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Tiernan would upset judicial balance

AN EMERALD EDITORIAL

Voters should reject any efforts to make the judicial branch more political, including Tiernan's candidacy

In Washington, D.C., a movement is under way to pass legislation that would restrict the ability of federal courts to review ballot initiatives passed by voters in a state. This effort, backed heavily by California representatives who have seen their state pass several measures that are still tied up in courts, would create special panels to review the constitutionality of initiatives.

Currently, such initiatives, like all other laws, follow the same process through the courts as anything else. They start in a circuit court, where a single judge considers the matter.

While we support the initiative process and appreciate congressional concerns about overly political judges, we don't support this reform effort. The key to ending judicial bias is not to make it easier for unconstitutional laws to slip through the system; reform must occur at the level of the bench.

In the upcoming primary election, Oregon voters have an opportunity to ensure such reform moves in the right direction. Former state representative Bob Tiernan is running for the state Supreme Court, and he represents everything that could be wrong with a judge.

Prior to making a run for the court, Tiernan was promoting an initiative that would have allowed candidates to make their political views more explicit. Currently, judges are expected to remain neutral on policy matters, allowing voters to base their decisions on competence and legal experience rather than political orientation.

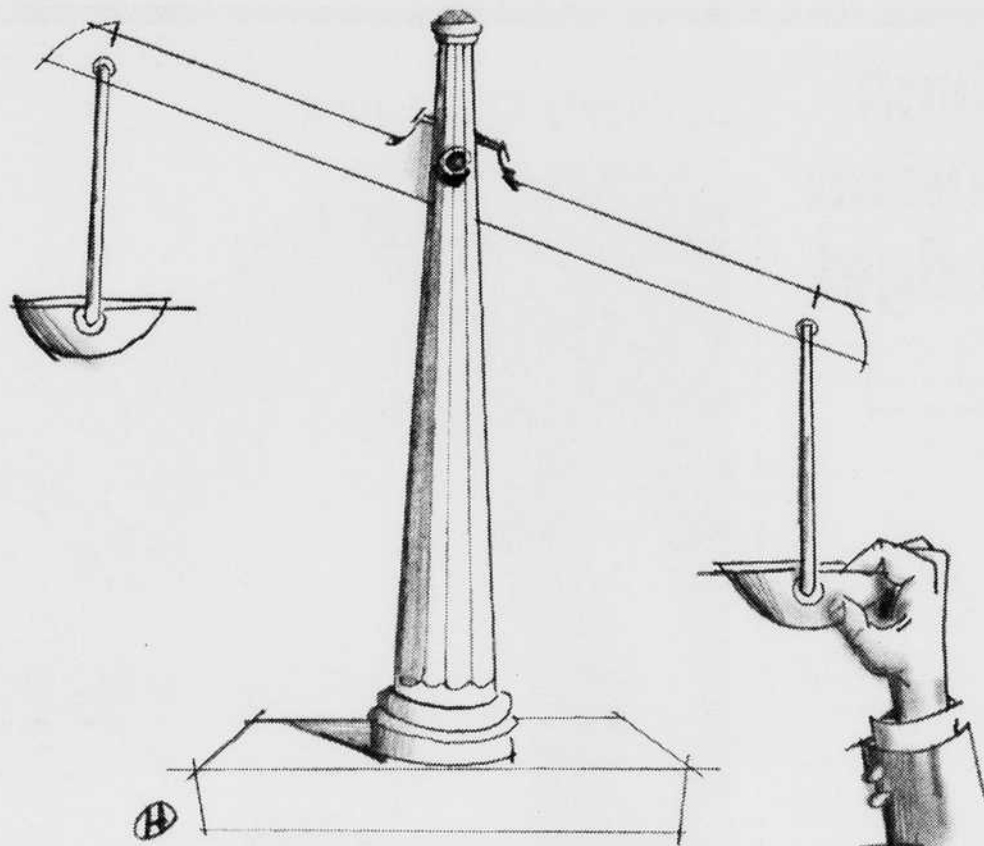
This certainly doesn't prevent strongly political judges from seeking a seat on the bench. In fact, of the five candidates seeking the Supreme Court seat, four are registered Republicans — suggesting Tiernan is wrong when he claims that liberals dominate the state's highest court.

Nevertheless, Tiernan's proposal — which he later dropped in favor of a legislative solution and his current campaign — would have made politics the key factor in judicial races. This would have been unfortunate.

The point of the judicial branch is to fairly and objectively consider the merits of legal arguments. It doesn't take a progressive and activist court to protect the interests of the public — it takes a fair court and a progressive legislature.

Neither a conservative nor a liberal judiciary is particularly desirable. Instead, the state should work toward ensuring that a more objective set of judges is granted authority.

For voters, the first step is clearly to reject Tiernan and the far-right, politicized bench he represents. As columnist Steve Duin of The Oregonian put it, "Tiernan is a meathead with a



CHRIS HUTCHINSON/Emerald

mean streak and a ham-fisted political agenda."

The members of the Oregon State Bar appear to concur with the meathead judgment, at least. In a poll, Tiernan came in fourth of the five candidates for the Supreme Court position; his 138 votes were well behind the lawyers' top pick, William Riggs, who received 1,718 nods of approval, according to The Register-Guard.

Rejecting Tiernan in this election isn't enough, of course. Lake Oswego voters drove him and his hate-filled politics out of office already; Oregon voters should continue the trend by rejecting whatever deviant and destructive policy he comes up with next, especially if it threatens the objectivity of the judicial branch.

Unfortunately, there is a great risk that Tiernan will win this election or at least make it into a runoff. The reason: name recognition.

This is a problem that continues to cloud the judicial selection process. Although judges are forbidden from soliciting funds or making political statements, they can still take contributions

and advertise their name and experience.

Accordingly, as The Nation documented in a recent issue, many judicial campaigns — like those for other political offices — go to the biggest spender. Because private law firms that do business primarily with corporations are among the biggest contributors to judicial races, judges who back corporate interests often find themselves in office.

Therefore, the real danger to a balanced judiciary is not the gubernatorial appointments Tiernan so laments, but the continued influence of money in the elections process.

Judges should have less power to speak about politics or anything else during elections, not more. The key to a fair election and a balanced bench are restrictions that allow voters to choose their candidate based on experience rather than partisanship or name recognition.

This editorial represents the opinion of the Emerald editorial board. Responses may be sent to ode@oregon.uoregon.edu.

LETTERS TO THE EDITOR

Walker best choice

In response to Michael Burnham's coverage of the House District 41 race, I find it more interesting to note what the article didn't say rather than what it did say. Burnham included Vicki Walker as more of an afterthought in his coverage, giving Fox several columns of space to spout his rhetoric on his Children's Charter. What Fox doesn't tell you in so many words is that he doesn't support public education. He supports a system of private education, preferably religious in nature, funded by public tax dollars that would, in essence, create a two-tiered system of education. I, for one, do not find the prospect of an education system based on vouchers very attractive. He also tells you that per-student state spending is \$7,200 when in actuality it is only \$4,491. I believe Fox is unhappy with the current public system in part because they won't allow the

teaching of creationism as a scientific theory. What Fox fails to understand is that the Constitution is very clear about the doctrine of separation of church and state.

Vicki Walker, a 1978 University graduate, is a strong supporter of public education. She and her children attended Eugene schools. Her son is a sophomore at the University and her daughter attends Lane Community College. Walker will work hard to secure more funding for schools and keep tuition rates down. In addition, Walker is pro-choice; her opponent is not. Walker supports civil rights for all Oregonians; her opponent does not. Walker is a respected community leader with broad-based appeal. She is the only real choice for students and deserves your vote on May 19.

Carolyn Lee
 Political Science

Protect public health

I was disappointed to discover a colorful advertisement prominently displayed on the back page of a recent issue of the Emerald, informing readers about smokeless tobacco. The Emerald's editorial staff should be ashamed to help sell products that endanger the health of their readers and fellow students.

The increasing market shares of smokeless tobacco point to the addictive potential of its nicotine content. At least there was the obligatory legal "Warning: This product is not a safe alternative to cigarettes." I am not aware of this product being a safe alternative.

The bottom of the ad read: "Bigger is always better!" As a physician, my professional experience has been that this refers to the "bigger, better" chance of the con-

sumer developing cancer. "U.S. Tobacco reminds you smokeless tobacco [is] not for sale to minors." Isn't that a patriotic name for a company selling such a product to young people?

Among Emerald readers there are impressionable minors. More than once I have had to explain to relatively young adults that they have a suspicious looking lesion in their mouth that needs the services of a surgeon for biopsy and removal with potentially disfiguring surgery.

Please stop accepting advertising revenue for products that will prove damaging to your fellow students and readers. Any revenue from this account cannot justify the damage to the public health.

Gary Young
 Medical Director,
 Sacred Heart Emergency Department

Thumbs



TO CLINTON'S STANCE ON TRADE REGULATIONS:

In a speech to evangelical Christians at the White House, the president argued against congressional restrictions on trade practices. According to The New York Times, Clinton declared that restrictions that forbid trade with nations that violated certain standards, such as human rights, would force the administration to "fudge," or overlook, violations. Such a declaration demonstrates everything that is wrong with the current globalist approach to trade. Some congressional decrees, such as the one banning trade with Cuba, are wrong-headed. Nevertheless, open trade can and should be tied to appropriate treatment of workers, the environment and political dissidents — so long as that tie is universally imposed. By acknowledging the administration has and will continue to ignore destructive practices by other nations in the interest of the profits of multinational corporations, Clinton has further demonstrated why a blind adherence to free trade at the cost of common sense will hurt average citizens throughout the world.

TO EDITING FIGHTS OUT OF THE "JERRY SPRINGER SHOW":

Now that Springer has apparently bowed to anti-violence groups, why would anyone watch?