

Court shouldn't have to fix PFC's problems

OUR OPINION: Sari Wisch's impeachment trial should have never come before the Constitution Court

When a court decides if a defendant is guilty or not, the jury will speak on each count brought before it. "Murder in the first degree?"

"Guilty."
Rarely will the jury say, "Not guilty of murder, but they did commit robbery."

The point being, when defendants go before a court, they stand trial for the crimes of which they are accused. When the Multicultural Center took Programs Finance Committee Senator Sari Wisch to trial on Feb. 4 before the ASUO Constitution Court, the court decided there is more to non-fulfillment of duties than is spelled out in the PFC by-laws. Wisch was brought before the Constitution Court for non-fulfillment of duties, and left enjoined from voting due to a conflict of interest.

This case was riddled with problems from the beginning. In her second brief to the court, Wisch wrote she felt the MCC's new goal statement was exclusive rather than inclusive. She wrote a letter to the MCC in the middle of January saying its budget was tabled until it went before the

ASUO Student Senate for goal-statement approval. She was wrong. The ASUO Executive approved the goal statement beforehand.

That is where the black-and-white facts end and the million shades of gray start.

Wisch also moved the MCC's budget hearing back almost a month but didn't tell the MCC. During the open hearing, the MCC contended a later budget hearing date would constitute a less giving PFC. While that is unproven in any form, it stands to reason, especially given the fact that the PFC is way over its benchmark this year.

There are no written rules about when a group's budget is heard, only that the group must receive one week's notice before its hearing. No rules exist regarding who can change the schedule or when certain groups are to be heard.

The problem is, there aren't even *unspoken* rules regarding the schedule. No one really knows who can change what, to when and why. Ignorance of the law is never a defense, but what happens when there is no clear idea to anyone of what the law is?

With a different approach, the court nearly burned itself midway through the hearing. Chief Justice Will Childs asked Wisch if she felt she could vote and deliberate objectively after all the hearings she had been

subjected to. Wisch answered she could.

What sort of precedent would that set for future groups? Pretend that one group doesn't want a PFC member to vote on its budget because it knows it will receive no support. The group could, potentially, bring a petition before the court and hope for a hearing. Even if it loses, afterwards there would be a case on record that said a court could enjoin a member from voting because of the effect of the case.

Luckily, the court did not give that as a reason for enjoining Wisch.

The reason the court gave was the only acceptable one: Wisch is an "active" member of the Jewish Student Union, one of the groups that falls under the MCC's "umbrella." Wisch has an apparent conflict of interest and therefore should not deliberate or vote on the MCC budget. PFC Senator David Lewis, a member of the Native American Student Union, abstained from voting due to his appearance of a conflict of interest.

But here's the problem. The MCC brought Wisch to the Constitution Court for non-fulfillment of duties. "Non-fulfillment" is clearly spelled out in the PFC by-laws and Wisch met none of the criteria to be punished. Instead, the court sanctioned her based on a different rule. Correct though it may be, this is what is commonly known

as an "activist court."

The court could not really punish Wisch. She violated no known rules. The day after Wisch wrote the tabling letter to the MCC, she wrote another that apologized for the misinformation from the day before. However, she didn't notify the MCC of the change in its hearing date. No one notified the MCC until it was too late to change the meeting time.

This was misconduct on Wisch's part, for which the PFC punished her by removing her from the committee's vice chair post. As the MCC's budget tag, one could assume notification was her responsibility. However, the entire PFC have access to those schedules. Did no one notice? Hardly.

The court puts a great deal of blame on the PFC as a whole for all these incidents. It was the PFC's lack of control over its own matters that led up to the MCC's budget fiasco. Wisch's apparent conflict of interest should have been noted earlier by the PFC, and she should have volunteered to abstain. The Constitution Court is not a maid service, but if the PFC does not clean its own house, the court may certainly do it for them.

This editorial represents the opinion of the Emerald editorial board.

Winners

Bill Sizemore

The author of the controversial Measure 47 isn't done with politics. With strong support from the national taxpayer movement, Sizemore has his eyes set on a future position as governor.



Jerry Green

Men's basketball head coach Jerry Green is enjoying a new wave of local popularity and is a finalist for the lucrative head coaching slot at Louisiana State University.



Dr. Dre

Rapper Dre recently bought a \$3.25 million house in the San Fernando Valley. So is he still coming "Straight out of Compton"?



Elizabeth Taylor

Elizabeth Taylor is recovering quickly from brain surgery to remove a two-inch, benign tumor. That's good news for Taylor who can now expect to celebrate her 65th birthday at home Thursday.



Wall Street

Investors are feeling down right bullish since the Dow Jones broke the 7,000 level to reach an all-time-high a week ago Friday.

Correction

The Feb. 21 editorial, "Two sides of a deep divide," contained a factual error. ASUO President Matthew Scotten and Vice President Glen Banfield were not the sole decision-makers behind the roping off of 228 student seats at the men's basketball game on Feb. 20. The 22-member ASUO Executive Board, of which Scotten and Banfield are members, made an unanimous decision to rope off the seats. The board is made up of all ASUO Executive officers. The *Emerald* regrets the error.

Losers

The Village People

The lead singer of the '70s disco group, Victor Edward Willis, was arrested for possession of 45 grams of rock cocaine and robbery in Las Vegas Saturday.



Albert Belle

The Cleveland Indian power hitter is in trouble... again. Baseball's highest paid player admitted he lost up to \$40,000 gambling on sports.



Legal immigrants

In accordance with the new welfare reform bill, 500,000 of the 803,000 legal immigrants currently receiving some form of welfare will have their benefits cut off between now and the end of March.

Riddick Bowe

The heavyweight boxer couldn't last three weeks in the Marines. After his much publicized entrance into the Marines, Bowe had a change of heart and backed out after the first weeks of boot camp.



Brian Hill

The Orlando Magic's head coach got the boot last week. Despite taking the Magic to two Atlantic Division titles, two Eastern Conference finals and one NBA final, without Shaq the Magic have slumped this year.

LETTERS

University embarrassed

I would like to thank the ASUO for letting 228 less students experience the first victory Jerry Green has had over Arizona. How much sense is there to wait to make a statement to University students in front of a regionally televised audience?

As a result of the explanation given by the media, University students were portrayed in a racist, insensitive manner. We were both in the second row of section NN at the UCLA game and never heard one racial slur or homophobic statement.

It seems the goal of the ASUO was to portray the University student body as racist and homophobic. We have discussed this issue with all of our friends who attend the games and nobody can substantiate the ASUO's claims.

As a result of the ASUO's actions on Thursday, the University's reputation

has been unnecessarily damaged. If this is the statement the ASUO felt it needed to make to the University student body and local community, its purpose would have been served at the Washington or Washington State games. It did not to be done in front of a regionally televised audience.

As a result, the University's reputation has been tarnished on a regional, perhaps national level. We are proud to be Ducks, but we are embarrassed at how the ASUO handled the situation.

Tim Sexton
Marketing
Mike Stair
Pre-Business Administration

Broad banning

I would like to thank those ten or so students who crossed the line this season when it came to rooting for the Oregon basketball team. You guys fi-

nally became vulgar enough to take seats away from other deserving students who really enjoy watching the sport and not heckling the opposite team in such a demeaning manner.

While I think your behavior was wrong, I believe it is the ASUO who is way out of line! I think it is outrageous of our student government to take away more than 200 seats from deserving students at Thursday night's basketball game on the count of ten or so students.

If you want to root out those students causing problems, simply put more security in the stands! If students become vulgar toward opposing players, have the security escort them out of Mac Court. This measure is used at football games for students who can't behave properly.

Currently, Mac Court is one of the most difficult places for opposing teams to come and play because of how close the fans are to the court and

how loud we can get. Having grown up in Eugene, I can remember times when the fans weren't very interested in the games.

Ever since Jerry Green has revitalized the men's basketball program, the games are packed and it's an exciting place to be. Nonetheless, the ASUO has decided to punish everyone through its own judge and jury system.

I would be curious to see if the ASUO asked the men's basketball players and coaches their thoughts on taking away 200 fans and the effects it will have or the taunting the men's team has to put up with when they are in a difficult arena?

Jerry Green has put an emphasis on us as the "sixth man" and yes, a few of us should be asked to leave for poor behavior. However, the ASUO banning more than 200 students is plainly inexcusable.

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Business

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