Court. While a seemingly bright enough and friendly person,

Hall has demonstrated no ability to complete duties assigned her with expediency and equanimity. The ASUO Elections last year, for which Hall was the Elections Coordinator, were a complete farce. Not only did the winning ticket fail to account for all of its expenditures properly, but Melton and Morales also failed to turn in their final

*If this year's Exec can persuade the current law students not to resign from the Con Court until early May, their term in office will expire before the 30 day appointment deadline mandated by the ASUO constitution. Meaning, of course, that the newly elected Executive would inherit the problem...provided that the elections happen this year at all.*

financial disclosure form. To date, the form has not surfaced. According to elections rules, the Elections Board, headed by Hall, should have disqualified Melton and Morales from the election. Obviously, however, the Elections Board did no such thing. In addition, the debate format during last year's primaries had the appearance of input from students but, in reality, the debate questions were pre-written and pre-approved by committee. Meaning, of course that they were on computers in the ASUO office long before the actual primary debates, and within

arms reach of any candidates who worked in Suite Four. Say, for example, Co-Multicultural Advocates named Madeline and Eduardo.

The Executive's last appointee, Stefan Myers, is another ASUO insider. He served as a legislative associate under Pilliod and Buzbee last year and was involved with this year's Executive before being appointed to the Con Court. This sort of cronyism permeates all aspects of ASUO life, but direct appointment from one branch of government to another is quite uncouth. Imagine the furor if Bush were to appoint Donald Rumsfeld to the Supreme Court...no, this situation is more analogous to appointing Ari Fleischer: a strange individual who's okay at his job, but is quite unqualified for higher positions. There's a separation of power, at least nominally, in the ASUO for a reason and to simply appoint justices from within the Executive's own ranks sets a very poor precedent. If the suite four kids can't understand rules well enough to make proper recommendations to make proper recommendations to PFC, one must wonder if selecting their ASUO underlings to serve on the Con Court really serves all students best.

---

*This sort of cronyism permeates all aspects of ASUO life, but direct appointment from one branch of government to another is quite uncouth. Imagine the furor if Bush were to appoint Donald Rumsfeld to the Supreme Court... no, this situation is more analogous to appointing Ari Fleischer: a strange individual who's okay at his job, but is quite unqualified for higher positions.*

---

Another wrinkle in this whole fiasco is the Executive's failure to appoint any law students to the court. This means that there are currently only two law students on the Constitution Court, both of whom will be leaving at the end of this year. So, in a few months (read, May) the Executive will need to hire two law students to fill vacancies, as the Green Tape Notebook mandates that a minimum of two law students serve on the Con Court. Instead of taking the opportunity to have a longer-term solution, this Executive only looked at its own short-run self-interest. That's not exactly the sort of behavior we might want from our representative student government.

The attitude the Melton and Morales have displayed this year seems to be "it's somebody else's problem." Their short-sighted Con Court appointments look like Melton and Morales are trying to foist the problem of finding two law students off

onto next year's Executive. If this year's Exec can persuade the current law students not to resign from the Con Court until early May, their term in office will expire before the 30 day appointment deadline mandated by the ASUO constitution. Meaning, of course, that the newly elected Executive would inherit the problem...provided that the elections happen this year at all.

Current ASUO Elections Coordinator Stephanie Day seems a little off the ball. The aforementioned Con Court denied her first attempt at an elections packet because the election was scheduled during the law school's dead week. A revised version of the packet was submitted and approved just this week. As of press time, dates for the election had not been decided, and a tentative filing deadline for candidates had been set at March 31. Tentative dates for the elections are April 12-14 for the primaries and April 16-19 for the general elections.

These deadlines and election dates leave only two weeks for campaigning and little over a month for the transition between the current Executive and the newly elected one. The ASUO Constitution mandates that the elections be held between February 1 and April 30 every year. This year's Elections Board seems to be leaving everything until the last minute. They're now running into conflict with the law school that could have been avoided had they gotten started on the elections process earlier. To think, these folks fancy themselves the future leaders of America.

The ASUO is always a mess, so it's hardly surprising that this year is the same. However, this year's complete farce is apparently being directed by a murder of crows even less competent than preceding years' parades of foolish lower primates. Between Melton and Morales' constant bungling of basic procedural rules, and the Elections Board's complete and utter failure to live up to its one duty, the ASUO has managed to fall into disarray so spectacularly that it is unlikely to be fixed any time soon.



# *Stupid Constitutional Amendments*

*Stop Taking Pens Off My Desk Amendment*

*Random Urination Amendment*

*Who Ate My Fucking Hot Dog Amendment*

*No Seriously, I Have to Pay For Those Pens Amendment*

*Nose Guitar Freedom Amendment*

*The Right to Keep and Bear Hamsters Amendment*

*Federal Marriage Amendment*

---

## ASUO Election 2004 Coverage

---

Those who actively follow student government might be wondering what happened to the ASUO elections this year, and the constant mocking of them by the COMMENTATOR. This, complete with gag candidates and pithy comments in a beautifully designed magazine, is clearly labeled the Elections Issue.

OK, the only people who really notice are Bruce Miller and a few of the ASUO trouser stains who took a break from chasing their own assholes around Suite Four. Everyone else is probably too busy with finals or talking with the little gnomes who always seem to appear after the fifth straight bong rip. Well, despite the complete incompetence of the current incarnation of the ASUO, we are going to run the elections issue anyway, damn it!! So...uh...yeah...we heard a rumor yesterday that a 10 ft. tall half-lemur, half-man named Seymour escaped from a secret research lab and is running for the ASUO exec. His

running mate will be a mostly empty glass of iced tea. Together they will run under the platform of conquering all humans.

...OK, that was a lie; that was some random story we found in a GTF's garbage can. You can find a lot of things in garbage cans...like used tissues and Subway wrappers. One time, this one guy found two pieces of bread in a garbage can. So he took off his sock, dipped it in a toilet, put it in the bread and gave it to some homeless guy. That was kinda funny...'cause he ate a sock...that was in the toilet...and he was homeless. Uh...oh yeah, we once found a sock in the office...it might have belonged to that lemur-man...you know, the one who's running for ASUO. It kinda smelled like Richard Nixon...or maybe a sausage; we couldn't really decide. Uh... okay that's about it. If you think this story went nowhere, wait until the actual election.


## OC Contest Corner!

Hey kids! What follows is a list of absolutely horrid headlines that inspire one to take deadly quantities of sleeping pills rather than read the proceeding story. Can you guess which five actually appeared in the ODE's Vice section? (No cheating!)

1. Man Driven To Suicide By Depression, Emerald
2. Choice Of Eating Meat Or Not Guided By Taste, Values, Diet.
3. Appeal Of Music Draws Fans, Critics.
4. Toast Crispness, Flavor Determined by Toaster, Other Factors
5. Caring For Too Many Pets Can Strain Budget, Sanity.
6. ASUO Vice President Allegedly Has Mean Right Hook, Uppercut.
7. Word's Meaning Determined By Context, Definition.
8. Man driven by car, driver
9. Debt, Job Difficulties Result From Excessive Gambling.
10. Basketball Game Results In Winning Team, Losing Team.
11. Monologues Protesters Driven by Rage, Confusion, Hormones
12. Cigar Flavors, Sizes Help Relax, Give Buzz
13. Students, Others Find Books, Resources At New Public Library.
14. Political Views Result Of Values, Beliefs, Policy Stances
15. Blood Alcohol Content Results in Lewd and Lascivious Conduct, Arrest

Guess correctly? Well, good for you, jackass! What do you want, a prize?? OK, come by the office sometime and our sleep-deprived, drunken editor will yell at you for an hour and a half about supply-side economics.

Ian Crosswhite  
**HEIGHTWATCH**  
**3'5"**  
**CUT IN HALF SEEKING HOLY  
GRAIL; WAS NOT PENITENT.**



## THE OC ASKS:

# What do you think... hey, isn't that Robocop?



**Robocop**

Yes.



**Aaron Shakra**

I'm tired of this shit, I'm sick and fucking tired of an eight and 10 record! I'm fucking tired of losing to Purdue! I'm not here to fuck around this week. Now, you may be, but I'm not!



**Bobby Knight**

The metaphor of the bridge is particularly apt because poetry seems to be about mending dualism, such as "us versus them," homosexual and heterosexual, friend and enemy, nature and culture, and so on.



**T-Rex**

Holy shit, I'm sick and fucking tired of eating Purdue!



**Dave Frohnmayer**

Stop sneaking up behind me and making loud noises you little bastards. [*You see, this is funny because he's got a weak heart — Ed.*]



**Short Round**

C'mon Indy, pass the ball over here. I'm fucking tired of losing to Purdue.



**Dennis Kucinich**

Throw it down, big man! I'm not here to fuck around this week. Now, you may be, but I'm not. [Throws chair]

# OREGON LIQUOR CONTROL COMMISSION

*THE OLCC IS ONE OF THE MOST DRACONIAN AND ILL-CONCEIVED ENTITIES IN THE STATE OF OREGON. THEIR LATEST ABUSE CONFISCATED \$15,000 IN PROPERTY AND CAUSED HAVOC FOR ALL INVOLVED.*

*By Tyler Graf and Sho Ikea*

The Eugene Police Department added a new weapon to their arsenal in their battle against large student parties last month. On Feb. 14, undercover police officers were used to investigate a student-hosted party in a house at 1591 Mill St.

EPD was notified about the event when neighbors received fliers from the party hosts, alerting them that there would be a large party with two kegs of beer and a live band. EPD also knew about the presence of kegs of beer at the party through a cooperative effort with the Oregon Liquor Control Commission, which shares keg registration information that provides officials with the name, residence and other details of the purchaser of a keg.

EPD Sgt. Terry Fitzpatrick said officers that work in the area know the house and it has been host to previous parties that they have responded to for noise complaints. However, EPD spokeswoman Kerry Delf said the hosts of the party were not cited for noise violations on the evening of Feb. 14.

“That wasn’t the problem here,” Delf said. “The problem was that this was a party full of minors being sold alcohol.”

Fitzpatrick said party hosts were checking the identification of party goers and using a pen to mark the hands of minors. However, Fitzpatrick said undercover officers observed minors buying and consuming alcohol, both violations under city and state regulations.

Fitzpatrick said the hosts were marking the hands of minors with a pen for to identify them as underage but were serving them alcohol anyway. He alleged that the hosts were marking hands to show that they were making an effort, just in case police arrived.

Undercover officers reportedly used marked cash to purchase alcohol and contacted Fitzpatrick. Fitzpatrick then showed up to the party with uniformed officers who were let in by a person who met them at the door.

According to a Feb. 20 Oregon Daily Emerald article, EPD cited 17 minors for intoxication, seized two kegs and confiscated between \$65 and \$75 in alleged beer sales. Five residents, including four University students, were cited for furnishing alcohol to

minors and illegal alcohol sales.

In addition to the citations, OLCC seized band equipment estimated to have a value of \$13,000 to \$15,000. Drums, speakers and a laptop were among the items seized.

OLCC Investigator Mark Jaehnig said under Oregon statute, OLCC is authorized to seize any property that might be related to the sale and service of alcohol. This includes any “entertainment devices” that is related to any alcohol or liquor violation. Jaehnig said that Oregon law even also allows OLCC to confiscate vehicles used to deliver the alcohol and, though uncommon, the house where the alcohol is served.

When asked why OLCC confiscated the laptop, Jaehnig explained that when the band wasn’t playing, music was routed through the laptop and into amplifiers. It then fell under the definition of an entertainment device that was used in alcohol-related purposes.

Jaehnig explained the OLCC has to be selective in seizing property and that large seizures are rare.

“We have to be practical. For us to fill up two U-hauls and the way space is in terms of our office and Eugene Police Department, we’re up against some space constraints,” Jaehnig said. “Where are we going to put everything?”

“That’s why you don’t see it happening all the time,” Jaehnig said.

The fate of property seized by OLCC is determined through the court system. Jaehnig said a judge would decide what items, if any, would be returned to the hosts of the party and the band. The seizure of property, said Jaehnig, is not so much used for evidence but is part of OLCC’s punitive measures.

Aside from the actions taken by EPD and OLCC at this party, including the use of undercover officers and the seizure of expensive items, there are other important issues that require some discussion.

EPD and OLCC officials said that both departments try to educate students on the ways they can host a responsible party. EPD receives keg receipts from OLCC and officers often “check

in” with keg purchasers.

Fitzpatrick said officers give advice to party hosts such as keeping noise levels down, not allowing minors who have been drinking to come into the party, and keeping people inside the residence rather than talking outside, which can be quite loud for neighbors.

“Many times [following our advice] helps prevents us having to be dispatched to a party,” Fitzpatrick said.

ASUO Legal Services also gives similar advice including talking to neighbors about the upcoming party, asking for age-verifying identification from people arriving at the party, and not letting unfamiliar faces into the residence.

However, despite claiming to do some of the things listed above, the hosts of the party and the band were still stuck with several citations and losses of more than \$13,000 in property.

Both Jaehnig and Fitzpatrick offered advice to prevent party hosts from being cited for alcohol violations.

Kirkpatrick suggested expanding on the notification of neighbors. He explained that students usually inform next-door neighbors when preparing for a party. However, it is best to talk to residents of a whole block when hosting a large party. Kirkpatrick also suggested setting a start time and an end time for the party.

Kirkpatrick recommended that party hosts shouldn’t be hesitant to call police if a party begins to get out of control. He said EPD sometimes gets calls from hosts who have told people to leave the party only to have the revelers laugh at them. Though not a certainty, citations are usually not handed out in those situations, Kirkpatrick said.

EPD spokeswoman Delf said it is not a firm policy not to cite party hosts who call for help, but added that there is a “strong tendency” in that direction.

Jeff Frawley, a University student who lives at the house where the party took place, said his roommates took several precautions to make sure that the party didn’t get out of hand.

Frawley’s roommates did not agree to speak to the OREGON COMMENTATOR on their lawyers’ advice. Frawley wasn’t at the party that night and was not cited.

Frawley said his roommates distributed fliers solely to inform neighbor residents. He said the party hosts were not intending to advertise the party through the fliers. The fliers contained the date of the party, contact information and a listed time when the band would stop playing. Frawley said his roommates did talk to some neighbors, though he did not know if they had talked to every neighborhood resident. Frawley said that no more than 100 people were at the party, which was hosted in a large house with two floors and six bedrooms.

According to testimony from Frawley’s roommates, uniformed police officers arrived after the band had finished playing. The officers blocked front and rear entryways of the house and did not let any person leave without asking to see identification or testing them for alcohol ingestion. The officers announced they had reason to believe that alcohol was being sold on the premises, confiscated the kegs and called for assistance from OLCC.

Frawley said his roommates deny selling alcohol to any one at the party. They checked identification and had signs posted outside of the house that said minors would not be served alcohol.

Frawley said his roommates had sought information on how to host a responsible party before the night of the party.

“They went to the police department and asked ‘What’s some of the stuff that we can do to make sure [the party] doesn’t get busted?’” Frawley said.

Frawley said the roommates also got information from sources on campus.

“I guess that they got the idea from either something on campus, from a class or from something that police officers have said before,” Frawley said.

Several organizations on campus have offered tips on holding responsible parties, often giving advice to take similar steps as Frawley’s roommates.

Frawley said he thought that it was “ridiculous” that there’s literature and advice on throwing responsible parties that his roommates followed and were still punished by EPD and OLCC.

“It seems like they did everything as closely as they could to [follow

that advice],” Frawley said.

“The hammer is coming down heavier on them than it is on other people who don’t do anything,” Frawley said.

Frawley said his roommates are in discussion with their lawyers to try to get their property back. Some of the roommates are part of the band and own the confiscated equipment.

Frawley said that he and his friends are dumbfounded that the effort his roommates took to prevent the party from being a nuisance to his neighbors, keep minors from consuming alcohol, and to keep the party from becoming a situation that required the police to arrive didn’t do anything to protect them from being fined.

“They took these responsible measures that ended up back-firing,” he said.

*“WE HAVE TO BE PRACTICAL. FOR US TO FILL UP TWO U-HAULS AND THE WAY SPACE IS IN TERMS OF OUR OFFICE AND EUGENE POLICE DEPARTMENT, WE’RE UP AGAINST SOME SPACE CONSTRAINTS,” JAEHNIG SAID. “WHERE ARE WE GOING TO PUT EVERYTHING?”*

*“THAT’S WHY YOU DON’T SEE IT HAPPENING ALL THE TIME,” JAEHNIG SAID.*



*Tyler Graf and Sho Ikeda are both seniors majoring in Journalism. They are Managing Editor and staff writer for the OREGON COMMENTATOR, respectively.*

# ALL THE WRONG IDEAS

By Colin Elliott

*Oregon's legislature has recently been denied more funds by the electorate. That's a start, but it doesn't begin to solve the governance problem. How can our elected representatives get this state back on track?*

The authoritarian right and left, who would use any emotional tug on the unwashed masses of this state to get their money and power, recently faced the reality of trimming the state budget when voters rejected both last month's Measure 30 and last year's Measure 28. There really wasn't any problem – the state is going to end up with a \$20 million surplus after all that drama (even though the media is unsurprisingly silent on the matter). Wouldn't it be nice if Oregonians could just have gotten the facts from the beginning instead of the same old “throw your grandmother in the snow bank/cut three weeks off the school year” rhetoric?

## **Prioritized Budgeting Gives Government Proper Perspective**

The simplest way to fix this, in this writer's humble opinion, is to start off every biennium with a prioritized budget. Why is it that every time Oregon is short a few million, the underprivileged kids and old people are the first to the guillotine? Shouldn't services like education, policing, and transportation be the top priority of any state? If the politicians in Salem – or better yet, the voters – had to prioritize the budget, we would likely never see drastic cuts to the services that Oregonians desire most.

This could be as simple as taking the first part of the budget session to have the legislature rank government programs in order from most important to least important. An even better way to do it, in my opinion, is to mail a list of all government programs to every registered voter in Oregon, allowing the people whom these services actually benefit to rank them. This doesn't have to be official; perhaps it could just be done as an official government poll, providing guidance to the legislation when it prioritizes the budget. It could also be done locally, with each district having to determine a prioritized list, with their representative acting as an advocate for those people.

Now, I am not arguing for direct democracy – with a state of several million people, it is simply not feasible. What I would like to see, however, is a check on government holding vital services ransom for Oregon tax dollars. I want to stop seeing the stories for months in *The Emerald*, *The Register Guard* and *The Oregonian* about how some stay-at-home mom with five kids is going to lose her insurance. It doesn't have to happen with a prioritized budget – maybe that is precisely why it hasn't happened yet.

## **Programs For The Sake Of Programs**

Oregon politicians (and politicians in general, apparently) have this problem with justification: justification of services, justification of cost and justification of existence. If, for example, schools weren't threatened with failure, seniors weren't threatened with prescription drug costs and police weren't threatened with job losses, there would be no justification for asking Oregonians to fork over more dough – there would simply be no “emergency need” to do it. This brings us to the ultimate reason why the budget has not been prioritized up until this point. It can be summed up by working with the Hegelian dialectic (that is: thesis plus antithesis equals synthesis) – in essence, the authoritarian right and left create a problem like a school funding crisis with the purpose that it be solved by increased taxes. The crisis in schools is made to exist as a reason to give money and power to the government. This is why now-failed programs like The War on Drugs and The War on Poverty have yielded absolutely no progress – they are in existence entirely for the sake of achieving the selfish aims of those who run them.

---

*Now, I am not arguing for direct democracy – with a state of several million people, it is simply not feasible. What I would like to see, however, is a check on government holding vital services ransom for Oregon tax dollars.*

---

Consider the methods of Susan Castillo at the beginning of this school year. She toured schools while the Measure was being debated in the house, asking them to spend the money allocated and disregard the fact that it may very well be taken away later on in the year, resulting in the cessation of whatever programs that money would have funded. Castillo knew that if that money was not spent then, the justification for its removal would no longer be necessary.

## **The Incentive To Waste**

This problem happens in a lot of sectors, and I don't mean to pick on education so often. For example, by my place in the River Road area, the trans-

**JUMP TO 22**

# Keep Your Grub- by Hands Off My Pocketbook!

By Timothy Dreier

THE LEGISLATURE KEEPS ASKING FOR MORE OF OUR MONEY. IT'S TIME TO TEACH THE FOLKS IN SALEM THAT THEIR AVARICE DOESN'T PAY.

If all of us are guilty of one deadly sin, Oregon's is most certainly greed. The recent defeat of Measure 30 by a citizenry tired of the government's continuous demands will only put a temporary stop to the money-grubbing by the folks in Salem. Measure 30 was nothing but an attempt to further strain the resources of Oregon's taxpayers; the tax increases it contained, which were originally proposed by the legislature and only put to vote by petition, were completely unnecessary. At least, according to the said same state government.

On February 3, the voters resoundingly rejected an increase in their tax payments. This set off a wave of hysteria around the state. Doomsayers projected everyone would starve and all the old people would be homeless. Furthermore, there would be no healthcare for anyone, and no retirement either. Such dire predictions, and the same sort of exaggerated cynicism from Measure 30 supporters before the election, were intended to shame voters into opening their pocket books. And yet we survive. Furthermore, as published in the February 28 *Statesman Journal*, there will be no fiscal shortfall due to Measure 30's failure. Revenue forecasts by the state economist have the \$245 million shortfall being filled with reserve funds. What's more, the economic recovery has finally come to Oregon and tax revenues are increasing even without an increase in rates.

Another article dated the same day explains that \$76 million in savings by state agencies have helped make a significant dent in the state budget deficit. That's a good start, but there are certainly other things that can be done. One option is to reduce the propensity of state agencies to spend the last of their budgets as the fiscal year draws to a close.

Much like the minicrats in the ASUO, state bureaucrats like to zero-out their budgets at the end of the year, thus ensuring that the next budgetary cycle holds an increase for their particular agency. This sort of funding model only encourages wanton expenditure by all parties involved, and causes the state government to seek more revenue constantly. Not only that, but this funding model often also causes fiscally responsible agencies to receive cuts in funding. Essentially, state agencies, like ASUO groups, are rewarded for being poor stewards of public money.

In order for Oregon to remain competitive on an economic level, this behavior must stop. The issue of bureaucratic funding is secondary, however, to Salem's unbridled lust for tax dollars. Measure 30, and Measure 28 before it, points to the state government having an insatiable thirst for revenue. In lean times they press us for more, but those measures would not be repealed once the budget "crisis" passes. Bureaucracy is self-sustaining, as mentioned above, and those running it will certainly not want to give up any money.

The question, then, is how we break the cycle. The defeat of Measure 30 a month ago is a good start. It will teach state agencies that they must manage their budgets in a better manner, and perhaps show that the Oregon taxpayers are unwilling to give them any more money. The budgetary process could also be adjusted to reward agencies that spend less than their total budget every biennium. Doing so will give government a real incentive to spend within its means.

If those in charge of the state's budget refuse to acknowledge the problem with their current spending regimen, Oregon is in for a long haul of cyclical fiscal disaster. Because the state is so dependant on income taxes for revenue, every economic tribulation hits state coffers like a sledgehammer. The legislature and governor take any increase in revenue as an excuse to expand spending, never thinking that, when the economy turns down a little bit in a few years, they'll be short of cash. There are essentially two options for solving this problem: tax reform or smaller state government. Given that a sales tax in Oregon is not very likely, the only really feasible option is a reduction in size and scope of state government. The public education system, PERS, and the Oregon Health Plan are all filled with waste and mismanagement. Administrative areas of state government are undoubtedly filled with massive amounts of redundancy and pork. By cutting the state budget, and staying within its means, the state of Oregon can ensure a stable, working economy without asking any more from the taxpayers.



*Timothy Dreier, a senior majoring in Economics, is Editor-In-Chief of the OREGON COMMENTATOR.*

# Campus Cash: A Retrospective

By Ben Brown

*Six years after its inception, is Campus Cash living up to the hype?*

Plastic cash is nothing new. These days it would be hard to find a college student who isn't carrying at least one credit or debit card in his or her wallet. Starting in the fall of 1998, the University got on the bandwagon, offering their own version of plastic money in the form of Campus Cash. Campus Cash is a program run through the UO card office that allows students or their parents to put money on the student's ID card, money that can only be spent at certain on-campus vendors.

Student identification cards have been around for nearly 25 years and handle a number of applications, including entrance to the student recreation center, access to the campus meal plan, and tracking books borrowed from the library. After the EMU was remodeled in 1998 and a number of new businesses opened, the University decided to take advantage of those new points of sale with the Campus Cash program.

"It's set up to be a convenience for folks," said UO card office manager Joel Woodruff.

It certainly appears convenient. Vendors run a student's ID card through a special machine as though it were a debit card. The amount of money in the student's account is automatically updated, making it impossible to overdraw, and there isn't anything to sign. There are also no service charges because the card office is funded through the general fund and the cost of maintenance is split between the various participating vendors.

According to Woodruff, this central server is superior to the old system the library used. In that system, the amount of cash in a student's account was stored on his or her individual card. Lose the card and you lose your money.

Campus Cash got off to a rocky start in 1998. Only 637 students were using the system, and it only processed around \$30,000. The early intentions of the system were to bring the entire campus under a single cash card system. In theory, this would eliminate the problems and frustration that resulted when students would put money in their campus cash accounts and then try to use that money to print or make copies in the library. However, this problem wasn't solved until 2003, when

the library finally came on board when the old card readers in the library were replaced.

The hope in '98 was to have at least 1,000 students on the system by 1999 and eventually see at least 25 percent of campus using the system.

Business picked up during fall term of 1999, when the card office began to market this service in fliers around campus as well as in inserts in the recruitment literature sent to incoming students. By 2001, \$202,000 a term were moving through the system.

Much of Campus Cash's success has been credited to this advertising, which is mostly aimed at incoming freshmen and their parents. Freshmen are the most likely to be eating on campus and parents are happy to discover a way to give money to their children that can't be spent on alcohol or movie tickets.

The program got yet another boost in business last year when both the library copy machines and the general access computer labs switched over to Campus Cash as a method of paying for printing. Last term alone, \$617,000 moved through the system, which registers 400,000 to 600,000 transactions a month.

Buzz employee Bethany Mason says that more than 50 percent of the transactions she handles in a day are paid for with Campus Cash. Ellen Buller says that Campus Cash pays for 35 to 45 percent of Erb Essentials transactions. Most of the cards these two see have a balance of between \$10 and \$30, but occasionally they see \$50 to \$100 balances.

Currently, 11,000 accounts carry a balance of \$5.00 or more. When the library and computer labs switched to Campus Cash, the card office activated all student accounts regardless of use so students could print when they needed to without the hassle of activating their account.

According to Woodruff, having the library and computer labs on the same system saves time and money by reducing the number of accounts the University has to manage. It also saves maintenance on the old coin-operated machines that were once attached to the copy machines.



***DOES BEING BULLET PROOF IN YOUR SMALL TOWN  
GET OLD? ARE YOU READY TO KICK ASS AND TAKE  
NAMES IN THE BIG TIME? GOOD, WE'RE LOOKING  
FOR PEOPLE LIKE YOU.***

***WWW.OREGONCOMMENTATOR.COM***

***LEAPING TALL BUILDINGS SINCE 1983***

# FEEL BAD ABOUT YOUR APPEARANCE?

*If so, we've got the answer. Just follow the official COMMENTATOR Do-It-Yourself guide to losing weight!*

by Tyler Graf

Obesity is a huge problem in the United States. More than 40 million people are considered obese, while 3 million more have life-threatening obesity. But that should be no surprise to you; you see these people every day, waddling their junk-filled trunks to the nearest McDonald's for another helping of grease and sugar water. They look like anthropomorphic turds, but they smell a whole lot worse.

The government has been trying to stem the tide of this "epidemic" for the last 10 years. They even went so far as to reclassify obesity as a clinical disease in 2002, henceforth making all obesity-related maladies tax deductible. In addition, the morbidly obese are entitled to Social Security benefits. Every month, \$77 million is handed out to those who meet the obesity requirements. How much of this money is then redistributed to the fast food industry is currently unknown.

According to the American Obesity Association, obesity is as much a disease as AIDS or cancer, but not as sexy. Therefore, the American Obesity Association warns of profiteers who have come out of the woodwork with a plethora of snake-oil weight loss services and products in the hopes of making a buck off the poor souls who, by some unfortunate twist of cruel fate, have been afflicted with the compulsion to stuff fistfuls of Fritos down their throats while sprawled out on the couch watching TLC's "A Dating Story," clad only in stain-covered sweat pants. For shame, you leeches of human misery! These people have a tax-deductible, clinical disease!

Although I strongly believe that fat-ass-itis helps the economy by subsidizing the much-beleaguered fast food industry and the Big and Tall clothing line, it also disrupts governmental

spending by subsidizing health-care costs incurred by our porcine brothers and sisters. Billions of dollars are spent on these people yearly. We, as proud do-it-yourself Americans, cannot sit idly by as this problem worsens.

I believe in the right to choose any lifestyle that suits you best, so I will not disparage the fine fatties who -- *despite having a clinical illness that has reached epidemic proportions* -- have contributed to the well-being of society: Jim Torrey, Winston Churchill, Orson Welles, Louie Anderson and Fatty Arbuckle come to mind. These people have proven that you can achieve great things despite being corpulent. However, the sad fact

remains that you get laid a hell of a lot more if you're not. You also live longer, but that seems like an ancillary afterthought compared to getting laid.

Thus, after exhaustive research involving a six-pack of Sparks energy drink/malt liquor, a Strawberry Shortcake Blow Kiss Doll™, 12 fluid ounces of generic benzocaine base gel and a goat named Lemon Meringue, I have come up with a comprehensive study of the best, most effective ways to lose weight.

The **Atkins' Diet**, which consists primarily of high-protein foods, has become a popular diet among those who want to decrease the waistline but can't give up the gristle. For historical perspective, the Atkins' Diet began in 1972, when the great pseudoscientist Dr. Robert C. Atkins decided that by creating a diet rigidly opposed to the consumption of carbohydrates, he could make a few more car payments. In the past couple of years, the diet has exploded in popularity. Stores and restaurants specializing in low-carb, high-fat foods have sprung up like weeds. Many existing restaurants have been forced to restructure their menus



to placate the Cult of Atkins. Now when you go to Carl's Jr. for your tri-daily helping of the Famous Star, you can get it sans bun. Feel the burn!

There are detractors, however. Most of these so-called "experts" come from that two-bit backwater school Harvard and claim the long-term efficacy of the Atkins' Diet should be questioned because it may cause the permanent loss of kidney function. They also claim that it will cause heart disease. Oh well, everything has its drawbacks, right?

The **South Beach Diet** applies many of the techniques of the Atkins' Diet, but modifies them slightly. According to the official webpage, "The South Beach Diet™ teaches you to rely on the right carbs and the right fats and enables you to live quite happily without the bad carbs or the bad fats".

This diet is far too complicated to explain in the space allotted. Essentially, it's a three-phase diet that requires you to adhere to a weekly meal regimen in order to "change your body chemistry". According to Dr. Agatston, the shadowy figure behind this ploy to rearrange your DNA, there's a switch inside you that had been turned on, but by simply modifying your diet, you'll be able to switch it off.

Yep, it's as easy as turning off a switch. Frankly, I think this internal switch theory can be utilized to help people suffering from other afflictions. For example, it could help AA recruit members who have been discouraged by the large number of sundry steps that it takes to reach penance. Who needs 12 steps when you can simply solve your problems by "turning off a switch"?

The **Pritikin** diet is a very low-fat diet that is based on eating fruits, whole grains, nuts and vegetables. Feasibly, leaves and twigs fall under this diet as well, in addition to dirt, lint and psoriasis-induced skin flakes. This diet is for people suffering from heart disease because it lowers the body's intake of cholesterol.

The Pritikin diet began in the 1950s when another humorously named physician, Dr. Pritikin, was diagnosed with heart disease. He knew immediately that he needed to do something, so he drew on his years of medical schooling and anatomical knowledge to come up with a diet that was opposed to the consumption of pork chops three meals a day. Brilliant! In 1974, Dr. Pritikin opened his first Pritikin Longevity Center to rave reviews. "Holy shit! You mean we can lose weight by eating more fruits, vegetables and whole grains in conjunction with

moderate exercise? Who'd have thought it?" people declared after finishing the initial program.

These diets are fantastic if you have a lot of time on your hands. But what if you have a hot date in a week and you need to lose weight now? Well, there's something you can do, too. It's not a diet per se, but it will help you shed several pounds, and it's at least as healthy as the Atkins' Diet. It's called **bulimia**, and all you need are two fingers to perform it. Better still, you can eat anything you want.

Start by engorging yourself on a four-course meal at a swanky restaurant. Afterwards, while still feeling bloated and distended from your feast of kings, rush to the nearest bathroom. Make sure the door is safely locked behind you – the sounds of the regurgitated remains of your meal sloshing against the porcelain bowl and the low, guttural gurgle of the vomitus sick traveling through your esophageal passage may draw a crowd of concerned citizens. When you're through, make sure to wipe your face thoroughly; nothing can be more embarrassing than coming back from the vomitorium with a half-digested piece of veal tenuously clinging to your lower lip as if it feels compelled to lunge back down your throat!

Detractors of bulimia call it an "eating disorder". These people say it is harmful, emotionally stifling and can even lead to death. This is in fact true. I am including it only for the sake of completeness. If you wanted to live like the Greeks, then you'd put on a tunic, place a young boy on your knee and go to town. Furthermore, the act of addictive bingeing and purging can leave your body looking mummified – your skin will hang off your bones like dried parchment and your facial features will turn sullen and gaunt, with deep, dark bags underscoring your gigantic, vacant eyeballs. Therefore, as a long-term plan, bulimia is really not the best idea. I mean, nobody wants to fuck Skeletor, right?

These are all valid possibilities for the cellulite-covered masses whose futures hold the distinct possibility of a moribund existence behind the wheel of a Rascal Scooter. And I have only hit the tip of the iceberg. There are literally hundreds of diets and weight loss programs in existence.

But please don't sit next to me on the bus – you smell like stale sweat mixed with death.



*Tyler Graf, who is only thin because he smokes, is Managing Editor of the OREGON COMMENTATOR.*

# ‘TO KEEP AND BEAR...’

By Tyler Graf

*The Oregon University System does not allow anyone to carry guns on campus, even citizens otherwise entitled to have a handgun through Oregon’s Concealed Carry law. One graduate student, Brian Stubbs, isn’t taking it lying down.*

University of Oregon physics GTF Brian Stubbs believes in his right to bear arms. As a concealed weapons licensee in the state of Oregon, Stubbs is allowed to carry his firearm in all public places—with the exception of courthouses and federal buildings. Stubbs is a law-abiding citizen with a clean record, but according to the Oregon University System (OUS), he cannot lawfully carry his firearm on University of Oregon premises. They fall under the category of public property.

Stubbs believes that the OUS is in violation of the law, citing state statute ORS 166.370, which gives the authority to regulate loaded carry only to cities and counties. ORS 166.370 reads in part:

“Any person who intentionally possesses a loaded or unloaded firearm...while in or on a public building, shall be guilty of a class C felony.”

The statute continues with the exemptions to this regulation, including:

“(A) A person who is licensed under ORS 1666.291 and 1666.292 to carry a concealed handgun.”

This exemption applies directly to concealed weapons carried onto public school property.

As a result of the prohibitive OUS policy—which Stubbs believes is a blatant and unlawful overextension of authority—he



filed a lawsuit in federal district court against Oregon state school board members in an attempt to repeal the OUS policies.

“We’re expected to obey the law,” says Kevin Starrett, Executive Director and founder of Oregon Firearms Federation. “We expect the same from the schools.”

Starrett and his organization, which attempts to “ensure that the rights of gun owners are not compromised by elected officials”, became involved in the grievance after Stubbs had exhausted his non-legal avenues.

“[The OUS] basically told Brian: We have lawyers and you don’t, so what are you going to do?” says Starrett, dismissing the OUS board members as capricious and arrogant.

Ben Rawlins, Director of Legal Services at the University of Oregon, remembers hearing from Stubbs during the initial grievance process. “Brian Stubbs and myself talked before he filed his lawsuit, and I thought he was a very intelligent man,” says Rawlins. “He explained his concerns, and we’ve had a dialogue

for several months.”

It was only after being stonewalled by school board officials and OUS employees that Stubbs sought the help of Starrett, who was in a financial and philosophical position to lend support. Starrett and his organization had been aware that schools throughout the state had been violating Oregon statutes, but they

did not have an individual who was willing to take a stand in court. He knew immediately that not only was Stubbs a stakeholder with ample knowledge of the paramount issues pertaining to concealed firearms, but he was also a “bright guy who had done everything right”. Starrett had found his man, and the fight was on.

Starrett’s organization quickly referred Stubbs to Kristian Roggendorf, a lawyer based out of Portland, and agreed to pay all legal expenses. According to Roggendorf, he is also acting as legal council for Starrett in current litigation entitled *Starrett v. City of Portland*, which concerns Portland’s exclusion of concealed weapons licensees from the city’s New Year’s festivities.

### Profile Of A Gun Nut

In Stubbs, Starrett has found his muse—a man who can inspire great hope in the thousands of like-minded gun owners who share his unapologetic stance concerning an issue on which many Eugenians are divided; Stubbs suits Starrett’s cause like a tailored glove. He is well-spoken, educated and law abiding – contrary to the vision many have of the archetypal “gun nut”.

Although anti-gun activists envision the average outspoken gun owner to be a grizzled redneck who will brandish his firearm at the slightest provocation, hoist it far above his head, and declare in a low, guttural tone, “You can take it when you pry it from my cold, dead hands,” Stubbs is not that man.

Brian Stubbs was born in California, but moved to Washington with his family when he was two. There, Stubbs attended Pacific Lutheran University where he obtained a B.S. in Physics. After finishing his undergraduate studies, Stubbs made the decision to stay in the great, water-logged northwest by attending the University of Oregon for graduate studies.

As a child, Stubbs was not overtly subjected to gun culture by his parents. “Firearms were basically a non-issue in my house,” Stubbs said. “[My] father owned a few firearms, but he kept them in storage or inaccessible to me, so I rarely saw them.”

It wasn’t until Stubbs reached his early twenties as an undergraduate in Tacoma, Washington that he became interested in owning firearms. Citing privacy and personal safety concerns, in addition to standard gun etiquette, Stubbs would not discuss the number of guns he owns.

However, Stubbs is vociferous concerning his disapproval of OUS policies which prevent concealed carry licensees from exercising their state-mandated right to carry concealed firearms in public.

“I believe that it is a moral and legal wrong to deprive law-abiding citizens of the right to defend their lives,” Stubbs said. “I also find it insulting that the OUS and the Board of Higher Education feel they can trust us with automobiles to get to and from campus and then trust us on campus with equipment such as sharp objects, poisonous, explosive or corrosive chemicals, infectious diseases, and electronics that can cost tens or hundreds of thousands of dollars, but they can’t trust us with firearms.”

Despite his perplexed outlook on OUS policies, Stubbs is hardly surprised by the apprehension and derision directed at concealed weapon licensees by concerned community members. Stubbs believes that the negativity and fear aimed at firearms and their owners is indicative of a certain level of ignorance. He would encourage everyone who feels threatened by handguns to educate themselves on both the dangers and benefits of firearms, which would include spending an afternoon with a firearms instructor.

***“I believe that it is a moral and legal wrong to deprive law-abiding citizens of the right to defend their lives,” Stubbs said. “I also find it insulting that the OUS and the Board of Higher Education feel they can trust us with automobiles to get to and from campus and then trust us on campus with equipment such as sharp objects, poisonous, explosive or corrosive chemicals, infectious diseases, and electronics that can cost tens or hundreds of thousands of dollars, but they can’t trust us with firearms.”***

### Safety On Campus

Due to an oversight, Roggendorf drafted the initial litigation for state court but filed it in federal district court on January 22, 2003. The mistake forced Roggendorf to rescind the initial suit, which named the Department of Higher Education, the State Board of Higher Education, and the Oregon University System in the lawsuit, because

state agencies cannot be sued under Federal Civil Rights Act 42 USC 1983.

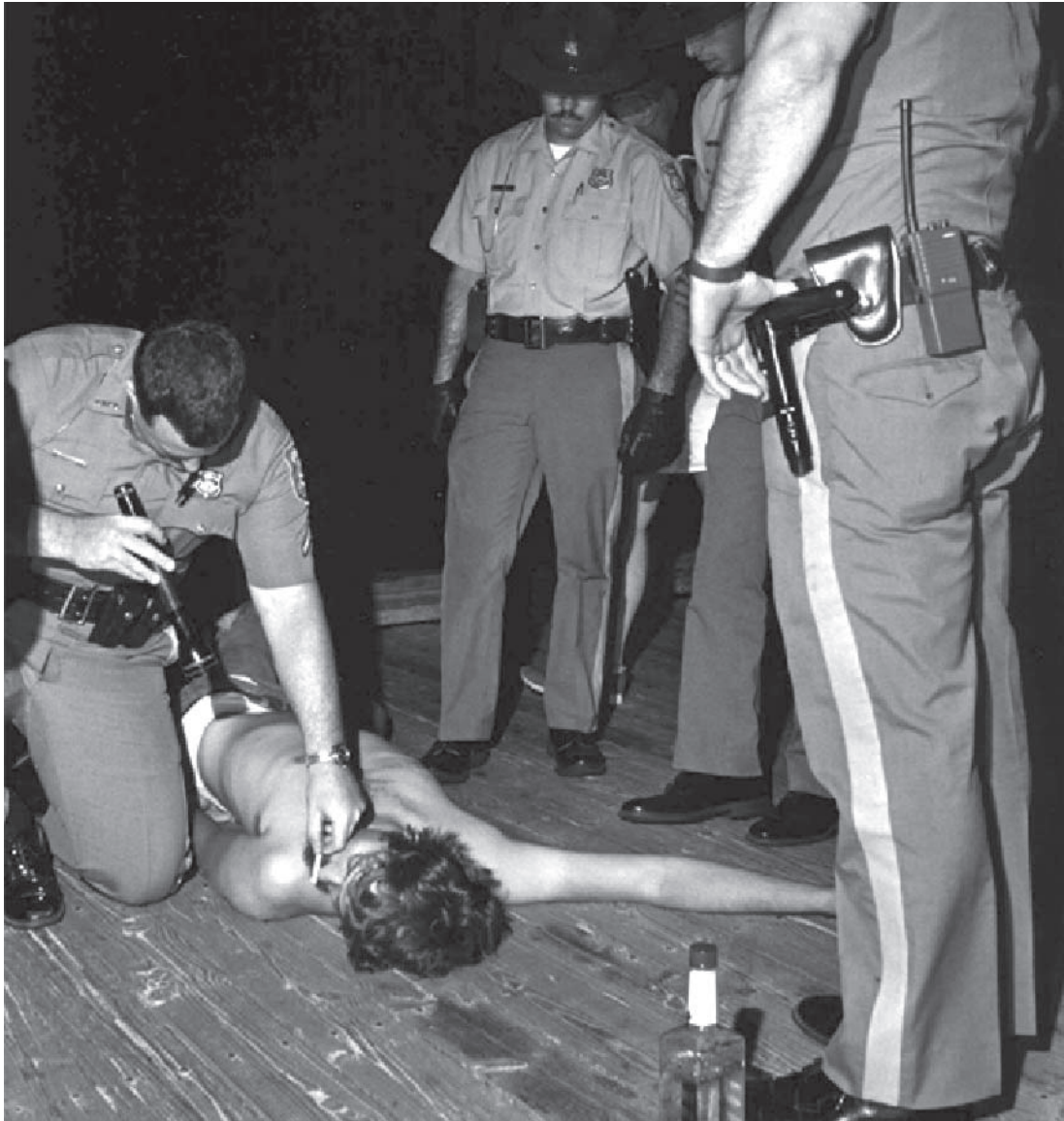
After amending the complaint to include the names of the individual school board members, Roggendorf re-filed the complaint. Believing that the case will not involve much discovery, Roggendorf is confident that the litigation will be succinct. Rawlins, however, disagrees. “Litigation is always a long process,” Rawlins says. “This could take well over a year.”

Despite the reality of a protracted legal battle—exacerbated by Roggendorf’s filing mistake – Stubbs’ lawsuit could re-define safety concerns on college campuses across the state whether he eventually wins or not.

DPS Interim Director Tom Hicks is wary

**JUMP TO 23**

# NEED A LITTLE MOTIVATION?



## OREGON COMMENTATOR 319 EMU

Well, it's either us or them. We're slightly more understanding, and we won't put you in the drunk tank.

Now Accepting Applications For:

News and Opinion writers

Photography Aficionados

Layout Gods

Human Lawn Furniture



Oregon Liquor Control Commission

9079

(503)872-5000 or to

About the OLCC

Get a Liquor License

Get a Service Permit

OLCC News



•After prohibition ended in 1933, states were allowed to regulate the sale of alcohol. Oregon and 17 other states chose to establish state-operated distilled spirits systems.

•The OLCC is the only wholesaler of liquor in the state. It purchases distilled spirits from suppliers and warehouses and then ships them to retail outlets.

•OLCC restrictions on underage bar performers have prompted the ACLU to file a legal challenge.

•State-run liquor retailers were phased out in the 80s in favor of Retail Sales agents, who sign 10-year contracts in order to own and operate retail operations. The OLCC controls almost every aspect of what can and cannot be sold in liquor stores and sets the prices at the wholesale level.

•In early March of 2004, strip club owners in Portland filed a lawsuit against the OLCC for a regulation that prohibits nude dancers from touching their genitals on stage.

•Retail Sales Agents have no interest or equity in their stores. When they decide to leave the business, a new agent must move in, but he/she is required to pay only for existing store fixtures at an independently appraised value. Therefore, Retail Sales Agents are not compensated for the time, energy or money that they've put into their stores.



**THE OLCC TOTALLY SUCKS!**

# GAY MARRIAGE COMES TO OREGON

BY DAN ATKINSON

Yes, all right, so I'm late to the party on this, but I have a few interesting perspectives. First, I've obtained some of the relevant legal materials behind Multnomah's decision, as well as the expert advice of UO constitutional scholar Garrett Epps. Second, I've got a unique take on the issue straight from the horse's mouth, **Chief Justice Wallace Carson of the Oregon Supreme Court!**

## The Legal Materials:

At the outset, it's vital to note that unlike California, Oregon does not have a "Defense of Marriage Act" explicitly denying marriages to gay couples, so whether or not Multnomah County officials are openly defying any state law based on their interpretation of the Oregon constitution is an open question. It really comes down to how you read the Oregon marriage statute.

### *The Oregon Constitution*

Art. I Sec. 20. **Equality of privileges and immunities of citizens.** No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.

Similar in terms to the U.S. Constitution's 14th amendment, it has been held by Oregon courts to be a "good deal stricter" in scrutinizing state laws than that amendment's "equal protection" clause, according to UO Law professor Garrett Epps.

One thing I would add to Epp's observation is that it explicitly provides protection to "class[es] of citizens," and not just individuals. This is rather expansive language, and might arguably permit a member of a "class" to claim injury from a law discriminating against that "class," regardless of whether he or she has suffered injury from the law. Perhaps—and this is just speculation—this language might allow a person to sue for the right to get a gay marriage before even attempting to get one and being refused. However, this seems to be becoming a moot point!

The important point is that the Oregon "equal protection" provision goes much further in protection of civil liberties than the federal 14th amendment provision, and the Oregon courts have supported that.

### *The Oregon Marriage Statute*

**O.R.S. 106.010** Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150.

I can't find any support in this statute for the allowance of marriages between two males or between two females, strictly on the basis of the naked language. My final two cents on it are that the plural construction is a result of terrible draftsmanship but is negated by the "and" in the middle. Perhaps it allows two



or more males to marry two or more females but I can't find a clever way to ignore the "and" and allow two males to marry each other.

Epps, on the other hand, finds the lack of the word "between" to be significant, e.g., "between males . . . and females." But this seems a distraction; the presence of "between" would not change either my interpretation or anyone else's. Those who want to read it a certain way would see "between males" just as they now see "by males" and they'd be done with it, and I'd still not be able to get over the "and" that joins the males to the females. So who knows?

### *A Highly Relevant Court Case:*

*Tanner v. Oregon Health Sciences Univ*, 157 Or App 502 (1998).

In this Court of Appeals case, which the Oregon Supreme Court refused to review, the court held that a denial of insurance benefits to the domestic partners of homosexual OHSU employees was unconstitutional because no "genuine difference" between domestic homosexual and heterosexual partnerships could be found.

The "genuine differences" test is now the reigning legal prin-



ciple on the legal status of homosexual partnerships in Oregon. It varies from the national standard pronounced in *Romer v. Evans* and *Lawrence v. Texas*, which provides that discrimination by sexual orientation is permissible if the law is “rational.” Like our constitution vis-a-vis the 14th amendment, the “genuine differences” principle provides much stricter scrutiny of discriminatory laws than is seen nationally (even post-*Lawrence*).

Multnomah County, adhering to this principle, probably (rightly) concluded that there is no “genuine difference” between gay and straight couples that would justify permitting one class, and not the other, to marry. So here we are. Where will it go next?

## The Oregon Supreme Court

Last week, the Oregon Supreme Court sat at the UO Law School to hear oral arguments on a couple of cases before them. It’s part of some “outreach program” they do, and, lecture hall layout being the way it is, it is probably one of the few times in the year that the Court sits *below* the lawyers and the audience.

Anyway, after hearing their cases, the Court took questions from students for a few minutes. Most were fairly innocuous; others provided the justices with fodder to mock Antonin Scalia’s

steadfast refusal to recuse himself from that Cheney case (a position *widely* frowned upon among the legal crowd). Then one young man stood up and asked, “What do you think of Multnomah County’s decision today to allow gay marriages?” What is the sound of 200 hands slapping 200 foreheads? Of all the things to ask the Oregon Supreme Court. Here is what Chief Justice Carson said (get ready):

“I’ll answer that question by not answering it yet. I’m sure it will come before us in the not-too-distant future and I’ll be happy to let you know what I think then.” So there you have it: the Oregon Supreme Court *may* have the last word on this contentious issue of state law! Just goes to show, the only stupid question is the one that goes unasked!


This goes to show that the Oregon Supreme Court may hear the case eventually. But, the fact is, courts move deathly slow, and a couple other possibilities seem more likely in the interim.

First, the Legislature may get into the fray before the courts do and clarify the (again, **horribly** written) marriage statute to either include or exclude gay marriage. If that happens, the Court could still hold an exclusionary statute unconstitutional somewhere down the line.

Even more likely in this wacky state of ours, a ballot measure will come along to amend the constitution one way or the other. One can only imagine where that path might lead in “50/50” Oregon, but wherever it leads, the Court won’t be able to undo it. As Justice W. Michael Gillette put it, “It’s not our duty to set the policies we think are right. It doesn’t matter how stupid we, as a court, think a particular law or constitutional clause is -- it’s our job to interpret and apply it.”

Oregon, by the way, does not have an activist Court. It has a very conservative (not in the political sense), precedent-loving Court that happens to be the only one in the nation to reach more than 90% of its decisions by full consensus. We may be one of the most free states in the union, but by and large, we got that way by constitutional design and democratic choice, not by judicial fiat.

However, if the Court does get to hear this issue (and it seems they’ll take it if we offer), my humble opinion is that they’ll uphold Multnomah County’s actions one way or another, based on the character of the Oregon constitution and the “genuine difference” test established in *Tanner v. OHSU* (to deny insurance benefits to domestic homosexual partnerships, OHSU must have demonstrated a genuine difference between gay and straight couples, which they failed to do).

This means that, for the time being, Multnomah County can keep marrying gay people. It is likely, however, that we’ll see some form of legislative action or ballot measure in the near future. How does November 2<sup>nd</sup> sound to everyone? 

*Dan Atkinson, a first year law student, is a staff writer for the OREGON COMMENTATOR.*

**FROM PAGE 10**

portation department blew a wad of money on adding a third lane northbound underneath Beltline. The thing is a major annoyance and encourages people to break driving laws – in order to turn left to a lane that continues north one must now turn into the middle lane directly (the left-most lane, after a light, goes to a left-turn-only lane) because there is only about 60 feet of road before the light – a violation of Oregon law. This money was spent not because the repair was needed (it has made things worse), but because unspent money leaves the budget. Because of irresponsible budgetary rules such as these, we are encouraging waste at our own expense.

Consider agencies that acquire funding through means other than taxation and we see an even worse problem. The police department, for example, funds much of its operations by revenue from tickets and fines. This is why departments will buy three \$20,000 motorcycles while letting 45 inmates back onto the streets: the inmates cost money while the motorcycles catch people who pay tickets and fines. But the goal of the police department is not to make money: the goal should be to serve and protect the citizens of this State. That is why the public sets up these agencies. When a government agency makes revenue and not public service its top priority, it has the liberty to act like any private monopoly would: offering worse and worse services at an increasing expense. In Oregon, we are seeing the result of a government mentality that wants to make money over providing service – a self-defeating and ever-increasing beast that is the inevitable cause of such socialistic methods in a capitalist-minded society.

### **Rainy-Day Funds Will Bring Blue Skies**

What would combine well with the prioritized budget is the creation of a rainy-day fund for each department as well as a surplus-filled fund for overall budget. This way, if the transportation department, for example, had some unused funds, they could “roll them over,” into their own surplus fund. They could then reserve these funds to offset going into debt, cutting services or funding large-scale projects. The same kind of system, set up for the general fund, would ensure funding for services in times of depression, paid for by surpluses in times of prosperity. If this amount ever becomes more than necessary, the taxpayers should receive a rebate.

By adopting measures such as these, with the practical refinement that comes by deliberation by the public, we would never see drastic cuts in services or tax increases. These ideas may sound somewhat idealistic with such simple analogies and descriptions. However, if implemented with an open mind, these measures could very well prevent future budgetary crises and end the tit-for-tat conflict between the “tax-and-spend” left and the “no new taxes” right.



*Colin Elliott, a junior majoring in History, is Associate Editor of the OREGON COMMENTATOR.*

**FROM PAGE 12**

“This system is basically trouble-free,” said Woodruff, noting that the only problem so far was the result of a power outage at Oregon Hall that rendered the card readers there useless until power was restored.

Currently, Campus Cash can only be used at campus vendors such as The Buzz, Erb Essentials and The Daily Grind, along with many EMU eateries. The Campus Copy Center does not use the system by choice, although Woodruff says that it is open to them if they are interested.

Since the program’s inception in 1998, there has been talk of adding the University Bookstore to that list, though it would require some negotiations. The bookstore, while closely affiliated with the University, is not technically a part of the University.

“The bookstore is a good fit for what we’re trying to do,” said Woodruff. “It would certainly make things easier for students.”

However, opening the system to the bookstore would also open the door to other businesses on 13<sup>th</sup> Street, a plan that Woodruff has mixed feelings about. On one hand, it would spread the costs of maintenance and increase usage, but it would also mean

more work as well as taking money away from the University. As it stands, the money that is put into Campus Cash accounts stays in the University. Similar systems at the University of Washington and Washington State have opened themselves to off-campus vendors with middling success.

According to the Campus Cash website, money can be added to a Campus Cash account in person at the UO card office or the UO ticket office. Students can also add money online or via a toll free number, and accounts can be set up to bill a student’s tuition. Parents can add money to their students’ accounts in the same manner.

The Campus Cash program is now six years old and has seen plenty of success. As for the future, Woodruff says the hope is one day to bring the bookstore as well as housing together under one seamless system, but that all depends on operational considerations.



*Ben Brown, a senior majoring in Journalism, is a staff writer for the OREGON COMMENTATOR.*

FROM PAGE 17

of allowing students and faculty to carry concealed weapons on campus, underscoring the safety concerns that he has. “Most people in law enforcement would probably not encourage you to carry a concealed weapon even if you have a license. There’s always the possibility of the gun being turned on the person who’s owning it.” However, despite his apprehension, Hicks will enforce all administrative rules, regardless of personal distaste for those rules. Further, if Stubbs is victorious, Hicks can guarantee that DPS will not advocate DPS officers having weapons.

Rawlins voices the same concerns as Hicks: “We’re extremely concerned with the safety of our students, faculty and visitors. Safety is our primary concern.”

However, Starrett feels that the concerns are completely unfounded, stating that he has never seen any credible statistics linking license holders to violence. In fact, a highly publicized study conducted by John Lott and David Mustard – from the University of Chicago – entitled *Crime, Deterrence, and Right-to-Carry Concealed Handguns* reported that right-to-carry laws drastically reduce crime rates.

According to Join Together, an online news and information service which focuses on gun violence and substance abuse, “Nearly eighty people a day die in the U.S. from gun-related suicides, homicides and unintentional injuries.” The organization views this statistic as alarming, indicative of a national crisis that will only worsen unless it is treated expediently.

Starrett doesn’t believe a word that anti-gun advocates recount. “The gun violence statistics your most likely to hear are patently false.”

For example, the claim that a gun is 43 times more likely

to be used against you than to prevent a crime is laughable to Starrett, who states that the initial figure – published 15 years ago – was three times more likely. Over the years, however, the figure grew exponentially. Starrett chalks this up to a blatant disregard for the truth. “They are unequivocally liars, and when you prove they’re liars, they tell bigger lies,” states Starrett.

### A Long Process

There is little precedent for this lawsuit in the State of Oregon, where the laws concerning conceal carry are unique. However, in the state of Virginia, Blue Ridge Community College amended its policies against concealed carry on campus. At the University of Utah in 2002, University President Bernie Machen fought tooth and nail to prevent weapons on his campus. The fight arose trenchant feelings among Utah residents – which has been given the reputation of being one of the most conservative and most gun-toting states in the union.

In comparison to Virginia and Utah, Oregon looks like a partition of granola-snorting, Birkenstock-clad iconoclasts. However, Oregon has historically believed in the sanctity of the individual over the group. Over and over again, Oregon has remained on the forefront of libertarian ideals – perhaps second only to New Hampshire.

Oregon has a conservative judicial system, meaning they value precedents over dissent; but with the lack of precedents in existence for this litigation – here or elsewhere -- it is anybody’s guess how the proceeding will turn out.



*Tyler Graf, a senior majoring in Journalism, is Managing Editor of the OREGON COMMENTATOR.*

## The second installment of in-depth look at Student by Ben Brown

The University environment is supposed to be one of the most important battle grounds in the war of ideas. Ideally, students at the university level are exposed to a diverse set of beliefs, analyses and information from which they can develop their own world-view; however preposterous such a thing might turn out to be. Aiding in that task by providing at least a few of different view points are the College Republicans and the College Democrats. They don't receive incidental fee money, but each provides the campus with valuable insight into America's two-party system.

### College Republicans

It's an election year, and the College Republicans are all fired up. Sitting at the head of the table with a notebook emblazoned by a Bush/Cheney sticker, Chairman Jarrett White waited while stragglers trickle into the Century Room D in the EMU. The din of voices increased as more members took their place at the long table; finally, perennial College Republican Scott Austin entered carrying an American flag.

"Here's the states rights' flag," Austin declared while hanging it in place. The meeting could finally commence.

According to the College Republican's webpage, the organization "consists of dedicated students fighting left-wing bias". On a campus as liberal and progressive as this one, the CRs can have a difficult time disseminating a positive façade. Further, many members find solace and friendship among their Republican friends.

Chris Looney, an economics major, said he "got involved because it's fun to get together with like-minded people". Looney said that it's hard to be a conservative on a liberal campus "I feel like I'm a minority here," said Looney.

The meeting began with a discussion of the annual Dorchester trip, scheduled for the weekend of Mar. 5-7. Dorchester is Oregon's premier conservative convention, featuring speakers, workshops, and networking opportunities for young Republicans. This year marked the 40<sup>th</sup> anniversary of the conference, which is

held in Seaside, Oregon.

As discussion turned to who would be riding with whom, the noise rose to a deafening roar. White, attempting to regain the composure of the meeting, laid down his gavel. Upset that Chairman White was enforcing his authority, Austin shot back an impassioned epithet: "Why don't you suck my cock, Jarrett?"

"Do you mean the circumcised one or the uncircumcised one," White returned. "Or do you mean the one under your dress," alluding to a picture of Austin wearing a dress that had appeared in the Oregon Commentator.

Andrea Hall – current member of the CRs who was recently given a position on Con Court – reminded members that if they were not going to Dorchester that they should donate their time to the Students For Bush booth that would be at the RV show.

"It'll mainly be old people saying good job," said White, implying that the general perception of Republicans at the RV show would be positive. "They already have their prescription drugs."

White yielded the floor to Adam Walsh, a college student running for Bonny Bettman's City Councilperson's seat, Ward 1. He came to the meeting to speak about his campaign.

"City Councilors in the past haven't listened to the people," said Walsh.

Walsh continued by saying that he wanted to improve businesses in

Eugene, stating that 70 percent of business owners believed that Eugene was not conducive to business interests.

Walsh drew a clear and distinct line between the potholes that plague Eugene and the special interests of Bettman: "Potholes are all over town. But on friendly, where Bettman lives, speed bumps have been put in."

After Walsh finished his presentation – to rousing applause from the CRs—White suggested that it was time for the CRs weekly debate, a time during which the members could verbally spar with each other about issues important to Republicans. This week's topic: Should Bush keep Cheney as Vice President?

Many members supported Rudolph Giuliani, while others



# Party System

## the OREGON COMMENTATOR's Unions around campus and Tyler Graf

spoke up for a George Bush/Condoleezza Rice ticket.

"I know a lot of older people who are not willing to elect a black woman," Dean Scrutton said.

White indicated that this fact should not matter because as long as the youth supported a black woman, the tides of change would shift in the future. There were nods of agreement all around.

But the debate tapered off after Hall dryly pointed out that the debate was, in fact, rather pointless; she simply pointed to the Bush/Cheney 2004 stationary, in addition to the stickers that adorned White's binder.

Despite the pre-conceived notion of the CRs being a vehemently like-minded organization, prone to hive behavior, the mood was conducive to varied views on political issues. "We are a like minded group," Looney said. "But we also disagree on a lot of issues."

### College Democrats

According to College Democrats co-chair Kevin Curtin 2004 will be a year for restructuring, recruitment and fundraising as the group prepares for the upcoming Presidential elections.

"We've got a core group of great people," said Curtin. "But, I would personally like to see an increase in members with the election coming up."

Logically many of the College Democrats activities this year will revolve around fundraising. The university incidental fee does not fund the College Democrats. Instead they get their money from outside sources.

Writing fundraising letters to various groups who have donated in the past raises much of this money. Some of the groups more politically active members are involved with local politicians who also donate. However, these tactics, which have been successful in the past, have not yielded the desired results this year.

"It's harder to raise money this year because of all the political things going on," said Curtin.

Currently the College Democrats are brainstorming fundraising ideas to bring in a new source of revenue. One of

these ideas is the Rent-a-Democrat program. This program would involve members of the College Democrats volunteering to do things, such as yard work, in return for donations to their group.

"It's sort of an auction type thing," said Curtin.

On top of recruitment and fundraising problems the College Democrats have also been having problems with local man and activist Bruce Miller. According to Curtin, Miller without the College Democrats permission, put the College Democrat's office number on documents he distributed, listing it as a contact number for him. Miller has also been using the groups phone without permission.

At their meeting February 26th a motion was put forth to amend the College Democrats constitution in order to keep Miller out of the groups meetings and office.

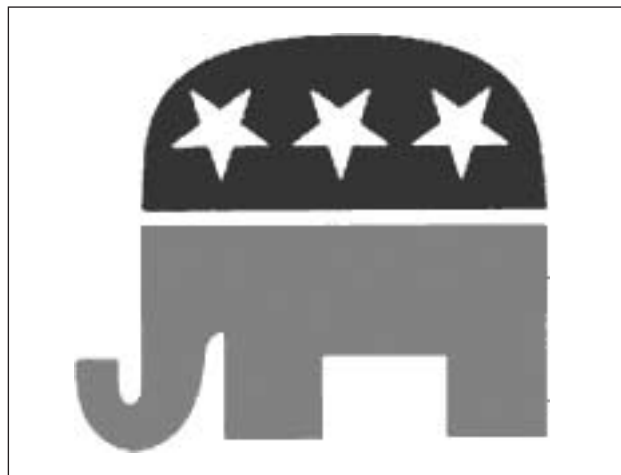
The proposed change would be to the constitution's second amendment and would read; "non-UO students are not allowed at meetings without permission."

While the proposed amendment is legal some members of the College Democrats had doubts as to whether or not to pass it and at press time the issue has been tabled without a vote.

Planned events for next term include a debate between the College Democrats and their Republican counterparts scheduled tentatively for the third week of spring term.

The two groups held a similar debate January 30th 2003. The topics of that debate were measure 30, gay marriage, and immigration. Topics for the spring term debate have not been decided on yet.

On April 8th the College Democrats will be showing the 56 Bush 30 seconds ads that were entered into the contest sponsored by MoveOn.org. The ads will be shown at 5:30 but at press time a location had not been decided on.



*Tyler Graf, a senior majoring in Journalism, is Managing Editor of the OREGON COMMENTATOR. Ben Brown, a senior majoring in Journalism, is a staff writer for the OREGON COMMENTATOR.*

# What the f\*%\$@.uoregon.edu

A tour of random sites dug up from the deepest crevasses of the U of O servers for your amusement.

By Jeremy Jones



Here's something to do some Friday night when you're home alone and out of booze money: go to [www.uoregon.edu](http://www.uoregon.edu) and type random words into the search engine. Besides a list of back issues of the Emerald and class websites from 5 years ago, it is possible to stumble across pages that, by all stretches of the imagination, do not belong on the server of an academic institution. In fact, they tend to far outweigh anything of actual academic value. Try it sometime. What follows are a few of my favorite abominations that I found on one of the University of Oregon's servers to get you started. Personally, I have had all I can take.

## The U of O Gaming Club website



The now-defunct UO Gaming Club doing what it does best: sit at a table and be sad.

## [gladstone.uoregon.edu/~gaming](http://gladstone.uoregon.edu/~gaming)

OK, I was willing give these people some leeway as to the horrific quantity of pure geekhood displayed on this site. I have friends who play D&D, and I regard their efforts in much the same way as I regard monkeys that spend hours whacking off in front of children at the zoo: generally amusing to watch, not something in which I want to participate. Then I stumbled across sentences like this:

*"Michael was really impressed by how Spider and I were thinking about our characters' personalities already. Apparently his players usually didn't even pick a god for their clerics until they'd gained a couple of levels. I was dubious. Then he grilled us on whether our characters would wear corsets or not, making sure that we knew that not wearing a corset would make us unfashionable."*

The importance of advanced decisions regarding theology and interesting undergarments notwithstanding, the fact that people argue about these kind of things makes me want to put a little Drano in my martini. Needless to say, the U of O Gaming Club is now defunct. Personally, I have no clue as to why people like this couldn't attract hordes of people to their cause.

## Determination of the Alcohol Content of Whiskey

[chemlabs.uoregon.edu/Classes/Exton/Misc/samplepostlab.pdf](http://chemlabs.uoregon.edu/Classes/Exton/Misc/samplepostlab.pdf)

In a noble experiment to make sure the drunks of the world were not being cheated in the alcohol content of their whiskey, a student set out to measure the alcohol content of Monarch's Whiskey -- the best and greatest of all the well whiskeys, if you don't count my excess sock moisture that has been fermented and distilled. The results were astounding. Despite the fact that the label clearly said 80 proof (40% alcohol), the student found that this particular sample contained 45% alcohol. Finally, I have a reason to buy Monarch's...other than the fact that I have no bloody money.

## Fat Like Me

<http://gladstone.uoregon.edu/~amajor/FLM/>

Here we have one of the great inspiring minds of our time writing a brilliantly crafted narrative of the prejudice and bigotry she faces every day...if by "great inspiring minds" I mean "stupid person"; and if by "brilliantly crafted narrative of the prejudice and bigotry she faces every day," I mean "sob piece about being

a fat-ass.” Look, let’s get one thing out of the way: I don’t hate fat people. I really don’t think a lot of people really make character judgments based on weight. What it comes down to is the simple fact that no one wants to see fat people naked...ever. Other than that, I really have no problems. Just keep your gargantuan, doughy ass covered, and you are welcome in society. So just keep your fake victimhood status to yourself from now on. OK, Fatty?

## Where’s Wob?



The wob website. Uhh...wow. Just...wow.

<http://gladstone.uoregon.edu/~kwiest/whereswob/stories/men.htm>

I qualify this critique by saying that someone, somewhere, probably knows what the coked-up Christ these people are talking about on this site...somewhere. Me, here’s what I was able to discern. Apparently, there is a guy named Wob. He is 23 and resides in Southern Oregon. He is much loved by a lot of gay people, or hated...I really couldn’t tell. He likes wearing Mexican garb complete with a magnifying glass and a dildo. He may or may not have Nazi connections, complete with a desire to talk about, “mass graves for faggy jews and how we was going to rule the garden.” I don’t know, I don’t want to know...hey! Look over here! A bright and shiny change of subject!!

## Monkee Torture

<http://gladstone.uoregon.edu/~shires98/journal4.html>

A band website. This is included here because I had the misfortune of being in a bar when these no-talent bed-wetters decided to entertain us with their own brand of crap. Seriously, I hope you all die. That is all.

## The Truth About Cinderella And Her Evil Stepsisters

<http://harbaugh.uoregon.edu/Papers/Cinderella.pdf>

How to describe this wondrous piece of literature. Think Cinderella meets Kappa Beta Sucka Dicka or whatever those sorority hoes call the place where they live and get VD together. I don’t know if this was written for a class, or just for personal amusement but lines like:

“Aargh! What is wrong with you people? I’ve been living out here in the sticks for 6 months with absolutely nothing to do. No shopping malls, lousy TV reception, just nothing. You don’t even have cable! Then I finally get a chance to buy some new clothes, go to a fancy ball, and dance with a real Prince. It’s every girl’s dream! But no, you three hicks want to tell everyone that I’ve got a fatal disease!’ She threw down her mop and stormed up the stairs to her room.”

Kill me. Please, just kill me. Even if this is some form of ill-conceived satire, it doesn’t work; I have heard more pithy and thought-inspiring things come out of the Voice.

## Crystal’s Death Star

<http://darkwing.uoregon.edu/~khensche/stories/swstar.html>

A piece of Star Wars fan-fiction that is only slightly less puke-inducing than Episode II. Looking at the rest of her site, she seems to fancy herself a writer of some kind. I didn’t read any of the other stories on the website for fear that my brain would find a way to kill the rest of me to stop the pain. Seriously, I hope you are getting a minor in CIT because no person on this planet will pay you to produce crap like this. I guess maybe you could get a job as a writer for Enterprise. No creativity, over-dramatic plots -- you’d fit right in.

## Wanton Mechanics

<http://zebu.uoregon.edu/~wanton/index.html>

This is a site dug up from about six years ago. We at the Commentator know, probably better than most, that a little knowledge and a lot of booze is a dangerous combination. That’s why I was more than mildly amused to hear that the physics department has a “talent, or lack thereof, show, which mostly consists of drinking a lot of beer and making fools of ourselves, our friends, advisors (or grad students), and most anyone or anything else we can think of.” Filled with a false sense of excitement, I quickly looked through the pictures posted on the website. I mean, come on! I imagined a bunch of drunk guys playing with a particle accelerator until the whole building went up in a nuclear explosion. Classic! What I saw, however, was endless pictures of unattractive people, doing stuff, while maybe tipsy. Jesus people! Step it up a notch! Come with us drinking some night, and we will show you how drunken destruction is supposed to go down!



*Jeremy Jones, a man on a spiritual journey to make fun of fat people, is Production Manager for the OREGON COMMENTATOR.*



The physics department, standing on stage, being sad. See also, the UO gaming club.

# Shades Of Grey

By Ryan Earley

THE BEATLES + JAY-Z = CRAZY. THE GOOD KIND.

Be it a celebrity-cult train wreck like the Janet Jackson nipple or an evocative piece of simulated snuff film like *The Passion of the Christ*, I look, just like the rest of the country. I might try to kid myself into believing my intentions are more highbrow: as a journalist, it is my duty to keep a finger on the cultural pulse of America. That is obviously a lie, though. I avoid *American Idol* like the plague, I prefer Formula 1 to NASCAR and I did not even bother with the Oscars this year, as I knew *City of God*, with its absence of white people, would get stifled in every category. The truth is, I like to gawk at pop-culture oddities. That, along with a more than passing interest in hip-hop music, led me to *The Grey Album*.

It first came to my attention in *Rolling Stone* several months ago. I had vague recollection of hearing Jay-Z announce an a cappella version of *The Black Album* for remixing purposes, but I stashed that fact in the back of my brain until *RS* did a mini-feature on some of the hottest up-and-coming remix artists putting Jay-Z's work to good use. Highest recommendations went to DJ Danger Mouse, a DJ, remix artist and producer hailing from New York. His interpretation, titled *The Grey Album*, took *The Black Album* vocals and laid them over beats composed entirely through sampling The Beatles' *White Album*. It sounded intriguing, but KaZaA is a legal gamble these days (and frustratingly polluted with corrupt and virus laden files), so I just forgot about the album for a couple of months.

I was sucked right back into the hype on Feb. 25, the day



therefore in violation of American copyright law. He also failed to clear his mixes with Jay-Z's label, and though Roc-a-fella Record's Damon Dash says Danger Mouse ought to have cleared the samples before releasing his album, they will not press charges. On the contrary: "I think it's hot," Dash told the Associated Press. "It's the Beatles. It's two great legends together."

Yahoo! News picked up the AP story covering the on-line protest early Wednesday, and that story sparked my interest. Now that the album was really taking off, I decided I had to have it, so I hit the Downhill Battle site, ran down the list of hosts until I found someone still serving the files, and downloaded them all within a half hour. I ripped the .mp3s back to .wavs, burned the album to a CD and threw it in the player for the first listen.

Make no mistake, no matter how incompatible the two

after the infamous Grey Tuesday. An organization called Downhill Battle, a net based group fighting for the reworking of copyright laws to synch with modern technology, organized and listed 170 separate websites who simultaneously began hosting *The Grey Album* at midnight on Tuesday, Feb. 24. They did so as an act of civil disobedience against EMI records, owner of the copyrights to *The White Album*, who sent a cease and desist order to Danger Mouse as soon as the company heard of the album's existence. Danger Mouse did not obtain permission from EMI to use any of the Beatles samples in his remixes, so he was

original works may seem, the combination of the pair transcends “hot.” What Damon Dash will not tell you is that several of the production tracks on *The Grey Album* completely show up the original efforts produced by such celebrity backing-track specialists as The Neptunes, Kanye West and Just Blaze. Even if the samples used to construct the songs had nothing to do with *The White Album*, these remixes would be a remarkable effort from a heretofore-unheralded DJ. The fact that Danger Mouse took such a limited palate (he tenaciously defends that every single snare, bass kick and cymbal comes straight from *The White Album*) and made such a wholly original and enjoyable work canonizes this work as an instant classic. Critics have showered the work with praise and accolade: *RS* declared *The Grey Album* “the ultimate remix record,” and other such high praise has called it “the most intriguing hip-hop album in recent memory.”

Danger Mouse claims his work was simply a novelty project prepared for friends and family and not something intended for mass success, but whether truly unintended or not, his remix album has blown up in more ways than one. Downhill Battle reports downloads of more than one million copies of songs from *The Grey Album* on Grey Tuesday, but all of this popularity has brought legal issues straight to Danger Mouse’s doorstep.

Inadvertently, Danger Mouse has touched on a legal issue that has plagued the music industry for a decade and a half. In order to sample a piece of music, according to copyright law, an artist must obtain permission from the copyright holder of that song. This is not the case when an artist wants to cover another artist’s song; as long as the artist takes the whole song in its originally arranged form, the artist can reinterpret that song as he or she sees fit. That artist does have to pay a fee for using the song in a performance, called a compulsory license fee, but there is no prior permission restriction involved with such a license. It is compulsory in that the original artist cannot deny the license. This allows freedom of interpretation and does not inhibit the creativity of those so inspired to work with a previously recorded song.

When sampling, the case is almost entirely opposite. In order to clear a sample, an artist must approach the original song’s copyright holder, who may approve the use of the clip or deny the license and stop the snippet from appearing. The original copyright holder may, essentially, pass value judgment on the requester’s work and base approval on that. This environment can be stifling to an artist’s freedom and creativity. As so many musicians who sample quickly point out, artists have built on top of each other’s work since symbolic expression took shape. Andy Warhol built his legendary reputation as an artist by using the original work of others as a springboard for his own creative endeavors. Not only could Warhol paint a Campbell’s soup can without permission, but he was also never obligated to offer any sort of mandatory payment to use that likeness in his art. When it comes to sampling, the modern music industry

completely lacks that absolute artistic freedom granted to visual artists.

Now legendary for its unabashed use of uncleared samples, the Beastie Boys’ album *Paul’s Boutique* represents the crowning achievement of what would now be illegal sampling. The album features Bob Dylan, The Beatles, Ace of Base, Curtis Mayfield and Sly Stone all rubbing elbows within the hour of sample-laden songs. After a few key lawsuits in the years following *Paul’s Boutique*, the courts finally codified the statutes regulating song sampling and the days of densely layered uncleared samples came to a screeching halt. From then on, the cost of securing samples became absurdly high for the independent artist trying to get his or her start in the business. To slip any phrase from another work into a song, an artist had to do battle with a team of label-hired lawyers, and usually had to hire a platoon of his or her own, before the two sides could finalize negotiations. Sampling is prohibitively costly, and the nature of sampling law discriminates against the smaller bands and labels; if an artist cannot afford a team of seasoned law professionals, that artist just has to live without samples from big name sources.

Of course, both established artists and record labels stand firmly in opposition to absolute freedom in sampling. Their philosophy dictates that by sampling anything from another song, an artist is capitalizing on the fame and success of another. Therefore, samplers should compensate the artist who went through the hard work and tribulation of creating the original work (or whoever bought the copyright later). While this seems palpably arrogant when the clip in question is something so trivial as a two second segment from a drum solo, artists do have a valid concern in protecting themselves from having their catchy chorus hook abusively “sampled” by a nationally known band just as black musicians were “covered” by Pat Boone in the fifties.

The obvious solution seems to be compulsory licensing for samples. With the interest of improving the artistic environment for creative remix artists like DJ Danger Mouse in mind, we ought to guarantee the right to sample just as we have guaranteed the right to perform another artist’s song through an alternate creative filter. In a case like this, it seems as though the music industry has lost sight of the music part and become hopelessly absorbed by the industrial aspect of its business. Now, more than ever, it seems time for rules reform. Since I downloaded my copy of *The Grey Album* five days ago, I have played the whole thing, from start to finish, at least twice daily, including two runs through it in the course of writing this piece. It combines the best both artists can offer: lush textures of a Beatles record with the smooth flows of one of the world’s most talented rappers. If loosening the creative stranglehold currently placed on sampling would result in more work of *The Grey Album*’s caliber in the world, then let us redefine the outdated rules and see what we can do to improve the music; if we succeed, the industry will naturally follow.

---

*The views expressed in this column are solely those of Ryan Earley and necessarily do not reflect the views of the OREGON COMMENTATOR, its staff, board of directors, or editors.*

## ON THE PORT HURON STATEMENT

I'm not sure the entire [student conduct] code has been looked at since it was written in the '60s.

—Student Judicial Affairs Director Chris Loschiavo in the ODE. That explains the clause prohibiting the bogarting of joints on 13<sup>th</sup> Ave, then.

We're revamping the whole code... We just didn't feel like the old one went far enough.

—Student Conduct Committee co-Chairman Jesse Harding. The OC can exclusively reveal that the new code will feature a two-page spread consisting of "STOP RIOTING, YOU BASTARDS" in huge letters.



## ON SPOT THE ODD WORD OUT

I like the way she united capitalism, racism, homophobia, ableism and the oppression of indigenous people.

—Eugene resident Jeane McKenzie, quoted in the ODE on the subject of Dr. Andrea Smith's speech at the Women Of Color Conference. That sounds like one corporation we're not eager to invest in, Andrea.



## ON THE SHAKRA- MENTO KING

...spirituality does not have one definition. It is anything that empowers and brings us together. In peace and recognition of life. In listening and in understanding. It is not judgment.

*But what if – and this is just a hypothetical, now – we are brought together by the act of judging something? Say – again, hypothetically – your last year's worth of narcissistic ramblings in the ODE?*

I will say I'm retiring this column for now. The next logical step is to stop writing about this stuff and take it to the streets.

*No! No! You have to keep writing this, sir. As already noted, it's a deeply spiritual experience for your readership. (On the other hand, if you do take it to the streets, you might be able to get people to give you spare change.)*

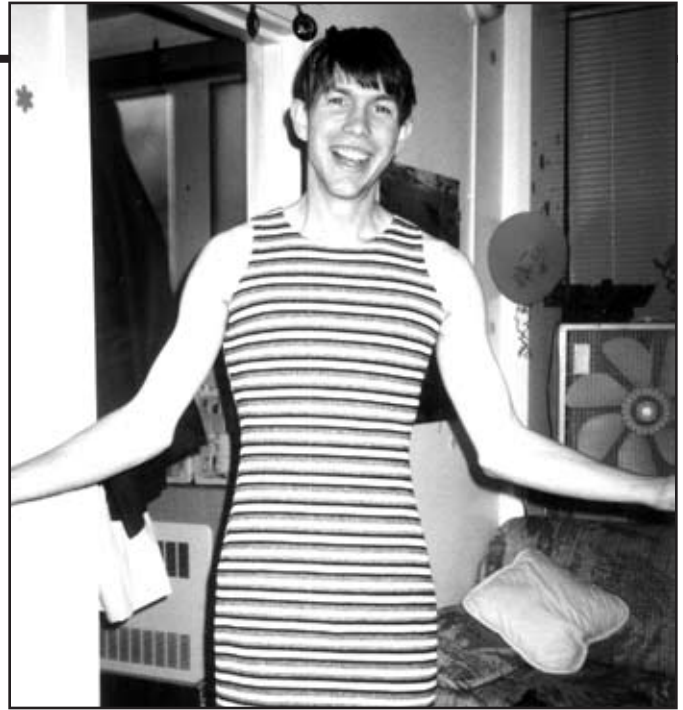
## ON *ADVOCACY*

I don't put a lot of stock in the institution of marriage in the first place... I don't think this is going to change the attitude toward queer people at all.

—ASUO Multicultural Advocate Austin Shaw-Phillips, steadfastly refusing to see gay marriage as a big deal.

I will be moderate for a second to say that it's unfair to give gay people licenses and then take them back.

—College Republican Jarrett White: still the littlest states'-rights guy on campus. But hey — according to the ASUO Multicultural Advocate, what's the difference, right?



## ON *UNIVERSAL TRUTHS OF JOURNALISM*

... after just your first few days without a stick in your ass you might even discover that you could have written your own damn article...

—*The Insurgent's* hive mind responds to a reader who feels that their recent use of such outré concepts as "humor" and "jokes" is, like, selling out the Movement, man.

Stop on by the office sometime... now that we have figured out how to make everyone look really bad we are usually just in here drinkin'.

—Same source. What is this strange feeling that is stealing over us? Could it be... empathy? For the Insurgent? Surely not. Must be indigestion.



## ON *SLAMMING BUSH*

Rosie weds longtime girlfriend, slams Bush.

—Headline in the *Chicago Sun-Times*. We really have nothing to add to this one. It's perfect as it is. Utterly perfect. Seriously, someone give that sub-editor a cookie.

# Some Things Never Change...

FUCK

then

OLCO

Brought to you by the *Oregon Commentator* and laissez-faire capitalists everywhere.