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Crimes mean prison time; violations lead to paying fines

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GUEST COMMENTARY

Students often ask me about the difference between a crime and a violation. The answer is best understood by examining the punishment imposed for each: Violations result in fines and are similar to speeding tickets, while crimes carry the possibility of jail or prison. Being found guilty of a crime means you have a criminal conviction on your record until it is expunged, and not all crimes can be expunged.

Why should a University student care about this distinction? First and foremost, obtaining a drug-related criminal conviction means you lose eligibility for federally funded student loans. Per the 1998 Amendments to the Higher Education Act of 1965, P.L. 105-244, a student convicted of any state or federal drug offense is ineligible to receive any grant, loan or work assistance for one year on a first offense, two years on a second offense and indefinitely on a third offense. A student may resume eligibility before the end of the ineligibility period by completing a drug rehabilitation program that complies with certain federal criteria.

Because the State of Oregon decriminalized possession of less than an ounce of marijuana, such possession is charged as a violation and does not result in a criminal conviction. Student loan ineligibility applies to students who are "convicted" of drug offenses. Therefore, it appears that ineligibility is not triggered by pleading guilty to a violation.

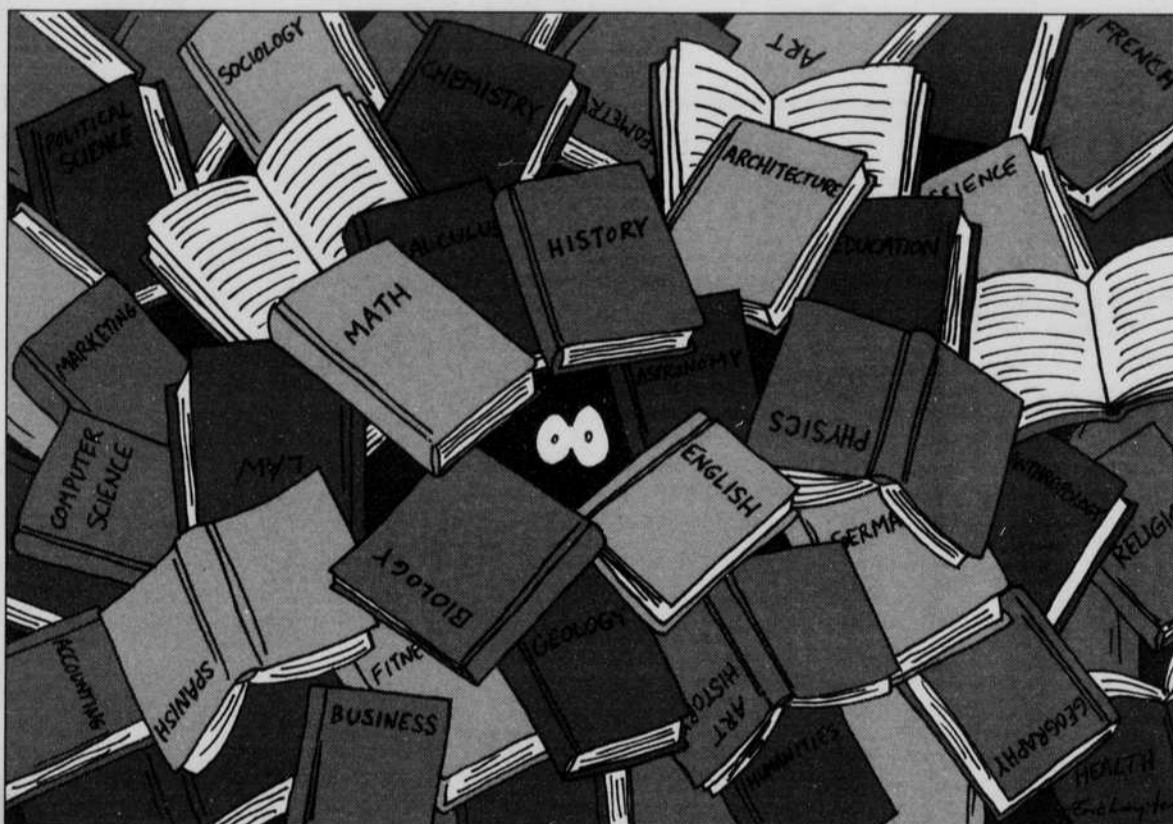
If you have a less than an ounce of marijuana charge in Eugene Municipal Court, you can resolve your case through a one year diversion program if, on the date you received the ticket, you had no other marijuana charge pending, no prior drug convictions and had not previously done the drug diversion program. You must file a diversion petition within 30 days of your first court appearance and pay a \$212 fee. Once admitted to diversion, you must pay for and complete a drug evaluation and treatment program. Treatment costs can run in the thousands of dollars, although some less expensive programs exist. Upon successful completion of the diversion program, the charge is dismissed.

Be aware that a violation can quickly escalate to a crime, depending on the circumstances. For example, sharing some marijuana with a friend, in an amount of five grams or more, elevates a simple possession of less than an ounce violation to the crime of Delivery of Controlled Substances. If the delivery is purely gratuitous, the charge is a Class A misdemeanor which carries a maximum penalty of up to a year in jail and up to a \$5,000 fine. But if the exchange of marijuana is for anything of value (a slice of pizza, a beer, a dollar), it can be charged as the crime of Delivery for Consideration, which is a Class B felony carrying significant consequences, including incarceration in jail or prison, huge fines, supervised probation for up to five years, prohibition on owning firearms, and drug evaluation and treatment costs.

Another concern about criminal convictions arises for students who are not U.S. citizens, for whom a drug conviction may curtail the ability to remain on a student visa or to obtain or maintain legal resident status. Immigration authorities apply shifting definitions to what constitutes a serious drug offense and any drug arrest becomes fair game for their scrutiny.

Whether a crime or violation, any citation issued by the police carries significant and potentially life-altering consequences. Your best bet is to avoid police contact. If you are cited by police, seek legal counsel so that you understand your rights and choices.

Laura A. Fine is an attorney with ASUO Legal Services.



Eric Layton Illustration

Imprisoned by politeness

Heard the whirring drone of a hard drive lately? Or maybe you've depressed the brake pedal on a recent Albertson's run? As it turns out, culturally insensitive language has weaseled its way into both, crossing the ever-advancing chalk line of political correctness.

In May, a particular employee of Los Angeles County's Probation Department division spotted "master" and "slave" labels on electronic equipment. (Far from being an ill-placed sociological or historical comment, or worse, a racially divisive and distinctly uncreative prank, the terms are industry-standard, and elegantly describe similar parts of a mechanical or electrical system wherein one part unidirectionally controls another. To wit, master and slave cylinders in a braking system, or master and slave drives — say hard drives — on an IDE controller in your computer.)

Regrettably, this employee didn't appreciate the distinction between innocuous technical terms and imaginarily divisive and subversive racial attack, and filed a discrimination complaint with the Office of Affirmative Action. After the request snaked its way through the usual bureaucracy for six months, Joe Sandoval — the division manager of Purchasing and Contract Services of the county's Internal Services Department — sent out an e-mail to the county's equipment vendors. "Based on the cultural diversity and sensitivity of Los Angeles County," the e-mail read, the master and slave labels are "not acceptable."

The e-mail went on to request that "each manufacturer, supplier and contractor review, identify and remove/change any identification or labeling of equipment or components thereof that could be interpreted as discriminatory or offensive in nature before such equipment is sold or otherwise



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provided to any County department."

Fortunately, Sandoval keenly recognized the absurdity of the situation: "I do understand that this term has been an industry standard for years and years," he told Reuters. "It appears that some folks have taken this a little too literally."

Indeed: In a separate memo, the director of the Office of Affirmative Action said that the county was conducting an "exhaustive search" to find all such labels and replace them. Forms were sent to all departments in the county, asking them to identify equipment labeled "master," "slave," or any other "offensive" terms. As most hard drives bear "master" and "slave" labels, the process should be long, tedious and ultimately, a miserable waste of taxpayer money in an already cash-strapped state.

The Internal Services Department e-mail and messages that promote the same ideas perpetuate a dangerous undercurrent that threatens reasonable discourse, fiscal prudence, and the robustness of language itself. By censoring terminology on the basis of what "could be interpreted as discriminatory or offensive" (emphasis added), this letter promotes a policy essentially imprisoning Los Angeles County government officials

in the skewed interpretations of the most nonsensical and hypersensitive members of the community.

Clearly, such a metric guides public policy to senselessness rather than sanity. If master and slave are offensive because of some imagined historical allusion, surely other computer terms are suspect, too. Should county officials refrain from using terms like "a system hang," or "a burned CD" or "spam" because they might offend death penalty activists, burn victims or vegetarians? Should officials request that any future copies of a Macintosh Operating System purchased by the county use alternate names for "enabled" and "disabled" folders to avoid offending people with disabilities? Should government techies eschew the term "server" because it alludes to social stratification? Should manufacturers print manuals giving different names to the conveniently named male and female cable connectors because they promote a traditional binary constructions of gender, prescribing a polarity in the same way that gendered pronouns do, potentially offending transsexuals, or simply because they mention gender at all?

Of course not! None of these terms are actually offensive, their technical connotations don't encompass a wide historical context, and crying foul in response to them says more about the complainer's legitimacy than that of the supposedly offensive word. Words can hurt a lot, but undue political correctness — including cynically pretending that harmless technical jargon is 'discriminatory' — evidently wastes limited temporal, fiscal and human resources.

Contact the editorial editor at traviswillse@dailymerald.com. His opinions do not necessarily represent those of the Emerald.

LETTER TO THE EDITOR

Travis Willse adds yet another droning, boring voice to the cacophony of self-righteous critics of the PETA Campaign comparing slaughterhouses with concentration camps ("Preposterous PETA," ODE, Nov. 14). The comparisons are pretty obvious. This is America, folks — the cradle of free speech and the "marketplace of ideas." PETA certainly didn't fabricate any of the infor-

mation or photos. The purpose of the campaign is to enlighten people as to the horrors of factory farming and the slaughterhouses.

One must remember that people often protest loudly when they don't want to accept the truth. For every angry person who resents the comparison of dead slaughterhouse victims to dead concentration camp victims, there are probably three people who angrily in-

sist that the Holocaust never happened at all.

Until Willse personally inspects the slaughterhouses, factory farms and animal testing laboratories which he defends so vigorously, he has no case. And I'm betting he hasn't the guts to look face-to-face at that cruelty and misery and write a first-hand account.

Mary Jo Brooks
 Ridgeland, Miss.