

# Summer senators have to relinquish stipends

■ The Constitution Court rules that the summer senate and nonfulfillment clause are unconstitutional

By **Jeremy Lang**  
Oregon Daily Emerald

The ASUO summer senators accused of nonfulfillment of duty charges escaped with only a minor punishment Monday, but the senate body itself did not stand up as well. Instead of removing the senators from office, the court removed the entire summer office instead. The ASUO Constitution Court ruled Monday that Sens. Jessica Timpany, Spencer Hamlin, C.J. Gabbe, Jerome Gryzbowski and Andrew Schneider were guilty of nonfulfillment of duties for not

holding posted office hours as members of the summer senate. They now have 30 days to pay back their \$75 stipend pay for their summer work.

All of the convicted summer senators are current ASUO student senators except for Schneider, who resigned from senate at the end of fall term.

Senior political science major Scott Austin, who filed a grievance on the issue more than three months ago, attempted to have the senators removed from office at a public hearing on the issue Friday.

In the court's majority statement, Chief Justice Jeremy Gibbons said usually the court wouldn't look at the structure of the summer senate itself but that the case brought up important questions regarding its

constitutionality — especially regarding the fact that the ASUO Student Senate, not the students, elects the summer committee.

"This creates a situation in which senators, in effect, elect senators. That the ASUO Student Senate should be a self-appointive body is not countenanced by the ASUO Constitution. In fact, this procedure violates [rule] 6.17 of the ASUO Constitution," Gibbons said in the majority opinion.

The court decided the rule Austin used to try to remove the senators was unconstitutional as well. According to senate rules, senators are forced to leave office if they have been convicted of nonfulfillment.

"If the senate fails to obtain quorum during any three-week peri-

od when the University is in full session, senators may be removed by the Constitution Court," Gibbons wrote in the court's opinion. "There is no room in this constitutional scheme for the senate to impose additional qualifications upon its members or to remove, by action or by rule any qualified and duly elected senator."

Austin said he still considered the decision a victory. "Making them pay back the money was the whole point to begin with. Getting them kicked out would have just been the ice cream topping on the cake," Austin said of the decision.

He added he is pleased that the idea of office hours is clearer. Although he didn't originally intend to have the summer senate itself brought into question, he said dur-

ing the hearing he hoped the justices would see its structure problems.

Although she couldn't speak for the rest of the summer senators, Timpany said she didn't think the resolution was fair.

"I think repayment is extraneous especially when the court admitted we did our duty as senators — we just didn't post hours," she said.

Timpany also blamed the ASUO rules for causing the confusion with summer senate.

"The Green Tape Notebook is very disjointed. I don't think any of us questioned the validity of summer senate until tonight."

The court offered suggestions for how to conduct senate business over the summer. It will be the senate's job to redefine the summer session in the weeks to come.

## MECCA

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cling.

"Artists love it," Grimm said. But supporting artists is not BRING Recycling's main goal — it also aims to educate.

The "objective is to get these materials into the hands of people who want to make a living for themselves," she said.

Some materials donated to BRING Recycling, however, have gone to landfills in the past and might now be reused thanks to BRING Recycling's new project. Grimm said MECCA will garner and distribute materials such as fabric and wallpaper, scrap books, foam, misprints and paper, to name only a few. These materials will then be made available to individuals, groups and especially children for educational purposes, such as art projects. Part of the lesson will be that garbage does not always have to go into the trash can but that some of it can be reused.

"I just found that reuse is something we want to develop," Grimm said.

Currently, MECCA, which is just getting off the ground, is run strictly on a volunteer basis. Grimm said MECCA hopes to find more members who would like to get involved in donating or managing reusable materials.

MECCA is holding a public information session tonight in the EWEB Community Room from 7 p.m. to 9 p.m. Grimm said besides engaging in dialogue with interested community members, she hopes MECCA will be able to form its board of directors.

Another concern is finding a permanent home for MECCA. Until such becomes available, materials are available to the community by appointment only. Individuals interested in materials can trade or purchase them for an inexpensive price. Teachers and groups may receive MECCA materials for free if the intent is educational.

Currently, MECCA meets Thursday nights from 7 p.m. to 10

p.m. at Looking Glass Station 7 at 2485 Roosevelt Blvd.

Alex Cuyler, recycling specialist for the city of Eugene, said the extension of BRING Recycling would not only help educate community members about recycling, but it would also help the city's recovery rate — the rate of material a city is required to recycle.

"The MECCA project would help the city of Eugene to meet some statewide needs for reuse," Cuyler said.

Currently the recovery rate in Lane County is 44 percent. Projects such as MECCA help the city get a 2 percent credit.

"Reuse is just a very good idea," he said. "Using things over and over again is just a very necessary message."

Julie Daniel, general manager at BRING Recycling, said MECCA serves two purposes. On one hand it reuses materials that would otherwise have gone to the landfill. On the other hand, "It raises people's awareness of what is garbage," she said.



Catharine Kendall Emerald  
The Materials Exchange Center for Community Arts will use materials from BRING Recycling for educational projects and artistic endeavors in local classrooms.

## City council

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the construction of a new Emergency Communication Center (911) at Second Avenue and Chambers Street last year.

**“I’ve decided not to run again partly for financial reasons, like paying off my college loans.”**

**Bobby Lee**  
council president

But it's the tenuous condition of the physical building, judged unsafe in the event of earthquake by an architectural firm in 1995, that provides the strongest argument for proponents of the relocation.

"The police department deserves a safe and adequate place to work. We basically trust these services with our lives, and they deserve a decent place to work,"

Councilor David Kelly said.

During an open forum, many local residents raised concerns about both the cost and feasibility of the project, but they were quelled when Councilor Gary Rayor's amendment ensuring that any leftover revenue be returned to voters was added to the measure's language.

As proposed, the council compensation measure would pay the mayor \$1500 and councilors \$1000 per month. The primary rationale for such is that it might encourage a broader range of citizens to run for the office, which on average requires at least 30 hours of time worked per week.

Council President Bobby Lee, echoing the comments of other members, said the time and financial sacrifices councilors must make to serve often preclude many from seeking ward seats.

"It's a four-year commitment," he said. "I've decided not to run again partly for financial reasons, like paying off my college loans, and it shouldn't be that way."

## Elections

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that Gabbe and Larson had in fact violated elections rules when they offered a "thing of value" in the form of refreshments at a Feb. 4 International Coffee Hour.

"I like the decision because, in a way, it upheld our ruling," Elections Coordinator Ken Best said. "In a sense it means, 'Yes, they should've been removed from the ballot.'"

The court ruled that Gabbe and Larson's action in providing refreshments at the International Student Association coffee hour on Feb. 4 was done so in violation of election rule 2.4 and with the intent of promoting their campaign. The court also decided, however, that the Elections Board violated the candidates' rights to "due process" by not holding a hearing for the grievance filed against them within 72 hours.

Due process says that a person cannot be denied his or her rights unless the matter is dealt with according to established rules. The established rule in this case demands that a hearing be held within three days of a grievance being filed. The rights being denied would be Gabbe and Larson's right to remain on the ballot.

At the hearing held last Friday, Student Senator Jennifer Greenough, who filed the grievance, agreed with Gabbe and Larson that three days meant 72 hours. It was then determined that the hearing for the grievance was held roughly 73 hours after it reached the hands of Best.

The court concluded the Elections Board should be held to the same standards as the candidates. By breaking the rule of due process, the board gave up its right to decide on the fates of Gabbe and Larson.

"They should be very thankful that we live under a fair system of government that requires that rules be followed not only by citizens but also itself," Justice Robert Raschio stated in the court's decision. "Mr. Gabbe and Mr. Larson have dodged a bullet. They should not expect to be so lucky next time."

Gabbe and Larson continue to hold that they did not violate anything in providing food and drink at the ISA coffee hour.

"I still firmly believe that we did not break a rule," Gabbe and Larson's campaign manager Melissa Unger said.

The Elections Board is disappointed because not only could the technicality held against have been easily avoided, but the board itself never agreed that three days equals 72 hours.

"If we had met earlier, we could've stalled our decision until later," Elections Board Manager Nate Jolly said. "But we had our decision that night, which helped their due process rather than hurt it."

Best said he feels that the ruling was made based on "misinformation of fact," specifically in statements he had made and interpretations of the rules by the board.

Greenough said, overall, she agreed with Best. "Justice has not been served," she said.

## Oregon Daily Emerald

P.O. Box 3159, Eugene OR 97403

The Oregon Daily Emerald is published daily Monday through Friday during the school year and Tuesday and Thursday during the summer by the Oregon Daily Emerald Publishing Co. Inc., at the University of Oregon, Eugene, Oregon. A member of the Associated Press, the Emerald operates independently of the University with offices in Suite 300 of the Erb Memorial Union. The Emerald is private property. The unlawful removal or use of papers is prosecutable by law.

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