

Grievances are nothing new in ASUO elections

■ The last four years have seen an explosion of grievances that have disrupted elections and upstaged the candidates

By Emily Gust
Oregon Daily Emerald

Over the past few years, ASUO elections have brought with them downpours of grievances.

Last week, ASUO Executive candidate Jeff Oliver accused fellow candidates Bret Jacobson and Matt Cook of breaking election rules by distributing campaign fliers in the residence halls. The ASUO Elections Board decided in favor of Oliver's grievance Thursday, and removed Jacobson and Cook from the ballot.

But hours before the general election was set to begin Monday, the ASUO Constitution Court agreed to hear Jacobson's and Cook's appeal, splitting the general election into two parts and postponing the second half until spring term.

Such elections complications are certainly not new.

For the past four years, a flurry of election-time grievances have targeted everything from tennis balls to megaphones—and they have disrupted the election process, causing delays in both results and election dates.

Former ASUO Vice President Ben Unger said it has not always been that way.

"It wasn't such a grievance-filled world back in the day," Unger said. But for the past four years, beginning with Unger's run for the ASUO Executive in 1997, grievances have become the major players in the election process instead of the candidates.

When Unger ran with Bill Miner in 1997, the general elections were postponed to deal with a grievance filed against the pair, even though they had won outright during the primary election with more than 50 percent of the vote.

"Eagerly wanting to get the word out, we put up posters on telephone polls," Unger said, noting it was against a city ordinance, but that the two didn't know. "That's all we did, [but] it was scandalous enough."

The following year, the number of grievances seemed to explode.

Grievances appeared even before the primaries began April 15, 1998, and elections finally ended in mid-May after the court heard the last six.

One of the bigger complaints accused Unger of supporting Executive candidate Geneva Wortman and Morgan Cowling's campaign while he was in office, sparking debate over where the line is crossed

when one sits in the Executive seat. "When I was in student government, I was trying to live in two distinct realities," Unger said. "That kind of got me into a little bit of trouble."

The grievance accused Unger of helping at a voting booth while at the same time remaining an active member of the Wortman and Cowling campaign, an action that ultimately resulted in the court reprimanding Unger.

One grievance the same year targeted a member of the anti-OSPIRG Honesty campaign for use of a megaphone on 13th Avenue, and another targeted an Executive candidate for using tennis balls to get out her message during the campaign.

"That was a big violation because they were giving away a product," ASUO Elections Coordinator Shantell Rice said. But "I mean, it was a tennis ball. Who cares?"

Many of the grievances called for invalidation of previous election results and for a special election, but neither resulted.

In 1999, Executive candidates Wylie Chen and Mitra Anoushiravani faced complaints after they slid campaign fliers underneath some doors in the residence halls.

"I was an RA, so I was very aware of what housing policy was as far as advertisements go," Anoushiravani

said. "I know for a fact that we didn't do anything wrong."

Candidates Dan Reid and Matt Swanson filed the grievance. But by the time it was considered, they had already lost to Chen and Anoushiravani, who had garnered more than 50 percent of the vote in the primary elections.

"We beat them so badly in the primaries that the grievance didn't really hold any weight," Anoushiravani said. The court never resolved the issue, which has left the board without a precedent to follow when considering Oliver's grievance this year.

More recently, grievances kept last year's primary and general election results a secret long after voting ended.

In that election, Executive candidates C.J. Gabbe and Peter Larson were accused of providing "a thing of value" during an International Student Association coffee hour, which is against election rules.

"We believed all the way through — I still do — that we didn't break that rule," said Melissa Unger, Gabbe and Larson's campaign manager.

The Elections Board decided to remove Gabbe and Larson from the primary ballot because it believed they violated election rules, but the court replaced them after deciding to hear their appeal.

Back on the ballot for the general

election, Gabbe and Larson faced yet another grievance similar to the first. That grievance withheld general election results until after spring break.

Melissa Unger still believes that the grievances, mixed with the media coverage, were the undoing of Gabbe and Larson's campaign.

"Us being on the front page pretty much every day for a month and a half with all the talk about grievances didn't help," she said. "Instead of a campaign about issues, it became a campaign about why C.J. and Peter were so bad because they did this horrible thing."

The explosion of grievances during the past four years is curious, but some people have their theories.

"I think when it comes down to it, the really competitive tickets are the ones that really, really watch each other," Rice said.

From the perspective of someone who has been a target in the past, Ben Unger said he thinks the grievance explosion stems directly from the way the board and the court have handled grievances.

"The consequences became so extreme, then it became worth it for people," Ben Unger said. "Once you start enforcing rules where people can be removed from the ballot, and if you're losing, then it becomes a strategy."

State Supreme Court hears case at law school

■ The justices' visit gives University law students the opportunity to see the Supreme Court in action

By Brooke Ross
Oregon Daily Emerald

Instead of convening in Salem as usual, the Oregon Supreme Court met at the University's School of Law on Tuesday to hear arguments on the constitutionality of a search-and-seizure case involving drug paraphernalia.

The annual event, sponsored by the law school's Legal Research and Writing Program, included a visit by the state Supreme Court to give law students and the Eugene community the opportunity to see the state's highest court in action.

Chief Justice Wallace Carson, along with six other Oregon justices, listened to the case of Jeffrey Cook, who was arrested Sept. 8, 1996 for drug possession. Cook was convicted, but his lawyers are contending that the arresting officers performed an illegal search. State lawyers, however, argue that Cook's rights were never violated when he was arrested.

Following the court session, the justices answered audience ques-

tions about the state court process.

Members of the court argued whether or not officers violated Article 1, Section 9 of the Oregon Constitution, which prohibits police officers from conducting unreasonable searches and seizures. Cook was arrested when two Eugene police officers responded to a report of people trying to break into parked vehicles. When the officers arrived on the scene, one noticed Cook in the parking lot sorting through the contents of a duffel bag. After Cook denied the bag belonged to him, the officers searched through it and found white powder, later determined to be a controlled substance. They also found a syringe, a knife and two spoons. Cook then admitted the bag was his and was charged with unlawful possession.

Dan Maloney, deputy public defender and one of Cook's attorneys, said Cook did not give consent to the officers to search the bag, so it was unconstitutional for them to conduct the search without a warrant. "A person does not have to accept their right of privacy in order to have the right," Maloney said. "What you have here is a warrantless search based on reasonable suspicion."

Jennifer Scott Lloyd, assistant attorney general, said that because Cook denied the bag was his, it was not an unconstitutional search.

"The officer searched the bag only after the defendant tried to separate himself from it," she said.

Throughout both presentations, the justices interjected questions and comments to clarify the various statements from lawyers.

The justices, particularly Justice Paul DeMuniz, had several questions for Lloyd.

DeMuniz asked Lloyd what the constitutional significance was of Cook claiming the bag did not belong to him.

She said simply denying ownership of the bag was not enough to clear Cook, and if a person disclaims ownership, the police can conduct a search.

After hearing both sides, the justices took questions from the audience, and Justice Ted Kulongoski explained the process of deciding a case.

"What you see today is just the end result of a very large process to get this case here," Kulongoski said.

He said for a case to reach the Oregon Supreme Court, a judge recommends the justices take a case. The justices then look over the case and vote on whether or not to hear it. He

The State of Oregon vs. Jeffrey Dale Cook:

Cook was convicted of unlawful possession of a controlled substance after he admitted to police officers a duffel bag containing a controlled substance and other drug paraphernalia belonged to him.

His lawyers argue Article 1, Section 9 of the Oregon Constitution, which prohibits police from conducting unreasonable searches and seizures, was violated.

The Oregon Supreme Court is reviewing the case.

said three out of seven members must agree to take a case.

For Jason Guinasso, a first-year law student, this was his first time seeing the Oregon Supreme Court in action.

"It wasn't as tense as I thought it would be," he said. "It was a lot more of a collegial atmosphere."

Guinasso said the case was highly technical, but he did have an opinion in the end.

"I kind of felt like the state had a clearer case," he said. "It was easier to get my mind around the theories they were proposing."

Calendar

Wednesday, March 7

Center for the Study of Women in Society Wednesdays at Noon: Stephanie Wood, women's studies, discusses "Mexico's Founding Mothers and Fathers: Early Mesoamerican Gender Complementarity?" Noon-1 p.m., Room 330 Hendricks Hall. Free. For information, call 346-5015.

Workshop/Presentation: Luis Urena, president, Farmworker Union of the Dominican Republic, and Ramon Ramirez, president, PCUN, discuss "The Impact of Globalization on Farmworkers and Garment Workers in the U.S. and Abroad." Workshop at 4 p.m.; community presentation from 5:30-7 p.m., Gumwood Room, Erb Memorial Union. Free. For information, call 346-3700.

Russian Film Series: "Kolyma," Part 2, is a prize-winning documentary on Soviet forced-labor camps in Kolyma, in Russian with English subtitles. 6:30 p.m., Room 115 Pacific Hall. Free. For information, call 346-5051.



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