

O R E G O N

COMMENTATOR

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THE POLITICAL VULTURES OF THE ASUO



Plus: Presidential Election Wrap-Up, Hayward Field Renovation, Ballot Measures



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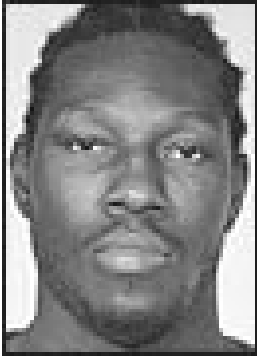
MISSION STATEMENT

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.

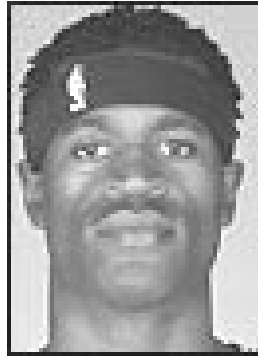
The OREGON COMMENTATOR is operated as a program of the Associated Students of the University of Oregon (ASUO) and is staffed solely by volunteer editors and writers. The paper is funded through student incidental fees, advertising revenue and private donations. We print a wide variety of material, but 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.

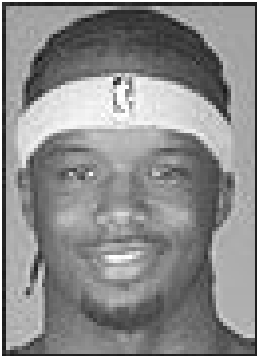
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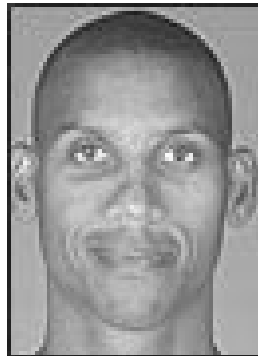
Adrian Gilmore explains how the immaturity of student government officials is here to stay ... unless something drastic happens **PAGE 8**



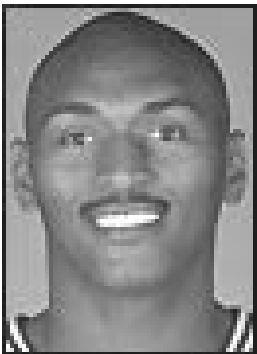
Melissa Hanks looks at the Hayward Field renovation **PAGE 10**



Was the 2004 Presidential election the most important of our lifetime? Olly Ruff thinks not. **PAGE 12**



What do measures 36 and 37 hold in store for Oregonians? Dan Atkinson has the answers **PAGE 14**



Can you predict the future? Of course you can't, New Ager. But every four years people try to predict the outcome of the Presidential race using superstition, myths and faux trends. Matt Misely unearths some of the more interesting presidential predictions **PAGE 16**

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On December 13th, 2004, the PFC turned down the OREGON COMMENTATOR's mission statement. In an e-mail to editor-in-chief Tyler Graf, Mason Quiroz, the COMMENTATOR's PFC tag, wrote:

"I am sorry to inform you that we did not approve your mission and goals, due to the fact that several of your issues contain material that is in violation with Oregon State Statute 351.070 3d that states "prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government of the institution concerned, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the institution president upon the recommendation of the recognized student government at the institution concerned."

Naturally, this came as a shock. The mission statement in question – printed in every issue of our magazine -- has existed for 21 years. If the ASUO had any institutional memory, they would have realized that for the past two decades they have tried, and ultimately failed, to silence our constitutional right to free expression. The reason? They do not have the authority to do this, unless the goals of our mission statement run counter to state or local laws, or the rules of the University. They do not.

An Historical Perspective

The Oregon Commentator began in 1983; as trite as it may sound, this was a time of political change on campus. Conservative publications like the *Dartmouth Review* and the *Cornell Review* were popping up on college campuses. The heady conservative idealism of the '80s made a dramatic impact on institutions of higher learning. At the University of Oregon, four student journalists – Dane Clausen, Michael Rust, Richard Burr and Tom Mann – decided that the University lacked a diversity of opinion. Their idea: Start a new opinion-based publication that would counter the claims of the fringe left, whose inanity had become commonplace.

The early days were perilous for the COMMENTATOR. Student-run publications, like *Off the Record* and *The Advocate*, had poor track records due to recruitment problems and poor management. The early incarnation of the COMMENTATOR was able to buck the trends of previous publications (well, recruitment has always been a problem) through terrific management and ingenuity (early staffers would use the South Eugene newspaper office after hours). The conservatism of the Commentator, however, was clearly the issue with which the ASUO was most concerned. The Commentator survived the initial IFC hearing and received \$6,800 for the 1985 year. The ASUO was not entirely happy with this decision, however. It feared that the inflammatory nature of this conservative publication would open the ASUO up to lawsuits. Among the original provisions was that of libel insurance. Later, with the help of the ACLU, the provision was dropped on First Amendment grounds.

Then, in 1989, the OREGON COMMENTATOR once again came under fire from the IFC, the precursor to the PFC. Under the tutelage of Paul Laughlin -- perhaps the most socially conservative editor the publication has had -- the COMMENTATOR printed a series of articles condemning abortion, feminism, and homosexuality. These opinion pieces, though far from being hateful or brazenly inflammatory, raised the ire of many campus groups and members of student government. Once again, the issue of whether the OREGON COMMENTATOR added to the "cultural and physical advancement of students" was raised, and once again the Commentator won its battle.

Nary two years later, in 1991, the President of the UO Student Senate said:

"I am gravely concerned that the material presented in the

by phrases and words in our mission statement, such as "liberal orthodoxy" and "conservative". He also voiced concerns over our hiring practices, wondering if we would accept pieces by liberals. The answer to that question was a simple yes, as our AP section has long been home to columnists who have tilted farther left than the typical OC staff writer. And who can forget former ODE columnist and avowed granola eatin' tree hugger Aaron Shakra's terrific article "I Hate the OREGON COMMENTATOR"?"

Quiroz insisted that the PFC had the best intentions at heart and that they were not trying to pick on us. When asked if they had also refused the *Student Insurgent's* budget, based on its political leanings, they said they had. Of course, this was a lie. As we later found out, they had not refused the *Insurgent's* budget.

The next day, we found out the real reason the PFC was con-

Any allegation that our content falls under the definition of "menacing" is doomed to fail for two reasons. First, the law requires intent. I can assure you, flat-out, that it has never and never will be our intent, as a publication, to place another person in fear of serious physical injury

COMMENTATOR runs contrary to the goals of both the students and the University. I have received numerous complaints that the journal is not one that contributes aesthetically, culturally or intellectually to student life."

Once again, the question of the COMMENTATOR's cultural, physical and, in this case, *intellectual* advancement of students was questioned in a hackneyed attempt to defund the program. More recently, in 2001, in the wake of the Supreme Court's Southworth decision, the COMMENTATOR's budget was tabled. The PFC argued that under Southworth student groups could not align themselves with a political viewpoint. Of course, this was utter bollocks. If the PFC had actually read the decision, they would have understood that the concept of "viewpoint neutrality" applied to the mechanism by which student groups are funded, meaning that the bodies that control the distribution of incidental fees cannot refuse to fund a group based on its politics, assuming that the student group is non-partisan and thus does not affiliate with a political party. By tabling the OREGON COMMENTATOR's budget, while at the same time allowing the *Student Insurgent's* budget to pass, the PFC itself was violating Southworth. This irony was clearly lost on the PFC.

The Current Situation

Senior staff members of the OREGON COMMENTATOR met Mason Quiroz and PFC Head Persis two days after the hearing in order to expunge the truth. This would turn out to be more difficult than expected. Quiroz proclaimed that he could not disclose the reasoning behind the decision -- a violation of state law -- because he did not want to speak for the entire PFC. However, at the time of the meeting, he explained that the PFC was concerned

cerned about our publication --there are apparently those within student government who believe that the OREGON COMMENTATOR is perpetuating hate speech on campus. The reason? We featured a prominent member of student government in a piece entitled "Faces to Avoid on Campus". Ze believes this to be a threat. Clearly, it was never intended to be an attack. It was intended to gently satirize this individual's proclamation that he, as a transgendered person, should be referred to by the special pronouns ze (he) and hir (him).

The Legal Issues

The Programs Finance Committee, acting on behalf of the Oregon State Board of Higher Education, is, as a "program to facilitate extracurricular student speech," required by the First Amendment to fund student groups engaged in speech on a viewpoint-neutral basis. *Board of Regents v. Southworth*, 529 U.S. 217, 221 (2000). This means it cannot consider the views expressed by the COMMENTATOR in making decisions about our organization's funding.

Even if the *Commentator* has engaged in any form of unprotected speech, it is not the PFC's job to make this judgment. To our knowledge, the PFC hasn't taken steps to secure a legal opinion about our content from the University's General Council, but even that would not suffice. Absent a legal judgment (civil verdict or conviction) in a court of law that we have made specific utterances of unprotected speech, the PFC has no business saying what our expressions are or are not. As my Constitutional Law Professor, Garrett Epps, often quips, "Who died and made you Pope?" A judgment by the PFC that our content enjoys no First

Amendment protection or is not “culturally advantageous” is an act of viewpoint discrimination.

Be that as it may, it may be worth asking, does any of our speech fall into one of the categories unprotected by the First Amendment? What exactly is hate speech?

Oregon has no statute criminalizing “hate speech.” Whatever the PFC might conceive it to be, it is not illegal, unprotected speech. I don’t think I can stress that enough. The Supreme Court ruled a hate speech statute unconstitutional in *R.A.V. v. City of St. Paul*, even if it was restricted in its application to the already unprotected category of “fighting words.” 505 U.S. 377 (1992). The Court held that “prohibition[s] of fighting words that contain messages of ‘bias-motivated’ hatred” impermissibly discriminate against a particular class of fighting words on the basis of viewpoint. *Id.* Thus, even a judgment that we have engaged in fighting words would have to be viewpoint-neutral.

Fighting Words and Related Offences

“Fighting words” are those which by their very utterance (a) inflict injury, or (b) tend to incite an immediate breach of the peace. *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942). It bears noting that the Supreme Court has not upheld a single fighting words conviction in the 62 years since *Chaplinsky*. In Oregon, the closest statutory offenses to the traditional crime of “fighting words” are “Menacing” and “Intimidation.”

Any allegation that our published content falls under the definition of “menacing” is doomed to fail for two reasons. First, the law requires intent. I can assure you, flat-out, that it has never and will never be our intent, as a publication, to place another person in fear of serious physical injury. Second, the law requires that the serious physical injury be imminent. Given that we publish anywhere from every two weeks to every month or so, and that, after publishing, the magazine must be distributed, picked up, and actively read before any person could attain from our words a fear of serious physical injury, the requirement of imminence is simply impossible to meet.

As with menacing, any allegation that we had engaged in intimidation even in the second degree would falter immediately on the requirement of intent. Further, it is a long logical leap to construe any of our published statements as threats to inflict serious physical injury, or to commit a felony, or to cause substantial damage to the property of any person.

Incitement and related offenses

Speech is incitement if it is directed to inciting or producing imminent lawless action and is likely to do so. *Brandenburg v. Ohio*, 395 U.S. 444 (1969). First, this definition requires that we speak with intent to incite lawless action. Again, we don’t. Second, it requires that the lawless action be imminent. And again, due to the time delays in publishing, distribution, and consumption, we do not have the capacity to incite imminent action of any kind. The *Brandenburg* case involved videotaped statements made on an isolated farm and later broadcast on television. This illustrates well *Brandenburg*’s requirement of imminence. Finally, *Brandenburg* requires that our speech be likely to incite lawless action. How likely is it that a reader will read our magazine and as

a direct result take it upon themselves to break the law, other than perhaps to be inspired to engage in underage drinking?

The only Oregon law that comes under the realm of incitement is essentially a traditional “falsely shouting fire in a crowded theater” statute:

Since we haven’t knowingly initiated or circulated false reports of any alleged or impending fire, explosion, crime, catastrophe or other emergency, we have steered well clear of incitement. Although arguably we have made statements alleging the commission of a crime, these were made in quite obvious jest and therefore not asserted as fact. Further, none was ever made with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof.

“Harassment” under the University of Oregon Student Code of Conduct

Although, unlike state laws, the school’s definition of harrassment lowers the culpability requirement from intention to negligence, it is nevertheless drafted quite narrowly, and in such a way that nothing the *Commentator* prints could reasonably be found to fall within the definition. It requires insults in a person’s immediate presence with “abusive” words. “Abusive” is not elsewhere defined, but the important point is that no printed speech is made in the immediate presence of the receiver.

Furthermore, to the extent that the Student Conduct Code exceeds the traditional categories of unprotected speech under the Constitution, it should not be applied to our content.

Speech-related torts

Any objectionable statements we have made were either parody or criticism of campus public figures. Therefore, it must be proven by clear and convincing evidence that we knowingly made false statements of fact, or recklessly disregarded the truth or falsity of such statements. *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988). If we have made assertions of painfully obvious untruth in an effort at parody, proving these to be assertions of fact would be a difficult undertaking. Thus Jerry Falwell failed to recover damages from *Hustler* for an ad parody suggesting he had had drunken sex with his mother in an outhouse. It’s just that difficult.

Summing up

All of this analysis of possibly unprotected speech is, again, merely a thought experiment. It is our steadfast contention that the PFC acts improperly when it determines, of its own accord, that some of our speech does not enjoy the constitutional protection of viewpoint neutrality. That determination is not the PFC’s to make and it is an act of impermissible viewpoint discrimination. The legal status of our speech can only be determined in a court of law.



Vote Or Die, Jerk-O!!!

When former OC Editor-in-Chief Pete Hunt isn't fighting fires or tooling around the country in his cherry Ford Taurus, he's paying attention to politics. He's a little like Tucker Carlson without the fey bowtie and muted sense of superiority. Actually he's nothing like Tucker Carlson, which kills the whole analogy thing. In any case, we posed Pete with three questions: Who did you vote for in 2000? Who did you vote for in 2004? What was the biggest debacle of 2004? Here are his answers

2000

Ahh... the fall of 2000, when politics took a backseat to bong hits and GoldenEye. I was young, politically naïve and quite skilled with the grenade launcher on the temple level. I was a registered Democrat with a libertarian fetish. And I still identified the Republican Party with Rush Limbaugh and David Koresh. So it should come as no surprise that my vote went to Al Gore. I think I was finally swayed by the New Republic's endorsement. Though a few months before a cover story they ran on the ridiculousness of the WTO protests had really impressed me. I may have been a registered Dem, but I enrolled at the UO with a heavy skepticism towards leftist politics. And a nearly perfect multiplayer record fighting with pistols in the basement. (Auto-aim off, of course)

2004

Bush. I agonized over this one, but once the ballot came in the mail I knew I couldn't fill in an oval next to John Kerry's name. I'll never vote for candidate endorsed by both Michael Moore and Jann Werner. Did you know that Jann Werner personally gave Mick Jagger's last solo record five stars? Five stars! For an album that featured a collaboration with Lenny Kravitz! I've read some awful reviews in Rolling Stone, but none as embarrassing as that prominent gaffe.

Or, if that doesn't seem well reasoned, how about this. A vote for Bush wasn't a vote of confidence, simply the better choice between two questionable candidates. And once it was all over, I felt confident that I had picked the right guy. A Bush loss would have meant the GOP's public dismal of the neo-cons, which would have been unfortunate. My political views are still closer in line with the Weekly Standard than the National Review.

Biggest Debacle

Ummm... Lindsey Lohan or Hillary Duff? Obviously the correct choice is Lindsey. You can't argue with a nubile red-head. Though she's lost a lot of sex appeal since she turned orange. Why is fake and baking popular all of a sudden? Is it the dangerous flirtation with skin cancer? Maybe I'm just jealous because my pigmentation only goes from pasty white to bright red.

--Pete Hunt

THE ASKS:

What's The True Meaning of Christmas?



Ayn Rand

Christmas is for those whose moral turpitude leads them to depend on the charity of others. Fools! I shall destroy them all!



Robo Cop

Yes, my lady.



Live Aid

Apparently, due to global climate change, there actually will be snow in Africa this Christmas.



Ron Artest

Hey, I only left the game early because I wanted to beat the crowd.



Bobby Knight

I like the cut of your jib, young fellow. Now hand me that chair.



Matt Damon

MATT DAMON!



Thomas Jefferson

Between a [STUDENT] government without [STUDENT] newspapers or [STUDENT] newspapers without a [STUDENT] government, I should not hesitate for a moment to prefer the latter. In your face, PFC!

The ASUO Doesn't Work For You And Never Will

By Adrian Gilmore

What does it mean to be an ASUO representative? To most of the students on the University of Oregon campus it doesn't mean very much. Voter turn out was less than ten percent last year (add something). The number of students who actually participate in programs is low in proportion to the size of the University, and most students don't even know that the ASUO exists. In other words, most students feel like whatever the ASUO does -- if they even know what the ASUO is -- has no effect on their mental or physical development here at the University.

Who's to blame for this low level of student participation within the ASUO? Some people think the students themselves are responsible because most students simply don't care about being involved in student government or student organizations. Others blame the elections board because they don't properly advertise the elections or the importance of student organizations. I blame the ASUO itself; working together to create real power structures and services for all students is the last thing on the minds of most ASUO participants. The only goal of ASUO elected representatives is to secure funding for their groups, even if it means higher incidental fees for students.

Last year I served on the ASUO Senate and Chaired the Programs Finance Committee. I had never served in student government before, and I thought it would be a good opportunity to give something back to the University. Like most students on campus, I thought the

ASUO would be comprised ineffectual and prostrate student bureaucrats who would sit around exercising some illusionary power over students. I quickly learned that this is not the case. The ASUO has the power to allocate almost \$10 million dollars' worth of student fees to a superabundance of programs ranging from student football tickets to campus publications and shuttle services. To me, this seemed like too much power. I wondered

why students here had so much control over the allocation of students fees. After conducting some research, I discovered that past students involved in the ASUO actually fought for the right to allocate fees and understood that responsibility went along with that privilege. Thus, I looked forward to working with students and other groups to provide services for students and ensure the preservation of the right to control the incidental fee. However, I quickly learned that helping all students and protecting the incidental fee was the last thing the Executive, groups within the ASUO, or many senators, had on their minds.

Many ASUO groups receiving incidental fee funds have a singular motto: "Write the Damn Check." They focus all their attention on how much money they can get for their group, at the expense of students and other ASUO groups. Many groups lobby, plot and scheme to get their

"people" on the ASUO Senate or the Executive. Once that is accomplished, the Stalinist purge begins, as groups on the outs with



the “power” elite prepare for the arbitrary budget cuts sure to follow. Every group feels like it isn’t getting a fair deal. Every group feels like other groups are oppressing them. Every group is out for revenge for budget cuts made in years past. It doesn’t matter if it means higher fees for students; it doesn’t matter if you have to cut other groups for no reason; and it sure as hell doesn’t matter if there is any evidence that supports increasing a group. I’m still waiting for my Ralph Nader button for supporting his campaign with my student fee money.

My favorite moment from last year was the off campus/on campus argument made by Maddy Melton and Eddy Morales -- last year’s Executive tag team -- concerning why the PFC should decrease the Oregon Daily Emerald’s funding. The Executive argued that the ODE distributed papers off campus, at such remote

make real change to the system. Don’t tell me you’re for change, that you’re better than the last guy, because all I see is the same unmitigated abuse of power as before.

Eventually these money grabs, which often occur without justification, will lead to the University taking back the privilege the ASUO possesses -- the privilege of allocating the incidental fee. If you’re naïve enough to believe it couldn’t happen, I have some bridge property in Brooklyn to sell you.

The rampant self-interest that permeates throughout the ASUO is why students do not care. They know the ASUO is never going to do anything to actually increase the quality of campus life because no one works together. They know the ASUO is a disorganized band of sub-groups that will never work together because working together means sacrifice at times. Working to-

I have this proclamation to make to the ASUO: Instead of trying to get even by screwing the people that were screwing you, make real change to the system. Don’t tell me you’re for change, that you’re better than the last guy, because all I see is the same unmitigated abuse of power as before

outposts as the Wendy’s on Franklin Blvd. and at the bus depot downtown. The Executive believed that student money used off campus was less beneficial to the development of students than money that stayed on campus (forget that student publications are for the benefit of all students, even students who happen to live off campus). However, later on in the budget process the executive recommended over a \$15,000 increase to OSPIRG, which sends most of its incidental fee money up to Portland. The last time I check that was over a 100 miles away.

I’m not attacking the validity of any group, but I am attacking the ASUO’s level of consistency in reasoning for budget allocations for fee-funded groups. In my eyes, it seemed like OSPIRG had a little “IN-Networking”, while the ODE was left out in the cold.

The ASUO’s reasoning process is borne of petulance. They either like your group or they hate your group. And the lesson students learn from all this is to make sure they elect their “people” to the ASUO Senate and Executive because when that happens, they can screw anyone they want. They will have the power.

The last thing the ASUO Senate, the Executive, or any group wants to do is work to make the system fair for everyone. They simply can’t take a step back to see the big picture. Working with each other toward a common goal that benefits University students as a whole is outside their realm of understanding. Sometimes individual groups will have to forgo huge increases or, god forbid, take a budget cut in order to protect the incidental fee. I’m not saying that some groups have not been wronged in the past, as this continually happens due to the power structure within the ASUO. I am simply saying that there are a large number of groups that could do without huge budget increases year in and year out.

I have this proclamation to make to the ASUO: Instead of trying to get even by screwing the people that were screwing you,

gether means actually allowing different viewpoints to be heard. It means accepting both the conservative and the liberal viewpoint. Everyone believes their way is the right way, so they refuse to compromise at all costs.

Like last year, the ASUO Senate, the Executive, and programs continue to be bands of groups that are unwilling to work together for any common goals that benefit a large portion of students. We have a new “power” elite with a different name but the same game. There is no high road here. Instead of really making change, the only change is who is doing the screwing. They will try to cut funding for student tickets to athletic events because the current regime believes the Athletic Department is corrupt and that these tickets do not benefit students. And if you are in a student group and you disagree with the ASUO, your budget will be cut. Also, if your group doesn’t burn conservatives at the stake, or if it attempts to listen to a conservative speak, your budget will be cut. I know it is a hard thing for people here on campus to respectfully listen to other viewpoints in order to reach common ground without acting like rude jackasses, but, seriously, this needs to happen. But it won’t. The goal is still to get as much money at whatever cost. The priority is self-interest above students: Write the damn check, no matter the cost.

Regardless of your program affiliations or your campaign promises, your first priority should be to protect the incidental fee for all students. It should be a privilege to serve your students on ASUO Senate, ASUO Executive, or a program director. Right now most students do not see it as one, give no credence to its existence, and believe that if they’re not part of the “power” group of the moment that the present ASUO doesn’t really care about them.



Adrian Gilmore, last year’s chair of PFC and a former Con Court Justice, is a staff writer for the OREGON COMMENTATOR

Hayward

Ho!

A series of dramatic renovations paid for entirely by private donors will revamp the classic track and field venue. By Melissa Hanks

Hayward Field has been home to many significant athletic events. But for the past couple few decades, its appearance hasn't been exceptionally prestigious. The UO Athletic Department has plans to change that problem in the very near future.

Steve McBride, Associate Athletic Director, Internal Operations for the UO Athletic Department, says there are two main goals the Athletic Department hopes to attain by undertaking this project. First, to create a more welcoming arrival point for visitors to Hayward Field, "A lot of people come to visit [Hayward Field]...our goal is to create an arrival point," he explained, "people can drive by and not even know that it's Hayward Field."

The second goal is to display the history of Hayward Field. There is a considerable amount of athletic history attached to the field, ranging from its place in the history of the football program to the many Olympic trials that have been held there.

When asked about the content of the display, McBride explained that the information included in the display will tell the story of Hayward Field, citing many individuals as being included in the plan. "How do you start down that list and know where to stop?" McBride said, "It's a recognition of heritage."

According to McBride and campus planning records, the last cosmetic treatment to Hayward Field was a track resurfacing last month, and before that a renovation and the addition of two new buildings in the mid 1980's.

In light of the myriad campus construction projects, the Hayward Field entrance budget compares nicely to the several other project budgets. The Living Learning Center, scheduled to open in Fall 2006, has a budget of 27 million; The Museum of Art's budget is at 12 million; The Museum of Natural History's budget is at one million, and the Heart of Campus' budget is at \$690,000. Hayward Field will cost approximately \$1.25 million to complete. Funding is provided exclusively by private donors.

Although it is not widely known, the recent renovations done to 15th street on campus just outside of Hayward Field were partially funded by the Athletic Department. McBride cited \$33,600 contributed to the resurfacing of the street, aesthetic improvement, and most importantly the reorganization and addition of parking spaces. Additional parking to make up for the lost parking lot that exists in the current site will be located on the west side of Hayward Field. McBride commented in regard to

the availability of parking after this project as "no net gains, but no net losses" due to the new entrance.

Charlene Lindsey, Facilities Services Project Manager, does not expect there to be any disturbance on campus due to construction. "The site is self-contained," she explained, "the construction will not interfere with campus activities." Lindsey went on to state that she is "anxious to get going" on the project.

McBride did expect there to be minimal disturbances necessary in the area to update the crosswalk at 15th and Agate, but no major issues other than that phase of construction affecting the area.

The concept for the new entrance has been in the works for several years. A concept design team provided the final design last year, and fundraising for the project began earlier this year. Although the identities of the donors have not yet been released, McBride did say that they would be recognized later, over the course of the project.

A construction firm has not yet been decided upon, but the company of Cameron, McCarthy, Gilbert and Schieke Landscape Architects has been contracted for the site planning. Larry Gilbert of Cameron, McCarthy, Gilbert and Schieke stated that the firm has been active in the current site work; examples of their work can be seen all over campus, most recently the Heart of

Campus project on University and 13th outside the EMU. Cameron, McCarthy, Gilbert and Schieke is also responsible for the Lillis Building Complex, the amphitheater at the EMU, the recently renovated Museum of Art, and in Eugene at large the Eugene Public Library and the recent work on the Ferry St. Bridge. They also have work in Portland and elsewhere in Oregon.

Site work will begin on the corner of Agate and 15th by December. The NCA Regional Track Meet is scheduled for the end of May 2005, and all involved hope to have the new entrance done by that time. All events scheduled to take place during construction will go on as normal.



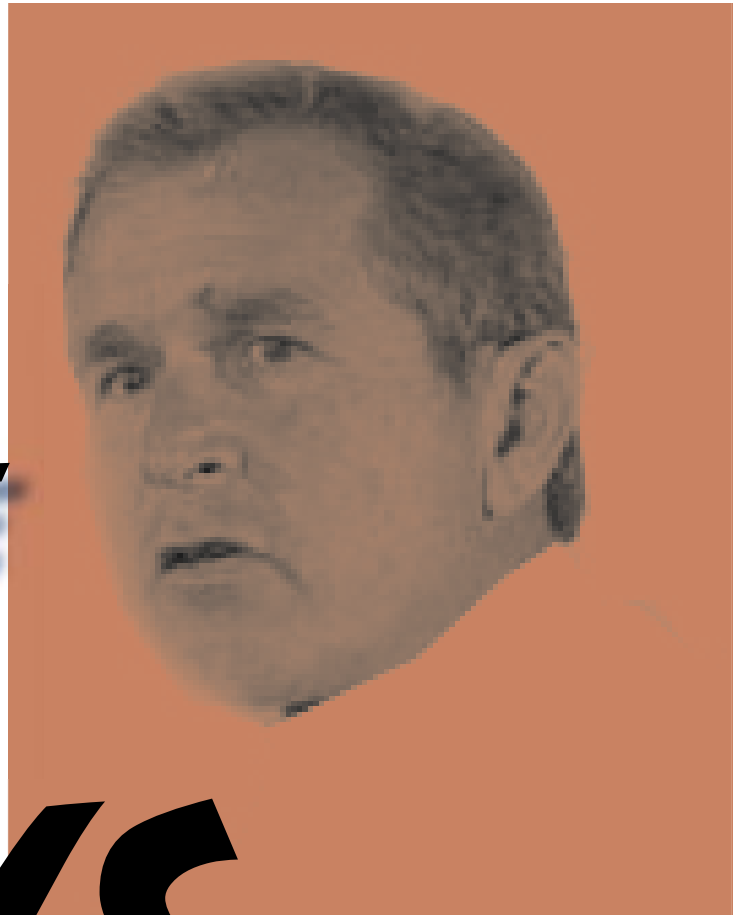
Melissa Hanks, a senior majoring in anthropology, is a staff writer for the OREGON COMMENTATOR



Banal Photos From Texas

Reason #237 to check out
www.oregoncommentator.com

***THE
RESISTIBLE
FORCE***



VS



***THE
MOBILE
OBJECT***

For all the impassioned yammering about Young People and the Youth Vote that goes on, nobody cares what young people - especially students - think about politics. This is as it should be, because what young people - especially students - know about politics can just about be written on the inside of a matchbook with a thick-tipped marker pen. Campus political consciousness is a mass of received opinion, emotional response, and manufactured allegiances that even lacks the refreshing cynicism and self-doubt that might come along to temper it later in life. This goes double for the nation's wide-eyed student journalists, who have given us an entertaining game in which you can skim the op-ed pages of the New York Times and Washington Post, read a few syndicated columnists, and guess what order the columns will be recycled in next week's student newspapers. (This can have hilarious results, as in the case of one OSU Barometer columnist, a white guy who recycled some controversial phrases from a prominent black columnist and found himself roundly damned - first for racism, second for plagiarism.)

As you will have noticed, the substance of the previous paragraph applies depressingly well to this piece I'm currently writing. (Only in my case it's not Krugman in the NYT; it's *Reason* magazine.) What's worse, I'm not even a citizen. Rest assured that this isn't intended as a sanctimonious US-lambasting diatribe like those targeted at the residents of Clark County, OH by my mother country's *Guardian* newspaper, thereby delivering several key precincts to Bush. I think indifference to youth and journalism is a very healthy attitude to take. The Commentator, as an institution, tries to be wary of national politics, simply because we're not gimlet-eyed Washington insiders. Some of us, as noted, aren't even from the damn country.

On the other hand, there are all these empty pages to fill. So why not? Here are some post-election notes.

First of all, this was not the most important election of our generation. Or, if it was, it will only appear so far in the future, in the wake of events that are presently impossible to predict. Higher powers willing, there will be no election held during our lifetime that deserves to be called "the most important election of our lifetime". When elections take on that kind of importance to a generation, that generation is screwed.

Secondly, America is not a bitterly divided country, and the "Canada/Jesusland" maps that have been floating around the Internet are missing the point. The difference between a

red state and a blue state is often a matter of a couple of hundred thousand votes. The rural/urban distinction is a bit more meaningful, but is only really useful for sneering at the hicks or - just maybe - giving the principle of federalism in the US an always-welcome kick in the pants. More on that in the optimistic final paragraph.

To pontificate for a moment: America is in part special simply because politics is not where the action is. One of the most notable features of the founding documents of the US is how devoted they are to limiting the powers of government agencies - *Congress shall make no law* and so forth - rather than empowering them. Even if Bush were as dedicated to gutting the Bill of Rights, as the hysterics would have you believe, he'd still have a hell of a job. Not to denigrate the office, but the entire political system was ingeniously set up to withstand all sorts of people. (I'm no expert, but Warren Harding is usually held up as an example of this.) A close reading of Joe Queenan's magisterial history of American vice presidents, *Imperial Caddy*, will hopefully convince any downcast liberal that yes, the Republic will survive. Along the way, it might even make them more skeptical about the efficacy of the federal government.

Also, even if Kerry had pulled it out - seriously, wasn't it hard not to wish for Bush to get the popular vote and Kerry to get the electoral college, just to watch everyone switch sides? - all would not be gravy in Washington. One of - if not the - most frightening issues facing the US in the future is the ever-widening money pit of Social Security. Given the way the demographics are going, and the impending retirement of the surviving Boomers starting in 2010, a painful reform is on the way. The longer it takes, the more painful it's going to be. Kerry's stated position on Social Security involved little more than standing with his hands in his pockets, whistling. Meanwhile, Bush is currently making some interesting noises, which won't necessarily amount to any more than the noises he made in 2000. (Remember, all those Republican congressmen are up for re-election in 2006.) And Social Security reform makes everyone's head hurt anyway. Likewise Medicare, which just received the largest chunk of federal



Ludacris (pictured above) was plagued by controversy and scandal while on the campaign trail, including the unfortunate "Ho-Gate". Robocop (pictured below) did well until the night of the third-party debate, when his gun accidentally discharged, gravely wounding Michael Peroutka



What Happens Next?

By Dan Atkinson

The votes have been tallied and the will of the people is known. Controversial measures 36 and 37 have been approved, leaving many Oregonians in a state of near apoplectic shock. But perhaps the best thing to do is take a nice, long breath.

Oregon elections are always good entertainment. While much of the rest of the country treats voting like speed skating – it only matters once every four years – in Oregon we can always count on a few freaky ballot measure to keep things interesting. This year, the big fun came in the form of Measure 36, a constitutional amendment banning gay marriage, and Measure 37, a law requiring Oregon governments to compensate land owners for losses in property value due to land use regulations. Both measures passed overwhelmingly. But in both cases, the meaning of that outcome is miles away from clear. Join me as I wallow in the mire and attempt to sort out what happens next.

Measure 36

The sky didn't fall

I fervently believe marriage should not be denied to gays and lesbians. The right to equal protection of the law commands that the legal benefits of marriage should not be extended to one group, and not to another. I voted against Measure 36 and wouldn't hesitate to vote for a measure legalizing gay marriage. That said, I think some members of the losing side of Measure 36 have been, dare I say it, acting like drama queens. A couple of years ago, this issue wasn't even on the radar, and now a vote that maintains the status quo is being treated like an act of cruel hate and oppression.

To the gays, lesbians, and even the gender queers who think the world ended November 2, I say this: the people who voted for Measure 36 didn't do so because they hate you. They did so because they don't know you yet. The question of when the judiciary is right to rule aggressively is a sticky wicket. (That the foundationally rickety decision in *Brown v. Board of Education* is now universally accepted, while *Roe v. Wade* has triggered decades of ugly division and even terrorism, demonstrates this stickiness.) The judiciary, and county commissioners and mayors, acted too soon in this case, and the public reacted. Minds are not changed by court decisions or administrative acts. Minds are

changed slowly, person by person, family by family.

Case in point: my fiancée comes from a socially conservative Catholic family. Several years ago, one of her cousins held a lesbian wedding. She considers herself married in all but the legal sense. In the process, and in the years since, fear and resistance to the idea of a homosexual marriage has given way in her family to acceptance, encouragement, and now even to advocacy. Family members who are devout social conservatives on every other issue fervently opposed Measure 36. So I'll say it again: opponents of gay marriage don't hate you; they just don't know you yet. I expect that as minds change, we'll see gay marriage within a couple of decades. So calm down and crawl out of your bunker: the sky will not fall.

Alright, enough ranting. What happens next?

Li v. Oregon: civil unions and grandfathered marriages?

Measure 36 was fielded with one goal in mind: keeping the question of gay marriage out of the Oregon Supreme Court. But the seven robed ones (one of whom, incidentally, is gay) are not going to be so easily deterred. Prior to 36's passage, the Court had agreed to hear a challenge to Oregon's marriage statute, *Li v. State of Oregon*, brought by (who else?) the ACLU. The suit argues that a denial of marriage to gays violates Article 1, Section 20 of the state constitution: "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."

This suit did not die with the passage of Measure 36. Instead, the Court asked the parties to *Li* to submit supplemental briefs on the possible effects of the ballot measure, and rescheduled oral argument for December 15.

According to the ACLU, Measure 36 forced it to shift legal strategies. Instead of arguing that the state must allow gay marriage, the ACLU now argues that, a constitutional declaration that marriage is between one woman and one man notwithstanding, the Oregon constitution still requires the state to provide all of the legal benefits of marriage to gay couples, under a non-marriage civil union. This is a strong case; the ACLU's brief points out that "even the supporters of Amendment 36 repeatedly argued

throughout the campaign, including through their campaign literature, that the Amendment would not preclude the state from enacting” such a system.

In addition, the ACLU is asking the court to extend full recognition to marriage licenses granted by Multnomah county during last spring’s gay marriage blue light special. Roughly 3,000 such licenses were handed out, and the Court may find it unjust to retroactively void marriages that were, at the time, legally obtained.

A Federal Right?

According to Dave Fidanque, head of the Oregon ACLU, the organization does not presently intend to challenge Measure 36 on federal constitutional grounds. But, as a state constitutional amendment, the measure does end the question on state grounds. Although *Li v. Oregon* may lead to civil unions in Oregon, any future court battle on behalf of actual gay marriage would have to be advanced on federal grounds in federal court. It is not unlikely that some time in the next several years, a federal court will hear such an argument.

Measure 37

What the Hell?

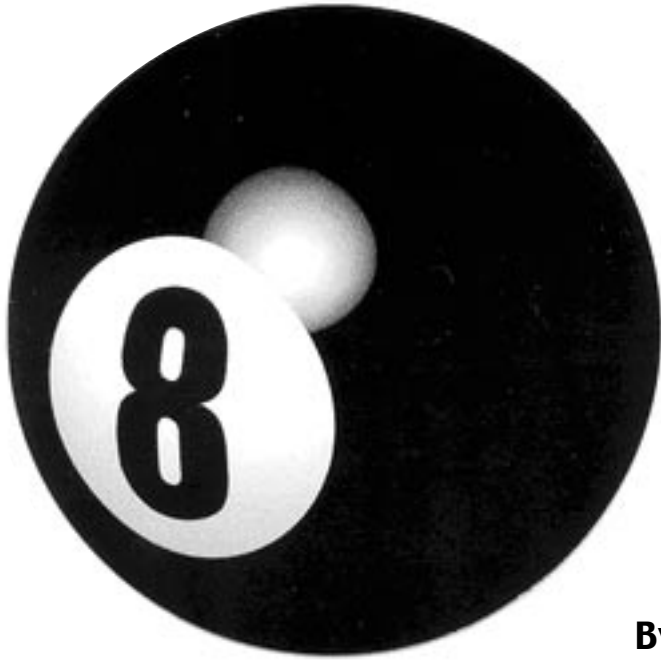
If the Oregon Supreme Court decides that Multnomah county’s gay marriage licenses are indeed voided by Measure 36, the state may need to compensate license holders for this deprivation under Measure 37. Maybe. Nobody’s really sure.

Oregon stepped through the looking glass with Measure 37. It may be the perfect argument against ballot initiatives. Yes, Oregon’s land use regulations are in need of serious, and clear-eyed, reform. Yes, a lot of property owners are being unfairly and arbitrarily screwed. Yes, Oregon’s regulatory jungle has emphatically sent the message that “business is not welcome” at a time when Oregon is desperately in need of economic investment. But issues this complex need to be handled by elected specialists. That the Legislature has so far fiddled about and accomplished nothing is reason to throw them out on their asses; it is not an excuse for Measure 37.

Even the opponents of this ballot measure, which requires compensation for “regulatory takings” that reduce a property’s value, don’t understand what it all meant. For instance, a letter to the editor of the Oregonian recently opined that supporters of the measure could now look forward to having hog feedlots move in next door, and finding themselves with no legal recourse. Er, no, that can’t happen: such a situation is well within the reach of the common law of nuisances, which is expressly excepted from Measure 37. But quickly now, and be honest: did you know this when you voted for or against Measure 37?

If this measure makes it on the books, which is likely, it’s going to do some funky things. One of the most prominent will be an end, if not to municipal zoning, then at least to uniform municipal zoning. The Measure only requires compensation for regulations taking effect after an owner acquires his or her prop-





Try Again!

Bet \$75 on Kerry because your dalmation gave birth to an even numbered litter? Welcome to the ranks of dissappointed pre-election visionaries.

By Matt Misely

Now that it's all said and done we have finally escaped all the Zogby, Newsweek, CNN, Reuters and many more election polls. Every day our nation was exposed to a multitude of fancy sounding polls with margins of error and everything. I think it's time to take a glance back at some of the more unique election predictions. Everybody fasten your seatbelts and let's see how six of the more interesting predications faired in this crazy little election of ours.

1)So the Redskins lost their last home game before the election, thereby absolutely maybe clinching an indecisive victory for John Kerry. Since 1936, starting with Franklin Roosevelt's reelection, this electa-predictor has called 'em right. The presidency of America in a football teams hands? I don't know about this one. Let me just say that one time I had a dream I killed John Madden with my bare hands. Honestly. I don't know what this has to do with the Redskins picking the president. I just thought it was an awesome dream because I really hate John Madden. Next Prediction!

Prediction: Kerry with a 7 point spread to win.

Results: Dubya stays composed and strong late in the game and gets the W. Start the Ohio fight song.

2)"Emperor of the Astrologists", real name Jyotish Samrat, an apparently legit astrologist from India predicted that Dubya would not be reelected. "It is cosmic writ" he stated, "that George W. Bush cannot become president again." And just to think, all the effort that Bush put into courting the Mars vote apparently shouldn't have done any good. How many electoral votes does Jupiter have again? In my opinion, Bush should have pushed his agenda on the other planets. I mean, Mars was clearly red from the start; any politastrologist could have told him that. As the old saying goes, "Those swing planets play a bigger role than you'd expect." Or something like that, I don't remember.

Prediction: Kerry by a friggin' universe. Even the planets are against Bush!

Results: Mars comes through strong for Bush, Jupiter not as strong a factor as expected, Bush fools Emperor of the Astrologists by retaining title of President of the USA. Emperor of the Astrologists somehow appears more foolish than before.

3)Finally, a prediction for the incumbent. This years Halloween mask sales had Dubya edging out Kerry, giving him the plastic-molded face prediction. All those ghouls and goblins predicted Bush. It can only solidly confirm the, um, er, facts presented in "Children of Satan", an authorless book released by LaRouche PAC about the Bush administration. I know what you're thinking: "If it's in an authorless book it must be true and full of knowledge rainbows! Hooray for critical thinking!" Not only did the masks give Bush the victory but reinforced the level headed thinking of noble intellectuals of said authorless book. Everyone should read "Children of Satan", and by 'everyone should read' I really mean 'everyone should burn'. Sometimes I get those things confused.

Prediction: Ghastly victory for Bush.

Results: Souls of the undead turnout rate unprecedented. The undead's rush to polls lead by fellow soulless member Al Gore.

4)On a more serious and important sounding note, the Dow Jones Industrial predicted John Kerry to supplant Bush. Clarification: since 1904, when the Dow falls more than .5% in the October before the election the challenger snatches the Oval Office. Just last month it fell .52%. Bad news for Georgy, eh? I don't claim to know much about economics, or even the presidential election for that matter. Therefore, I offer this special haiku moment.

Investors predict
'No More Years', abstinence not
Practiced, more Bush, Dick

Prediction: It's a joke about sex, get it? Kerry.

Results: No see, it's funny because Bush and Dick are used as a double-entendre because abstinence was not practiced and...oh for God's sake, it stands for vagina and penis. Give me a break.

Mars was clearly red from the start; any politastrologist could have told him that. As the old saying goes, "Those swing planets play a bigger role than you'd expect." Or something like that, I don't remember.

5)Aww yes, ye olde Magic 8-Ball. How you have never failed me. Well, except for that time you told me to douse the neighbor's cat in gasoline, invest in a kitty-catapult and box of matches for last years fourth of July celebration. After the Magic 8-Ball failed to answer my question "Who will win the election?" with Bush or Kerry as a response I decided to do the next best thing: an actual 8-Ball. After calling up Shifty Rico I was able to score some wicked shit. What followed was a vision to be rivaled by all others. Kerry's horse looking daughter appeared as Mr. Ed the talking horse. She was being rode, saddle and all, by the Bush twins while John Kerry himself took the form of a flying shrub that exclaimed "We have the magic pants, we have the magic pants!" The incumbent made a brief appearance as a pair of briefs pantomiming the complexities of foreign relations in the Middle East

Prediction: Head still cloudy. Turn that fucking music down. Bring me a glass of water.

Results: Don't buy Shifty Rico's shit. It is totally whack.

6)Our last prediction came from the Weekly Readers Poll. Youth from grades 1-12 cast their vote and generally correctly predict the winner. Bush was reelected by a sound margin, receiving over 60% of the votes. Those wily little kids. This is a clear

sign that today's schools are teaching nothing less than fascism. Just ask "Campus Fascists for Bush". It's so adorable when our very own Eugenian miscreants draw those comparisons. Let's just hope they can change the fascist thinking of all those 8 year olds out there! If you're not with us, you're fascist!

Prediction: Fascist children call it for the pres. We



**s h o u l d
h a v e
s e e n i t**

coming. Bush's middle initial is 'W' and that's an upside down 'M' which stands for Mussolini. Along with all those fascist kids killing dissenting political voices, all wearing black shirts and calling upon the greatness of the Roman Empire to inspire the masses, I am surprised we didn't figure it out any sooner. Fooled again!

Results: Campus Fascists for Bush lives on for four more years. Commentator given yet another group of students to poke fun at. Allah be praised.

So there it is, a rundown of six of the popular election prediction methods and how they faired. Streaks were broken, kids were polled, footballs were fumbled and experimentation with drugs occurred. It was fun while it lasted. I just hope we don't have to wait four more years to hear from the Emperor of the Astrologists again.



Matt Misely, who still calls the Psychic Friends Hotline, owns every Dionne Warwick album available

An Interview With Tonie Nathan



In 1972 a new political party was born: the Libertarian Party. It was small, and many thought it was inconsequential, but it would quickly grow to become the third largest political party in the country.

At the forefront of Libertarian Party politics was Tonie Nathan, a UO grad who, by an act of sheer providence, was chosen as the first Libertarian Party Vice-Presidential candidate in '72. And although she was officially on only two state ballots, she still became the first woman to receive a state electoral vote, beating Geraldine Ferraro by 12 years and thus placing herself in the history books

OREGON COMMENTATOR Editor-in-Chief Tyler Graf talked to Nathan about her time at the UO, her feelings about OSPIRG, and the campaign trail '72.

OC: You graduated from the University of Oregon with a degree in journalism, right.

Nathan: That's right, in '71

OC: How would you describe the political atmosphere on campus in 1971?

Nathan: It was pretty exciting because the Black Panthers were still in existence; there was still the movement to avoid the draft -- a lot of students fled to Canada or protested in one way or another. In fact, we had a student -- I can't remember his name -- who went to the Chicago Democratic National Convention and became part of the mess there.

OC: Oh really. In '68?

Nathan: Was it '68? Yeah. I forget the student's name, but there were seven of them total -- the notorious seven and one of them was from Oregon.

OC: Which political party were you affiliated with at that time?

Nathan: I had been affiliated with the Democratic Party.

OC: And did anything happen to change your political outlook?

Nathan: Well, I moved up here in '68 from California, and I had worked at a precinct down there for the Democratic Party, and probably the most radical of them. Hubert Humphrey was nominated in '68, and none of us down there expected him to be. I had voted for Norman Thomason, so I was way out on the left end with a lot of other Hollywood people. And then I started reading books on economics, and I got involved in economics, and then I mostly just got involved in reading books by Ayn Rand and that changed my view. I began to realize that people who made money were not necessarily evil. When I got here to Oregon I discovered there wasn't that kind of differentiation between the Republicans and Democrats that there was down in California.

OC: Really? You didn't think so?

Nathan: No. I think the two parties were more respectable to each other at that point. I actually started to like some of the Republicans I met.

OC: They weren't completely antagonistic toward you then?

Nathan: No. And before that I had never really met a Republican to speak of when I was in Hollywood. And when I moved up here, I noticed that you could get so much closer to people who were actually in office. What happened was I went to Cottage Grove when they had their Cottage Grove Days, and I found myself standing in line with Bob Packwood. And I think he was elected for the first time that year.

OC: In 1971, OSPIRG was getting its footing on campus, and at that time you were asked to be on the board of OSPIRG.

Nathan: Yes. I was a journalism student and I had written a lot of articles, but I wasn't active politically.

OC: Why did you turn down the position?

Nathan: I was not interested in serving on boards. I wanted to get a television program, and at that time there were no women to speak of on television.

OC: Earlier, you told me that you thought that Ralph Nader had started out a Libertarian but turned into a Socialist. Can you explain that?

Nathan: No. I heard that somewhere. I had heard that he had Libertarian leanings while in school or something. I think that later on, he just became so unhappy with corporations that he rethought his views.

OC: Were you happy with what OSPIRG was doing on campus? I ask because it seems like today OSPIRG just takes money from students and funnels it to Portland. It makes no impact on campus. It doesn't seem like the most Libertarian organization in the world.

Nathan: No, it doesn't. But at that time I thought the idea was a good one. I thought that they really spoke from a third viewpoint. What does OSPIRG stand for again?

OC: Oregon Student Public Interest Research Group.

Nathan: Right. The students were very active here, as I said, when I came here. I recall Alder St. being closed off and there

were bonfires in front of the ... what's the name of that group?

OC: The ROTC?

Nathan: That's right, the ROTC building, which was on Alder there. There was lots of talk about Black Panther activity and protests of that sort, and I just thought that the students were ahead of the public in bringing attention to certain problems in our society.

OC: So how did you get involved in the Libertarian party?

Nathan: I went back to school late, after I had had three businesses of my own, and I had a grown son at the time. He came back from the Navy in, I think, '64. He had been reading Ayn Rand, and he immediately started attending lectures that were being held all around the country. He brought home a tape of one of the lectures and I was just smitten by the ideas of liberty and personal responsibility that were being espoused. It helped me understand why he was so supportive of business enterprise, because to me -- a Hollywood democrat -- it seemed like anybody who had any money you had to think of as evil. I then started to study some economics, and the first book I read was *Economics in One Lesson*. The book does a good job of showing that if you have a lot of poor people you shouldn't simply give them a lot of money, but you should find out why they're poor -- to look behind the problem.

OC: Had you read anything by John Hospers?

Nathan: No. Not at that time. Anyway, my son got me interested in Ayn Rand. I then began to subscribe to Reason Magazine, and at the time it had just begun -- I believe this was May of '72 -- and I saw a full-page ad right inside the front cover that said: "Come to beautiful John Galt country for the first convention of the Libertarian Party. Well, John Galt is the hero of Ayn Rand's Atlas Shrugged. Well, that attracted my attention because I thought I was learning so much from Ayn Rand. At the time I was a producer and part-time host of a show called "Dialogue" on KVAL-TV, and I thought if I go there and take my camera and tape machine that I could make a documentary on how a political party gets started. So I sent away for their temporary platform, and I was very impressed. I decided to record my episodes ahead of time, and with the permission of the station I went there. Well, there wasn't any other media there; they weren't paying any attention. There were 89 people there from all around the country, and very few of us knew each other, and I was able to go to the platform committee and the various groups that were, at that time, trying to format this new political party. I spoke up a couple of times and the friend's of the chairman came up to me and asked me whether I'd consider running as the Vice President. Well, I knew so little about politics that I thought he meant for the organization, so I said: "I'm sorry, I'm busy and I don't think I'll have time for this." And he responded by telling me that it would only take two weeks and I'd be campaigning all across the country. And I said: "What do you mean campaigning?" And he said: "Well, if you get the nomination to run as our Vice Presidential candidate. There was another woman running, and she was a PhD at the University of New Mexico. We both got up and gave our speeches for why we should be considered, and I won. So they flew me home and told me that in two weeks they would send me

information on where my campaign stops would be, and when I got home, the next day, I got a call from the Register Guard. They ran a story on me, and the headline read: "Eugene Conservative Runs For Vice President". And I hated the word conservative because I was a way out liberal, you know -- a liberal in the classical sense, meaning freedom.

OC: Why weren't you on more ballots in 1972? Was it simply because the party was in its infancy?

Nathan: Well, they were organized in about 13 states, but there were only two in which they could get on the ballot. Colorado, where the party was formed was one of them, and Washington. After I got back from the convention KVAL told me that I shouldn't be hosting my talk show anymore and let me go. And what I found out when I applied to the Register Guard was that they thought I was too involved in politics, even though I wasn't on the Oregon ballot. So, to go back to what you said, I flew up to Washington -- and I'm kind of considered to be the mother of the Washington party because I helped them up there because the laws made it easier to get on the ballot -- and I was on television, and we got good coverage from newspapers and the other media. Things have really changed for the third parties since that time. It's more difficult to get attention.

OC: From 1972 to 1976 the number of state ballots on which the Libertarian Party ticket appeared jumped from two or three to thirty-three. What changed in that time?

Nathan: Well, I think our campaigning all over and the fact that we made a lot of sense. And John Hospers, my running mate, who was the Dean of the school of philosophy at USC, had written a book called *Libertarianism: a political philosophy for tomorrow*, which was getting a wide reception. So we weren't unknown. You have to remember that '72 was a radical time for politics; Angela Davis was running for President on the Communist ticket. So when we received an electoral vote from Roger McBride, who was a Republican elector in the state of Virginia, we were put in the history books and it was a real honor.

OC: Your running mate from '72, John Hospers, actually came out in support of President Bush during the last election. Did that come as a shock?

Nathan: I read, thoroughly, the long letter he wrote about that, and the negative things he had to say about Bush. I agreed with the negative things he said about Bush, but the things he said about Kerry I didn't agree with; I thought there were more things wrong with Kerry. I was going to write John a letter and tell him why I was determined to support Badnarik. And I did support Badnarik. To me, an election is not to pick a winner. An election is not a horse race. It's the opportunity for any citizen, no matter what his stature, to indicate what his values are, what's important to him. It doesn't really matter which candidate wins. I didn't care whether Bush or Kerry got it, although I probably would have Voted for Kerry, given the two choices.



Tyler Graf, a senior majoring in journalism, is Editor-in-Chief of the OREGON COMMENTATOR.

Libertarianism

- ❑ The Libertarian Party was founded in 1971 in a living room in Colorado. The party has grown from its modest roots and has become the third largest national party in the country.
- ❑ More than 590 Libertarians currently hold office.
- ❑ John Hospers, author of the book *Libertarianism*, was the party's first Presidential nominee, in 1972. He was succeeded in 1976 by Roger MacBride, who was the faithless Nixon delegate who broke his party affiliation to cast his electoral vote for Hospers/Nathan.
- ❑ Sadly, this still left Hospers 519 electoral votes short of Nixon's total, and the going hasn't gotten much easier since then.
- ❑ In 2004, Libertarian Michael Badnarik received 390,542 votes, just short of Ralph Nader but convincingly more than the Prohibition Party's Earl F. Dodge, who received a mere 137.

- ❑ Cheers, suckers!

A baffling number of capital-L Libertarians are still infatuated with Ayn Rand, despite her books' not being very good.



- ❑ Seriously, they're like Mills & Boon, only with more Nietzschean supermen.
- ❑ The Cato Institute, a libertarian think tank that we like a lot, was founded in 1977 by Edward H. Crane. Its website is www.cato.org.
- ❑ The Reason Foundation was founded in 1978 to research privatization and publish the monthly Reason magazine, which originated as a student publication at Boston University ten years beforehand. The magazine's motto of "Free Minds and Free Markets" has served as an inspiration to many other publications, some of which you may currently be reading. Its website is www.reason.com.

entitlement spending in thirty years. Such is the level of the debate that the only grounds on which the Democrats can criticize the Medicare bill is that it doesn't spend *enough* money. And the bureaucratic nightmare of the No Child Left Behind act presumably never would have even made it past Congress if a Democrat had suggested it. Moreover, nobody's going to put their free-market money where their mouth is and lift sanctions on Cuba while Castro's still breathing, simply because the party responsible would lose Florida for the next God knows how long. Farm subsidies in the US remain the fiscal nightmare they have been for decades, and woe betide the politician who proposes slicing them. And so on. There are serious problems here.

To conclude, the promised optimism: the collective outpouring of secession jokes and bile-fuelled paranoia directed at the non-Kerry-voting community has an NBA-level upside. In amongst the conspiracy theories and the whining, there's a heart-

ening amount of chatter about devolved power, states' rights, and local-government initiatives from the Dems. After scratching their heads for a while, the residents of Multnomah County say: well, *we* think Measure 36 is a crock. If we want to decide who can get married in our town, why the hell should a bunch of people in Coos Bay get to tell us otherwise? At this point, those of us flirting with the "libertarian" label slap our foreheads and exclaim "finally"! If you have to give up on the Brady Bill to get there, so be it. We'll take all the support for federalism we can get, from either side of the aisle.



Olly Ruff, whose last ballot was cast for the Raving Loony Party on his native isle, is Associate Editor of the OREGON COMMENTATOR



erty. Governments have the choice of compensating a property owner who files a claim, or not enforcing the regulation against that owner.

So say I buy a house in February, and the city decides in March that no one in my neighborhood can cut down the threatened Oregon ash tree. In April, you buy the house next door. We've both got a lot of old, rotting Oregon ash trees we'd rather be without. I can challenge the city's ordinance, and you can't. If I challenge, the city must either compensate me for the diminished value of being unable to cut down and sell my trees, or allow me to do so. Now I can get rid of my ash trees, and you still can't. This disparity is entirely arbitrary, but that doesn't stop me from spending a lot of time drinking beer and laughing at you over the fence while you're raking leaves.

But it gets weirder. Even though I can get compensation or exemption from the city's regulation, if I were to sell my house, the subsequent owner might well be forced to obey the regulation. This result would be totally errant from the bedrock of property law, in which the buyer takes no less and no more than the seller deeds. It's not clear if this is true; there's a bit of a conflict here between sections (1) and (3)(E) of the Measure. But I'm sure most voters puzzled over this conflict and came to a satisfactory conclusion before casting their votes. Didn't you?

Governments: No more Mr. Nice Guy

In preparing to deal with the coming flood of compensation claims, governments around Oregon are looking for ways to take their pound of flesh. Many counties and municipalities are mulling the legality of charging a fee for evaluating Measure 37 claims. Crook county, for example, is considering charging 1 percent or \$1,500, whichever is greater, upon filing. Others are considering whether, if a claimant challenges a single rule reducing a property's value, the government may take into account the

fact that regulations as a whole benefit the property, nullifying any potential compensation.

Henry Richmond, a leader in the shaping of Oregon's land use planning system, is among those pointing out that in the wake of Measure 37, governments should reconsider the extensive property tax breaks presently enjoyed by farmers and other rural property owners. According to Richmond, tax legislation passed in the 1970's to compensate for the loss of value caused by land use regulations has benefited farm and forest owners in Lane County to the tune of \$220 million.

Legislative Reform

The best possible result of Measure 37 would be for it to be modified to a reasonable and clear form by the Oregon Legislature. Again, Oregon's regulatory regime does need reform on behalf of property rights. But this ballot measure was more hammer than scalpel. With luck, it will force our elected officials to arrive at workable reforms.



Dan Atkinson, a second year law student, is publisher of the OREGON COMMENTATOR

On Gag Me With A Chainsaw

Suicide can happen to anybody. Nobody is immune, and it can hit without warning.

--*The ODE tries to instill panic in the masses. This was the most disturbing editorial ever.*

We aren't weak for feeling these things. We aren't "mentally ill." It isn't abnormal. It isn't childish. There should be absolutely no stigma attached to having suicidal thoughts.

-- *Anyone else feel a Heathers moment coming? Hang on...*



Eskimo... Heather Duke underlined a lot of things in this copy of "Moby Dick", but I believe the word "Eskimo", underlined all by itself, is the key to understanding Heather's pain... we'll all miss Sherwood's little eskimo. Let's just hope she's rubbing noses with Jesus!

--*There. Remember: nobody is immune to Christian Slater, and he can hit without warning*

ON Bivinsisms

There were no good looking people in the 18th century.

--*Budding body fascist Tom Bivins of the J-school*

When you've been married as long as I have, you deserve to go deaf.

--*Ibid. So if you got married in the 18th century, that's the worst of all possible worlds*



ON CONTEXT IS FOR THE WEAK

We don't know if our concerns are justified, mostly because the student body has not been involved in the process up to this point."

- *The ODE, still talking about student suicide rates. But really, it could be anything, couldn't it?*

ON THE SOUND OF ONE HAND QUACKING

Quacks to California voters for green-lighting embryonic stem cell research to the tune of \$3 billion.

--*We let our guard down too soon. The ODE's perpetually inane Quacks and Smacks feature is apparently still with us.*

Smacks to holiday decorations hitting shelves two months before Christmas and New Years. Heck, why not start hauling out the tree in July?

--*You know what else? Airline food! Good golly, it's appalling! Seriously, Jen, euthanize this feature. We beg you.*



ON PROBLEMATIZING HE-MAN



Does everyone secretly long to be a young man or woman going off to fight evil? Does the movie say to really young kids that might is always right, bigger and stronger is better, and being different is only OK if you're secretly an unstoppable power? The American way?

--*The Eugene Weekly's Lois Wadsworth waxes bizarro over The Incredibles. In order: no, no, and no. Next!*

The current buzz about an American exodus to Canada is not unprecedented, Hunt said. While under apartheid rule, South Africa experienced a steady exodus of people upset with the overtly racist practices of the South African government.

--*ODE report on the imminent departure of Soc adjunct and longtime OC favorite Chuck Hunt. Hang on. They didn't just compare... no. they couldn't have just compared...*

"That's the kind of context you can see this in," Hunt said.

--*Is it now. Don't let the door hit you in the ass, sir.*

Unbelievable!

