

Geary goes to bat, again

By KEVIN HACKETT
Of the Emerald

Craig Geary and the ASUO presented arguments at a hearing Monday on the dispute over an ASUO constitutional interpretation that ruled Geary's write-in campaign for ASUO president in the May 3 and 4 runoff election illegal.

The committee will consider the testimony, briefs and other evidence presented at the hearing by Geary and make a ruling on the matter later this week.

Geary's brief challenged the constitutional interpretation made by ASUO Vice-Pres. Jamie Burns of section 10.2 of the ASUO Constitution in particular, and also requested committee interpretation of seven other sections of the constitution and 11 sections of the ASUO elections rules.

During the two-hour hearing, the committee made rulings on four of the questioned sections before hearing the arguments on the write-in constitutionality. The four sections dealt with committee membership requirements and committee procedure. Geary challenged the constitutional interpretation by citing local state and federal election procedural models.

"Students didn't ratify a constitution that excluded write-ins. The constitution is silent on this issue," Geary said.

Geary argued that because the ASUO Constitution fails to mention write-in candidates, the American constitutional model should be followed. He pointed out that write-ins are allowed in all federal elections and in 47 of 50 state elections. He added that the Oregon Voter's Manual allows write-ins in both the primary and general elections. He contended the ASUO could be bound by state election rules because the state collects fees that make up the ASUO's budget.

Geary also asserted his right to due process had been violated because he wasn't given a hear-



Craig Geary

Photo by Perry Gaskill

ing after Burns had reversed his decision to let Geary run a write-in campaign.

Don Chalmers, representing the ASUO, argued the committee is bound by the ASUO constitution only.

"The U.S. constitutional interpretation isn't for this committee to determine," he said. "We aren't operating with the American model. We're operating with the ASUO model. There is a legitimate governmental interest involved in letting the ASUO continue to operate on the ASUO constitutional model."

Chalmers contended it wasn't the ASUO that prevented Geary from running in the runoff election but instead the voters in the Executive election.

Previous to hearing arguments on the write-in ruling, the committee heard arguments on the questions on committee membership and procedure.

Geary's brief questioned whether all the Constitution Committee members were members of the student body as is stipulated by the constitution. All three committee members stated

that they were. (Committee member Jane Aiken was out of town and didn't attend the hearing.)

Geary, saying "I don't think I have a chance of a fair hearing with Bernau on the committee," made a motion that Jim Bernau disqualify himself from participating in the committee's decision because of a conflict of interest. Bernau declined.

Geary continued to question Bernau's status by citing section 3.2 of the constitution which states: "No person may simultaneously hold an elective and appointive position or more than one appointive position unless the Constitution Committee shall determine that no conflict of interest exists between the positions." Geary questioned whether Bernau's membership on the Constitutional Committee and the Oregon Student Lobby (OSL) might violate this section. Chalmers pointed out that OSL members aren't appointed by the ASUO but by the OSL board of directors. The committee ruled 2-0 with Bernau abstaining, that the section wasn't violated.

OSPIRG wants water control

"Neither water quality standards nor conditions of waste discharge permits should be suspended or modified if feasible alternative methods of achieving those standards exist," Mylene Simons, Oregon Student Public Interest Research Group (OSPIRG) representative, told a hearings officer for the Oregon Environmental Quality Commission (EQC) Saturday.

Simons was speaking in support of a rule proposed by OSPIRG to the EQC for water quality control during critical situations such as droughts, floods and

other comparable natural disasters.

OSPIRG's proposal would require the Department of Environmental Quality (DEQ) to investigate and develop alternative waste disposal techniques for substances usually discharged into state waters. The rule would require the EQC to review within 10 days any DEQ modification of any waste discharge permit. Any modification or suspension of water quality standards or permits under OSPIRG's proposed rule would be effective for only 120 days.

"There are alternatives to discharging liquid wastes into rivers and lakes. Land treatment of waste water has been successfully used by both cities and industries," Simons said.

The OSPIRG representative cited Muskegon County, Michigan's waste water irrigation project which uses sewage from a treatment plant serving more than 160,000 people.

According to Simons, pulp manufacturer ITT Rayonier in Port Angeles, Wash., has virtually eliminated waste water discharge through an improved manufacturing process which recovers spent liquid and increases plant efficiency. Other wood products companies have used a process called electrolysis to separate waste water into reusable products.

Another part of OSPIRG's proposed rule would direct the DEQ to explore the possibility of reallocating waste effluent limitations among holders of discharge permits. Simons cited an example of a food processing plant not in full operation until the end of the summer and a municipal sewage plant on the municipal facility could allow water quality standards to be maintained.

The Environmental Quality Commission will consider adoption of the proposed rules and the hearings officer's findings at its regular May meeting, May 27 at the city library in Albany.

Music in the park, maybe

The scene of nuclear age families sitting around the television set on Saturday evenings might switch to families sitting in Alton Baker Park listening to music if the Lane County Commissioners approve a request from TGM Electroacoustics this week to stage free weekly summer concerts.

The park's advisory committee tentatively has approved TGM's request to hold evening summer concerts from June 25 to Aug. 13.

John Caporale of TGM said he would like the concerts to be a "low-key family event, not a rock 'n roll event."

At the meeting last week, Caporale proposed scheduling local musicians for a variety of music — bluegrass, classical, jazz and barbershop.

He wants a diverse selection of music to insure the concerts attract a variety of music lovers and not just one select group of fans.

Caporale said TGM is staging the concerts as a public service and TGM will raise the money for the concerts through donations and support from local merchants.

Although the advisory committee approved the idea, they didn't pick a possible concert site. One of the suggested sites is a meadow near Autzen Stadium, permitting the use of the stadium parking lot for the estimated 1,500 music fans.

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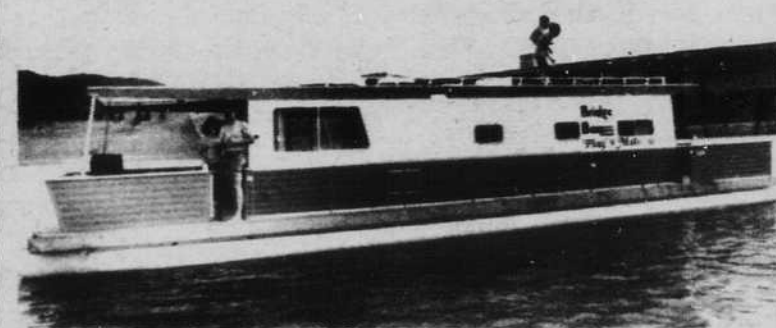
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