

O R E G O N

COMMENTATOR

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A JOURNAL OF OPINION



**THE MIND/MACHINE INTERFACE:
SCIENCE FICTION OR HORRIBLE, HORRIBLE FACT?**



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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 twenty-two 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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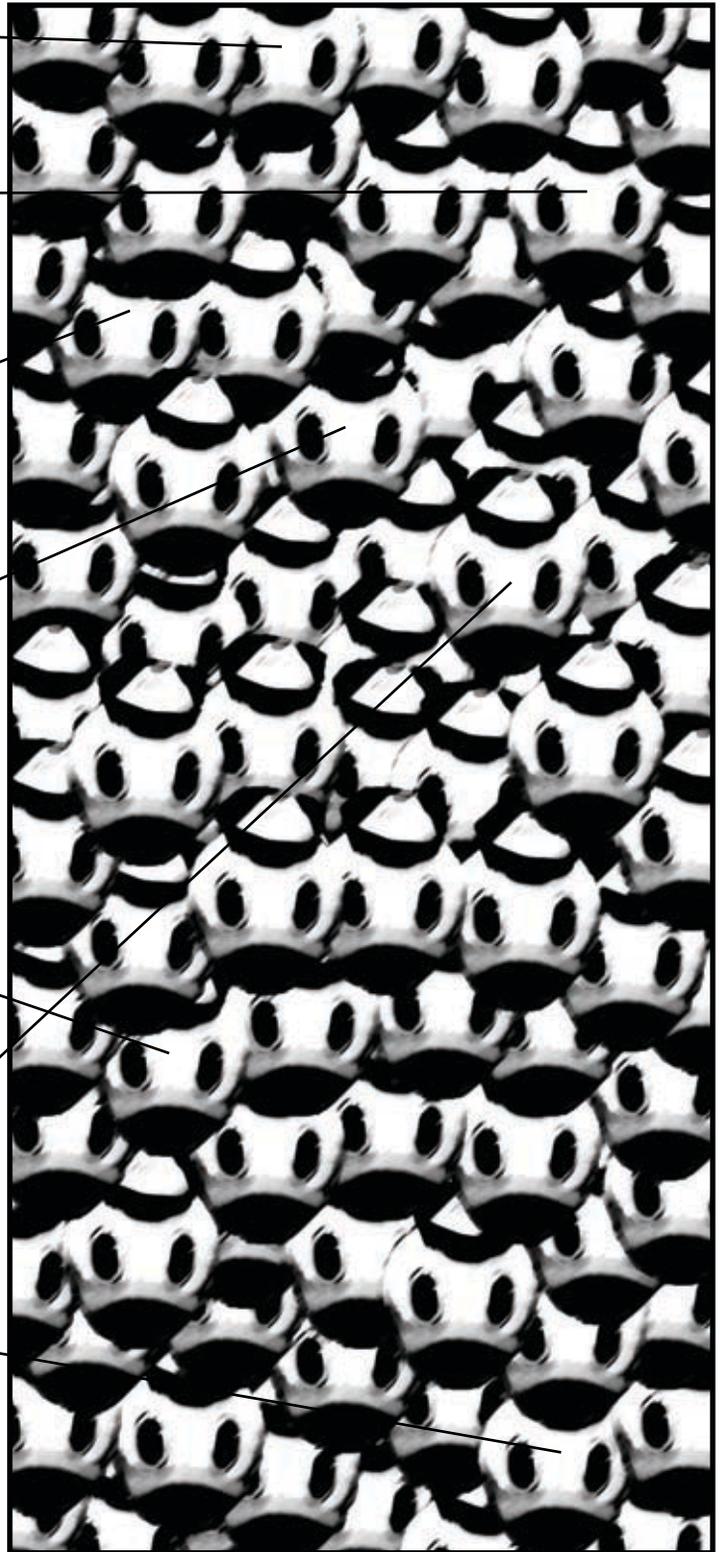
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"Andrew Sullivan isn't an intellectual, he's a journalist!"

Brain-Machine Fandango

For the past month, Brian Bogart has been sitting in a tent across from Johnson Hall, telling all who stop and listen that the UO is working on weapons programs for the Department of Defense.

The university is indeed working on projects that are, at least in part, funded by the DoD. And the research being conducted in the fields of nanotechnology, human/machine interfacing, and advanced networking technologies all have potential for use within weapons systems. But is conducting this sort of research at a public university immoral or antithetical to this institution's goals? Of course not.

Any significant technological research is going to inevitably have military applications, some more so than others. Rocketry, a field in which the government invested heavily due to its cornucopia of potential military uses, has hugely benefited humankind through communications and weather satellites. Imagine what greater degree of havoc and lost lives Hurricane Katrina (not to mention Andrew) might have wrought had satellite technology not given Gulf Coast residents some modicum of warning.

There are three research initiatives to which Bogart appears to take special exception. The first two are being undertaken by the Oregon Nanoscience and Microtechnologies Institute (ONAMI), which is working on "green" nanomaterials and manufacturing processes as well as personal energy systems. The third is the "Brain, Biology and Machine Initiative" (BBMI), alternatively known as the "Brain-Machine Interface" or "Mind/Machine Interface."

While all three projects have clear military uses, they also have numerous potential civilian applications. The "Safer Nanomaterials and Nanomanufacturing" initiative's work in reducing the environmental and human impact of nanomaterials could be beneficial to nanotech projects in nearly every field. The "Miniature Tactical Energy Systems Development" project, meanwhile, could be used to power miniature pacemakers

and other medical devices. And the BBMI project, which Bogart claims will be used to control human soldiers with joysticks against their will, has the potential to have incredible uses for those in need of "smart" prosthetics.

Bogart's most consistent overarching complaint is that as a country we have been "weapons-based" rather than "people-based" since the early 1950's. This is, of course, nonsense. Weapons don't vote, but people do vote for weapons. With most Americans' physiological needs covered it's no wonder that security became our highest priority. And considering both the war that had been fought half a decade earlier and the war which seemed, at the time, to be inevitable, it's no surprise that for the past sixty years we as a nation have been willing to sacrifice quite a bit of butter for guns.

There is a valid point to be made about military spending, and it's too bad that Bogart can't calm down enough to make it. Despite what many on this campus may think, we are in a war, and we do need to spend liberally in order to win it. But our current expenditures are polluted with big, bulky, Cold War-era weapons systems. The Virginia-class attack submarines being purchased by the Navy are perhaps the best example of wasteful, backwards-thinking spending. According to the CATO Institute, twenty-five of these Soviet sub-killers are in the pipeline to be purchased at a whopping \$2.8 billion a pop. That's \$69.2 billion that isn't going into combating terrorism, paying down the debt, or relieving overtaxed American households.

Meanwhile, Bogart will continue to sit in his tent, content in the knowledge that he's receiving school credit for – essentially – reading the Internet, complaining to strangers, and helping to amplify the dominant worldview of most UO faculty members. While he certainly doesn't deserve the credit he'll receive for the one Political Science course he's registered for this term, it'd be tough to argue against awarding him an honorary degree in Marketing.



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Do you have experience with Macs? If so, please describe your level of experience.

Do you have experience with InDesign, Photoshop, Illustrator or any other layout or design programs?

How do you feel about the COMMENTATOR's libertarian editorial position?

What other obligations will you have during the school year?

In 250 words or fewer, briefly explain why you wish to work for the OREGON COMMENTATOR. If you are applying for an editorial position, describe your understanding of the magazine's purpose and how you would approach or revise its editorial focus. If you are applying for a business position, discuss how you would manage the COMMENTATOR's assets and/or generate additional revenue. If you are already on staff, please discuss any administrative changes you would implement. (Attach sheet or use back of staff application.)

Please submit samples of related work. All staff positions are volunteer.

Please return the completed form to our office in Room 319 EMU on the mezzanine level, to our campus box in Suite 4 EMU, or mail the application to P.O. Box 30128, Eugene, OR 97403. Thank you.



Join The Oregon Commentator
Because Sudsy can always use another drinking buddy



Moseleyaku Corner

Dr. John Moseley, the UO's Provost and Senior Vice President, takes a quick catnap during a University Senate meeting. We at the COMMENTATOR have composed a haiku in honor of his leadership:

Lion in repose
loves his roar - unaware he's
more feared for his snore



Commentator Staff News

On October 13, 2005, Tyler Graf left the OREGON COMMENTATOR.

Infuriated by the latest editorial decision by the board of directors, Graf stormed out of the COMMENTATOR office, vowing never to return while "libertarian prole-hating scum" were in charge of the magazine he had once loved.

Graf's transformation from libertarian to socialist had been in motion since the beginning of the preceding summer. Low on money and in search of a job, he had frequently wondered why, exactly, someone who was low on money would be against receiving free money for alcohol and strippers from the government. By mid-October, Graf had obtained a job but was still uneasy with the magazine's editorial direction. The matches were ready and the wood was dry. All that was missing was a spark.

That spark was provided on the 13th by an editorial argument over taste in cheap beer. Publisher Bryan Roberts and Editor-in-Chief Ian Spencer argued for Labatt's and Budweiser, respectively. Graf was incredulous. "The only good beer is the beer of the proletariat: Pabst. These other oppressive brands only sew discord amongst the people," he yelled across the desk before marching out of the office.

Graf had to find a new outlet for both his journalistic abilities and newfound political views. The obvious option was the *Daily Emerald*, whom he had worked for during the summer.

But *Emerald* Editor-in-Chief Parker "Raines" Howell wouldn't have any of it. Concerned that Graf's association with the COMMENTATOR and extensive blogging experience would damage his paper's reputation, Howell informed him on Oct. 17 that his services would not be needed.

The next option explored by Graf was as a cartoonist for the *Student Insurgent*, the UO's socialist/anarchist magazine. After all, the *Insurgent* lacked a regular cartoonist and Graf felt that his new political views might allow his artistic talents to fully bloom. He submitted the accompanying cartoon to *Insurgent* head-honcho Don "Donnie" Goldman on Oct. 19.

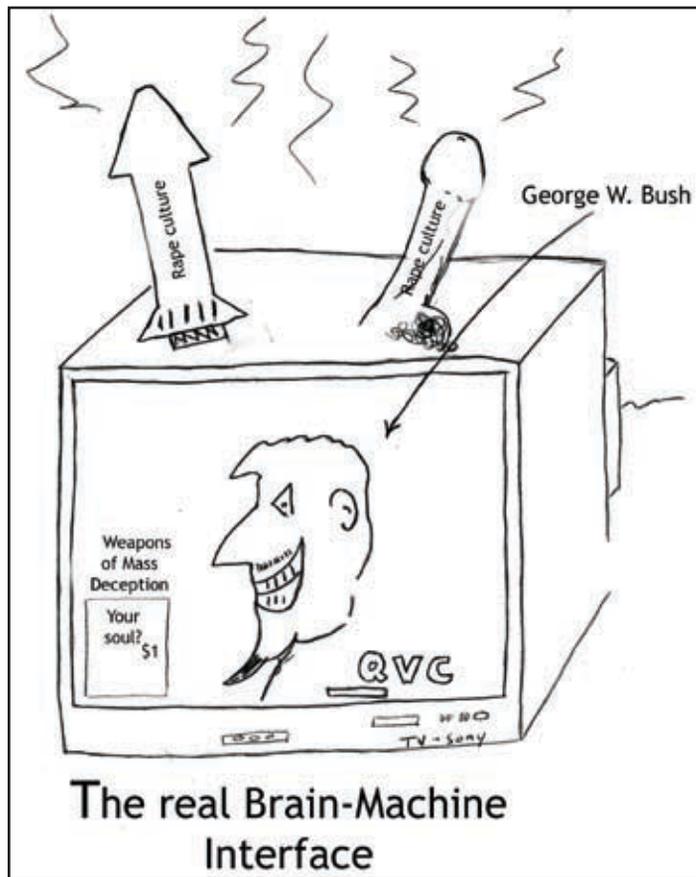
It was quickly rejected by the *Insurgent* staff, their reasoning being that the cartoon, despite its positive message, stylistically reinforced an oppressive binary-toned color system.

The next few days were tough on Graf. He skipped work and school, restlessly tossing and turning in his bed, unsure of who his friends were and what his political beliefs entailed.

Was he a libertarian? An anarchist? A socialist? A Republican? This confusion seemed to point to being a Democrat, but that feeling quickly evaporated as well.

And then it hit him: he was an alcoholic.

On October 25, 2005, Tyler Graf returned to the OREGON COMMENTATOR.



Deadly Dollars

Will the American soldier of tomorrow be the user or the used?

by Ben Hartley

If you have spent any time on campus at all this year, then you have most likely seen Brian Bogart, sitting vigilantly across the street from Johnson Hall under his alpine green “Strike for Peace” gazebo. If you have read the *Daily Emerald*, or spoken with Bogart himself, then you are also aware of his crusade against research going on at the University that is allegedly contracted by the US Department of Defense (DoD).

In an interview with the OREGON COMMENTATOR, Bogart accuses the University -- namely President David Frohnmayer -- of bypassing the University Senate, sponsoring top-secret military weapons research, and “butt-kissing for deadly dollars.”

Bogart, who worked at a semi-conductor research facility in Silicon Valley for 15 years prior to returning to school, has been politically aware and active from an early age, according to his website, strikeforpeace.org. He claims to have exchanged pen-pal letters with President Kennedy between the ages of five and seven, and even completed “Holocaust Studies” at the age of ten. By age 11, he was living in a “cooperative, conscience based community” where he learned a variety of trades, including bridge construction and design. He put this skill to use by building a 50-foot bridge when he left the community at the age of 15.

Currently, Bogart is the UO’s first and only graduate student in Peace Studies, a master’s degree program that he himself designed. Bogart said he thought the University would be as far away as he could get from Defense Department contracts.

However, after exploring the agendas of the science departments on campus, he became aware of what he alleges are 19 DoD-contracted projects aimed at designing and manufacturing weapons for the military. Bogart mentioned one such venture he called the “Brain Machine Interface,” (or Mind/Machine Interface) which he claims will be used to “remote control soldiers against their will” in combat. According to Bogart, this technological feat had already been achieved by the year 2002, when scientists “drove monkeys and rats around the room with a joystick, against their will.”

Bogart says that he and his constituents are not anti-research or even anti-weapons research, but that they “just don’t

want it to be so over-emphasized... it’s, it’s just, ya know, BS. I mean, our schools are for enlightenment, but we’re making weapons, and we’re not learning peace in the world. This country relies on conflict.” Rather than manufacturing weapons for the DoD, Bogart believes that “our national policies (should) reflect our priorities and serve the rights and needs of the common people.”

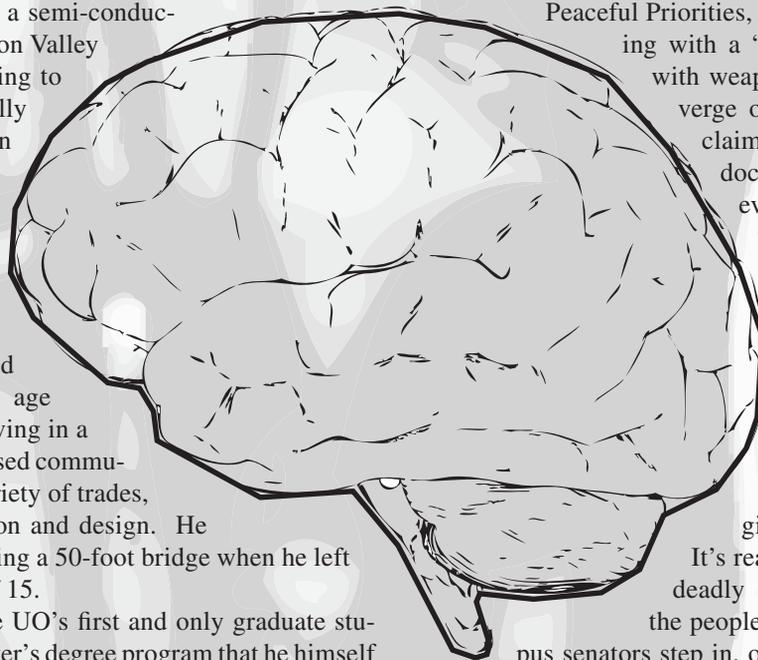
Bogart places the blame for defense-oriented research on the Association of American Universities, or AAU, which he characterizes as a secretive lobby group of university presidents who “bypass university senates and make the decisions to get research funding from the Pentagon.” In his Petition for

Peaceful Priorities, Bogart accuses the AAU of acting with a “cold determination to saturate with weapons a world that stands on the verge of resource depletion.” Bogart claims to have discovered several documents on the AAU’s website evidencing the UO’s involvement with DoD weapons contracts.

“They had letters begging the DOD for dollars, saying ‘what a wonderful war fighting force we have around the world, and we need to keep it number one, and it’s so important to do these things on our campuses, why don’t you give us a whole lot of money.’

It’s really just a lot of butt-kissing for deadly dollars,” said Bogart. “Unless the people step in, and the senators, campus senators step in, our campuses are going to more and more become bigger military installations.”

Professor Emeritus Dr. Michael Posner is head of the University’s “Brain Machine Interface” project, whose official appellation is the Brain, Biology, and Machine Initiative (BBMI). The UO’s website states that Dr. Posner is one of the most prominent researchers at the University, and one of the world leaders in the field of cognitive neuroscience, having authored several books and hundreds of articles about his research. He has been involved with or is familiar with several other projects that have been contracted with the DoD, according to the UO website, which ought to give him intimate knowledge of the University’s involvement with the DoD in regard to research. (Richard Linton, Vice President of Research and Graduate Studies, oversees all research conducted at the UO but would



not answer questions or grant an interview with the COMMENTATOR.)

According to Posner, the University research laboratories have dealt with members of sub-groups within the DoD, such as the Telemedicine and Advanced Technology Research Center (TATRC).

Regarding Bogart's claims that the BBMI project would be used to "remote control soldiers against their will," Posner states that "nothing in our project is directly relevant to this goal. It is even hard to see how this could possibly be seen as an application of any of our work."

Dr. Posner also refutes the possibility that the sort of technology Bogart referenced would even be possible within the next ten years. Concerning the TATRC's intent for the discoveries of the BBMI project, Posner and his associates were informed that the results would be used to help further the medical goals of the TATRC. "Mental and physical health and education are among the most important potential applications of BBMI research," according to Posner. He denies any weapon-related applications for the projects he has been involved in, but added that "there may be a few projects that are completely unique, but most of them are part of the general research effort going on around the US and other places in the world."

The UO's own April 2004 Federal Priorities document states that work within BBMI "will have ultimate impact on optimizing the training and performance of military personnel, such as their ability to function in stressful and complex environments and to improve the integration of human and machine. Examples include developing the ability to 'lock out' undesirable battle responses, or to assess a soldier's suitability to particular military tasks involving aspects such as attention, decision making, emotion, memory, and communication."

Perhaps the key argument in the DoD-funded research debate, regardless of the nature or intent of the research, is that if the UO refused to accept DoD funding, that money would likely flow to other universities to the UO's detriment. The concept of the Brain-Machine Interface, commonly referred to as BMI, is not unique to this University. Over the last few years, researchers from the University of Pittsburgh, Cal-Tech, Duke, and Brown University have made significant strides in the field of neuroscience and robotics.

The basic idea behind a BMI system is that neural signals in the brain are intercepted and used to control an electronic

device, without any actual motor input from the user. Using complex mathematical processes and formulas, BMI systems have allowed a monkey to navigate a computer cursor across a screen by simply thinking about moving it, without any motor activity from the monkey. This technology has also been utilized to allow a monkey to perform simple tasks with a robotic arm, by harnessing the monkey's neural impulses.

For humans, perhaps not for many years, this technology could be applied to the field of neuroprosthetics, permitting paralyzed individuals to operate prosthetic limbs using nothing more than their brain impulses.

To date, however, the furthest this research has progressed with regard to humans is facilitating a Pong game between two human users, controlling the paddles with their neural impulses. Other current applications being researched include cochlear implants that have already been used to treat non-congenital deafness, as well as retinal implants that could possibly be used to treat non-congenital blindness.

Bogart could not be reached for a response to Posner's comments. However, Fraeda Scholz, a regular volunteer and cohort of Bogart in his Campus Strike for Peace, when asked about Posner's statements, replied "[I]f the money is coming from the defense department, and if the intention of those who created the contract is to eventually be able to plant these chips into humans and remote control and all of that, then, you could say anybody who is working on a contract that is payed for by that organization, um, what else could they possibly use for?" Although Posner denies any intended weapons applications for his research, Scholz countered that "[T]he goals are for the remote control of human soldiers. So, it is somewhat, I guess, umm...maybe it's not obvious what its used for, but you KNOW what the eventual application is, 'cause they have no other aims. They don't have aims of planting flowers over in Iraq, or something, I mean, or oh, maybe they are going to use it for, you know, making a different kind of soda, or, who knows what they are going to use it for. Well actually, we do, cause they say precisely what their aims are."

"It's really just a lot of butt-kissing for deadly dollars"



A sophomore majoring in Biology, Ben Hartley is a staff writer for the OREGON COMMENTATOR.

The Fall of Small Tobacco

How nanny-state prohibitionists on the Eugene city council are waging war on smokers

by Tyler Graf

In 2000, the Eugene City Council passed an ordinance outlawing smoking in bars and restaurants. The reasoning behind the dictum was that bar patrons and employees would be better off in a nonsmoking environment. Since the ordinance passed, smokers have been relegated to the outdoors.

took effect the Helena heart attack rate dropped precipitously. Many news publications picked this story up, calling the drop in heart attacks “the miracle of Helena”. However, six months after Helena doctors declared the drop in the rate of heart attacks, the smoking ban was rescinded. According to the Times’ cover-

faulty conclusions about the dangers of second-hand smoke and that its findings could not possibly be accurate because of how diluted second-hand smoke becomes in the air. This seems to be a fairly intuitive deduction to make. If second hand smoke actually increased one’s risk of heart disease, then why aren’t social smokers dropping like flies? Why am I not dead already? Or you, smoker? Second-hand smoke may be a nuisance, but does it kill?

Like so many issues that public health advocates rally around, the jury is still out on this one. You wouldn’t know that from reading publications like the New York Times or the Eugene Weekly, though.

To be perfectly fair, the question of smoking in public places is a tricky one. There are a lot of ins and outs and what have you to this case. On the one hand, what right does a governing body have to tell you what to do in a private business, especially a business open exclusively to adults? Nobody is forcing you to patronize or work for a business. And nobody expects to leave a bar healthier, either. Quite the contrary, as most people go to bars fully intent on launching a full-scaled attack on their own livers. On the other hand, at what point does someone else’s personal choice interfere with your level of comfort and well-being?

These are questions that should be taken into consideration, to create more convincing arguments. But arguing that something is for “the public good” simply doesn’t hold any water. Who, exactly, is this mysterious public? Am I a member of it?

In Britain, Welsh Labour Party MP Julie Morgan is leading the charge to ban smoking in all public places, understandably angering a number of prominent smokers from



Five years later, the City Council decided to re-evaluate the ordinance.

In a recent news article featured in the Eugene Weekly, the ubiquitous Alan Pittman writes that the City Council is pursuing plans to do away with outdoor smoking areas in an attempt to “restore the law’s original intent.”

Naturally, the EW is in favor of this paternalistic plan, stating the plethora of evidence claiming that second-hand smoke leads to the same ailments as first-hand smoking. Although it considers itself an “alternative weekly”, there was nothing alternative about the progressive paper’s stance.

Take for example the media exposure allotted to Helena, MO, which in 2002 banned smoking in public buildings, including bars, restaurants and casinos. According to a New York Times editorial, soon after the smoking ban

age, the heart attack rate was soon back to its previous levels. The New York Times declared outright: “second hand smoke kills.”

To anti-smoking proponents, like the New York Times’ editorial board, the Helena case was yet another example of the dangers of second-hand smoke. Yet causality is not the same as cause and effect. In an editorial written in the New England Journal of Medicine, Dr. John Bailar states that there is broad evidence that meta-analyses are often not reliable. Bailar’s editorial took an extremely controversial position – and not simply because it was arguing against the second-hand-smoke-kills orthodoxy. Indeed, the main article of the NEJM in which his piece appeared concluded that second-hand smoke does kill. In Bailar’s editorial, however, he stated that the study used poor analytical techniques to reach

CONT’D ON 20

Your Staff Ad Would Go Here

...but instead of contributing, you're just another lazy alcoholic reading our magazine for the cheap jokes and subtle references to uncouth bodily functions. And hey, we love ya for it. But we'd love you even more if you got off your ass, came down to our office, and stayed up all night riding that Red Bull snake until the sun came up, which would be your cue to stumble out of the office and into the EMU Board Room, passing out in a pool of your own sweat and exhaustion vomit. Now would someone please get me a mop?

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The Real Deal on the UO's Weapon Research Program

Finally—Michael Guidero finds some projects heinous enough to get you up in arms

I arrived at a professor's office hours the first week at school, wanting to get into his class, since I had room in my schedule. Now, I'll keep the specifics of which professor and which department vague because of the subject matter, but here is an account of what happened that day:

I was making small talk with him when I noticed a file on his desk. It piqued my curiosity when I noticed a Defense Advanced Research Projects Agency seal on it. I knew I had to get a look at that file, being the journalist that I am. So I started thinking about how to get a look. The conversation wound to a close, and I left his office and went to the bathroom.

While standing at the urinal, to my surprise the very same professor walked in and went into a stall. As I left the bathroom, I heard the classic sounds of a long stay at the porcelain throne. I quickly rounded the corner to his office, and the door was open!

I took a couple looks around the hall, figuring I had about 5 minutes to do what I had to do. I quickly stepped into his office, and opened the file. There it was, right before me: Proof that Brian Bogart was right all along! There is a weapons research program at the university, and I saw summaries of several of the projects under way.

I committed as much as I could to memory, staying six... seven... eight minutes. Knowing I was pushing the limit. I shut the file and made sure the desk was as I found it, and quickly exited the professor's office. My heart was pounding, I'd done it! I found a place to sit, opened my notebook, and quickly sketched the diagrams and photos of what I'd seen. I'll apologize now for my lack of artistic ability. I just knew that I had to get it down before I lost them.

The following are descriptions of the five weapons research projects that I was able to read about while in the professor's office. Keep in mind that I had to memorize this while loaded with adrenaline and attempted to write notes down later with a still-pounding heart, so the details might be a little off, but the overall view is still both accurate and disturbing.

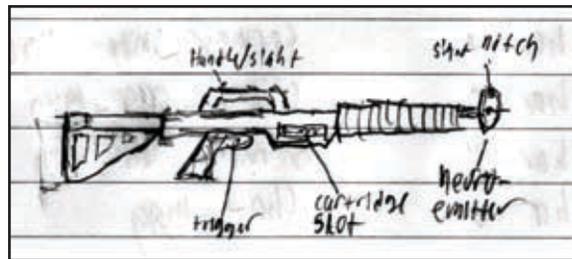
THE RR-15 RHETORIC RIFLE

The RR-15 is patterned after the AR-15 rifle, a variant of which is used by the United States Armed Forces as the M16. The RR-15, however, does not fire classic ammunition. Instead, it fires a narrowly focused low frequency radio wave carrier modulated with brainwave-stimulating signals.

The purpose of the RR-15 is to inspire specific kinds of thoughts and emotions in the target person. Instead of a magazine slot for ammunition, it has a cartridge slot for programming information. The first program developed was patterned after lectures given by professors in the History, Social Science, and Political Science departments, only with a pro-America slant.

The goal is to use this weapon as a non-lethal, non-confrontational way to influence the thoughts of leaders of domestic and foreign protests. There are also plans to

evaluate its use as an interrogation tool by instilling a desire to tell the truth into the minds of captured terrorists.

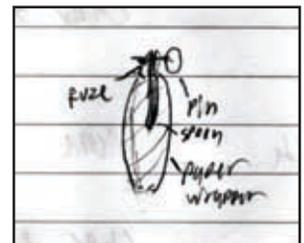


THE MK-420 CANNABINOL SMOKE GRENADE

Several cannabinol smoke grenade prototypes, code-named Mk-420, have been built at the University, with the raw materials for the payload coming from Public Safety, originally confiscated from the dorms. Evidently they have plenty of raw material, enough for hundreds of prototypes, for the same reason the University was ranked #5 for 'reefer madness' by the Princeton Review.

This program is for developing a way to apprehend neo-hippie protesters, animal rights activists, tree huggers, and similar types. The idea is that when the grenade is thrown near a crowd of these particular people, it emits a powerful attractant, smelling of the finest weed that unemployment checks can buy.

The theory is that those to be apprehended will immediately run up and attempt to huff the smoke being emitted by the grenade, which contains both THC and a sedative agent. All the mask-equipped officers will have to do is walk up and gently place handcuffs on the now docile arrestees.

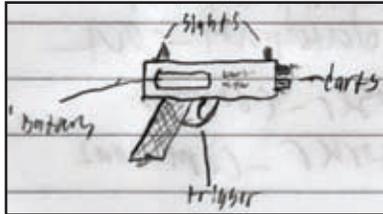


THE INCOMPETENCE TASER

Designed with grants from Taser International and the Department of Defense, the Incompetence Taser uses the same computer chip as the RR-15, but the signal is delivered via brainwave-- conveyed along the high-voltage charge that classic Tasers are known for.

The only program designed for the Incompetence Taser is

one that instills an inability to get anything done efficiently, creates a lack of sense of organization, and reduces thoughts of follow-through.



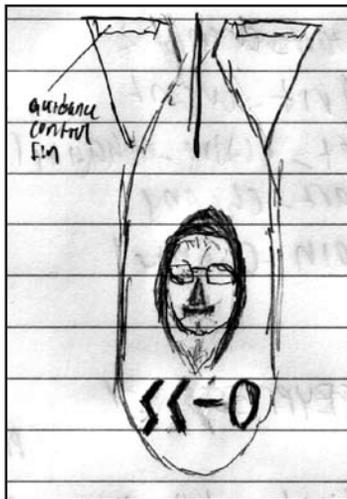
I read in the file that many of last year's ASUO officials volunteered to have the Incompetence Taser tested on them, in exchange for several Mk-420 cannabinoil smoke grenades that were used at last year's ASUO Sunriver retreat.

THE SC-0 "STINKBOMB"

Classified as an area denial weapon, the SC-0's main payload is a chemical mixture with an odor more offensive than skunk, rotting flesh, and fratboy Budweiser vomit combined.

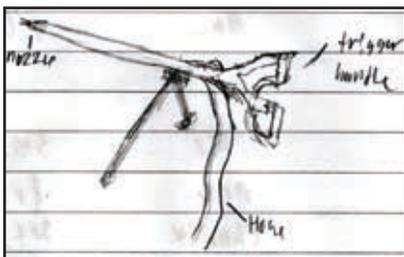
It is prepared by taking an extract of the unwashed sweat and other noxious chemicals found in the carpet and furniture of the University of Oregon Survival Center.

The photo of the very first prototype clearly showed that a face was painted onto the shell of the bomb. The face looked rather familiar, but I couldn't quite place it. Below the painting was the letters "SC-0" stenciled onto the weapon. I did my best to capture the image when I drew the above figure in my notebook, but as I said, I'm not very artistic.



THE BOOZE CANNON

The final project I was able to read about before my time ran out was, much to my surprise, somewhat familiar to me. The actual name listed on the project was something like "hydrodynamic pump-driven common off-the-shelf sedative delivery system" or other whatnot with big words I couldn't remember as I wrote my notes down. I recognized it as the Booze Cannon.



You see, at the beginning of the summer the OREGON COMMENTATOR staff was celebrating after finally getting the Hate issue out. A clean-shaven man with very short

hair approached us as we were about to enter Rennie's. He said "You guys the OREGON COMMENTATOR?"

"Yeah, we are", Tyler responded.

"Why drink here, when you can try out the Booze Cannon?"

All of us stopped and turned toward our new best friend.

"Come, I'll show you", he said.

He led us through the dark, to an open area at the Riverfront Research Park. There he had what looked like a large pressure washer with a huge sprayer mounted on a bipod. A hose was attached to a semi truck labeled like an ordinary milk shipping vehicle.

"Is this a joke?" I asked. "It's labeled 'milk'."

"No joke," the man replied, "It's really loaded with the finest booze you've ever seen."

Ian chimed in with "Ah, I suppose that'll work."

"Stand about 50 feet over there," the man said, and pointed.

We walked over to where he had pointed, and turned in his direction. He asked if we were ready, to which we all shouted "hell yeah!"

It was then we found out that the booze cannon stream was optimized for transdermal delivery of alcohol. We were instantly drunker than we'd been since Quattro de Mayo.

I don't remember much else after that... and I didn't get to read much more about it in the file in the professor's office.

With weapons such as these about to be unleashed upon the world, how can we morally and financially support the University of Oregon? Maybe Brian Bogart is right; maybe we should be boycotting our classrooms in the name of justice! We demand that the University stop researching these weapons!

Well, except for maybe the Booze Cannon. We like that one.



A senior majoring in Computer Science, Michael Guidero is Associate Editor of the OREGON COMMENTATOR

Measure 37: In Limbo Yet in Effect

While the fate of Measure 37 lies with the Oregon Supreme Court, state governments seek to adjust and everyone seeks to make it work. With added lawyer jokes to ensure readability.

by Dan Atkinson

On October 14th, Marion County Circuit Judge Mary James ruled Measure 37 unconstitutional. The controversial law, passed by voters last November with 61% of the vote, requires the state to compensate property owners when land-use regulations reduce the economic value of their property, or else waive the regulations for owners who file a claim.

The decision in *MacPherson v. Department of Administrative Services* struck down Measure 37 on three conclusions: First, that it improperly suspends Oregon laws and abrogates the Oregon Legislature's "police power" -- the power to regulate in the interests of public health, safety and welfare. Second, that it creates and favors a class of citizens in violation of Oregon's privileges and immunities clause. And third, that it violates the US Constitu-

tion's guarantee of due process because it lacks any recourse for neighbors of a Measure 37 claimant who may suffer if the state waives regulations for that claimant. (After that mouthful, I feel I owe you a joke. Q: What's the legal term for a land use lawyer getting hit by a bus? A: Nuisance abatement.)

Nobody involved in the case expects the Marion County decision to be the last word in the case. "If we win, they'll appeal to the Court of Appeals," said Ross Day, Director of Legal Affairs for Oregonians in Action (OIA), on October 7. OIA sponsored Measure 37 and intervened in *MacPherson* as a defendant. "And if they win," continued Day, "we'll appeal to the Oregon Supreme Court." Under Oregon law, cases challenging ballot initiatives are appealed directly to the Oregon Supreme Court. Oregonians in Action did indeed file a notice of appeal to that court on October 25.

Carrie McLaren, Staff Attorney for 1000 Friends of Oregon, a plaintiff in the suit, did not disagree with Day. Both were speaking about *MacPherson* as part of a symposium on Measure 37 at the UO Law School on October 7. And the case may not stop at the Oregon Supreme Court: if it considers and rules on the federal due process aspect of the October 14th decision, which is unlikely but possible, the case could enter the

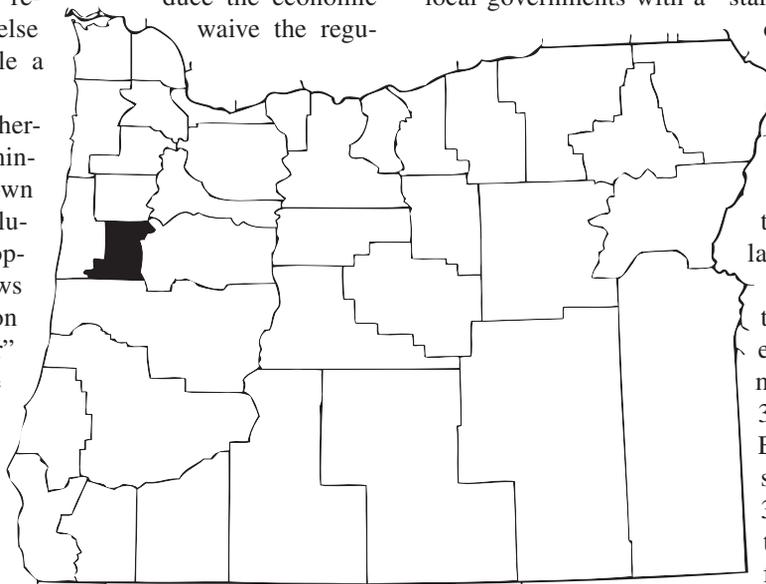
federal courts.

Although the fate of Measure 37 is in the hands of the courts, public agencies across Oregon aren't waiting for that outcome before dealing with its implications. The law presents state and local governments with a stark choice: compensate land owners with valid claims of lost property value, or waive injurious land use regulations for those land owners. The former choice severely jeopardizes government solvency; the latter threatens an end to land use regulation.

Rather than face either of these outcomes, Oregon governments are seeking ways to mitigate the effect of Measure 37. For instance, the City of Eugene is working to impose several hurdles to the Measure 37 claims process, according to Glenn Klein, City Attorney for Eugene. First, the city will require a \$1,500 filing fee for Measure 37 claims. The process will also afford neighbors of a claimant an opportunity to comment on the claim. The City Manager will then deem a claim either invalid or potentially valid. If it is potentially valid, the City Council will consider and vote on it. In addition to this procedure, according to Klein, the city is looking into authorizing a right of action for neighbors of a Measure 37 claimant if that claimant's waiver of regulation reduces his neighbors' property value.

Termed a "windfall-wipeout" by Klein, this potential right of action is an interesting wrinkle on the framework set out by Measure 37. Measure 37 gives compensation or a waiver to property owners hurt by land use regulations. But what if the waiver to that owner reduces his neighbor's property value? What if your neighbor, granted a waiver from regulation, turns his house into a tire outlet, and thereby causes your property to decline in value? It is this lack of recourse for neighbors that led the Marion County court to rule that Measure 37 violated federal due process. (You're right, I owe you another. Q: What do you call it when your neighbor turns his lawn into a mass grave for land use lawyers? A: A non-conforming use.)

The creative ways in which Oregon public agencies seek to



Measure 37 passed in all counties but Benton

CONT'D ON 20



The end of the Saturday rush to spend points may be coming to an end. The Residence Hall Association (RHA) will soon begin to allow dorm residents to roll over unspent meal points to the next week. The benefits to students are simple: most meal points that students have paid for will no longer be wasted if the students don't spend their entire weekly allotment.



The topic has been on the minds of students for quite a while.

"I'm sick and tired of waiting in line to spend my last ten points on Saturday night," said Walton resident Clifton McVeigh.

Additionally, residence hall and food service staff will no longer have to accommodate the increased weekend traffic at popular food providers such as Common Ground and the Grab n' Go.

Yet the meal plan change may not be in place in time to benefit current residents who may be planning to move off campus next year. According to the original press statement, issued by RHA president Todd Mann, the implementation of the change by winter term is "dependent on the progress of the computer programmers."

ASUO president Adam Walsh made rollover meal points part of his campaign

Ty Davis investigates the Residence Hall Association's planned changes to the dorm meal plan system

platform last year.

"It's always nice when something on your platform gets taken care of," said Walsh, who stated that Cassandra Day, ASUO liaison for the RHA, had prepared a one- year campaign to continue the push for rollover meal points, adding that the potential for the changes to reach completion was "more than we had hoped for."

Walsh said that he has not heard anything new concerning the progress of

to be completed by fall 2006. The code change that could possibly be ready for winter term would only be a temporary change to the existing program while programmers continue to work on the new system for Fall 2006.

"An important element in this proposed change is implementing a point cap, which would be the maximum amount students could roll over each week," said Mann, in a statement available on the RHA website.

This would decrease the number of points the students would be able to keep from week to week, and is designed to prevent a huge rush at the end of the term. The specific point cap is still unknown, and Food Services is not planning on allowing points to roll over from term to term.

Outdated DOS formats were not the end of the RHA's computing difficulties, however: an inaccurate email address led to communications errors over the summer, spawning rumors of disharmony between the RHA and the ASUO which have since been smoothed over. Day said that the two groups "definitely learned what happens when our communication fails." As a result of this lesson the relationship between the RHA and the ASUO has improved.

Todd Mann agreed, saying in an email that "the relationship between RHA and the ASUO is the strongest it has been in at least three years."

Day added that as part of increased communication efforts she is meeting with RHA members "several times a week to make sure we're constantly communicating with each other."

While the announcement of the meal point rollover plan is a clear political victory for Adam Walsh, it remains unclear how much of a role, if any, his campaign promises played in the

computer programmers carrying out the changes.

"Computer programmers are modifying and/or rewriting the current system," said Tom Driscoll, director of University Housing Food Services. "They will continue to work toward winter term."

The meal plan program is maintained by the computer center, which makes any changes requested by the RHA.

According to Driscoll, the meal plan change was originally intended as part of a larger system update from an outdated DOS format to Windows. The rewrite affects a system that Driscoll said "incorporates most of what housing does, from room assignment to meal access." This system rewrite has been in progress for over a year and is expected

CONT'D ON 21

The Capricious Power of Memos

...and the birth of yet another ASUO Committee

by Bryan Roberts

The ASUO wouldn't be the ASUO without its renewable resource of acronyms, and this year the new one on everyone's lips is the RRC. Over these first few weeks of Fall Term, a fresh arsenal of catch-phrases relating to the newborn entity have sprung to life, leaping from *Daily Emerald* headlines or just insinuating themselves inexplicably into conversations between people who have no idea the meaning thereof-- sometimes even spiraling out from these conversations to accost passersby who have even less stake in the Acronym Wars, trying as they are to dodge panhandler and frisbee-thrower alike in their effort to scuttle from one class to the next without interference.

So what is the RRC, you ask? What is the RRC, indeed.

The Recognition Review Committee made its public debut on Thursday, October 6, when its existence was announced before a Programs Council meeting for Incidental Fee-funded groups of the Associated Students of the University of Oregon. The story begins much earlier, however, under nebulously defined circumstances: "Sometime in May," outgoing ASUO President Adam Petkun signed a memo that brought the committee into being as "an extension of the Executive's power."

David Goward, who last year was a candidate for the ASUO Executive position, was appointed chairman of the Recognition Review Committee by current president Adam Walsh. Goward presided over the follow-up Programs Council meeting that took place on Friday, October 14, wherein he and others explained to interested parties (read: every ASUO-recognized group) just what and why the RRC is, and what it does and does not do. What became apparent over the course of the meeting's two hours was this: the only thing you can say definitively about the RRC is that there is nothing you can say definitively about the RRC.

The Recognition Review Committee is a five-person board that evaluates student organizations to determine whether they may be recognized as ASUO groups. The board consists of a chairperson, chosen by the ASUO exec, two student senators, and two representatives elected from the collected body of ASUO group leaders. Plus, if a vote should result in a tie (due to an odd number of committee members abstaining) the ASUO Vice President will sit in as a sixth member.

What this means: the RRC does not actually approve or disapprove funding for any student group, nor do they allocate funds in any way-- they leave that to the Programs Finance Committee-- but they do determine whether a given program has the validity to appear before the PFC for funding in the first place. They determine the status of every group within the ASUO over the course of a three-year cycle, reviewing one

third of all groups each year.

Ostensibly, Petkun created the committee to diminish confusion and make the group-funding process more transparent for all students. The implication is that he took this action as a response to the debacles of last year, one of which consisted of the PFC taking it upon itself to revoke the OREGON COMMENTATOR'S Mission Statement in order to defund the magazine (which resulted in the removal of certain PFC members and a vindication of this publication). The catch is that the creation of the RRC neither adds power to the Executive nor takes any power from the PFC. The Executive already had the responsibility to review all student groups on a three-year basis, determining whether they had the validity to go before the PFC for funding. The PFC still retains the authority, according to the Clark Document (which governs the ASUO group-funding process) to review a given student group's Mission and Goals. So then: what has changed, and what does the RRC really do?

At present there are no formal rules governing the RRC, only various memos; as such, the committee's particulars may vary according to the time of day and the person one is interviewing. Recurring catch-phrases* include, but are not limited to:

Viewpoint Neutrality: As in, "Viewpoint neutrality, that is going to be the crux of the RRC." Or as in, "Absolutely no biases will be allowed!" It sounds good, but when it comes to actually defining the notion of viewpoint neutrality, it means merely this: any member of the five-person board who has had some involvement with a group under review has to abstain from voting on said group-- "at least for this year, it's gonna be held to that status." Harboring an irrational hatred for a given group due to a lack of familiarity with its true nature, however-- apparently, not a problem.

Rubber Stamp: As in, "Essentially, for established groups, the RRC is a rubber stamp process. We determine whether there have been major changes to your group, and if not, we send you on to the PFC." Or as in, "This process was designed so that the PFC could function as a sort of rubber stamp, so they don't have to review every group's Mission and Goals." Back up to the Clark Document, which explicitly tasks the PFC with reviewing groups' Mission and Goals statements, and we're beginning to see the problem.

Appeal: As in, "Having been approved by the RRC, if your budget proposal is not approved you can appeal back to the PFC up to three times, as long as you have new info with each new appeal. From there you can appeal to the Senate, provided that you have new info and two thirds of the body agree to hear your appeal. If they approve your proposal, it goes back

to the Exec, who signs it or vetoes it-- if the Exec vetoes it, the Senate can override the veto with a two-third majority vote." Or as in this pronouncement from Nick Hudson of the PFC, seated behind Goward for the duration of the meeting: "I just wanna reiterate that decisions of the RRC can be appealed to the Constitution Court... we're just like the regular United States Government." Wait, does this make Steve Morozumi like a regular Karl Rove of the ASUO?

Review: As in, "The RRC will be reviewing groups' current history and level of activity." Or as in this comment from some guy in the back of the room, the only person at the 10/14 meeting wearing a tie: "Are you still going to be reviewing the Con Court-- and if so, are they going to be appealing themselves to themselves?"

Bylaws: As in, "The RRC is concerned with whether groups are maintaining their membership numbers, their Mission and Goals statements and their bylaws, and whether they are in compliance with those statements and bylaws." Or as in, "An ASUO-recognized group has to be in accordance with Green Tape Notebook bylaws." Or as in, "The RRC doesn't have bylaws as such at this time... we are working with the ASUO Executive... we are working with the Chief Justice of the Constitution Court..."

Mainly: As in, "The RRC mainly deals with new groups." Or as in, "We're mainly only concerned with a group when its Mission & Goals statement changes, or when a group's activities become different from its Mission & Goals, or when a group has a loss of membership." Once, when reiterating this point during the meeting, Goward tossed out the nugget that if at any time a given student group should be deemed by the RRC to have broken with University Policy and Procedure, that group's ASUO recognition-

- and consequently its funding-- will be pulled immediately. As in, mainly vague and sort of troubling.

Duplication of Services: As in, "There will be no duplication of services." Or as in, "One of our principal functions is to prevent duplication of services." Goward has been very careful to make it clear that all groups currently under review are seen as functionally distinct, and as such there are no plans to merge any groups. Goward is also quick to point out that the only forced merging of two student groups in recent memory was that of Project Saferide with the Assault Prevention Shuttle, which was a federal mandate and had nothing to do with any decisions made within the ASUO. Currently our irony experts are looking into the matter of how exactly to refer to an organization that has been created and vested with an authority that is entirely overlapped by two pre-existing groups, the ostensible purpose of which is to eradicate the duplication of services-- i.e., the elimination of superfluous organizations-- which it takes pains to assure everyone it has no intention of doing.

**All quotations not attributed otherwise are loosely attributed to David Goward, who-- to be completely fair-- really seems like an honest, friendly and dedicated guy who's been given a convoluted and nearly undocumented task to perform, all the while under obligation to answer stupid questions and deal with openly hostile student groups... such as the OREGON COMMENTATOR*



A senior majoring in English, Bryan Roberts is Publisher of the OREGON COMMENTATOR.

ADDITIONAL COMMITTEES AND UNIONS WE FULLY EXPECT TO SEE CREATED IN THE COMING MONTHS

- Hat Equality Committee
- Rape Culture Investigation Committee
- Brown Squirrel Union
- Gray Squirrel Union
- Excuse Committee
- Students for Peace at Minimal Cost
- Frog Kickers Union
- Squirrel Combat Prevention Committee
- National Holiday Protest Committee
- Ticket Laundering Committee
- Lazy Lovers Club
- Hurricane Prevention Committee
- Hurricane Promotion Committee
- Smokers Union
- Mind/Machine Interface Controlling Committee
- College Democrats
- Indigenous Mascot Indignation Committee
- Official Ailee Slater Fan Club
- Frog Protection Squad
- Bum Diversification and Burrowing Committee
- Committee Expansion Committee
- Committee Expansion Oversight Committee
- Bedwetter's Society

The return of...

THE GUN COLUMN

...with *Andy Dolberg*

AN ARMED SOCIETY IS A POLITE SOCIETY

On August 29th, Hurricane Katrina engulfed the city of New Orleans with 100+ mph winds, inches of rain and feet of storm surge—but that was miniscule in comparison to the amount of damage criminals inflicted upon the citizens of the Big Easy. The next day, the media featured hundreds of looters stealing shoes, clothing, DVD's and other goods. Among the looters were New Orleans Police. Recently, the FBI has stated that 600 out of 1700 police on the pay roll didn't exist before Katrina hit. Not only did the police abandon their posts, but they also took part in organized crime, lifting brand new Cadillacs and commandeering a hotel floor to party for weeks. According to the hotel manager of the Amerihost Suites, officers even stole a generator from Tulane Hospital to keep beer cold. All this time, residents who didn't evacuate were under attack from gangs and drug addicts.

Luckily, many of the residents were armed with rifles and pistols; neighborhoods formed local watches with rigged trip wires to defend their lives.

Exemplary of this phenomenon was the Algiers militia, whose members drove off several criminal attempts to loot houses. The area they protected stood unnervingly close to the Oakwood Center Mall, which was set ablaze and emptied by hundreds of people—all on live TV.

On September 8th, the New York Times reported that the police chief had banned all firearms in the city and ordered police to confiscate all weapons, even those of citizens weathering the storm of violence by staying in their homes. Fox News and ABC aired video of police and National Guard Soldiers breaking into resident's homes, arresting them, confiscating their weapons and then leaving them without any protection from the bands of looters. A law suit was filed by the NRA weeks after the home invasions and confiscations in the Eastern District Court of Louisiana. On September 27th, the court found for the citizenry and placed a restraining order upon the NOPD and National Guard, directing them to halt their tyrannical confiscations. The assistance of the court may have come too late for some residents.

Since the colonization of America, firearms have been a necessary tool for survival. Like any other implement, they can be used for good or for bad: pitchforks for use on the farm, cars for transportation, and firearms for self-defense. Hundreds of thousands of Americans carry concealed handguns and firearms everyday. According to the most recent survey compiled in December 2004, there are 9,566 Con-

cealed Carry License holders in Lane County, some small minority of which become involved in violent crime. Unfortunately, an incident recently occurred locally wherein a handgun was used recklessly and innocent people were hurt.

The short story is that on Sunday, September 25th, a man got into a scuffle with bouncers at the Indigo District and then pulled out a handgun. Bouncers attempted to wrestle the gun away from the man, but he squeezed off a round and grazed a recent university graduate in the head. This was a clear case of an illegitimate use of a firearm.

Shooting a firearm is never an accident; there are no unintentional discharges. The shooter pulled out a weapon that is designed to cause immediate death, and he aimed it at another person. He intended to kill someone whether he admits it or not.

Sorry, that's not an accident. That's Murder II.

Since I've been shooting over half my life and have recently become a firearms coach, the first rule anybody learns from me (or any instructor) is that you never point a weapon at anything you don't want to destroy. Yes, destroy. Not scare, not as a joke, not as an emotional outburst. Destroy.

I've sworn to defend the constitution and I love the Second Amendment, but this jackass doesn't deserve to carry pepper-spray, let alone a handgun. Because of his reckless disregard for the right of innocents to be free from violence, this guy deserves to have the judges throw the book at him.

Don't be tricked into thinking that everyone who supports personal defense will unilaterally support anyone and everyone carrying weapons.

It is the individual who chooses the use of weapons, and it is the individual that should be held responsible for making the wrong choice. Private firearm ownership saves thousands more lives than it takes in a year, just as it saved hundreds in New Orleans recently.

Firearm ownership is about protecting the defenseless, and preserving the peace. The Indigo Shooter is no better than the looters. Both parties used violence to take advantage of innocents, and neither party can ever be justified.



A junior majoring in Economics, Andy Dolberg is Gun Columnist for the OREGON COMMENTATOR.

Is ^{Was} Harriet Miers Astonishingly Unqualified for the Supreme Court?

Yes

No



“It’s not that Miers didn’t attempt to tackle interesting subjects. She wrote about unequal access to the justice system, about the underrepresentation of minorities in the law and about whether pro bono work should be mandatory. But she presents no arguments or ideas, except the repetition of the bromide that bad things can be eliminated if people of good will come together to eliminate bad things.” –David Brooks ‘In Her Own Words,’ *New York Times* (10/13/05)

“And Democrats, with their zest for gender politics, need this reminder: To give a woman a seat on a crowded bus because she is a woman is gallantry. To give a woman a seat on the Supreme Court because she is a woman is a dereliction of senatorial duty. It also is an affront to mature feminism, which may bridle at gallantry but should recoil from condescension.” –George F. Will ‘Defending the Indefensible,’ *Washington Post* (10/5/05)

“If the administration had a compelling rationale for Harriet Miers’s nomination, they would have made it. Simply going at their critics was not only destructive, it signaled an emptiness in their arsenal. If they had a case they’d have made it. “You’re a sexist snob” isn’t a case; it’s an insult, one that manages in this case to be both startling and boring.” –Peggy Noonan ‘Fasten Your Beltway,’ *Wall Street Journal* (10/13/05)

“There is something to be said for having a Court that is not all white men. But Miers has a whiff of an affirmative-action selection about her that is unnecessary. When Sandra Day O’Connor was tapped in 1981, she was one of the few qualified women in the country. Now, there are dozens and dozens of women on appellate courts, on state supreme courts, and on law-school faculties whose qualifications would be beyond question. There is no reason to go to a nominee who might have been on the pioneering edge 15 years ago, when she was first woman head of the Texas state bar, but has since been surpassed by women who have reaped the benefits of decades of greater opportunity.” –Rich Lowry ‘Promoting Diversity,’ *National Review Online* 10/04/05

“Harriet has built a reputation for fairness and integrity. When I came to office as the governor of Texas, the Lottery Commission needed a leader of unquestioned integrity. I chose Harriet because I knew she would earn the confidence of the people of Texas. The *Dallas Morning News* said that Harriet insisted on a system that was fair and honest. She delivered results.” –President Bush (10/03/05)

“Over the course of a distinguished legal career, Harriet has earned the respect and admiration of her fellow attorneys. She has a record of achievement in the law, as well as experience as an elected member of the Dallas City Council.” –President Bush (10/03/05)

“I’ve known Harriet for more than a decade. I know her heart, I know her character. I know that Harriet’s mother is proud of her today, and I know her father would be proud of her, too.” –President Bush (10/03/05)

“[The criticism of Miers] has a whiff of sexism and a whiff of elitism.” –Ed Gillespie (10/05/05)

“I’ve heard she has a vagina and is religious. That means that very few things will go into her vagina. And that is why it is so very clear that she will be a strict constructionist and the anti-Souter.” –Ian Spencer (10/25/05)

“I think one thing people have to realize, the fact that she was never a judge, the fact that she’s not a constitutional scholar, those are her qualifications here, that’s why she was chosen.” –Mark Simone ‘News Live,’ MSNBC (10/04/05)

“There is always a necessity to tend to a myriad of responsibilities on a number of cases as well as matters not directly related to the practice of law.” –Harriet Miers, in the *Texas Bar Journal* when she was president of the Texas Bar Association

**Winner: Anyone Sensible
Loser: Harry Reid**

'LIMBO' FROM I4

mitigate the effects of Measure 37 suggest that, contrary to the dire warnings spouted by the measure's opponents, myself included, Measure 37 will not cause the sky to fall in Oregon. Keith Hirokawa, professor of Land Use Law at UO Law School, finds the experience of Florida instructive. "Florida has a similar law to Measure 37, ... and is also of interest because it has a similar land-use planning regime to Oregon's," he said. "And when Florida's compensation law took effect, we saw a lot of the same upheaval -- 'the sky is falling, all of that. What has been notable is that the status quo has pretty much remained in place.'"

Sponsors and supporters of Measure 37 see it as a long-needed part of the Oregon land-use scheme, harking back to similar provisions being left out of Senate Bill 100, the seminal law of Oregon's land use regulation, back in 1973. "Measure 37 just provides balance by finally giving property owners a voice," said Bill Moshofsky, Vice President of Oregonians in Action. Moshofsky makes no secret of his preferences regarding land use regulation. "To the extent that Measure 37 frustrates land use planning, so much the better. It's been a one-way street up till now, with the government having absolute power to restrict what private property owners can do with their property," he said. Noting that much of government planning in the land-use realm is "wasted motion," he added that to the extent Measure 37 acts as a disincentive to regulation, "more

power to it."

Considering the division among property-rights advocates on one side and governments and the environmental community on the other, it may be a surprise that all sides are nearly unanimous about one thing: Measure 37 is a bad law. Or at the very least, poorly drafted. Day, a co-author, acknowledges that in spite of his pride of authorship, the law leaves a number of terms undefined and questions unanswered. Garrett Epps, a professor of Constitutional law at UO Law School, believes the law to have been "poorly drafted" for "tendentious reasons." Attorneys familiar with litigation over the law identified approximately five unsettled legal questions -- apart from those in issue in MacPherson -- at the October 7 symposium. Moshofsky, for his part, was open-minded: "If this law goes too far, fine -- it's not set in stone, it's not in the Constitution. It can be changed." (Okay, one for the road. Q: What happened to the land use lawyer's house? A: It was condemned by a quasi-governmental organization to make way for a shopping center that would earn his city more tax revenue. There was nothing the land use lawyer could do about it, as this was a legitimate public purpose.)



A third-year student at the UO Law School, Dan Atkinson is Managing Editor of the OREGON COMMENTATOR.

'SMOKING' FROM I0

across the pond. The most notable opponent of the prohibition efforts is British artist/smoker/pub-goer David Hockney, who has gotten into quite the public tiff with Ms. Morgan.

"Death awaits you whether you smoke or not. Pubs are not health clubs. People go to drown their sorrows," said Hockney to Morgan at a conference. "Why must every place be suitable for you? What about me? Can't there be some places suitable for me? You'll destroy Bohemia."

Destroying Bohemia aside, Hockney is correct. Why must everyplace be suitable for every possible patron? This is not the way the marketplace works. If there is a market for non-smoking bars, which I have a feeling there is, then we should allow them to flourish without the use of governmental strong-arming.

This will never happen, of course. But it's clear why smoking-ban cities use the "public good" as their cornerstone for legitimizing these silly policies. Governments are, generally speaking, more interested in the public than in the individual. Giving individuals a choice is bad because they're too stupid to make the correct choice -- the choice that the government wants them to make. A government's primary job, at least in its eyes, is to find a "problem", whether real or the product of its fevered imagination, and then "fix" it. It fixes the problem

by allowing shrill voices to draft restrictive laws. These laws create problems of their own. This is how government works, sadly.

Clearly, the original 2000 smoking ordinance created problems in Eugene. Why else would the City Council deem it necessary to redraft it now?

When the original law was passed, the city gave certain bars a window of time to renovate their premises. Many of the bars that will be affected by the City Council's latest decision spent thousands of dollars to adhere to the letter of the law, as it was written in 2000. Original Joe's, a bar located on E. Sixth Street, is an example of an establishment that renovated its interior in 2001 in order to follow the precepts of the law.

But apparently that wasn't good enough. According to Councilor David Kelley, who was quoted in an *Oregon Daily Emerald* news story, "There have been problems with some businesses looking at the intent of the ordinance and some looking at the letter of the ordinance." Isn't that how laws are generally looked at? By interpreting what they actually say, not what the fuzzy-headed lawmakers intended them to say?

The problem at Joe's is that the smoking area is, essentially, another room. It's a well-ventilated room, but a room nonetheless. Never mind that the smoking area at Joe's is com-

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'PAY 'N LOSE' FROM 15

RHA's decision to go ahead with it. Similarly, it remains to be seen whether the RHA will be able to surmount their computing difficulties in time for any of this year's residents to benefit. In summation we are left with a few bloated egos, some unanswerable questions, and an awful lot of day-old burgers.



A sophomore majoring in Journalism, Ty Davis is a staff writer for the OREGON COMMENTATOR.



'SMOKING' FROM 20

pletely separated from the rest of the bar, and there would be no other reason to enter the area other than smoking (there are video poker machines in the smoking area, but I'm sure the Councilors deem those a threat to the public as well). No employee or patron is being harmed by Joe's smoking area, and it is unclear whether any complaints have been filed about it. I'm guessing the answer is no.

Although Joe's spent money to create what it advertises as the "best smoking area in town" (and quite frankly it is), this new ordinance will force it to change. But it's all good. The city will spend \$15,000 of your money to help Joe's and other bars adhere to the paternalistic impulses of the self-described progressives of the Eugene City Council.

Let's move beyond the mistruths perpetuated by the New York Times, the Eugene Weekly and its ilk concerning the public good and tell the City Council what David Hockney told Julie Morgan: "I think you're too bossy, chum."



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WIRTH RESIGNS FROM HOUSE

State Representative Kelley Wirth (D-Corvallis), an Oregon State University alum, was hospitalized Oct. 11 for serious injuries to her lower extremities after being hit and crushed between her vehicle and a car driven by Lisa Temple, 22, of Salem. It was apparent from the time of the incident that the attempted vehicular homicide was intentional, according to Lt. Bill Kohlmeyer of the Salem Police. Temple alleged that Wirth was having an affair with her boyfriend, Fernando Mendez, a janitor at the state Capitol. And although Wirth has denied the affair, it is widely suspected that Mendez was supplying Wirth with methamphetamines.



Before

Police found a small amount of methamphetamine in Wirth's car following the incident, and she was charged with possession of methamphetamine on October 13. She subsequently announced that she would resign from the Oregon legislature effective November 15, citing "legal and health challenges."

Wirth's legislative career is notable on two accounts. The first is the dramatic change of appearance between her website's official portrait and her October 13 mugshot (see accompanying photos.) The second is her legislative record on bills related to methamphetamines.

She cast the only no vote against a bill toughening penalties for meth-related crimes, including a provision allowing judges to suspend child visitation rights for parents using meth. Wirth has cited her 2003 divorce, which involved considerable dispute over the custody of her two children, as an excuse for her otherwise poor legislative attendance record. She also voted against two other meth-related bills, including one requiring a prescription to buy cold medicine containing pseudoephedrine.

Our take: Wirth's opposition to the pseudoephedrine bill could be seen as a principled stand against a law that reduces consumer choice without offering even a pretense of effectiveness against meth production. (In signing the bill, Governor Ted Kulongoski acknowledged that only 20-25% of Oregon meth is produced in home labs using over the counter drugs, and made it clear that "we have a long way to go." Meanwhile Oregon consumers with colds are presented with additional headaches.)



After

Yet, in light of her uniform opposition to laws aimed at tackling Oregon's meth problem and her general inclination to play legislative hooky on all other issues, it's safe to say Oregon is much better off with Kelley Wirth spending her time in parts of Salem other than the capitol building, even if it means our state's burgeoning tweaker population is now unrepresented in the House.

ON *THE FUTURE OF JOURNALISM*

If online publications devalue the written word by having untrained writers write much of the content, then we writers are in bad shape.

-Writing for Magazines professor Mary Kate Edmonston Mackey.

Why does Hollywood have so much money? Where does it all come from? Why do people spend their money on terrible movies? If people just spent their \$10 on charity, this world would be such a better place.

-Pulse editor Amy Lichty in a breathless pitch for a possible magazine article in Mackey's magazine writing class. We're in far worse shape than you could ever imagine, Professor Mackey.



ON *THE CONTENT OF OUR CHARACTER*

We have to exterminate white people off the face of the planet to solve this problem. ... So we just have to just set up our own system and stop playing and get very serious and not be diverted from coming up with a solution to the problem, and the problem on the planet is white people.

- Kamau Kambon, author and former professor of African Studies at North Carolina State University, going insane at a conference at Howard University.

We're proud of being white, we want to keep being white ... we want our people to stay white ... we don't want to just be, you know, a big muddle. We just want to preserve our race.

- The Olsen Twins of white-power folk-pop, Prussian Blue, espousing their brand of insanity. If only Mr. Kambon could narrow his focus a tad.



ON *CALL THE SECRET SERVICE!*

The day after the presidential election, I was so terribly depressed and morose, but then I saw the play *The Assassins* (about the history of presidential assassinations), and it really made me happy and lifted my spirits.

-Craig Willis of Eugene's Lord Leebrick Theatre Company

The distortion of the American dream becomes justification for violence.

-Ibid. John Wilkes Booth was bad enough, and he was in the audience.

Great minds think alike.

-Some douche in Art and Human Values 250, upon hearing that someone planned to kill President Reagan in the 70's using a method almost identical to the 9/11 attacks



ON *THE SMELL OF FREEDOM*

Not only did the Republican Party win the White House again, it also retained majority in the House, Senate and Governorships. Not to mention the 11 or so states that passed very conservative constitutional amendments banning gay marriage. Smell that, Aaron? That is the smell of freedom and the conservative movement once again solidifying its leadership across the country.

-College Republican Chairman Anthony Warren's olfactory senses reach superhuman heights, as he takes Daily Emerald cartoonist Aaron DeChateau to task for his representation of College Republicans as beer swilling loud-mouths.

[Y]our cartoon was offensive to those within the College Republicans who take their faith and prohibition of alcohol seriously.

-Ibid. Beware, 21st amendment... freedom's sweet musk is coming for you.

ON *THE SMELL OF FREEDOM REDUX*

There's so much straight couples can't share together, not the least of which is using the same restroom.

-Sally Sheklow, in her latest column in the Eugene Weekly.

ON *BEING A GOOD LISTENER*

"At the *Insurgent*, we have long been appalled at the direction this country is heading. We constantly protest the injustice, corruption and lies. We rant about all sorts of outrageous things our so-called elected government does to its own citizens. Nobody listens or cares."

-From the Insurgent. The question is, why does nobody care? It could be that people are just brainwashed by the System, man, or it could be that the Insurgent prints a bunch of virtually unintelligible conspiracy-theory nonsense. Hmmm.



Adam Walsh is...

Hatman

Are you curious why ASUO President Adam Walsh almost always is wearing a hat? The answer is simple: like Superman's cape or Hemingway's whiskey, Walsh's hats enable him to gain supernatural powers. But don't even think about stealing one of them. Every time Walsh dons a new hat he must perform a bizarre pagan ritual underneath his Suite 4 desk in order for its potential to be unleashed. And in case you were wondering why Vice-President Kyla Coy is a Religious Studies major, consider this an explanation.



The Blazin' Up Hat

Endows Walsh with incredible bong-hitting, spliff-lighting powers. Rarely utilized yet, to a native Eugenician, highly treasured.



The Party Hat

Used for gettin' down. Strippers are guaranteed to forget any events that may transpire while worn.



The DC Hat

Walsh's standard political power cap. The superior choice for haggling, posturing, strong-arming, and deal-making.



The Traitor's Helm

'Nuff said.



The Vishanoff

Bestows the bearer with superhuman rhetorical and graffiti-spotting powers. Perhaps Walsh's most dangerous possession.



The Kangol Beret

"When you absolutely, positively got to kill every motherfucker* in the room."



The Foam Duck Hat

Gives Walsh superior dabbling and diving skills.

*Lawyers representing the FCC have informed us that their purview now extends to print journalism. It was only a matter of time, we suppose.