

EDITORIAL

The power to recall shouldn't be abused

More than 200 years ago, the framers of the Constitution began a debate that has yet to be resolved: How much direct influence should ordinary citizens have in deciding the policies of their government?

The original participants in this debate were divided into two principal camps, led by Alexander Hamilton and Thomas Jefferson. Jefferson, trusting the good nature and judgment of the people, favored a government that was more directly controlled by its citizens; Hamilton, in turn, was reluctant to allow important national decisions to be overly influenced by an inconstant and sometimes ignorant populace.

The Constitution, and the then-unprecedented government that it established, is the product of a compromise between these two ideals — a compromise that has served us well for two centuries.

In recent years, however, the notion of democracy has changed and wavered, and some people are calling for measures more in line with the Jeffersonian ideal — an ideal that gives the people a lot of credit but presents them with serious responsibilities as well.

One such measure is the power to recall elected representatives who fall out of favor with their constituents. It is not as explicit a means of influencing government decisions as say, the referendum, but its implications may be just as significant.

At present, local politicians are the most likely to be recalled, because local governments are more likely to have recall laws in force. Higher levels of government may not offer the citizenry the power to recall. For instance, it is not possible to recall federal officials (like the president), and U.S. senators and representatives are similarly safe.

This has raised the ire of some citizen activists, who would like to have the power to throw out politicians who don't behave like they want them to. Oregon Sen. Bob Packwood provides one example.

But the fact remains that there are already other mechanisms for removing such unpopular politicians; they're called "elections." The fact that an angry voter will have to wait as long as six years to throw out an errant representative is essentially irrelevant.

If the politician has done something truly criminal or has demonstrated outright incompetence in the job, then there are usually mechanisms to toss him out before his term expires. Presidents can be impeached and fired; senators may be censured. But the people are not — and should not be — directly involved in such proceedings.

After all, if we think politicians aren't willing to make tough decisions now, for fear of being unseated in a race for re-election, then how willing will they be when they know they can be immediately thrown out of office by a recall vote?

This is a representative democracy, not a direct democracy. We elect our representatives to make our decisions for us. The recall is a powerful tool that, if abused, can undermine the integrity of that democracy. If it is used at all, it should be used only in the most extreme of cases.



OPINION

Packwood: guilty until proven innocent



MARTIN FISHER

"If you cannot convince them, confuse them."
— Harry S. Truman

Call me old-fashioned, but, try as I might, I cannot seem to shake the notion that people are innocent until proven guilty. Thus, I find myself in the awkward position of defending Oregon Sen. Bob Packwood.

Personally, I believe the stories (at least most of the ones I've heard) of the 29 women who claim Packwood sexually harassed them, or — if not sexually harassed — found him at least extremely creepy.

However, I cannot bring myself to join the now seemingly deafening chorus of cries for the senator's resignation. Not yet.

In case you haven't noticed, Packwood has not been convicted of anything. Yet this minor technicality seems to have escaped a great many people. One revolting televised incident comes immediately to mind — a protester shouted (they always shout) a demand for Packwood to resign. Packwood asked the protester if she thought he should at least get a fair hearing first. The protester responded, "You're getting your hearing," to which Packwood replied, "Where?" The protester responded, "All around the state of Oregon." Go figure.

Silly me, but I've always imagined a fair hearing to involve testimony under oath, a chance to confront and cross-examine the accusers and the accused, and presentation of evidence. None of these steps has yet occurred. None of the 29 women has sworn to tell the truth before accusing Packwood, and I suspect Senate rules forbid Packwood from taking such an oath.

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in the court of public opinion just doesn't cut it.

And what about those diaries? Although it's possible there may be evidence supporting the women's allegations, I find that unlikely. I doubt investigators will find the hypothetical entry suggested by David Letterman — "Dear diary, this morning I grabbed someone's ass." Of course, there may be other incriminating material in the diaries, but that's another story.

I would be disappointed if Packwood resigned and deprived me of the chance to see him individually deny the 29 claims against him — "She's lying, and she's lying, and she's lying" kind of like the Energizer Bunny. He just keeps going and going and going.

But why would the 29 women lie? Unlike Anita Hill (whom I did not believe), these women have little to gain by coming forward. Nobody is going to offer them \$10,000 a pop to tell their stories. Their sheer numbers effectively devalue their stories so that no one is going to pay them to talk about it.

They're not trying to derail Packwood's campaign for office. If that had been their motivation, they would have come forward with a vengeance during the last election. In fact, many of them had been Packwood supporters. One accuser said she would still support Packwood if he would just apologize and get some help.

In short, they get nothing for their efforts, which in my opinion, gives even greater credibility to their stories.

So, why doesn't Packwood just resign and spare Oregon the embarrassment? Because Oregon thrives on embarrassment. Without it, we'd never get any media attention. The Oregon Citizens Alliance is embarrassing, tree-spiking eco-terrorists are embarrassing, Tonya Harding is embarrassing, the Bhagwan was embarrassing. Packwood is just one more notch in the state's history of embarrassment.

Actually, it appeared for about a day that Packwood was going to resign. But leave it to young, dimwitted Democratic staffers to kill that plan. When they learned of Packwood's potential

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resignation, a group of these staffers apparently contacted the Justice Department, which then launched its own investigation of Packwood.

The new investigation effectively killed Packwood's resignation. Had he resigned, he could not have used his congressional immunities in defending against the additional charges he may soon be facing. Instead, he now has no choice but to remain and use his office as a shield.

It is worth noting that Packwood has been an effective voice for Oregon in the Senate. His influence has created many a job here and a lot of people owe the senator a debt of gratitude. He has also done a great deal of work in the area of women's rights, which, if the accusations prove true, may go down as one of politics' greater ironies.

But as a sign I saw once said, "One 'aw shoot' wipes out a thousand 'atta-boys.'" Thus, the question tends not to be "What have you done for me?" but rather "What have you done for me lately." And although lately Packwood hasn't done much of anything, his hands have been tied by people demanding his resignation instead of demanding to know what he's going to do for Oregon in regards to forest and health issues.

Some people are saying Packwood "just doesn't get it." I've never understood exactly what that means, but in this case I know exactly what he hasn't got — a fair hearing.

I for one intend to wait for the results of the investigations before demanding anybody do anything, as would anyone who actually has concerns about individual rights and abhors trial by television.

Martin Fisher is a columnist for the Emerald.

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