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 seventeen-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.
Watch your back, Barrel Man. We've got your number.

The non-OLCC Section begins on the next page.

AFTER SOUTHWORTH
In the less-gruesome than expected aftermath of the Wisconsin v. Southworth Supreme Court decision, things are still pretty gruesome.

PAGE 6

OC ELECTIONS GLOSSARY
We're going to be tackling some heady subjects in these next few pages. This should bring you up to speed.

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UNDERMINING THE COURT
What happens to the credibility of the system when the Constitution Court doesn't follow its own rules?

By Ted Whitaker
PAGE 10

A MOMENTARY LAPSE OF REASON
Every year, it's the same routine, and every year, someone wins. How newsworthy. Someone should put a stop to this whole ASUO thing before it gets out of hand.

By William Beutler
PAGE 12

TYRANNY OF THE INFERIORITY
For the first time ever, the ASUO Elections were almost decided by the Constitution Court, and not by the student body. Popular democracy indeed.

By Brian Ouellette
PAGE 12

SAFETY OR SEXISM?
The Saferide program finds itself entangled in controversy. Is the program a paradigm of reverse discrimination, or a useful service being unfairly targeted?

By Andrew Adams
PAGE 16

Live from death row, Mr. Abu-Jamal contemplates the thorny ASUO electoral process.
And so it turned out that holding the ASUO elections during winter term was in fact a smart move.

It didn’t seem that way: the Elections Board predicted a lower turnout this year on account of the unexpected rescheduling. 2,155 students voted this year, compared to 2,483 last year: no catastrophic margin. Only about ten percent of the UO campus — give or take — cares enough to cast their vote, and this isn’t going to change anytime soon.

More importantly, were this year’s elections held in late April like they have been since time immemorial, it’s not altogether impossible that classes may have ended for the academic year without an Executive branch of government in place.

Wouldn’t that be funny?

The current lack of resolution to the Executive race is both frustrating and laughable. For the Commentator, it’s a little tricky. This issue is, first, a sweeping indictment of the Oregon Liquor Control Commission and, second, dedicated to the obligatory elections wrap-up that we print every year under the illusion that someone, somewhere out there might be interested in hearing what the Ol Dirty Emerald won’t tell you. Except the biggest question of the previous month and a half still hangs in the air like the perpetual cloud of pot smoke over Eugene: who gets the job?

More about that in another part of the magazine. For right now, how about the Emerald this term?

Last issue (OC v. XVII, i. VII) the Oregon Commentator ran a news article explaining how OSPIRG’s budget was placed under the jurisdiction of the Programs Finance Council.

On the morning of Feb. 17, the Emerald ran exactly five sentences on the subject in the final paragraph of a related article. They read as follows:

The senate also changed OSPIRG’s budget slightly Wednesday night, although the group did not lose or gain any money. According to the Clark Document, which regulates how the incidental fee is spent, ASUO groups that receive funding through ballot measures, like OSPIRG, can only do so for one year. Last year students voted to fund OSPIRG for two years.

To correct the problem, senators moved next year’s OSPIRG budget into the Programs Finance Committee budget. Senate President Jessica Timpany said the move is not a real fee increase because OSPIRG’s budget about will (sic) remain the exact same amount that students voted on last year.

Can you say “buried?” If the Oregon Commentator took a page from Rush Limbaugh, we could be crying foul about a supposed left-wing media bias. The truth is actually much simpler and somewhat less heinous: they’re just incompetent.

Isn’t there something to be said about the fact that two of the three PFC senators themselves voted against the move? The decision doesn’t change the fact that the ballot measure violated state law in the first place. Instead, the story clarifies the obvious point that giving the money to OSPIRG (which they would have received anyway) in a different bureaucratic manner doesn’t change the amount of fees collected from students. Boy, you guys really cut to the heart of this one, didn’t you? Way to keep the public informed.

In the span of two weeks, the Emerald could print a total of five front page articles (plus one editorial) on visiting professor Francis Fox Piven’s inane theories about how the rich are oppressing the poor — but they couldn’t devote so much as a paragraph to a situation that, left unresolved, could have led to the suspension of the ASUO’s legal authority to collect student fees?

One week later Trained Monkey-in-Chief Laura Cadiz — who only pops her authorial head out for breaking news like the Kinkel conviction or Frohnmayer’s heart problems — ran “Lies, unfairness alleged in PFC,” a 1500-word opus on ASUO President Wylie Chen’s dissatisfaction with next year’s Executive budget. So Laura, what’d you get in return?

Consistency isn’t the Ol Dirty Emerald’s strong point. If you want fair and unbiased reporting, the Emerald is not going to be your first stop. Neither is the Commentator, but then we’ve never hidden behind any veil of impartiality. Anyone who tells you otherwise is lying to your face.

Of course, the Emerald’s advertising rate sheet unwittingly points out that the single most read part of the newspaper is the crossword puzzle. At least they know who their audience is.

Oh, and also: the Commentator received its first death threat of the year. We’re not sure exactly why, but this we know: we must be doing something right.

LIES, UNFAIRNESS ALLEGED IN ASUO-FUNDED GROUPS

Are we talking about OSPIRG or the Emerald? Precisely.
Got Balls? Part II

A little more often than every once in awhile, the Oregon Commentator gets tagged as ‘offensive’ or ‘off-color.’ We get some of our best feedback from these people, even if we don’t print it all. Our friends at the Eugene Weekly, on the other hand, have again proven their propensity to crumble beneath a modicum of criticism.

Prompted by a handful of letters to the editor, Max Cannon’s tour-de-force of obscenity (popularly known as “Red Meat”) has been permanently removed from the paper. According to the editorial staff, they had “talked about retiring ‘Red Meat’ for months.”

In the past year, Portland’s Willamette Week and New York City’s Village Voice each dropped “Red Meat” from its pages — that is, until the next day’s mail hit the fan. Both publications, alternative tabloids the likes of which the EW poorly imitates, quickly reinstated the comic strip. The EW by contrast maintains its resolve to put the strip behind them. To quote their editorial response, “We enjoy bad taste as much as anyone, but enough is enough, already.”

Memo to the EW: Look here, morons — you don’t mind if we call you morons, do you? — the only reason any UO student has to pick up your tired, vacuous, sixties-holdover of an ‘alternative’ newspaper is because of Max Cannon’s depraved mind.

So all it takes is two letters for the Eugene Weekly to drop one of the few bright spots in the cultural morass that is the modern comic strip? Well, let’s find out. If everyone who reads this sends an email to <editor@eugeneweekly.com> and complains about “This Modern World,” then maybe that will get axed as well. Seems only fair.

Besides, that penguin is a total shill for Linux.

The Sincerest Form of Flattery

The Oregon Voice has taken their ‘original’ journalistic style to the next level with their March 2000 article “www.books.com,” following the OC’s “www.beat-the-bookstore.com” by nearly a month. In the debate over the textbook prices of online versus campus stores, the Voice claims the UO Bookstore is more desirable, a viewpoint contrary to the OC’s findings.

But wait a minute — didn’t the Emerald take this angle shortly after the publication of the OC’s article? Yes, albeit poorly.

The Voice hardly does any better. The majority of their argument is based on information obtained from the National Association of College Stores (NACS), an international trade association. A trade association for college and university bookstores is hardly a non-biased source; it is in their best interest to protect their members from outside competition, such as online (read: independent, non-union) textbook companies. Article III, Section 1a of the NACS Bylaws states that the purpose of the association shall be “to unite in one organization those persons and firms in the college store industry.” Claiming 85 percent of college bookstores nationwide as members, the NACS is closing in on its goal. Way to go, Oregon Voice — you’ve brought us all one step closer to loving Big Brother.
On the Wednesday of spring break 2000, while many a student eager shed their towels on the beach of Cancun for MTV’s cameras, the Supreme Court handed down a decision on student fees that will impact every public university in this country.

At the University of Oregon, a fee very much similar to the one objected to by Wisconsin students has already been contested in the circuit court system. While the mandatory fee subsidizes a wide range of services intended to benefit students, the controversy primarily revolves around certain activities financed by the student governments of both universities. The ASUO, like the MSU at the University of Wisconsin at Madison, is the very student government for which mandatory fees are collected in the first place.

Prior to the Southworth case, Rounds v. Oregon State Bd. of Higher Ed. (1999) challenged the legality of the student fee system, in particular its subsidy of the Oregon Student Public Interest Research Group, best known as OSPIRG. In Wisconsin, Southworth and his fellow petitioners filed their initial suit in 1996 with the analogous WISPIRG principally in mind. The myriad problems with the PIRG system have been recounted innumerable times in the pages of the COMMENTATOR, and even the Supreme Court indicated their own doubts in the majority opinion: “For reasons not clear from the record, WISPIRG receives lump sum cash distributions from the University... the full extent to which WISPIRG puts its funds is unclear.” Had the Court been given the facts on the PIRG’s funding scheme, perhaps the decision would have been different.

Of course, the specifics of the PIRG system were not central to the case; it was instead about the mandatory fee system that supports them. In this decision, the Court for the most part — but not entirely — upheld the fee.

Were student governments and PIRGs across the nation merely breathing a sigh of relief, that alone would be understandable; whether the UO would have been equipped to make the necessary changes in such a situation is questionable. Instead they are calling it an unequivocal victory for the mandatory fee process, a statement that is both myopic and easily fallible. Quoted in the Oregon Daily Emerald on Monday the 27th, ASUO President Wylie Chen claimed that the ruling “erases any doubt people have about paying the fee.” Either the Emerald used his words out of context, or Chen is simply unfamiliar with the particulars of the decision — even the Justices of the Court expressed their own doubts about the fee while upholding it.

A simple assessment of the majority and concurring opinions (issued by Justices Anthony Kennedy and David Souter, respectively) reveals the obvious: the Court issued what can only be defined as a mixed ruling. Some arguments are less developed than others; key terms have yet to be defined; and a number of new issues have been raised. A unilateral endorsement of the current system it is not.

The Court in fact merely acknowledged states’ constitutional freedom to collect money from enrolled students for disbursement by their student governments. “The First Amendment permits a public university to charge its students an activity fee... if the program is viewpoint neutral,” Kennedy affirms in the opinion. So long as the appropriation of fees is based on an impartial process protecting minority speech — as the first amendment intends — the system is constitutionally protected.

The Southworth ruling is by no means the Court’s final statement on the mandatory fee process. Instead, they have drawn up the blueprints for future debate on the fee issue — and carved out the specifics of potential litigation in the future.

Viewpoint neutrality in the allocation of student funds — essentially an impartial distribution of monies to student programs without regard to their ideological orientation — is the key principle upon which the Court supported the fee system. However, even this noble standard carries with it many questions and uncertainties that the Court has failed to address in full.

Supporters of the fee system point out that governments collect taxes from constituents who may not support all of the programs financed by their dollars. Whether an individual student disagrees with some of the programs, they argue, is irrelevant — all groups have a right to use the forum — so long as it is viewpoint neutral. The problem with this argument is illustrated by Supreme Court
The mandatory fee system (and necessarily, our own ASUO) falls into the third category. The peculiarity of this funding model is that it blurs the line between private and public spending, and hence, private and public speech. The Supreme Court, perhaps rightly, seemed to think they were faced with an all or nothing proposition. Either they had to affirm the use of student fees for whatever a university might deem educational — or they had to deny universities the right to collect fees in the first place. The Court opted for the former.

Student groups must obviously compete for access to this money, as it is a limited, if bloated, resource. Southworth’s argument was that unpopular causes will not be granted equal access in the politically biased nature of government, and therefore a standard of viewpoint neutrality must be adhered to.

But what does “viewpoint neutral” mean, anyway? The concept sounds strangely oxymoronic. Can a viewpoint be neutral? Rather, can an opinion be impartial? This reasoning is confusing at best and inconceivable at worst. Nevertheless, this is the Supreme Court’s qualifier on the legality of the mandatory fee system.

Kennedy explains, “Viewpoint neutrality is the justification for requiring the student to pay the fee in the first instance and for ensuring the integrity of the program’s operation once the funds have been collected.” Justice Souter, in his concurring opinion (joined by Justices Stevens and Breyer), takes the University’s assurance that their process is viewpoint neutral at face value: “I would hold that the First Amendment interest claimed by [Southworth] ... is simply insufficient to merit protection by anything more than the viewpoint neutrality already accorded by the University, and I would go no further.”

Is the fee allocation process at the University of Oregon viewpoint neutral? Clearly, there are dozens of ASUO programs that lean to the left-of-center, while the Oregon Commentator is the only funded organization that regularly espouses conservative beliefs. The empirical evidence at the University of Oregon, at Wisconsin, and elsewhere would indicate that the system is clearly biased in its political orientation.

Popular bias does influence speech created by the fee; minority voices are often neglected.

One of the silver linings to the decision is the Court’s position that “the student referendum mechanism of the University’s program... appears to permit the exactation of fees in violation of the viewpoint neutrality principle.” A ballot measure inherently favors popular speech over unpopular, thereby violating this principle.

OSPIRG, for example, has traditionally gone to the ballot to obtain their budget; under the Southworth ruling, the University could force OSPIRG to seek ASUO funding in the same manner as virtually all other student-funded programs.

Were OSPIRG to go before the ASUO Programs Finance Committee (PFC) each year, what would be the likely outcome? Two facts about the PFC’s operational procedure are integral to understanding this.

First, the PFC presumably bases its allocation to programs on, *inter alia*, each individual organization’s financial solvency and accountability. OSPIRG currently receives a flat $126,000 by mandate of the popular vote, all of which is sent directly to its parent organization in Portland. The most significant portion of that budget ever traced back to the University was a fraction of a percent, as provided by OSPIRG through discovery during the Rounds case. It stands to reason that the PIRG system to which many object would have to demonstrate how their money is spent, lest they lose their budget.

On the other hand, OSPIRG has historically held a powerful sway both in the ASUO Executive office and the Student Senate, of which the PFC is part. Despite frequent criticism, their influence is substantial. Whether the PFC will continue to fund an unaccountable program without the student mandate has yet to be seen.

The only way to ensure that student fees are distributed properly (i.e. fairly and impartially) is to remove human decision from the process. This is patently impossible. Whether a group is funded by a popular vote or by government officials elected by a popular vote, the result is the same. Political influence cannot be divorced from the decision-making process.
from the fee allocation process.

This is one of the Court’s less developed arguments. While Kennedy is correct to recognize the referendum process as flawed, he does not carry this reasoning to its full extent. This stands as a likely point of contention upon which further lawsuits might be based.

Another significant aspect of the ruling concerns the degree to which incidental fee programs are germane to the academic atmosphere of a university, and what this even means, specifically. The ramifications of the Court’s decision on this matter are quite ominous.

The Court recognized that the incidental fee is collected to help state universities fulfill their educational role outside of the strict classroom setting. The mission of the University of Wisconsin, as cited from the majority of the opinion is: “to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural, and humane sensitivities... and a sense of purpose.”

It is no great leap of logic to call this a broad definition. Over the years, state systems of higher education have developed thousands of programs, departments and policies; the existing mandatory fee is one tax among many. What a University can squeeze under the definition of its “educational mission” could fill Autzen stadium a dozen times over.

The Court understandably walks a fine line in trying to interpret what a University’s educational mission encompasses and what does not. Err too far to either side and the educational atmosphere of a state university is compromised. Souter writes, “it is enough to say that protecting a university’s discretion to shape its educational mission may prove to be an important consideration in First Amendment analysis of objections to student fees.”

Essentially, the Court refuses to define the educational mission of a public university. Nearly anything could be potentially educational, political and religious groups included. If the actions of WISPIRG (or perhaps a WISNational Rifle Association) meet the state’s requirements as an educational extension of the university’s programs, then a university may require its students to fund it without relief on First Amendment grounds.

By opening up the criteria for appropriate student groups to include political and religious groups, the Supreme Court has written a blank check for any organized union to seek incidental fees which it may put to virtually any use it sees fit.

By opening up public funding to political and religious groups, the Court has written a blank check for any organization to seek incidental fees, which it may put to virtually any use.

Attending a public university is expensive enough as it is — now it will become even more inaccessible to those of lesser means. Five hundred dollars per year may be a drop in the bucket for some, but for...
many more it could mean the difference between attending the University of Oregon or attending Lane Community College — where students paid a total of $24.38 per term in incidental fees last year.

The potential for abuse should be self-evident, and this threat is far from theoretical. OSPIRG has already demonstrated what can happen when public funds and private interests are mixed.

Student PIRGs, which are registered with the state as 501(c)3 non-profit corporations, may collect public fees but may not spend them on political activities such as lobbying. State PIRGS are separate legal entities registered as 501(c)4 non-profit corporations. By contrast, they may not receive public funds, but are permitted to spend money on lobbying efforts. The great bulk of the Student PIRG’s budget is paid to the State PIRG as rent and to pay staffers’ salaries — money that is in turn spent on the organization’s political activities. The fact that this is in violation of tax code is obviously not one the Court was familiar with.

The streamwalks, voter registration drives and comparable activities that the PIRGs conduct on campus are volunteer efforts with scant overhead, requiring an infinitesimal fraction of their overall budget.

When you come down to it, PIRGs are not legitimate student groups acting on behalf of a university’s educational atmosphere — they are fronts for a political lobby that exploits the mandatory fee system for its own purposes. Students at the University of Oregon have been taken advantage of for decades. Now Justice Kennedy has given OSPIRG and other political factions the constitutional protection to continue doing so.

**WHEN STUDENT GOVERNMENT LEADERS EXTOL THE VIRTUE OF “STUDENT CONTROL OF STUDENT FEES,” WHAT THEY ARE CELEBRATING IS THEIR RIGHT TO CONTROL YOUR MONEY.**

However, the Court did grant objects to the fee and to the PIRGs’ funding model an invaluable weapon: while the Court refused to limit the spending of fee money off-campus, they did affirm the right of state universities to do so themselves, should they deem a group’s activities not germane to the academic development of its students.

“We make no distinction between campus activities and the off-campus expressive activities of objectionable [fee-funded programs],” Justice Kennedy writes. “If the University shares those concerns, it is free to enact viewpoint neutral rules restricting off-campus travel or other expenditures... for it may create what is tantamount to a limited public forum if the principles of viewpoint neutrality are respected.”

Were the Oregon University System, Dave Frohnmayer, or even Wylie Chen to decide that OSPIRG does not fall under university’s educational umbrella — an argument for which there is no shortage of evidence — the PIRG could be out of a funding base.

Dave?

Quoted in newspapers and on television toward the end of spring break, many student representatives (including one defeated ASUO presidential candidate and his campaign manager, who shall remain nameless) proclaimed the Supreme Court’s affirmation of “student control over student fees.” John Wykoff, spokesman for the Oregon Student Association, told the Salem Statesman-Journal that “This puts an end to the debate over whether students should control their own fees and whether there should be free speech on campus.”

Not only is this claim short-sighted and incompatible with the facts, it is misleading. Student fees are paid by every matriculated student on the University of Oregon campus. Student control of these fees is held and fiercely guarded by an active but self-interested minority, a minority which includes OSPIRG. When student government leaders
UNDERMINING THE COURT

The Constitution Court is equipped with “supreme and final authority” to interpret the ASUO Constitution. Ironically, these watch dogs of rules and regulation have slipped themselves.

By Ted Whitaker

The populous of the United States is governed by a system consisting of three equal parts: The legislative, executive, and judicial branches. Every day there are decisions made that affect the spending of other people’s money and the limits of our rights.

While living in an educational bubble it is easy to forget or ignore the importance of these decision-makers. Whether you know it or not (or even care), as students our rights and money are decided on in a manner equal to that of the outside world by our student government. Not surprisingly, the ASUO is set up according to the same tripartite arrangement as the federal government.

Unless you are completely oblivious to collegiate print media, you can’t help but notice the amount of space dedicated to issues that involve the ASUO.

Lately, the issues covered all involve the candidates running for seats in student government — and not the actions of the existing branches themselves. Ever hear of the Constitution Court? For the past few weeks they have been key players in the tired situation concerning CJ Gabbe, Peter Larson and their alleged use of snack food to sway voters.

The Constitution Court (or ConCourt, for short) is the judicial branch of the student government. It is equipped with “supreme and final authority” to interpret the ASUO Constitution. The ConCourt’s job is to clarify the law, neutrally resolve disputes through application of that law, and to make sure the ASUO abides by its own laws.

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Let’s start at the beginning: If there is an issue somebody would like to see appear as a ballot measure, they must petition the ConCourt. The court then reviews it for clear, objective language and any wording that may influence voters (article 14.5 of the Constitution for those of you interested in a little political endowment). If the petition is rejected, the petitioning party must resubmit it with corrections that satisfy 14.5. It is not within the boundaries of the ConCourt’s authority to change the language of a petition for it to be satisfactory, but only to explain the errors made in the initial submission.

ASUO President Wylie Chen petitioned the ConCourt for a 53 cent increase of the student incidental to generate $25,000 so the Designated Driver Shuttle could purchase a new 15-passenger van (for more information on this service see recent ballot measures #3 and #7). The Court found the measure to contain wording unsatisfactory under article 14.5.

Instead of the petition being rejected, the ConCourt recoursed to taking, what even they termed, the “unusual and extraordinary step of suggesting alternate language.” The court conceded its dealings with measures #3 and #7 were different from previous ballot measures because in this case, the ConCourt made the final revision themselves — without the procedural resubmission.

In an email discussing the petition and the language-changing decision, the ConCourt’s former Chief Justice Jeremy Gibons said that this was done “only in recognition of exigent circumstances which would delay a rehearing of such a resubmission until well after the ASUO Elections have ended.” When asked exactly what these “exigent circumstances” were, Gibons said he could not comment. “We don’t like to do it but sometimes we feel like we have to,” he said.

Gibons also discussed the scope of the ConCourt’s authority and acknowledged that it is outside of that scope for the ConCourt to tamper with the language of submitted petitions. In this case though, he felt the decision was acceptable. “It’s an issue we struggle with because we have to stick to ASUO standards,” he said.

Gibons himself pointed out that it’s not a good idea to do

**Turn to COURT, page 18**
Whether the ASUO will ever hold a smooth election is not even a subject worthy of debate. Students who have attended the University of Oregon for just a short time might look at this year’s spectacle and call it for what it is: a debacle — but this year is hardly exceptional.

It was a somewhat unusual year for ASUO elections though, starting with the advanced schedule. This is the first year that the process took place during winter term, as opposed to the spring term of history. All voting took place online; the familiar voting booths with their nifty little Scantron sheets are a thing of the past. The Chapter Chair of OSPIRG even lost her senate campaign to a COMMENTATOR staffer chiefly employed in the capitalist practice of soliciting advertisements. This, a mere three years after OSPIRG State Board Chair Kalpana Krishnamurthy reigned as Senate President. On the other hand, a certain COMMENTATOR editor did lose his race to a guy in a barrel. The voters are a fickle bunch.

The major development of course is that Jay Breslow and Holly Magner, relative outsiders to the ASUO Kremlin (aka Suite Four) stole the presidency out from under the beleaguered (and depending on who you ask, much-venerated or much-vilified) CJ Gabbe.

Gabbe and running mate Peter Larson (if you’ve been ignoring the elections like any sensible person would) drew a great deal of criticism and campus media coverage for the International Students Association coffee hour they sponsored on Feb. 4. Spending $40 on the event, the two violated elections rule 2.4(a), which bars candidates from providing a “thing of value” to solicit votes from students.

CJ and Peter claimed their ISA coffee hour was a voter awareness campaign, rather than one intended to promote their own candidacy — sort of the university-level equivalent of the issue advocacy advertisements of Clinton’s 1992 campaign. Both featured the candidates prominently; both carefully avoided the phrase “Vote for...” However, Clinton’s ads were paid for by Democratic soft money, utilizing a convenient campaign finance loophole. The Gabbe/Larson “voter awareness campaign” was paid for by themselves, and anyway, the ASUO Constitution probably wouldn’t hold up to the test of such a political maneuver.

What hurt their candidacy in the end was not this mistake per se, but their unapologetic response to what was clearly a breach of elections rules. On Feb. 9, campaign manager Melissa “Munger” Unger told the Emerald that “we were there to promote our campaign. But we weren’t there to promote the outcome.” Whatever.

Gabbe’s candidacy was rumored as early as fall term, and since the announcement, his was the front-running ticket. The length of his tenure in the ASUO, his connections on this campus and elsewhere, and not least his sizable war chest all positioned him ahead of the pack. Only one thing stood in Gabbe’s way: his reputation. Even as he ran for the presidency, Gabbe faced charges of non-fulfillment of duty as a Student Senator. The whole thing culminated at the Feb. 25 ConCourt hearings, where Gabbe was the connective tissue between two unrelated hearings — one being the Senate charge, the other Gabbe and Larson’s appeal of their removal from the ballot on account of the coffee hour scandal. Gabbe dodged both bullets, evading expulsion and winning reinstatement to the ballot. Bill Clinton couldn’t have been more proud.

After Gabbe and Larson were initially pulled from the contest, the Oregon Daily Emerald drew flak for running back to back commentaries by the embroiled candidates and by Ken Best on behalf of the Elections Board. Upset at the free media granted his rivals, then-candidate, now President-elect Jay Breslow paid a visit to the Emerald’s office in search of satisfaction. Breslow’s concern was not hard to understand; political scientists (like social scientists, except more likely to appear on CNN) have determined that small-scale elections hinge on the basis of a candidate’s recognizance more than on their platform. University elections are classic examples of this. Gabbe/Larson hardly needed any more free press than they had already been awarded. A week later, after surviving the prima-
ELECTIONS WRAP-UP

Because of election complications, Jay Breslow got his Emerald commentary.

CJ Gabbe and Peter Larson inarguably had a right to respond to the allegations made against them, but fully half of their 470-word defense was devoted to promoting their campaign. Furthermore, the Emerald displayed poor judgement in running the piece. The attendant commentary from the E-Board was perhaps a greater error in judgement — the Board can hardly call itself a neutral party when it goes on the record to debate the candidates it has removed. For his part, Best later told the Commentator that “after I submitted the commentary, I pretty much decided that it was a bad decision on my part.” This kind of self-reflection may have been exactly what tipped the scales in favor of Breslow/Magner: Gabbe/Larson displayed none of it. Even after the ConCourt found them guilty but restored them to the ballot as per technical error of the E-Board, they continued to plead innocence.

As an act of contrition, the Emerald printed letters critical of their editorial page in its letters-to-the-editor column during the week leading up to the general election. However, they also continued to run letters in support of Gabbe from student government representatives of neighboring universities — people who have little knowledge of this campus, nor any vested interest in the outcome of ASUO elections. All told, the Emerald handled themselves poorly throughout, involving themselves in the controversy more than is healthy for any impartial “journal of record.”

Attributing the fall of the Gabbe/Larson juggernaut to the Emerald’s influence is a bit presumptuous, though. Apart from last year’s support of Wylie and Mitra, the Emerald has not endorsed a winning ticket for going on four years, and even the potential for the Emerald (or even the Commentator) to saturate a voter’s consciousness pales in comparison with the expensive poster and T-shirt campaign that any serious candidate counts as their first priority.

In a year where campaign finance reform has been one of the major issues in the US presidential elections, the cost of an ASUO Executive campaign continues to soar. The trend in campaign spending on ASUO Executive contests resembles that of politics on a national scale. The average campaign cost $400 in 1994; this year Gabbe spent a total of $1,360, while Breslow put down a modest $527 for his bid.

Gabbe/Larson invested in a slick, if clumsy, site design and URL to mirror the Gladstone server that hosted their web pages. Once the allegations started flying, CJ and Peter’s news page was conveniently neglected, updating only to point the user toward Duckweb during the primaries. If CJ and Peter really wanted to respond to the grievances against their campaign, their site would have been an ideal forum. They wasted it.

The less-professional Breslow/Magner site was also the more informative, even if the floating, disembodied heads of Jay and Holly were the most obnoxious javascript trick this side of your average internet porn site.

At least to some degree, how much money you spend isn’t as important as how well you spend it.

In the end, Breslow/Magner spent approximately $.59 per vote, while Gabbe/Larson paid an obscene $1.69 per vote — and lost, fair and square. Spending a sizable amount of money on an ASUO election is not inherently wrong. A little pathetic, maybe, but definitely not wrong.

The other good news is that this election may hammer the final nails into the coffin of the Progressive Slate. Once the premier (read: only) political party on campus, the defeat of Gabbe puts this faction out of power for two years straight, even though they chose not to organize this year.

On the other hand, “Progressive Slate” is merely a name — a convenient handle. The corruption and idiocy that went along with it are never going to disappear from the ASUO entirely. Sooner or later, the same creeping organizational tendency is bound to re-emerge.

Finally, we are allowed a sigh of relief that the elections hinged on the actual votes of the students, and not any ruling of the ConCourt, as once appeared possible. Whether Jay Breslow can transform the ASUO into an actual program that the students will care about is dubious. This time around, at least, the forces of evil have been defeated by the forces of the not-so-bad-after-all.

William Beutler’s alleged ties to the Posse Comitatus are the subject of an upcoming Oregon Daily Emerald exclusive
The ASUO elections. We all are subject to its omnipresence in the media. It graces the front cover of the Oregon Daily Emerald, taking the space usually reserved for more important issues. (See ODE 2/23/00 “More than just hair”) Even this periodical is subject to its mighty grasp. Why is it such a pertinent issue when the most popular catch phrases around campus are “What does the ASUO do for me?” and “Why are you handing me this flyer as if I actually care?”

It is because you should care; because the ASUO has held a presidential election that teetered on the verge of being decided by something called “grievances,” (you’ve heard about them but admit it, you have no idea what they mean) and a Constitution Court that held the power to decide who would lead the glorified student government next year.

Before we get into all that, let’s review what became of the candidates during the election.

Last issue, the Commentator went into great length to recommend that you vote for Scott Austin because he had real ideas, strong stances, personal views, and not least because he was the only one who was crazy enough to get into a dress. (See OC, v. XVII, i. VII) Ignoring his anti-Frohnmayer remarks and his declaration to disband the ASUO, he was still the best choice for student government for the simple reason that he has a level head on his shoulders and didn’t turn the election process into a circus. He was defeated, receiving 84 votes.

Autumn DePoe and company (the elusive Caitlin Upshaw) running on a platform of diversity by force and promising a drum in every garage, garnered all 252 of the hippies that found a voting booth to show their support. DePoe/Upshaw decided to spend only $20 on their campaign, which is ironically just about the same amount CJ Gabbe and Peter Larson reported spending as well.

“We can do all of this, and we will! VOTE JAY AND HOLLY!”

These people were the victors.

This intrafamilial tag team ran on the platform of diversity by force and promising a drum in every garage, garnering 500+ votes and in the general election, amazingly enough, ousted the fascist front-runners, CJ and Peter by a whopping 200 votes. Congratulations, hopefully they will read this and admit that they only ran for the stipend and their resumes. What they will not realize is that anyone hiring students will look for “real” government experience instead of the “we love the deans” ASUO.

CJ and Peter’s ticket was based on a flyer they found posted on a campus bench. Creative juices flowing through their minds, they crossed out Jay and Holly and replaced it with their names. Or was it the other way around? We may never know the truth. The CJ/Holly and Jay/Peter (oops... well, maybe no one will notice) platforms were identical, except that CJ/P were able to garner the Frat vote by hanging bed sheets with their slogans on houses. Their clever strategy was that everyone will be too drunk to first, see the signs, and second, attempt to remove them in the near future. With the amazing similarity of lemmings or a black angus cattle drive, word spread around fraternities and sororities and voting for CJ and Peter became the ‘hip’ thing to do in greek houses.

Other innovative ideas of this campaign included paying students to vote and littering the streets with “diverse” students dressed in decorative CJ and Peter gear and shrieking like banshees to anyone within earshot that a vote for CJ and Peter is a vote for, well, something. (They never told us.) CJ and Peter’s promises to work on issues that are completely unreachable by anyone except perhaps Margaret

*Hey, so it isn’t grammatically correct... what are you going to do about it? Hint: start with the Federalist Papers No. 51.

†Subhead inoperative as of 3/30/00.
Thatcher or Augusto Pinochet got them past the primaries with an amazing 800+ votes, where they were overwhelmingly defeated. (You may pause a moment and sigh in relief.)

Now, you ask, “What about these grievances and ConCourt decisions that keep plagued my ears for a good month?”

Let’s get down to the simple facts of the case. CJ and Peter apparently decided that bribing students to vote for them was desirable and tried to get the international vote by sponsoring the local coffee hour. The hour (actually, three) was promoted as being sponsored by your favorite candidates who would encourage students to vote, not to mention serve refreshments on a table littered with campaign buttons and other paraphernalia. CJ and Peter answered questions at the meeting and later, like good boy scouts, remembered to note these costs on their campaign expenditure form. Student Senator Jennifer Greenough recognized that this as a flagrant violation of ASUO elections code and filed a grievance accordingly.

The Constitution Court of the ASUO was eventually called upon to make a decision on whether or not CJ and Peter would be kept on the ballot.

On a brighter note, at this time you could find the most worthless examples of editorials in the ODE, ranging from students who figured that Gabbe/Larson were just special and didn’t deserve this unfair barrage, and international students shamelessly plugging the coffee hour. Even students from other schools were writing in, stating that that CJ and Peter were the saviors of all that is holy on this campus.

The trial itself was one trip and stumble after another for CJ’s camp. Some of the more interesting points of the hearing included the statement by CJ and Peter that they in fact, did not consider the sponsoring of coffee hour a part of their campaign expenditures. What made this statement utterly hilarious was the fact that a copy was earlier released to the judges and according to their form, it was a part of their funds. (Note to future ASUO contestants: lying to a judge tends to be a bad thing.)

The end result, however, was that the judges let CJ and Peter off on a technicality that for all intents and purposes was an error on the part of the prosecution. Simply put, an elections board proposal requires an administrative hearing on the grievance within 72 hours of the actual proposal. Instead, CJ and Peter’s hearing was held 73 hours after the grievance was filed. With the definition of 72 hours decided on in court as to mean 72 hours instead of “at the end of the third day,” CJ and Peter were found guilty but spared on a technicality.

That’s correct. The leaders of the primaries were found guilty of breaking the ASUO Constitution, yet were allowed to stay on the ballot because of an administrative accident. Those favored to lead the student government into the millennium were frauds, immoral, and unethical. Any self respecting candidate would take themselves off the ballot, but we of course cannot expect this from someone who earlier refused to take a stand on any issues whatsoever and then went on to lie to a court. God bless America.

That was then, this is now. Autumn DePoe filed another grievance that would have buried the actual election results in another possible month of bureaucracy, keeping us in tense agitation as to who would actually rule over the student government. But you no longer have to sit at home and wonder. The people have spoken and told them to go back to their house and rule over those who would join their fraternity. Can ‘good riddance’ be too harsh of a term?

So what are we left with? Perhaps we won’t find the saviors to the ASUO’s lack of validity on the ticket of “Hay and Jolly,” but with this recent outburst of nationalistic pride. One has to feel, perhaps not proud, but hopeful, that one day, The elections will be one of notoriety.

Lastly, keep in mind that the voter turnout was only ten percent of the campus. We have to wonder whether or not the ASUO elections are even going to continue, what with this less than enthusiastic turnout. Will we see the eventual disbanding of the ASUO? Is this beautiful dream a future reality? Only time will tell, and only the voices of the apathetic hold this power.

Brian Ouellette, a junior majoring in Political Science, is a staff writer for the Oregon Commentator.
Saferide, the campus ride service which serves only women, found itself the subject of a grievance filed by student activist Aaron Weck near the end of January. Weck called into question the exclusiveness of Saferide’s service at this university, which under state and federal law must offer equal services to everyone regardless of gender, race, age or religion.

Weck decided not to pursue his grievance, and eventually dropped it a month later. His decision to drop his grievance came after another campus ride service, the Designated Driver Shuttle (DDS), went ahead and made changes to its bylaws expanding its service to include those who felt they needed a secure ride, but did not qualify for one from Saferide because of their gender.

The grievance illustrates the debate which surrounds a service like Saferide. According to Sid Moore, Human Rights Investigator for the Office of Affirmative Action, the department at the university which investigates charges of discrimination, two other grievances have been filed against Saferide in the past, one in the late 80s and the other in the early 90s. Moore could not discuss the past grievances due to confidentiality laws. [See sidebar on opposite page —Ed.]

However, the arguments of both sides surrounding Saferide have been well defined by the long standing nature of the debate. Proponents for the exclusive service feel that not allowing men to ride along in a Saferide van is not sexist, but just common sense. They argue that as the service’s original purpose is to give women a safe and secure ‘out’ from a situation where they feel threatened by strange men, allowing men to use the service would totally defeat that purpose.

Those against the exclusiveness of the service are dismayed by what they view as blatant discrimination. They do not understand how their student fees can fund an organization that refuses to grant them the same service it does other students simply because of their gender. It also does not make sense to them how Saferide can exclude men from volunteering as drivers for the service.

Even though Weck filed the grievance with these complaints against Saferide in mind, he could not stress enough that his relationship with the organization is not contentious. The one-time student government official realized how someone could take a more vigorous and mean-spirited approach against Saferide to attack the service and have its funding revoked. He said he filed the grievance hoping that some agreement could be worked out where Saferide could still provide its service, but not have to worry about being the victim of lawsuits because of its exclusiveness.

“I brought [the grievance] forth to discuss it, I wanted to bring Saferide under compliance to head off any defunding grievance. I decided to take the blame, and try to save Saferide,” he said.

Under Title IX of the of the education amendments to the U.S. Civil Code equal services must be made available to every student regardless of the gender. If someone could successfully argue that Saferide violated Title IX it could be subject to losing its funding.

Instead of having several different and separate ride services on campus, Weck would prefer to see them organized under some sort of council. Doing so would allow Saferide to serve only women, but as the larger organization would be providing rides for the entire campus body it would be immune to legal attacks.

Explaining this ideal situation Weck said: “I would be in favor of [the ride services] working together where Saferide would be comfortable with vehicles being loaned out wherever there was a need and vice versa. There should be expanded service so everyone could be safe and not have to ride with drunks.”
As the situation stands now the only options for men who are stranded are the Tandem Taxi, a bicycle powered rickshaw which is designed for people with special needs (like a broken leg); OPS, which gives rides only to on-campus locations; and DDS which is notorious for its delays in peak hours because of the high demand from the high number of drunks in this college town.

In an environment with a high demand for rides, but with a paucity of available rides, Weck would like to see some changes made in Saferide before more men begin to actively campaign for the service to expand its service to include both genders.

“I like the directors of Saferide; they’re cool people, and I agree with their mission statement, but they should be proactive in safeguarding their service,” he said.

However, Sarah Cohn, one of Saferide’s directors, does not see making any changes to how Saferide operates as imperative to protecting its exclusive service. When asked about combining with the other ride services to form a larger organization, Cohn thought some sort of partnership was all right, but she was skeptical about an actual working relationship.

“A collaboration would be a great idea, but an actual sharing of vehicles would not be a good idea,” she said.

Cohn’s reasoning stems from her strongly held belief that DDS and Saferide offer completely different services. In her opinion, to expect one of her organization’s vans to pick up drunks, and one of DDS’s vans to pick up a frightened woman would be completely unreasonable.

“I don’t see a point in conjoining; DDS has different needs, and so do we,” she said.

When asked if having a ride service that operated only for women perpetuated the myth that women were weaker than men and needed more protection Cohn could not agree. Instead of perpetuating the stereotype she viewed Saferide as an “empowering” organization for women. But not only an empowering service Cohn also added that Saferide was “feminism in action,” meaning that it represented all that women’s movement stood for.

Despite agreeing with Weck that Saferide and his relations were not combat-

### Hepner v. Project Saferide

In December of 1991, the ASUO Constitution Court ruled on a case similar to that of Aaron Weck’s. The petitioner arguing that Saferide violated Section 2.4 of the ASUO Constitution, which reads as follows:

Access to activities supported in whole or in part through mandatory student incidental fees shall not be denied for reasons of sex, race, religion, age, sexual orientation, marital status, handicap, political view, national origin, or any other extraneous considerations.

Project Saferide, the Petitioner contended, violated this rule by providing access to women exclusively, and asked the Court to require Saferide to open access to men or, failing that, defund the program. Like the Weck grievance, Hepner’s argued that men, like women, could feel unsafe at night, and that “allowing men access to Saferide would help destroy the stereotype that ‘all men are potential rapists.’”

In the unanimous opinion delivered by Justice Steven Briggs, the Court disagreed with both claims. “While certainly a man faces some danger on Eugene streets at night,” Briggs wrote, “at least in 1991, that danger is minimal.” In addition, though the stereotype that any man is a potential rapist is obviously incorrect, for “a woman walking down a street at night [who] sees a man walking toward her, it is rational for her to believe that the man may be a potential rapist.” The Court felt no motivation to dispel this stereotype in its decision.

Furthermore, Justice Briggs ruled that including men would, in effect, exclude women: “Respondents argue that if men are allowed to ride in, or drive Saferide vans, women will be much less likely to use a service. The Court agrees. Whether or not any given male rider is a threat is irrelevant.... The Court is therefore faced with the rare situation where allowing access for one group will effectively deny access to another group.” The fact of the matter is that ruling in Hepner’s favor would not ‘deny’ access to women in the least. While the proposition that a male element is inherently threatening was and is debatable, the question of whether women would be denied access is not. In the case of Hepner v. Project Saferide, the Constitution Court ruled in favor of the respondent.

### Turn to SAFERIDE, page 18
“Women have a right to feel safe, Saferide gives them that safety or perceived safety. I don’t see this as a privilege, safety is not a privilege it is a right,” she said.

However, she added, if Saferide were ever found to be in violation of Title IX another service should be added as long as it did not interfere with Saferide.

“Rather than mess with a service that works, create a different service for those men who don’t feel safe,” she said.

No one can argue that violence against women is at any time acceptable. It is one of the most disgusting types of criminal behavior our society must deal with, and this campus is no different from the rest of society. In the past five years there have been twenty-three sexual assaults on campus, according to statistics compiled by OPS. These included both forced sexual assault, and non-forced assault. Non-forced assault includes taking advantage of a woman when she is unconscious or using drugs to induce a loss of memory to take advantage of a woman. Some men may complain about the exclusiveness of Saferide and call it sexist, yet one wonders how their opinion would change if their girlfriend, sister or mother were to be sexual assaulted while walking home.

Yet under a strict interpretation of the law, Saferide could run into some problems. It does accept student funding to run a service, but then does not offer that service to the very students who pay to support it. And while most men joke about being assaulted sexually, they can also probably tell you about times when they have been jumped and beat up. So, while women may bear the brunt of sexual assault, men can and do fear assault just as much.

Both sides of the issue need to see the merits of each other’s arguments to ensure that women do not lose a valuable tool in defending themselves, and men do not feel as if they are being discriminated against.

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The ConCourt decisions referenced in this article can be found online by going to OC Online and clicking on the “Supplement” link on the taskbar, or at:

<http://darkwing.uoregon.edu/~ocomment/supplement/concourt.html>

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The question remains; where is the line drawn between acceptable and unacceptable decisions based on policy? Any language change no matter how large, or in this case small, is unconstitutional. This is like saying fraudulence is unacceptable, unless it is a little white lie.

Chen agreed to the language change but thought the decision was wrong. “I went along with it because they have the ultimate authority and there wasn’t really anything I could do about it,” he said.

The context of this petition remained the same and a solid issue got on the ballot in time for the elections. At the end of it all, the only harm done is to the credibility of the ConCourt itself.

The ASUO has a personal desire to increase its independence and institutional legitimacy. To accomplish this it should start by following its own rules. The actions of future representatives of the Constitution Court will be based in part on the examples set by their preceding associates.

It should be in the Court’s best interest to make sure these are good, and at the very least — constitutional — examples.

Ted Whitaker, a junior majoring in Journalism is a staff writer for the OREGON COMMENTATOR

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The OLCC’s Sin Tax
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The OLCC won’t allow bars to advertise their happy hour specials, but the OC will.

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Finding an appropriate metaphor for the bureaucratic process currently underway at the OLCC is a difficult task. Freight trains don’t quite fit the picture: although it may take several miles for a train to stop, at least the brakeman’s putting some muscle into it. If the five OLCC Commissioners were aboard, none of them would lift a finger.

Here’s another try. Imagine five people set out for a drive one day, and countless gas stations, Denny’s, and months later, they continue to drive, though they’ve known they were lost almost since the drive began. That is about as close as metaphor gets to describing the OLCC’s ongoing quest to modify Oregon Administrative Rule 845-006-0040.

The so-called “Minor Postings Rule” governs where minors can and can’t be in the thousands of alcohol-serving businesses throughout Oregon, in an effort to “send a clear message to the community and its youth that drinking alcohol is an adult activity, and that drinking environments are for adults.” If you grew up here, you may now curse violently at it, for it is the sole reason why, when your family went out to the Olive Garden, you had to wait for a table on those cold benches near the front door instead of at one of the countless empty booths in that wondrous room called, simply, “lounge.”

Back in the fall of 1999, the Commission caused quite a stir by proposing an alteration of this rule that would force all-ages concert halls and dance halls, such as the WOW Hall or Portland’s Crystal Ballroom, to make a choice: quit serving alcohol or quit admitting minors. This rule change was, by all accounts, aimed at two problematic establishments: the McKenzie Ballroom and La Luna. Both have since gone under, yet the OLCC’s tortuous legislative process has not.

Not surprisingly, the original proposal, which could potentially have barred liquor sales at such flagrant offenses to temperance and decency as the Hult Center and the Rose Garden, was roundly shouted down. “There were lots of comments that came in on this [issue],” said commissioner Kay Kennett. “Not to exaggerate, but I think perhaps it would be in the hundreds.” The WOW Hall, in addition to firing off a letter of its own, organized a letter-writing drive among members of its parent organization, the Community Center for the Performing Arts, and the community at large. Meanwhile, McMenamin’s, the state-wide brewpub chain that owns the Crystal Ballroom, waged war on the proposal from its website. Brian McMenamin also served on the OLCC’s Advisory Committee for the rule change.

In response, the OLCC has been steadily retreating on the issue, while refusing to give it up. In December, the Commission announced that dance halls could serve alcohol and allow minors, but only if they met certain conditions. They would have to ensure that the dance floor was well lit, that there was “no advertising, promotion, or presence of” alcohol in areas where minors were permitted, and that the area where alcohol was served was separated from where minors were permitted by a 48-inch high, solid divider. In addition, venues would need to submit a written security plan to ensure that everything stayed under control.

This was met with somewhat less hostility from the business community. Mike Kleckner, concessions co-manager at the WOW Hall, said the main problem was the lighting requirement:
Back in the fall of 1999, the OLCC caused quite a stir by proposing an alteration of this rule that would force all-ages concert halls and dance halls to make a choice: quit serving alcohol or quit admitting minors.

How do you explain to a performer that they have to create an intimate atmosphere under gym lights?"

Which brings us to the latest version of the proposal. As it stands now, the compromise mandates — lighting, the 48-inch divider, and the presence of alcohol and alcohol advertising — have been reduced to suggestions that a licensee “may address” in their security plan. What started as a roar has been reduced to a whimper; in real terms this version of the rule change would have an imperceptible effect on the issue it hopes to address. The real problem is: why did the Commission roar in the first place, and why does it still insist on whimpering?

State Representative Floyd Prozanski is convinced that the rule change, in any form, is “unnecessary,” and he told the OLCC just that at their March 13 meeting. Prozanski has a good eye and a thorough distaste for bad legislation. His last encounter with the OLCC was over a House bill attempting to regulate online liquor sales, a case he cites as a perfect example of “how a bad bill continues to move forward. Instead of just dropping it, they tried to keep it alive by modifying it this way and that way, and it was like, ‘why are we going through this?’”

History seems to be repeating itself, this time within the OLCC. At this point, the rule change would require dance halls to submit a written security plan. “Well, the existing rule says already that [all licensees] must give a written security plan that convinces the Commission that minors will not get alcohol,” said Prozanski. “And that’s why it comes back to why do we need to change anything?” He felt that a rule change, particularly one as ineffec
tual as this, is beside the point. There were only “two establishments out of all the ones in the state” that were out of control. “Now the McKenzie Ballroom is no longer, and La Luna is under new management, and so the OLCC’s enforcement actually did what it was supposed to.”

His basic point is that the OLCC already has the necessary rules in place to control problem licensees, a point he said the regulatory staff at the OLCC concurs with. “Their own staff is saying that they don’t need anything,” he said. Kleckner agreed fully. “They now have everything at their disposal to deal with a venue that’s screwing up,” said Kleckner. “It was kind of weird why they would need new rules.”

The only people who don’t see it this way are the commissioners themselves. “Stand up and be counted,” said commissioner Kay Kennett. “I was one of the commissioners who wanted to see additions to the [Minor Postings Rule].” According to Kennett, the proposed change was instigated within the Commission — it was not requested by licensees, citizens or the legislature. “We were having a real hard time dealing with [La Luna and the McKenzie Ballroom],” she said. “Many licensees feel that the rule as it stands is good enough, but some of the commissioners feel that if the rule [change] had been in place earlier, then those two particular dance halls would not have gotten out of control.”

In other words, businesses that were already flagrantly violating existing rules would not have done so had more rules been in place. Once again, finding a metaphor for this logic is difficult. If there’s a hole in the bucket, widen the hole? Or add more water? Whatever. The OLCC’s legislative process lumbers on like a bear with an arrow in its rear. “It takes a good year to get a rule in place for

said Prozanski, “is that there is strict compliance, and enforceability, of the existing rule.”

In the end, after a full year of shuffling papers around, about all that will change is the addition of the term “dance hall,” and some helpful suggestions on keeping minors under control. How a “lack of prominent advertising of alcoholic beverages” might help licensees maintain security is unclear, but the OLCC knows best. “I think the ultimate rule will be a really fair one, both for the stakeholder, for the customer, and more importantly, for the Commission,” said Kennett. “When it’s a venue that has adults as well as [minors], then we have to be especially careful. We’re not called the Liquor Control Commission for nothing. That is our responsibility, and that is our goal.”

Dan Atkinson, a junior majoring in Journalism, is a staff writer for the Oregon Commentator.
I. UNDERSTANDING THE OLCC
Why we have a liquor control commission in the first place, and how it operates today.

Most University of Oregon students are familiar with the work of the Oregon Liquor Control Commission (OLCC). While opinions of the organization range from good to evil, the fact that they regulate the sale of alcohol and are a powerful force in the lives of college students is not disputable. But whether you wish to bring about the end of the commission or support its work, it is worth knowing the rules and regulations the commission upholds as well as the basic structure of the organization.

The OLCC was established in 1933, shortly after Prohibition ended. Julius Meier, the residing governor at the time, appointed a committee to assess liquor use in the state and country and then make recommendations on how the legislature should proceed. The recommendations of this committee were laid out in the Knox Report. The Liquor Control Act of 1934 came into being as a result of the Knox Report. As with 18 other states in the union, Oregon chose to become a control state — a state in which the government regulates the sale of alcohol within its borders.

Most of the regulating power of the OLCC given by the Liquor Control Act is laid out in chapter 471 of the Oregon

See OLCC at top of next page

II. THE PERILS OF ENFORCEMENT
The OC sits down with OLCC officers to discuss the sale of alcohol and the law.

There’s nothing more frustrating than being over 21 and getting beer at your local convenience store, getting IDed and realizing that you’ve left your driver’s license back at home. But before you make a scene cursing out the clerk (and generally looking like a fool to other customers in the store) it’s always good to know exactly what the rules and regulations concerning the distribution of alcohol are.

Store clerks are put into an interesting predicament when it comes to selling alcohol. The Oregon Liquor Control Commission (OLCC) requires that all servers, bartenders and restaurant employees that serve alcohol must attend classes and pass a test to receive a server’s permit before they can handle alcohol. Store clerks are not required to do so.

Some store chains require their clerks to take these courses in hopes that in doing so their employees will be that much better at catching minors trying to purchase alcohol. But the fact is the majority of the clerks in the state of Oregon have not gone through this training.

The lack of education leads to a high number of clerks that do not know what the actual rules are when it comes to selling alcohol, as well as frustrated consumers.

See CLERKS at bottom of next page
Revised Statutes (ORS). The actual purpose of the Liquor Control Act is described as such:

(1) The Liquor Control Act shall be liberally construed so as:

(a) To prevent the recurrence of abuses associated with saloons or resorts for the consumption of alcoholic beverages.

(b) To eliminate the evils of unlicensed and unlawful manufacture, selling and disposing of such beverages and to promote temperance in the use and consumption of alcoholic beverages.

(c) To protect the safety, welfare, health, peace and morals of the people of the state.

(2) Consistent with subsection (1) of this section, it is the policy of this state to encourage the development of all Oregon industry.

ORS 471.030

This statute is partially amended in ORS 474.105 and 474.115 as it pertains to malted beverages, ORS 471.340 for wine and 471.542 for serving alcohol in a restaurant or bar. (A malt beverage (aka beer) is defined as an “alcoholic beverage obtained by the fermentation of grain that contains not more than 14 percent alcohol by volume.”) ORS 474.105 states that the legislature finds it “necessary to maintain and to promote the continued availability of good quality malt beverages for the consumers of Oregon.” Wine is regulated in a similar manner. These two statues make it possible for beer and wine to be sold by licensed vendors not directly controlled by the OLCC, such as corner stores and supermarkets. ORS 471.542 establishes requires all alcohol-serving establishments “to complete an approved alcohol server education program and examination in order to qualify for a license or permit,” after which an restaurant or bar can then server beer, wine, and liquor.

Notorious to all persons under the age of 21, is ORS 471.105, which establishes the legal drinking age for alcohol. The statute states that “before being qualified to purchase alcoholic liquor from the Oregon Liquor Control Commission, a

OLCC, from page 22

There are many reasons for this lack of education. It is time consuming and costly, being that the expense comes out of the pockets of store owners or clerks. Store clerk positions also experience a high rate of turnover.

The rules that one clerk believes to be correct concerning the sale of alcohol is often quite different from the understanding of another clerk. There is even a good chance that neither clerk has the rules correct. The fact that OLCC regulations are continuously changing makes it even more difficult to keep abreast of the current rules.

One of the most significant changes in recent times concerns acceptable ID for purchasing alcohol. The long-standing acceptable IDs are a valid (meaning not expired) state drivers license with a photo, a valid Oregon DMV ID card and/or a valid passport.

As of October 23rd, 1999 two more forms of ID are now acceptable for buying alcohol in Oregon. The first is a valid state-issued ID card with photo, name, address, date of birth, a physical description, and a signature. The second new form of ID is a valid US military ID card also containing a photo, name, address, date of birth, a physical description, and a signature.

There is one problem with the inclusion of the acceptance of a US military ID with the above information — none exist.

IF A CLERK DISCOVERS THAT AN ID IS FAKE HE OR SHE MUST REFUSE THE SALE OF ALCOHOL, BUT DOES NOT HAVE THE RIGHT TO CONFISCATE THE ID.

All US military IDs have one or more of the items listed above, but there is not a single one containing all of them. Essentially, the OLCC has opened up the door for the use of US military IDs to purchase alcohol and then closed it again by raising the requirements higher than any meet.

Having the proper ID doesn’t always mean that a clerk will not refuse to sell you alcohol. Often a clerk will see two people whom he or she thinks are together, will ask for ID from both, and refuse the sale if one does not have ID or is not 21. A clerk has the right to refuse the sale, but the circumstances are gray as to where the legal line is drawn.
THE OLCC: WHERE THE MONEY COMES FROM AND WHERE IT GOES:

liquor revenue

license revenue

beer and wine tax

$.02 per gallon of all wine tax

remaining balance 50%

50%

uses of cash:

less: liquor freight expenses

less: agency operating expenses

equals: the amount remaining for distribution

- 56% general fund
- 20% cities
- 10% counties
- 14% city revenue sharing

1998-1999 Fiscal Data

Sales: $213 million
License Fees: $2.7 million
Taxes on Beer & Wine: $11.8 million
Net revenue: $87.6 million

Distributed to:
State General Fund: $45.7 million
City Revenue Sharing Account: $12.2 million
Cities: $16.3 million
Counties: $8.2 million
Mental Health Alcoholism & Drug Services Account: $5.9 million
Wine Advisory Board: $174,764

Operating expenses: $15.6 million
Liquor agents compensation: $18.67 million

Source: OLCC
How much you can drink and still legally drive

This is pretty simple. Everybody knows that 0.1 is the maximum Blood Alcohol Content (BAC) for which it is still legal to operate a motor vehicle in the state of Oregon. But what is 0.1, exactly? How do you know when you’re there? These two graphs should help clear everything up. This is strictly for entertainment purposes; the Oregon Commentator is not giving you an excuse to drink and drive. These numbers are based on charts available at www.brad21.org, and have been calculated to include body weight and drinks consumed, as well as the time elapsed since said drinks were consumed. If you get pulled over and show these charts to an officer, not only will you be arrested, but we’ll probably get an angry call from the EPD. Call DDS at 346-RIDE and save everyone the trouble.

The Breakdown

One drink is 1.25 oz. of 80 proof liquor, 12 oz of beer, or 5 oz. of table wine — facts altogether too abstract to put to good use when you’re sitting on the porch at Rennie’s. Below is a list of common drinks and how they fit into the scheme of the drink-by-drink calculations relevant to the adjoining graphs.

1 Drink = 1 gallon O’Doul’s or 1 can Sterno (may cause blindness and/or death)
2 Drinks = 1 17 oz bottle Spaten Oktoberfest or 6 oz Vermouth
3 Drinks = 1 bourbon, 1 scotch, and 1 beer
4 Drinks = One 20 oz bottle Samuel Smith Oatmeal Stout
5 Drinks = 2 bottles Boone’s Farm wine or 5 cans of Keystone
6 Drinks = 1 pitcher of Budweiser or 17 oz of MD 20/20 Red Grape
7 Drinks = Two 22 oz bottles of Bull Ice or a pitcher of Nor’wester Pale Ale
8 Drinks = 4 shots Everclear
9 Drinks = 6 shots Bacardi 151 or 2 pitchers of Miller Draft
10 Drinks = 1/2 Fifth Jack Daniels

What you do here is take your BAC from the graph above, and connect it to the number of hours that have passed since your last drink. As long as you are below 0.1, you are legally to drive. If your BAC is .3, you are probably already dead and do not need this chart.
person must be over 21 years of age.” This statute makes it illegal for anyone under the age of 21 to consume alcoholic beverages.

The ultimate purpose of the Liquor Control Act, as described by the Knox Report, is to “take ‘business’ out of the liquor business and deal with it largely as a matter of public safety.” The report further recommends the establishment of a commission of “three non-salaried citizens of unimpeachable character” to oversee the control of liquor in the state. These citizens are the liquor control commissioners that determine the policy of the OLCC.

Today there are five OLCC commissioners — one for each congressional district in the state. These commissioners uphold and determine any changes in the policy for the OLCC, of which the various OLCC agents are in charge of enforcing. As with many commissary positions in government, the OLCC commissioners must be appointed by the Governor and approved by the state senate before they can take up their duties. No one commissioner is allowed to serve more than ten years and no single political party can hold more than three of the five commissioner positions.

OLCC commissioners have two main duties. The first is to be involved in construction of alcohol regulatory policies. They oversee provisions for new statues and decide what revisions will occur concerning current policies.

Kaye Kennett has been the OLCC commissioner for the second congressional district, which includes Eugene, for the last six years. Kennett was originally appointed by former Governor Barbara Roberts and later re-appointed by Governor Kitzhaber. Kennett had previously served on the Governor’s Council on Alcohol and Drug Abuse.

Kennett has overseen many policy additions and revisions in her six years as a commissioner, some loosening the rules and others tightening them.

In one such case, Kennett became aware of situations in Corvallis where Everclear was being used to make “jungle juice,” an alcoholic concoction containing fruit chunks, fruit juice and 180 proof alcohol mixed together in a large container. There had been complaints about high numbers of Oregon State University students being injured as a result of getting drunk off the low-grade potable. Kennett helped to push through a regulation that moved Everclear from the shelves to the back room of Corvallis liquor stores and required the purchaser to sign for it.

“Some folks thought that maybe I was being overly concerned about this issue because certainly [Everclear] wasn’t a big seller,” Kennett says. “I wasn’t concerned about how big a seller it was, I was concerned about who the buyer was and its use.”

Kennett has also worked to block certain policy changes over the years. There was an attempt to modify the policies for decoy operations, situations where minors work undercover for the OLCC and attempt to buy alcohol in a store or bar.

As the OLCC policy stands, stores within the area of the upcoming decoy operation must be sent notification of such a visit. There was a lobbying attempt to remove the notice to stores and make the decoy operations “blind.” Kennett refused to have the policy changed. “I wanted that notification left in there, so there would be no question about entrapment,” Kennett says.

In a similar case, the Federal Drug Administration (FDA) has had litigation brought against it, which has been taken all the way to the Supreme Court; the FDA has been accused of entrapment in its underage tobacco purchasing decoy operations.

The second commissary duty is contested case hearings. These are hearings that concern possible disciplinary action against certain alcohol vendors, such as bars and restaurants, who have been cited for violating liquor laws. These hearings are for cases that involve serving, not selling, violations. They do not handle cases involving retail vendors, such as supermarkets, corner stores and liquor stores. Such cases constitute misdemeanor violations and are brought before a circuit court judge.

The hearing process is long and arduous, often taking a number of months to complete a single case. The licensee and an OLCC agent must come before an administrative law judge and contest the case. The judge then writes up a brief detailing his or her proposal of what should be done. A judge can find for the licensee or he or she can uphold the OLCC’s findings of a violation. From here, the case can be appealed to the commissioners under two circumstances. One, if the judge finds for the OLCC and the licensee finds this unfair, or two, if the judge finds for the licensee.

In the latter case, a change in a ruling

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OLCC COMMISSIONER KAYE KENNETT HELPED TO PUSH THROUGH A REGULATION THAT MOVED EVERCLEAR FROM THE SHELVES TO THE BACK ROOM OF CORVALLIS LIQUOR STORES AND REQUIRED THE PURCHASER TO SIGN FOR IT.
Gary McGrew, the regulatory deputy director of the OLCC, says that in certain situations a clerk must refuse the sale. “If there is something that leads [a clerk] to believe that that adult is going to furnish alcohol to a minor, under those circumstances they are obligated under the law not to make that sale.”

But there are situations where a minor can accompany an adult who is purchasing alcohol without breaking the rules.

There is currently no law prohibiting a minor to look over the alcohol selection in a store. A minor can legally look at the alcohol with someone over 21, but he or she cannot remove alcohol from the case nor help to purchase the alcohol by giving the adult money in the store.

A minor must also watch his or her speech while looking at the alcohol selection. The clerk might very well be wrong in these circumstances where a clerk refuses the sale when two people are not even together. While the clerk might very well be wrong in these circumstances, they are still protected under the law. McGrew says that “it is absolutely [a clerks] right to make the decision not to sell” whether they are correct or not in their assumption of the circumstances. When it comes down to it, the best way to avoid being refused a sale is to not enter into a store with friends under 21.

In cases where a clerk asks for ID and is passed a fake, a clerk has limited authority. James Miller, the manager of the OLCC’s statewide compliance team, says that if the clerk discovers that an ID is fake he or she must refuse the sale of alcohol, but does not have the right to confiscate the ID.

“Once [a clerk] makes the determination that they cannot accept an ID, then their obligation under the law is over,” says Miller. “We do not ask [clerks] to confiscate the identification.” Many clerks do not know this, and fake ID confiscation is practiced regularly throughout the state.

If someone is over 21 and does not have the proper ID, there is still one other possible option — a statement of age card. A person must produce two pieces of information (phone bill, birth certificate, etc.) with their name printed on it. One piece must also have the person’s birth date and the other must contain the person’s signature. The clerk records both pieces of information on the statement of age card. The person buying the alcohol signs the card and the clerk can then sell the person alcohol. The store must then keep the statement of age card on file for the next two years.

However, a statement of age card is only good for one sale. A new card must be filled out every time a person wishes to buy alcohol. Since the use of statement of age cards is very time consuming and the OLCC does not require stores to carry such cards, many do not; the inconvenience is too great.

Along with the lack of education concerning OLCC rules, there comes the additional pressure for clerks of the possibility of getting caught selling to a minor. With this added pressure a clerk is much more likely to cite the rules incorrectly and refuse the sale.

The penalties are also much more dangerous for a clerk than a server in a bar or restaurant. According to Miller, clerk violations are not handled in the same manner as server violations. “We don’t issue licenses to clerks,” Miller says. “Being a clerk and you make a mistake and sell alcohol to a minor, you are cited into circuit court. This is opposed to someone in a bar or tavern and has a server’s permit and is handled administratively.”

An administrative penalty is just that — it is handled administratively by the OLCC and is not a criminal violation. Clerks that get caught selling to minors are handled much differently. “If you’re cited [as a clerk] for selling alcohol to a minor and you are convicted– that is a misdemeanor,” Miller says. “It is a criminal violation and you now have a criminal record.”

The fines for clerks are also much different than servers. The first time a clerk is cited the fines are no less than $350. The second time the fines are no less than $1000 and the third time they are no less than $1000 and 30 days in jail. “That’s over life because a criminal record last for your entire life,” Miller says. This is opposed to a server whose violation goes onto their administrative record, which is removed after two years if the server does not commit any further violations.

The pressures on clerks are further compounded by pressures put on store owners to keep their clerks in line with the OLCC regulations. During the last legislative session, the maximum penalty a store can receive for selling alcohol to a minor was increased. The current fine for such a violation is now as high as $4950. This
When national Prohibition ended in 1933, the regulation of alcohol was left to individual states. Oregon and 17 others opted to establish state-operated distilled spirits distribution systems. The underlying rationale for putting government in control of liquor distribution was to exclude Prohibition-era bootleggers from the distilled spirits market. Simple observation shows that we no longer need worry about bootleggers. For this reason and more, the continued existence of the Oregon Liquor Control Commission should be questioned.

**INTRODUCTION TO THE OLCC**

Let’s start with an overview of the Oregon Liquor Control Commission (OLCC), in order to gain a better understanding of the intrusive and unnecessary role this government agency plays in our lives. The OLCC is the only liquor distributor in Oregon: it is a government-created, government-operated, and government-protected monopoly. This begs the question: if monopolies are illegal, let alone bad for consumers, why does the state of Oregon run one?

In theory, each liquor store in Oregon is privately owned and operated. However, reality falls far short of theory. Liquor store owners, or “contract agents” as they’re legally called, are essentially public employees — except in name and union membership. Contract agents have the worst of both worlds: they shoulder all the responsibilities and liabilities of being a private business owner, but they enjoy few — if any — of the advantages that being in the private sector offers. Indeed, the OLCC takes the notion of control to a whole new level.

**THE OLCC: PUTTING THE CONTROL IN LIQUOR CONTROL**

The OLCC dictates virtually every aspect of how contract agents run liquor stores. To begin with, the OLCC mandates that contract agents work in their stores full time, and cannot be absent for more than three days without written notification to the OLCC. Agents cannot change their hours of operation without approval. They cannot change their stores’ exterior signage, store location, or the interior design of their store without approval. They’re legally prohibited from making product recommendations to, or quality evaluations for, customers. These restrictions are just the tip of the iceberg.
Wouldn’t it make sense for liquor stores to sell items such as snack foods? After all, Hollywood Video sells popcorn and licorice. Yes, it does make sense, but the OLCC prohibits liquor stores from selling anything unless it is on the OLCC’s “related items” list. Ironically, bars, taverns, and restaurants are required by law to have food available during hours of operation when alcohol is being served, but liquor stores are prohibited from having food available when selling liquor.

How about putting a bottle of Baileys Irish Cream, Old Grand Dad, or Frangelico on sale? You can’t, unless the OLCC itself strikes a deal with the liquor companies and passes the savings along to the contract agents. But what incentive is there for the state agency to do so? There is no incentive to act in the interest of consumers because no one is legally allowed to compete against it. Because it is a monopoly, the OLCC can’t help but fail in one of its stated goals: to “make alcohol available to legal users through quality customer service.”

**THE OLCC’S PRICES AREN’T COMPETITIVE**

Another goal of the OLCC is to “provide optimal revenue” from the sale of alcohol. According to a February 28, 1997 Portland Business Journal article, the OLCC ships liquor to “store operators at a 106 percent markup.”

By comparison, the Business Journal noted, the average profit store operators earned on sales was 8.2 percent. According to Tiny Matthews, former president of the Oregon Retail Liquor Association (ORLA), those numbers are now 114 and 8.54 percent, respectively; though the numbers have changed slightly over the years, the point remains the same: We should be thankful that the OLCC doesn’t regulate and sell milk or we’d be pouring Mountain Dew on our cereal.

**LIQUOR DISCRIMINATION**

Interestingly, the OLCC maintains a drastically different approach to the regulation and taxation of beer and wine. In contrast to distilled spirits, Oregon’s beer and wine outlets are privately owned in theory and fact. Beyond this favoritism, the OLCC discriminates against distilled spirits when it comes to taxation.

In a 1994 report written by ORLA and published by Cascade Policy Institute, it was noted that beer was taxed at approximately $3.35 per pure alcohol gallon. The tax rate on liquor exceeded $28 per pure alcohol gallon. Using an objective standard, we find that distilled spirits were taxed at a rate 836 percent higher than beer! That disparity still exists today. We know the alcohol in beer and wine is the same as that in liquor, so why the tax discrimination?

**THE OLCC: A PROHIBITION RELIC**

The OLCC’s heavy hand of regulation is ultimately about the attempt to regulate the peaceful, honest and voluntary behavior of individuals. What else would one expect given the OLCC’s roots are traceable to the 18th Amendment of the U.S. Constitution, ratified in 1919? This wholesale violation of individual liberty ruined many lives.

Nicholas Murray Butler gave an address against Prohibition before the Ohio State Bar Association in 1923. He noted that Prohibition could never be enforced because “it lays down rules of private conduct which are contrary to the intelligence and general morality of the community.”

In 1933, the 21st Amendment repealed the 18th Amendment and Prohibition ended. Americans had grown tired of the violence and corruption caused by the attempt to control “private conduct.”

**VICES ARE NOT CRIMES**

Lysander Spooner wrote his seminal essay “Vices are not Crimes: A Vindication of Moral Liberty” in 1875, nearly a half-century before Prohibition. Spooner stated, “Vices are those acts by which a man harms himself.” Conversely, “Crimes are those acts by which a man harms the person or proper-
Does false identification have a friend in you? One who drinks and is under 21 would probably say “yes.” Campuses all across the nation provide a huge market for the underground industry of fake ID manufacturing. While many students either possess or have a friend who possesses a fake ID, few know the full implications of its use. Unfortunately, the subject of false identification is rife with misconceptions.

While perhaps not rampant, fake ID use is fairly common. Pete O’Rourke of the Eugene Office of the OLCC reported that his office “averages 250-350 misrepresentation of age citations per year. Travis Pickett, a bartender at Taylor’s, states that he sees anywhere from zero to three fake IDs per week. Cory at the 11th street Circle K said that he only sees about one per month.

**SOURCES AND PRODUCTION OF FAKE ID**

The production of bogus ID falls under several main categories. The most favored techniques include altering an original, having one “professionally” made, and manufacturing one at home. According to one UO undergrad, “There’s a guy I know in town who makes good Oregon driver’s licenses for $60. Of course the best way to go is to have an older brother and use his.” (Ladies, don’t try this at home.) The advent of computers and the Internet has dramatically changed the landscape of false ID production. The MSN search engine turned up 5,959 results for “fake ID.” Steve Siren of the Eugene office of the OLCC claims, “Anymore, everybody just makes their own [fake ID] off the internet. You can download all that information to make your own if you have the equipment. The internet has pretty much put the fake ID guy out of business.” As a scanner and printer setup that would be capable of good ID production are now in the under-$500 range, it’s not surprising that many people are making their IDs at home.

Two internet sites of interest to the alternative ID enthusiast are www.fakeidzone.com and www.fake-id.org. Fakeidzone.com offers driver’s license templates for all fifty states along with a special fake ID program and other graphics editing utilities geared toward the ID maker on CD-ROM. Fake-id.org sells “the best commercially available” fake ID’s on the Internet. They do offer this disclaimer, however: “Our ID’s are for novelty purposes only, if you choose to remove the novelty sticker from the front of the ID you become responsible for all liability.”

Home production of bogus driver’s licenses isn’t as easy as it sounds, however. There is only one type of printer on the market that costs less than $1000 that will print the gold foil needed to simulate the gold “Oregon” seals. These obscure dye sublimation
printers are the Alps MD-1000 series. They are difficult to find retail, but can be ordered through the mail or off the Internet. Matt, a salesman in the printers section at Fry’s electronics states, “The Alps are about the only printer that will do that [gold foil printing].” Fry’s recently dropped the Alps printers from their inventory.

The gold seals (the repeating “OREGON” and state seal pattern on the Oregon driver’s license) aren’t the only barrier to high-quality home production. According to EPD Officer Julie Smith, “The homemade ID’s that are made on someone’s printer are easy to spot because of the funny colors — it’s hard to get the color right.” Smith adds, “The things that usually stand out are raised pictures, gold seals that don’t look right, and changes in the typeface. We also pay attention to out-of-state ID’s and separated laminate.”

**LEGAL CONCERNS**

Possessing DMV-issued identification that has been altered is a class C felony, according to Sgt. Gilliam of the Campus Detail of EPD.

Alteration includes any modification to the information or picture shown on a state-issued ID. Possession of false ID that has been home manufactured is also a class C felony. Using another person’s ID is a misdemeanor as is loaning an ID to a friend for deceitful use. Ilona Koleszar, and attorney with Student Legal Services observes, “I’ve found that the person who loans out his license gets in more trouble than the minor who uses it.”

The worst way to try to dodge a MIP is to try to pass off fake ID to a police officer. A MIP (Minor in Possession of alcohol) is not even an arrestable offense; legally it’s no big deal. It is classified as a violation and is generally punished by a fine in municipal court. If a minor presents an altered or manufactured ID as proof of age, he has now transformed a simple fine into a possible felony charge. Koleszar notes, “You’re better off giving [to police] no name than giving a false one — absolutely.” The maximum fine for a MIP is $250 whereas the maximum fine for “Forged Instrument” is $100,000. A person is much better off just being happy with their MIP (violation) than by lying about who they are (misdemeanor) or worse yet, presenting a forged/modified ID (felony.)

Says Gilliam, “misrepresenting age by using some else’s ID is the most common. It’s not a felony to falsely use another person’s ID.” It should be noted however that using another person’s ID, while not a felony, is considered a crime and is jailable. In addition to “Falsely Representing Age,” a minor would also likely be charged with “Giving False Information to a Police Officer” which is also a crime. Gilliam also cautioned, “Computers used in ID manufacture can be confiscated as tools of a crime.”

Police most often make ID busts by noticing two different ID’s in a minor’s wallet, according to both the OLCC and the EPD. These conditions would clearly make one guilty of “class A stupidity.”

**ENFORCEMENT**

The OLCC is the primary enforcer of alcohol-related crimes. Not surprising, the vast majority of false identification citations fall into this category. David Green of the OLCC states, “Almost all false ID citations that are given have to do with alcohol.”

If a person is caught with false ID but isn’t involved with alcohol the EPD handles it. This may happen if a person is stopped or questioned for an unrelated offense and police notice other ID’s in the wallet.

Gilliam said, “The OLCC may be notified, but they don’t necessarily get involved if there is no alcohol.” If the person is busted in a bar or in possession of alcohol the OLCC usually issues the citation. As far as the charges go it really doesn’t matter which agency issues the citation. The citations wind up in the same court and have exactly the same penalties. One sanction that can be imposed in false ID citations is a one-year driver’s license suspension; even if the circumstances surrounding the incident have nothing to do with driving. The ID connoisseur runs into the same problem with a home-produced ID as with an altered ID: namely that the document will probably not withstand police scrutiny. Another fail-safe built into Oregon driver’s licenses is the bar code on the back. It can be scanned with an ordinary supermarket-type bar code reader to produce a code that is linked to DMV computers. In a matter of seconds the scanner/computer system will return the registered information.

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**THERE IS NO LAW THAT REQUIRES ONE TO SHOW IDENTIFICATION. THE POLICE CAN DETAIN SOMEONE FOR ‘SUFFICIENT TIME TO ESTABLISH IDENTITY’ UNDER LAW, BUT A PERSON SIMPLY TELLING AN OFFICER WHO HE IS SATISFIES THAT REQUIREMENT.”**
Oregon Driver’s Licenses Up Close: What They Look For

OLD AND SIMPLE

The license is expired, both on front and extension sticker (reverse side, not shown).

Screwed up laminant isn’t exactly a dead giveaway — older cards eventually fray at the edges — but it looks questionable nonetheless.

Bar code (reverse side, not shown) with cross-reference to DMV information can be read by any bar code scanner. This can be problematic, especially if your ID was never real in the first place.

Non-uniform typeface: “Rub-on” type letters are sometimes used.

Metallic-gold Oregon State seals can be difficult to get right.

NEW AND IMPROVED

The birth year is often scratched out and changed. This is especially easy to tell if the birthdate scratches off when a fingernail is applied to it. An extra layer of laminant gives away the unevenness of the tampering.

A different picture can be placed on top of a license and covered with another layer of laminant. A raised photo is easy to detect because of the bump that can be felt around the picture as well as any bubbles in the laminant.

The red “Minor Until” area can be scratched out. This obviously looks very suspicious.

Inkjet printers don’t make a good color match — this can be obvious to the trained eye.

The license is expired, both on front and extension sticker (reverse side, not shown).

Screwed up laminant isn’t exactly a dead giveaway — older cards eventually fray at the edges — but it looks questionable nonetheless.

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Metallic-gold Oregon State seals can be difficult to get right.

[Special thanks to OC Publisher Andy Combs, for the use of his ID. Please don’t send his parents hate mail. He is more than willing to accept threats at room 205, EMU. We get enough already. — Ed.]

nience stores to verify Oregon driver’s licenses. If there isn’t a match, the ID will automatically be suspect and the police will be called. Police verify information on driver’s licenses with their radios. Although the Eugene police do not have these scanners in their cars, according to Gilliam, they do have ready access to them through OLCC officers. Gilliam also notes that both the EPD and the OLCC investigate ID manufacturing operations.

The primary incentives for bartenders and employees to keep a close eye on fake ID comes from fear of reprisal by the OLCC. The OLCC has the power to hold clerks and bouncers personally liable for negligence regarding ID. The OLCC also has the power to revoke the liquor license an alcohol outlet must have. Pickett of Taylor’s recalls, “It used to be that they would pay us ten bucks to confiscate a fake. I think it was through the bar, but I really don’t know.” Siren claims, “Although the OLCC doesn’t pay money for fakes, bar owners may offer monetary or other incentives to their employees for [fake ID] confiscation.” It is also common knowledge that undercover OLCC agents frequent drinking establishments.

TO SHOW OR NOT TO SHOW

Entering the discussion on identification, false and otherwise, is the question of whether or not a person is required to produce ID upon demand. Koleszar maintains, “There is no law that requires one to show identification. The police can detain someone for ‘sufficient time to establish identity’ under law, but a person simply telling an officer who he is satisfies that requirement.” Sergeant Gilliam agreed that if a person verbally identifies himself that there are no legal penalties that can be imposed for not producing identification.

There are situations where presenting ID can be a problem for people. Namely, if they are carrying false ID or other contraband in their wallet or purse. Although the

Turn to FAKE ID, page 40
You’re sitting there in front of your computer...

You’ve used up all your Kleenex and your gym socks are all a mess. What are you going to do now?
State Senator John Lim

During his eight years as a state senator, John Lim has kept a close eye on the Oregon Liquor Control Commission. Lim talks with the Oregon Commentator about a troublesome state agency who breaks the laws it purports to enforce.

One of the most influential state senators in Salem, John Lim is an outspoken proponent to reform how the Oregon Liquor Control Commission (OLCC) operates both how they operate their sting operations and levy fines.

As the state senator for the 11th District, Lim feels that the OLCC should try harder to educate store owners about selling alcohol to minors and change the way stores who do sell to minors are fined. Another issue Lim has with the OLCC is their use of minors in sting operations designed to nab store owners who break Oregon’s strict liquor laws.

Contacted by telephone at his Portland office Lim spoke out strongly against the OLCC’s tactic of using young people to catch store owners with lax policies on carding. Underage youth enter stores and attempt to purchase alcohol. If they succeed in doing so, they leave and later return with the police. Lim feels that using underage kids to catch delinquent store owners is wrong because the kids break the law to bust the store owners. In Oregon it is illegal for minors to even enter a liquor store, and like any state it’s illegal for them to buy alcohol.

Speaking out against the OLCC’s use of minors in sting operations Lim said, “I don’t believe they should use underage kids. It is illegal using a minor. They break the law to get the law breakers.”

Lim added he does not want the entire program scrapped, but just wants to make sure that the OLCC uses people who are of age in their sting operations. Not only does Lim argue that sting operations violate state law when they use minors, he also feels it enters into a Constitutional debate too. This debate could also remain in the courts for quite time before being settled Lim acknowledged.

The process a store goes through after being caught in a sting operation should be changed in Lim’s opinion. The senator even drafted the senate bill 115 during the last session to alter how stores are fined and in what amounts. While the bill passed in both houses of the legislature Governor Kitzhaber vetoed the bill.

Not only would Lim like to see changes in the fine system he
would like to see more people held responsible. Currently when a store is caught selling alcohol to minors, only the owners are penalized. Lim’s bill would have held all parties involved responsible.

“When we penalize selling beer and wine to minors, the penalty goes to the owners, not to the clerks who sold the alcohol to the minors or the minors who bought it. They all should be jointly held responsible,” Lim said.

In addition to changing the current fine system, Lim argued that store owners should be educated more on the problems related with underage drinking. He views part of the problem with stores selling alcohol to those younger than 21 as partly due to some owners inexperience with dealing with the OLCC.

Lim said that many of the store owners penalized for selling liquor to minors are new to the country, and do not have a good enough grasp of English to totally understand Oregon’s liquor laws.

Yet one more problem Lim had with the OLCC other than sting operations is how the OLCC gives out liquor licenses to almost anyone.

“They [the OLCC] give liquor licenses to anyone with a clean record. Even to a store which is right around the corner from another liquor store,” Lim said.

This handing out of liquor licenses willy-nilly in Lim’s opinion increased the chance that through fierce competition a mom and pop corner store would be more inclined to sell booze to a minor. Selling liquor to minors because a store could not compete totally defeats the purpose of the OLCC Lim argued.

“They are the control commission. They should control. If they can’t, they shouldn’t exist,” Lim said.

In all Lim had mixed emotions with the OLCC. He felt that they did do a service for the state of Oregon in that they made several million dollars for the state, but at the same time, it has cost the state millions because Oregonians pay some of the highest prices for booze in the country. Lim went so far as to say that Nevada and California border towns have a “booming business” from Oregonians who cross state lines to avoid the high prices of liquor in this state. Essentially Lim would like to see the OLCC reformed to the point where it still provides its services for the state, but does not break the law in the process.
For some, summer brings mellow days of broiling in a sea of UV with their privileged fist wrapped around a Corona. For others it means working for the man every night and day, slaving over a mop or — egads — a telemarketing monitor while cursing the Earth’s stubborn insistence on tilting its Western Hemisphere towards the sun.

I myself fall into the latter category. Over the course of many a summer term I’ve worked for my fall tuition by carting urine and dismembered arms around a hospital and, even worse, by serving frozen yogurt to the yuppified masses of greater metropolitan Tigard. It was with great relief that I scored a gig at Plaid Pantry # 55 in my neighborhood last year.

How wrong I was. Like many a foolish twenty-something I had become convinced by Kevin Smith’s “Clerks” into thinking that working in a convenience store would offer a summer filled with adventures including, but not limited to, playing hockey on the roof and spitting OK Soda on random customers. I now curse the chubby bearded schmuck for leading me so far astray.

Instead of passing June through September with talk of blowjobs and the socio-economic fallacies of “Return of the Jedi,” my time was spent cleaning up broken bottles of Red Dog and enforcing the ever-so capricious laws of the Oregon Liquor Control Commission.

Before being allowed to sell forties to some of SW Portland’s smelliest and most incoherent lifetime alcoholics, I was forced to delve into the belly of the beast: the heart of darkness, the bloated... well, I’m all out of literary cliches.

Regardless, prior to being allowed to legally sell High Life to lowlifes I had to complete an Alcohol Server Education class. That meant a trip to OLCC headquarters on Portland’s SE McLaughlin Boulevard. This little jaunt would be the first of several irritating hassles that the organization would dump into my lap during the course of the next few painful months.

On the exterior, this slightly massive but far from immense complex may seem unimposing and perhaps even harmless. However, behind its dull brick walls and tarnished state seal lies an elaborate and equally intricate series of corridors and offices that make the convoluted streets of Eugene look like Nanny’s playroom from the “Muppet Babies.”

When I arrived it was after-hours and I had to pass through a heavily secured side door. Above its six-inch glass façade sat a stone-cold camera. This door looked like it belonged attached to the Pentagon instead of some teensy-weensy bureaucracy in the middle of Oregon. The place looked like it was fully prepared for an invasion along the lines of “Red Dawn.” A burly ex-high school linebacker eventually let me in and ushered me through a series of hallways and into a conference room where several apathetic bartenders were sitting around, staring blankly at one another.

After a protracted wait, our instructor — an off-duty police officer named Robert — showed up and instigated the brainwashing session by coughing up an anecdote about how he busted four kids at a nightclub the evening before.

Rob clearly believed in the OLCC’s mission statement and expected the same from the rest of us. When a salty old tapster across from me dared inquire into the validity of sting operations, our teacher merely laughed and moved on, dodging the question artlessly. Clearly his faith in the organization’s code was blind. During the course of the two hour class, Rob tried to instill in us a paranoid “us versus the underaged” mentality that would make our jobs easier.

Anyone under 21 was the enemy and any customer could be an undercover OLCC lackey. We were reminded numerous times that should any of us be caught selling alcohol to undercover officers, we would indeed be personally fined $500 and likely be fired by our employers. It was pretty obvious that Rob had never spent a summer working in a mini mart.

After a quiz we were given a cute little certificate of completion and sent out into the turbulent world of booze retail. I wasn’t an hour into my first day as a booze retailer before I received my first tongue-lashing from a teenybopper hoping to purchase a couple dozen wine coolers.
Becoming a clerk is definitely not a job for those with low self-esteem or any other esteem-related emotional disorder. For $6.50 an hour a clerk serves as a scratching post for hundreds of surly pricks. What made my job even more difficult was the fact that this particular Plaid Pantry had been cited several times prior for selling alcohol to minors. After losing its right to sell beer for a month, the store had adopted a totalitarian “ID everyone” policy. Under this regulation anyone who attempted to purchase alcohol had to toss his or her driver’s license on the counter, no matter how old. Varicose veins notwithstanding, I was required to ask for ID.

Under yet another threat of being caught by a group of undercover operatives, I was forced to comply, suffering the slings and arrows of every single middle-aged drunk that wandered into the store. Imagine being fifty, bald, hung-over and heading into a convenience store for your daily dose of what it takes to make you “normal” again — only to be carded by some pimple-faced clerk who may as well still be in junior high. What would be your reaction? You’d fly off the handle, just like the droves of alcoholics who flocked to this particular neighborhood mini mart. Directly due to this policy, Plaid Pantry #55 lost customers that had been frequenting the store for years, while infuriating their newer ones.

Did this reactionary policy prevent half-racks of Milwaukee’s Best from falling into the hands of conspiratorial minors? Nope. It just made the jobs of my coworkers and I all the more difficult. Everyday marts across Oregon are forced to instill such in-house regulations, hire additional employees and withstand threats by the outside agencies who regulate your wares. It’s a no-win situation. If a store loses its ability to sell beer, it loses customers. If a store finds itself stooping to the level of enforcing zealous “card every last one of ‘em” policy, it loses customers.

And trapped in the middle of all this is the clerk who bears the burdens of this catch-22. If not for the smug impositions of the OLCC, my job at Plaid Pantry would have been 12,000 to 12,001 times easier. As my assistant manager, who honest to God looked like a cigarette butt that’s been marinating in a stale bottle of Pepto Bismol since the Emancipation Proclamation, once put it eloquently, “the whole thing’s a bunch a shit.”

If you find yourself considering a job in this facet of the service industry, try phone surveys instead. Dante’s little world of convenience is but a fairy tale.

Brandon R. Hartley, a sixty-four year old man defending his third doctoral thesis on information theory, is a contract agent of the Oregon Commentator Publishing Co., Inc.
ty of another.

“Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property.”

In short, the OLCC’s regulatory actions speak of an attempt to control our private conduct. Whether this is intentional or not, the attempt to curb our vices is a mission best left to private mediating institutions — from churches to civic organizations to friends and family. In a free society, moral suasion can produce deeper and longer lasting results than law. Butler, in his speech before the Ohio Bar Association, made this point succinctly when he said, “It must not be forgotten that law is but one form or type of social control.”

The trend across the country is for “control state” governments to divest themselves of selling liquor. Pointing to the positive actions of other states may make us feel good, but that argument does not come close to what should be the most convincing of all reasons for abolishing the OLCC. For us, the primary reason is an ethical one: the government should not sell alcohol; government should not profit from vice.

In a free society, the government’s role is to protect life, liberty, and property — not operate liquor warehouses, not sell liquor, not wholesale, not retail.

We see the outcry over Oregon state government’s involvement in gambling, never mind that the money raised goes to purportedly good use. The ends do not justify the means. Oregon state and local governments could make money if they operated brothels, but imagine the uproar if our governments profited from prostitution. The ethical case against government selling alcohol is the same.

**CONCLUSION**

National alcohol Prohibition ended in 1933. That same year a special session of the Oregon Legislature created the Oregon Liquor Control Commission. Whatever justification fostered its creation, we no longer need this relic of Prohibition.

If the OLCC monopoly were abolished, and the sale and distribution of distilled spirits privatized, liquor prices would be lower and customer service would improve. Moreover, Oregonians could take pride in the fact that their state government was not trafficking in alcohol and thereby profiting (as much) from vice.

Oregonians should write the final chapter on the failed policies of Prohibition and privatize the sale and distribution of distilled spirits.

We’ll drink to that.

Angela Eckhardt is Program Coordinator for the Cascade Policy Institute. Kurt T. Weber is the Vice President of the Cascade Policy Institute.

**Random Stick Thoughts**

By Amanda Nottke
EXPLORE THE WORLD OF IDEAS

Let ISI be your guide!

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police won’t usually be friendly about a refusal to show ID, in this situation it is the smartest thing to do. The subject should truthfully identify himself, but if he is carrying contraband it is not wise to pull out a wallet and go for his ID. Remember, most fake ID busts are made this way. Koleszar notes, “The pat-down for officer’s safety doesn’t allow the officer to look for ID [in the “officer’s safety” frisk.] The frisk has to do with officer’s safety.” It bears repeating that showing false identification to a cop under any circumstances is foolish and will always result in a bust.

**Damage Control**

In situations involving partying and arrests diplomacy goes a long way. Officer Smith observed, “We may not even charge a minor possessing a forged instrument with a felony if they appear remorseful.” A simple MIP is often escalated to something more serious, as some students (especially ones who have been drinking) may get disrespectful or violent, according to Smith. One shouldn’t expect too much sympathy from the cops, though. Damage control, yes — but don’t expect any breaks. Smith also states, “When I see a crime being committed, I’m going to issue a citation. That’s what we do here on campus. We’re consistent.” She goes on to note that the situation is only worsened when a subject is belligerent, which is common in situations involving alcohol. Koleszar observes, “Eugene police don’t give warnings: they’re not required to. Therefore they don’t.”

Two words of advice for the fake ID user: be careful.
The information below is furnished to licensed drinking establishments by the OLCC as a set of guidelines for cutting off intoxicated patrons. No matter your relative sobriety, chances are the OLCC would consider you drunk right now. The “50 Signs of Visible Intoxication” have been reproduced to resemble the original as closely as possible.

50 Signs of Visible Intoxication

Serving alcohol to visibly intoxicated person (VIP) is against the law. Visible intoxication is intoxication that other people can see. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated.

Here are some of the signs of visible intoxication. If a person shows just one or two of these signs, that does not necessarily mean the person is intoxicated. But if a person shows a combination of several of these signs, that could be a strong indication that the person is intoxicated.

If you’re not sure, don’t serve.

1. Slurred speech.
2. Swaying, staggering, or stumbling.
3. Unable to sit straight.
4. Bloodshot, glassy eyes.
5. Loud, noisy speech.
6. Speaking loudly, then quietly.
7. Drinking too fast.
8. Ordering doubles.
9. Careless with money.
10. Buying rounds for strangers or the house.
11. Annoying other guests and employees.
12. Complaining about prices.
13. Complaining about drink strength or preparation.
15. Aggressive or belligerent.
16. Obnoxious or mean.
17. Making inappropriate comments about others.
18. Crude behavior.
19. Inappropriate sexual advances.
20. Foul language.
22. Depressed or sullen.
23. Crying or moody.
24. Extreme or sudden changes in behavior.
25. Overly animated or entertaining.
26. Drowsiness.
27. Drinking alone.
28. Lack of focus and eye contact.
29. Bravado, boasting.
30. Difficulty remembering.
31. Rambling train of thought.
32. Slow response to questions or comments.
33. Spilling drinks.
34. Trouble making change.
35. Difficulty handling money.
36. Difficulty lighting cigarettes.
37. Lighting more than one cigarette.
38. Letting cigarettes burn without smoking.
40. Difficulty standing up.
41. Unusual walk.
42. Boisterous.
43. Bumping into things.
44. Falling off of chair.
45. Falling asleep.
46. Can’t find mouth with glass.
47. Falling down.
48. Mussed hair.
49. Dishevelled clothing.
50. Overly friendly to other guests or employees.
Everybody knows that the more alcohol you drink, the drunker you get. Concurrently, the cheaper the drink, the more you drink and therefore, the cheaper the alcohol, the drunker you get. We hold these truths to be self-evident.

Any self-respecting bar has a period in the afternoon where drinks are cheaper. Most students know this as “happy hour.” If it were up to the OLCC, no one would ever know when these times were, or what specials are offered during these times. Pursuant to Oregon Administrative Rules 845-07-005 to 035, bars are prohibited from advertising this information in any manner.

It is not however, against the law for the Oregon Commentator to collect this information and publish it for the convenience of our readership, presumably students more than familiar with the concept of a happy hour.

This is our editorial content, we received no compensation for any of this from any of the bars mentioned, and the OLCC will just have to deal with it.

To make matters more difficult, the OLCC prohibits bars from handing out this information over the telephone, so the staff had to visit each bar personally to obtain this valuable information. If any of the times or prices are off a little, well, we were drunk.

<table>
<thead>
<tr>
<th>Bar</th>
<th>Time</th>
<th>Specials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Forest</td>
<td>4-7</td>
<td>$2.50 Micros / $1.50 Domestic</td>
</tr>
<tr>
<td>The Cooler</td>
<td>5-7</td>
<td>$2.50 Micros / $1.50 Domestic / $.25 off well drinks</td>
</tr>
<tr>
<td>Doc’s Pad</td>
<td>After 7pm</td>
<td>Different for every day of the week (ex-Wed. $1 well drinks)</td>
</tr>
<tr>
<td>East 19th</td>
<td>4-6</td>
<td>$2.50 (their beer)</td>
</tr>
<tr>
<td>Joggers</td>
<td>4-7</td>
<td>$1 off drinks / Sat 9-12 pay $10 for all the beer and food you can consume</td>
</tr>
<tr>
<td>John Henry’s</td>
<td>4-5</td>
<td>$2 Micros / $1 Domestic</td>
</tr>
<tr>
<td>Max’s</td>
<td>4:30-7:30</td>
<td>$.50 off drinks</td>
</tr>
<tr>
<td>Rennie’s</td>
<td>10-12am, 4-7pm</td>
<td>$2.50 Micros / $1.75 Domestic</td>
</tr>
<tr>
<td>Rock n Rodeo</td>
<td>4-7</td>
<td>Half-priced drinks, plus buffet</td>
</tr>
<tr>
<td>Scandals</td>
<td>4-8</td>
<td>$2 well drinks</td>
</tr>
<tr>
<td>Taylor’s</td>
<td>4-7</td>
<td>$.50 off drinks</td>
</tr>
<tr>
<td>Tom’s Tapper</td>
<td>6am to closing</td>
<td>All discount drinks, all the time</td>
</tr>
<tr>
<td>Wild Duck</td>
<td>4-6</td>
<td>$2.00 off pints</td>
</tr>
</tbody>
</table>
OLCC, from page 26

Concerning licensee’s violation must go before the commissioners to be overturned. The judge’s brief is then given to the OLCC commissioners for review. The judge and licensee are then brought before the commission. The judge presents his or her brief again, the licensee gets a chance to respond. If the judge’s findings are in favor of the licensee, the regulatory branch of the OLCC gets a chance to present its case. After hearing the testimonies, the commissioners call a recess and deliberate over the case. The commission can find either way in these hearing cases, but if they disagree with the findings of the administrative judge, the commissioners must hold a public vote and individually present their reasons for disagreeing with the judge.

OLCC commissioners are the direct link towards changing the current regulatory policies or pushing to revise any of the commission’s statutes. Whether you want to tighten drinking laws or repeal the legal drinking age, all power to make changes to the legislation lies directly in their hands. Ultimately, if you want to change the way the liquor control system works, you will come face to face with them in order to do so.

CLERKS, from page 27

gives owners an added incentive to pressure their clerks into halting all potential sales to minors, often adopting a “better safe than sorry” attitude.

Recently the OLCC has established what they are calling a responsible vendor program. To obtain this status, such a store must complete training for all of their employees and must not commit any OLCC violations. Once a store receives the responsible vendor status, fines are not as severe and the store will not lose their liquor licensee if they are caught selling to a minor. Currently, the Plaid Pantry convenience stores in the Portland area are the only stores that have been granted the OLCC’s responsible vendor status. [See “I Was a Teenage OLCC Stooge” on page 40 for more information. —Ed.]

It always helps to know what your rights are when you come into contact with any governmental regulations. Next time you go into a store to purchase alcohol and you run into a clerk that does not know the rules accurately, politely inform him or her of the actual regulations.

If they ask you “How do you know?” raise your head high and tell them the Oregon Commentator told you so.
something peculiar about the sand on the beach of Florence, Oregon makes a steady midwinter rain seem not bone-chillingly cold, but rather warm and relaxing, when one is experiencing the after-effects of having ingested a quarter pound of psilocybin mushrooms. If one were to bank on this observation, to turn it into some sort of platitude, one might find it to be erroneous, and wish that one had brought more than a swimming suit and towel on the adventure. Indeed, midwinter might seem like a curious time for a trip to the beach in the first place — but perhaps the reader fails to take into account the desperate measures to which first-year dorm-rats are willing to go, the lengths to which they are likely to transgress upon common sense and decency, when they are too young to entertain themselves by collectively taking up a weekend residence at some university area drinking establishment.

Seamus and Moon Unit* were pretty certain that the beach was the proper place to eat our fun stuff and go bonkers. “The beach it’s pretty chill, brah,” Moon Unit assured me as he twisted a strand of hair in his fingers and bobbed it absentmindedly against his thumb. A habit of his. Concern tugged at my eyebrows as I protested: “If it’s chilly won’t that cause us to have a bad trip?” “Moon Unit means that the scene will be mellow and nobody will bother us,” Seamus clarified as he handed me his specially engineered toilet paper roll and a bong, stepping away from the window. He has a way of clearing the air.

So we went west, the three of us, in my miraculously-still-functional-after-all-the-abuse blue Chevy Sprint. The definition of ordinary, that car — aside from the fact that someone had stolen the blade of one windshield wiper, and rather than replacing it I had simply left its arm turned upwards to wave when the other one was wiping. We found some bagels at a convenience store conveniently located on what seemed to be the edge of something or other, and we stuffed our fungus into them as we pretended to eat for dinner. We found a spirit of optimism, of revelry however subdued, hanging over the Blue Abomination as it perused the parking areas next to a range of Florence’s sand dunes, our stoned faces peering out its windows, hoping to see the ocean. Between the three of us we determined that there was probably water on the other side of those dunes, that we had probably been searching for beach, on the beach itself, for upwards of half an hour. I don’t know why we were surprised, upon finally exiting our clam-baked vehicle, to发现 there was water on the other side of the dunes. We found the epic story, told here for the first time ever. Soon to be an ABC Sunday Night Movie starring Rob Lowe, Dean Cain, and Neil Patrick Harris.

BY BRYAN ROBERTS

The epic story, told here for the first time ever. Soon to be an ABC Sunday Night Movie starring Rob Lowe, Dean Cain, and Neil Patrick Harris.

BY BRYAN ROBERTS

*Names have been changed to protect the indifferent.
find we had the place to ourselves.

We spent the morning in a huddle atop the highest dune as the wind caused eddies of powdery sand to pummel the fortress we had constructed with our coats. Expectant of “monster visuals”, we were almost disappointed that the day’s most fearsome apparition was an attractive thirtyish GoreTex-clad maiden out for a brisk walk with her benign-if-gargantuan, fluffy-white canine companion, some thirty feet below us on the shoreline.

The three of us exchanged glances indicative that none of us had been cognizant of the physical world for an indeterminate unit of time leading up to that interruption. “This is like... we’re communing with our spirits, ya know, and they’re like, One, or something... we’re a holy trinity... I mean, whatever,” was Moon Unit’s summary of the collective trance we weren’t yet coming out of. I looked at him quizically, my agnostic soul unwilling to refer to itself, until again Seamus introduced common language: “Dude, whuddup with the guitar and bongos?” So we passed two instruments between three people, exchanging them every few minutes, trying not to try to allow the moment to express itself through the medium of our three bodies, anxiously if euphorically striving to be effortless, to be doing exactly what we were supposed to be doing.

When the sun finally dipped low enough within the scheme of clouds that had all day obscured it, there seemed to be a tunnel of sky-cotton candy paved with hues of orange and purple the likes of which our eyes had never before had the fortune to know. We were drawn toward it; we bounded down that dune jubilant as chimps on cocaine. As we reached the surf three gulls alighted and flew straight into that tunnel of clouds toward the sun. I don’t need to tell you what those birds really were according to Moon Unit; more surprisingly, Seamus and I both seemed to go for it. For another hour we ran exultant along the shore, fully believing that we were being chased by the foam that flooded in toward us with the tide.

Driving home in the dark and the rain with only one headlight and one windshield wiper, I was relieved that the whole while. I feigned a tranquil poise in the various nirванas of psychedelia. Spencer’s Butte, The Country Fair, The Rainbow Gathering. Yet the entire time, as much as I said to myself, “this is beautiful, this is exactly why people are alive,” something kept throwing out hints that I was only tripping through this scene, to come out the other side and find another one. The same something that told me I had damn near impaled a bicyclist on Highway 126.

And now the various scenes, the assorted attitudes, the sundry schools of entertainment and appearance, the numinous circles of influence that compose this thing we call the University of Oregon has become the tunnel through which I trip, in varying degrees of sobriety. I guess I’m supposed to be able to say something about it when, and if, I find myself on the other side. To talk about it, I’ll meet Seamus and Moon Unit in some university area drinking establishment tonight, now that we’re all of age, to belly up to the bar and get stupid. That’s what we’re supposed to be doing, right?

Bryan Roberts, a senior majoring in English, is a featured columnist for the Oregon Commentator.
**ON LOVE SEES NO COLOR**

Isn’t it true that everybody is white until we point them out?
—Professor Debra Merskin, J201, on ethnic attribution in the media. Boy are our eyes open now — everybody should pay a lot more attention to the color of people’s skin, now shouldn’t we? Thanks for pointing that out.

Maybe white America isn’t ready to see Asians portrayed in serious roles.
—Overheard in the same class. An interesting observation, but a little narrow in its focus. Maybe it would be a little more accurate to note that none of America is ready to see anyone portrayed in serious roles.

**ON HOROWITZIAN**

I love manipulating the consumers’ minds.
—Onetime Insurgent co-founder and current Wilsonville marketing specialist Mary Koroloff. How’s about that for lost idealism? Koroloff is going back to school for her MBA. The OREGON COMMENTATOR wishes her well.

**ON MAJORITY OPINIONS**

I’m sorry for being such a hardass.
—New Constitution Court Chief Justice Robert Raschio, taking pause from a marathon stretch of hardassery at the Austin v. Timpany et al hearings. Hold on, this is just the setup...

It is the position of the court that we are sorry that Mr. Raschio is being such a hardass.
—Former Chief Justice Jeremy Gibons. After all this time, there you go, Jeremy. You’ve finally been spewed.

**ON DEAD ENDS**

We have taxi drivers here in Eugene who have their degrees in Sociology. This might be pretty hard for a Sociology major.
—Professor Richard Steers to his Business Management 321 class. Sad, really. Here’s a nickel’s worth of free advice: if you plan on making anything of yourself, don’t major in Sociology.

‘To the airport, Ms. Fox.’
ON MR. SHOWBIZ

Campus politics is so vibrant. Sweatshops and donors and everything. Somebody should make a movie about all this stuff. Maybe even like a TV show that people can get into it. Anybody know any good actors?

—Jeffrey Miholer on the ASUO newsgroup, Feb. 11. Sure, you could make it, but would they come?

ON OL DIRTY

If you want to work for the Emerald again, I would advise that you do not address me, or any other editor, in such an inappropriate way. The Emerald has no place in its company for a person who shows such disrespect for its editors.

—Emerald Editor Laura Cadiz, in an email response to former Student Activities Editor and OC drinking buddy Jason George’s displeasure with not being informed of spring term positions while he was in Portland. Aren’t inter-office politics riveting?

Of course, it is not your responsibility to tell me of openings. That is crazy. You should inform me of an opening because you feel I could help the paper. But no, you haven’t. And the conclusion I can draw from this?

—George, in reply. The conclusion you should be drawing is that she’s an unlikable supervisor who hasn’t done anything interesting with the paper all year and couldn’t edit her way out of a paper bag. Really, this is a blessing in disguise.

ON EXCEDRIN

It is kinda nice not having to wear those T-shirts, ya know?

—CJ Gabbe, overheard in the EMU, the day after the primaries. You should probably be more relieved that having lost, you won’t get nearly as much bad press from the OC as you might have. Don’t worry; we’ll still be thinking of you next year.

ON MINIONS

Well, see, with the senate, there were supposed to be eighteen senators, and there were only six, so they were doing the work of eighteen.

—Anonymous CJ & Peter campaigner to an undercover Commentator staffer on 13th street. Okay, CJ: while we understand that hiring idiots obviously makes them easier to dupe, couldn’t you at least send them out with something a little more convincing?
Start Here

1. How many people were living or staying in this house, apartment, or mobile home on April 1, 2000?

   - Round to nearest three-fifths

   **INCLUDE** in this number:
   - foster children, roomers, or housemates
   - indentured servants, sex slaves, and similar property
   - college students sleeping on couch
   - runaways, prostitutes or hitchhikers buried on premises

   **DO NOT INCLUDE** in this number:
   - people in a correctional facility, abusive nursing home or mental hospital on April 1, 2000
   - committed partner you met in a chat room
   - executive secretary who stays over when wife is away
   - runaways, prostitutes or hitchhikers not buried on premises (e.g. neighbor’s property, nearby river)

2. Is this house, apartment, or mobile home — Mark ONE box.
   - Owned by you or someone in this household with an unhealthy fascination with enemas?
   - Owned by you or someone in this household free and clear (without unhealthy fascination with enemas)?
   - Rented for cash rent? (Or in kind donation, e.g. enemas.)
   - Occupied without payment of regular enemas?

3. Please answer the following questions for each person living in this house, apartment, mobile home, cardboard box or functioning automobile. Start with anyone you can think of; it’s not like we pay too close attention to this. If there is no such person, start with any movie or television personality. We will refer to this person as Person 1.

   **What is this person’s name? Print name below.**
   - Last Name
   - First Name MI
   - Alias

4. What is Person 1’s telephone number? We may call this person if we need to sell them household appliances.
   - Area Code + Number

5. What is Person 1’s age and what is Person 1’s date of birth?
   - Month       Day           Year of birth

6. What is Person 1’s sex? Mark ONE box.
   - Male
   - Female
   - Undecided

7. Is Person 1 Spanish/Hispanic/Latino? Mark the “No” box if not Spanish/Hispanic/Latino.
   - No, not Spanish/Hispanic/Latino
   - Yes, that’s what Mama told me
   - Yes, I like to hold parades
   - Yes, Cuban/Communist
   - Yes, other Spanish/Hispanic/Latino — Print group.

8. What is Person 1’s race? Mark one or more races to indicate what this person considers himself/herself to be.
   - White/Honky/Cracker/The Man
   - Black/With Cream/With Cream and Sugar
   - American Injun or Drunken Eskimo — Print name of tribe, unless Called Quest.
   - Elf/Dwarf
   - Midget
   - Moor
   - Mongoloid
   - Martian
   - Guamanian or Chamorro
   - Phoenician
   - Boat Refugee
   - None of your damn business
   - Other — Make something up.
   - Other — It is essential to the functioning of our govt. that we know your race.

   **If more people live here, you are in violation of federal law**