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Scholar scrutinizes views of high court

■ Law Professor Frank Michelman analyzed views on the U.S. Supreme Court's role in the presidential election

By Brooke Ross
Oregon Daily Emerald

Never before had the U.S. Supreme Court made a decision that could decide the presidency, but since it stopped Florida ballot re-counts in the 2000 presidential election, the public has been questioning the motives of the court that placed George W. Bush in the White House.

Some say the court's involvement in the election was a betrayal of law, while others respect the court for ending something that could have escalated into a national disaster.

Harvard University law Professor Frank Michelman examined these views in his Monday night lecture, "Machiavelli in Robes? The Court in the Election." His speech was this year's topic for the Oregon Humanities Center's 2000-01 Colin Ruagh Thomas O'Fallon Memorial Lecture in Law and American Culture.

Dozens attended and some had to stand in the aisles of the auditorium at the University law school to hear Michelman's interpretations.

In examining the Supreme Court's actions, Michelman referred to a CNN survey released shortly after the court's decision to stop ballot re-counts. He said half the respondents believed that the justices' votes were influenced by their own opinions, and of that same half, two-thirds said the decision was unacceptable.

"What are we to make of these results?" he said.

Michelman said that on one

hand, the court's involvement and final decision could be considered a breach of faith.

"According to one view, since the Supreme Court was unable to get legal grounds, the court should have kept itself out of the matter completely," he said. "The question is about to what extent, if any, a ruler can take liberties."

The opposing view believes the Supreme Court had to take action to stop a bigger disaster from happening, such as added chaos and the president being unprepared to fulfill his duties upon entering office.

"What American people count on getting from the Supreme Court is less law than it is order," Michelman said.

He said some people respect the court's decision because it helped end the tension that was rising throughout society.

"Let's suppose fear was growing in December, suggesting a disaster," he said. "Intervention may have been the last, best hope of salvation."

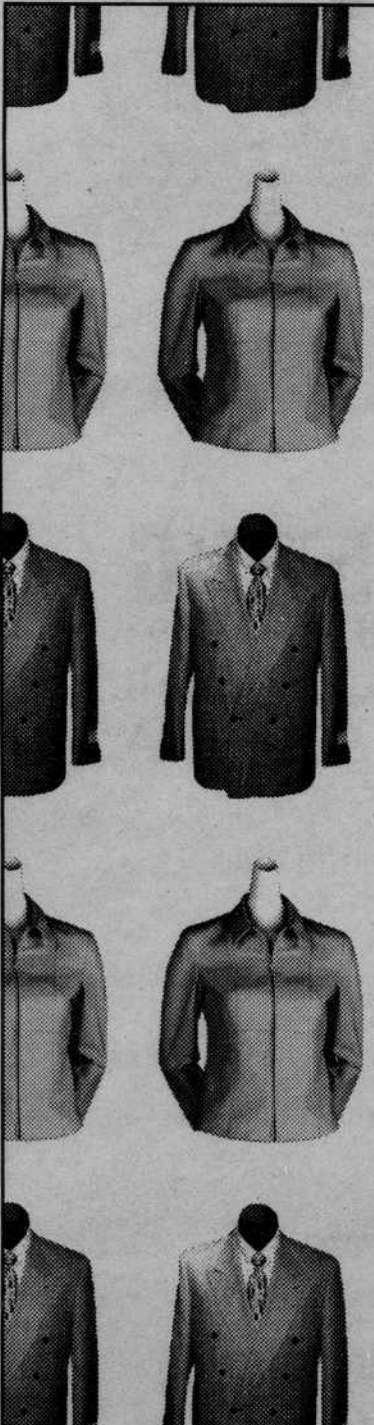
Tony Foy, a Eugene marketing director, said he appreciated that Michelman presented different views about the Supreme Court's involvement in the election.

"There's a definite place for the Supreme Court in this country, but it's not without criticism," he said.

Foy said he did not necessarily disapprove of the court's decision, but he wondered why it favored Bush.

James O'Fallon, associate dean for academics at the law school, said it took several years to arrange Michelman's visit to campus.

"He's an exceptional court law scholar," he said. "I knew he'd have something useful to say to the community."



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