editorial

Election times a changin'

When voters approved Constitutional Amendment Number One (the student regent amendment)last fall, they unknowingly opened a Pandora's box of election problems for ASUN.

No longer could ASUN hold the psuedo-elections so typical of the uncomplicated past. Electing an ASUN president is one thing, but electing a regent is serious business. The added status requires compliance with state election laws, a trying task for budding parties now required to garner 500 signatures in order to file—2,400 students voted last year.

Notarized filing forms, voting booths and acceptance of absentee and disabled ballots are other hallmarks of ASUN's move into big time politics. It's a pity attitudes can't be changed as easily as rules.

Other election changes have slipped in while this general house cleaning has been going on. Last week the ASUN electoral commission approved the placement of voting booths in the five major residence hall complexes. The thinking behind the original ban was that election booths in residence halls would have dormies (shudder) rushing to the polls in record numbers. This spring we'll find out if that is true.

Residence hall voting booths may cause some problems. Campaign paraphernalia will have to be removed from around the booths, and ASUN candidates who live in residence halls will have to resist the temptation to lead their friends en masse to the polling places.

One election change has been left up to the voters—the question of moving ASUN elections from spring to fall. Unlike some ASUN constitutional amendments in the past, this one isn't on the ballot because some enterprising senator thought it would make ASUN look like it is doing something. This change is needed.

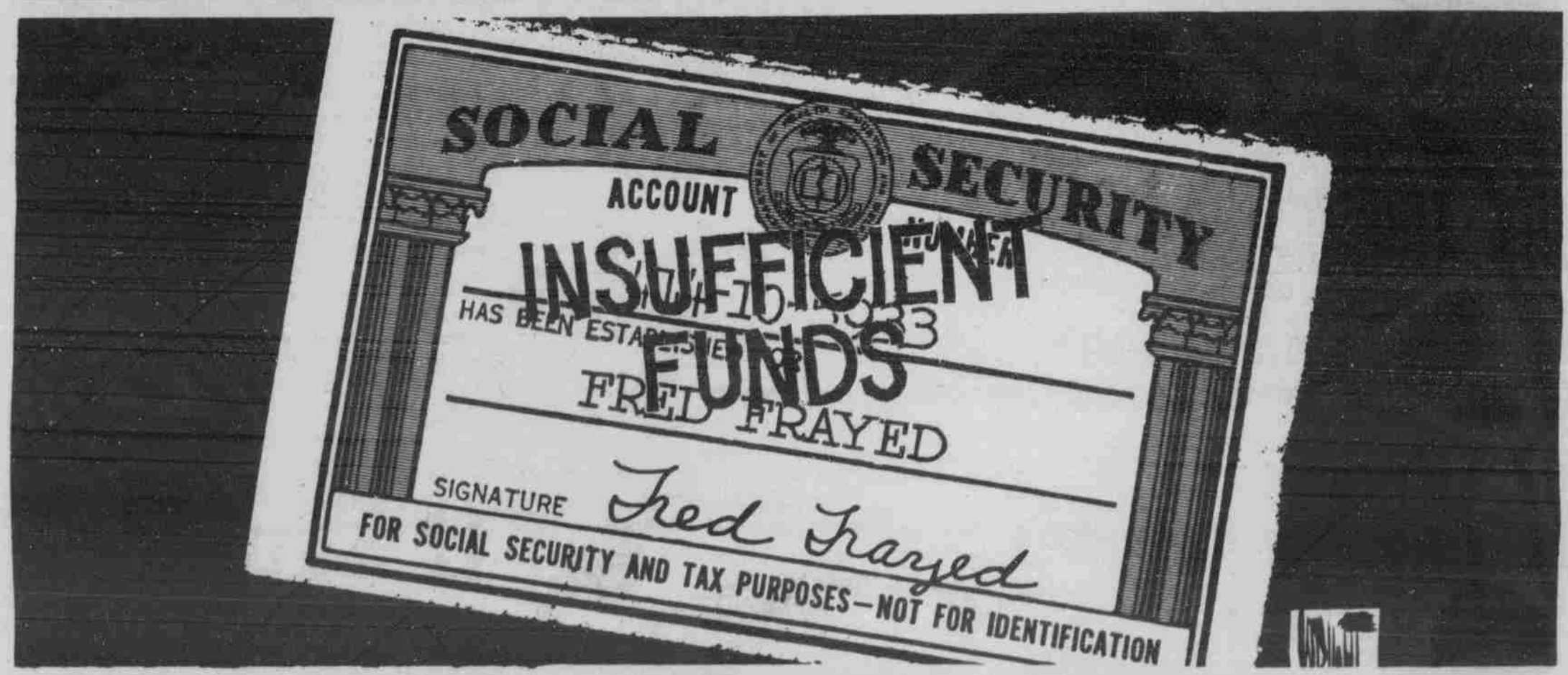
Members of the NU Board of Regents take office in the fall—all members, that is, except student regents who, under present election rules, take office in the spring. By the time the student regents get there, officers have been selected and committees have been appointed.

Fall elections would give the student regents a chance to serve on committees they are interested in. Whoever succeeds Regent Clingenpeel this spring will probably also take his place on the business committee—a fate worse than death for someone not interested in discussing capital construction funds.

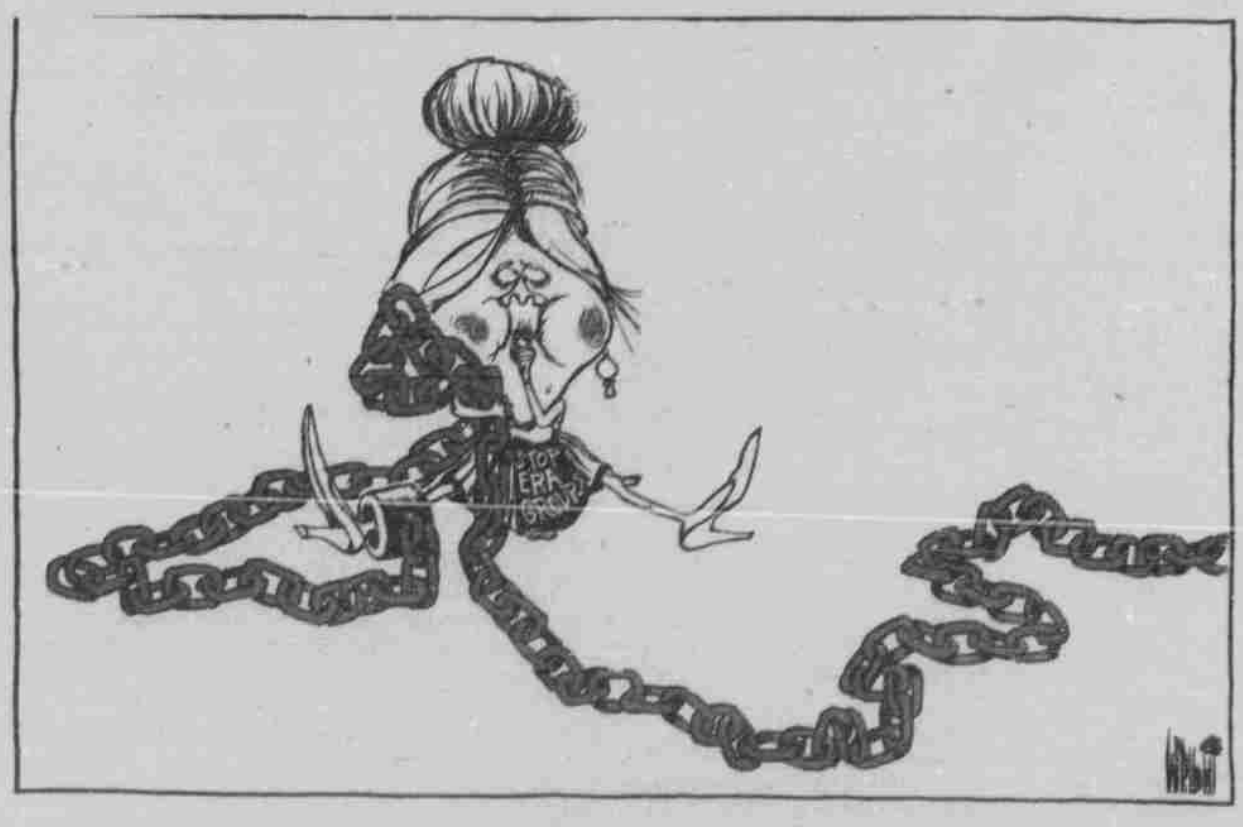
Fall elections would also allow the new ASUN administration to prepare its own budget. As things stand now, the present administration will submit a budget for next year before the new administration takes office.

The constitutional amendment to move ASUN elections from spring to fall has something going for it-that a lot of things we'll hear during this year's campaign won't have. It makes sense.

Wes Albers



ERA may create more problems than it solves



bruce nelson

cynic's corner

The controversy over the Equal Rights Amendment (ERA) has already generated so much rhetoric and newsprint that one is reluctant to add to the conflagration.

Despite all the polemics, however, confusion still reigns and several points need to be clarified.

The first of these is whether a state can repeal an earlier ratification of the ERA. The answer, according to constitutional and congressional precedent, is a flat no.

The constitutional case is Coleman v. Miller, 307 U.S. 433 (1939). This case was concerned with a proposed Child Labor Amendment and the issue was whether Kansas, after first rejecting ratification could later, in 1937, change its mind.

Chief Justice Hughes, writing the majority opinion, pointed out that there had been this kind of problem in the ratification of the Fourteenth Amendment.

On July 20th Secretary Seward issued a proclamation citing the ratification by 28 States, including North Carolina, South Carolina, Ohio and New Jersey, and stating that it appeared that Ohio and New Jersey had since passed resolutions withdrawing their consent and that "it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid and therefore ineffectual."

The next day Congress removed that doubt by accepting Seward's proclamation and added the Fourteenth Amendment to the Constitution.

The point concerning ratification is not, however, the only problem or source of confusion surrounding the ERA. For many, there is a question whether it is actually needed.

In a purely technical sense, the answer is again no. The courts could, if they so desired, accomplish all the ERA could accomplish through existing laws, such as the Fifth and Fourteenth Amendments or the various Civil Rights Acts in conjunction with the "commerce clause."

The Fourteenth Amendment provides that no state shall "deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Supreme Court has ruled that women are persons and citizens as defined by the Fourteenth Amendment in Minor v. Happerset, 21 Wall 162 (1874).

Usually the passing of constitutional amendments has been thought of in terms of protecting the minority against the majority or the unenfranchised against the franchised.

Women fall in neither of these two categories, which to many suggests that the most desired method of change should come through the ordinary channels of legislation rather than by constitutional amendment.

Indeed, if three-fourths of the states are willing to ratify the amendment, why can't they simply pass specific laws and model programs on their own to correct discrimination?

If the amendment is finally ratified, this will have to be done anyway. Why must a state legislature exhort themselves (through ratification) to treat women justly before they start doing so?

There is yet another question of ambiguity in the wording of the ERA. Its enforcement clause states that legislative authority belongs to Congress and the states "within their respective jurisdictions."

This is a much more limited authorization of Congressional power than is now practiced under the Fourteenth Amendment. If the Supreme Court decides that the ERA supercedes the Fourteenth Amendment in regard to sex discrimination, Congress may find itself with less power to prevent that very sex discrimination than it had before.

Finally, it must be said that all the controversy over what the ERA will or will not do is just "so much blowin' in the wind" until the Supreme Court starts "interpreting" it under the various cases which most assuredly will come if the ERA is ratified.

No law, constitutional amendment included, can anticipate all the problems, solutions, questions or heartaches that may arise under it.