



The Norman VOTER

September 2008

League of Women Voters of Norman

Established in 1925

LWVN
P.O. Box 720621
Norman, OK 73070
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A Constitution Day Event

SAFEGUARDING FREEDOM

Is There an Assault on the Independent Judiciary?

A Public Forum

Wednesday, September 17, 2008

7:00 p.m.

Bell Courtroom

University of Oklahoma Law Center

300 W. Timberdell Road

Norman, Oklahoma

At 6:00 p.m. preceding the forum there will be a reception with light refreshments in the OU Law Center Sneed Lounge.

Presenters

Judge Lee West

Senior United States District Judge for the Western District of Oklahoma

Andrew Tevington

Chief Counsel to former Governor Henry Bellmon of Oklahoma

Counsel to the Oklahoma Corporation Commission

Deputy Director of the Public Utilities Division of the Corporation Commission

Arnold Hamilton

Editor of the *Oklahoma Observer* and formerly with the *Dallas Morning News*

Moderator

Randy Coyne

Frank Elkouri and Edna Asper Elkouri Professor of Law

Senior Editor *Amicus Journal*

The event is sponsored and funded by the League of Women Voters Education Fund and the Program on Constitutional and Legal Policy of the Open Society Institute, the University of Oklahoma Honors College, American Civil Liberties Union of Oklahoma and Common Cause Oklahoma.

Additional sponsors include the League of Women Voters of Norman, League of United Latin American Citizens, Peace House, Peace Education Institute, Unitarian University Community Church, Norman Unitarian Universalist Fellowship, the Interfaith Alliance, Oklahoma City Branch of the NAACP, and the Oklahoma Chapter of Americans United for Separation of Church and State.

Some of the Issues to be Addressed by Presenters at the Constitution Day Forum



A current action which raises the question about an assault on the Constitution is the proposal of new rules on FBI investigations of national security cases. The new rules, known as Attorney General Guidelines, would let agents open preliminary terrorism investigations after mining public records and intelligence to build a profile of traits that, taken together, were deemed suspicious. Among factors that could make someone subject to an investigation is travel to regions of the world known for terrorist activity, access to weapons or military training, along with the person's race or ethnicity. Attorney General Mukasey repeatedly has said that investigations will not be opened solely on the basis of race, ethnicity, religion or other traits that could amount to unconstitutional profiling. How would these rules be enforced and how will they play out?

Previous actions which challenge constitutional rights are the suspension of habeas corpus; the law which allows the President to declare any U.S. citizen an enemy combatant and suspends that person's right to challenge the declaration; and government surveillance of citizens' communications among others.

LWVN Awarded Grant

Thanks to the leadership and hard work of Lois Hilbert, LWVN Steering Committee Member, the Norman League is the recipient of a \$500 grant awarded by the League of Women Voters Education Fund and the Program on Constitutional and Legal Policy of the Open Society Institute. Grants are being awarded to state and local leagues for projects and events related to the National LWV campaign entitled *Safeguarding U.S. Democracy: Promoting an Independent Judiciary By Defending The U.S. Constitution*. According to Zaida Arguedas, Campaign Director, "Our goal is to increase citizen understanding on the importance of our nation's system of separation of powers and highlight the vital need for protecting a fair and independent judiciary." The funds are to be used toward expenses related to the Constitution Day event.

Lois Hilbert and Mary Frances organized a coalition of organizations interested in promoting a fair and impartial judiciary to plan an educational event. The result of that effort is the forum described on page one. LWVN Steering Committee members are looking forward to hearing from the panel of experts and hope that League members will take advantage of this extraordinary opportunity. The event is open to the public.

Meet the Candidates September 26

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost."

Aristotle
Politics, 343 B.C.

November 4th is Election Day! Who are you going to support? The League of Women Voters of Norman and the Pioneer Library System are having a party on Friday, September 26, 2008 at the Norman Library, and you are invited along with the candidates running for office.

The party is scheduled to begin at 6 p.m. with refreshments and campaign materials in the Lowery Room. At around 7 p.m. the candidates will be introduced and will have a chance to say why you, the voters, should support them. It should be a festive evening and everyone is invited. We especially hope that unregistered voters will attend and register so they can participate in their first election. There will be voter registration forms available as well as campaign materials for everyone. This is the first time the League and the Library have cosponsored a registration drive. Please come (even if you are already registered) and join the fun!

New LWVN Web Site Launched

Our new web site <http://norman.ok.lwvnet.org> was launched in June and is proving to be an excellent Voter Service tool as well as an online source of information about the LWV and its activities. The LWV of California sponsors a subscription web service for local and state leagues called League Easy Web (LEW). LWVCA web designers make it easy for leagues to have a web site. It is well worth the \$160 annual fee to subscribe to this service! Our site has an average of 50 hits per day. The number of requests increased significantly just before the primary election.

Norman Enforcement Authority Recommends Campaign Ordinance be Amended by City Council

by Lois Hilbert

“The League of Women Voters believes that democratic government depends upon informed and active participation in government and requires that governmental bodies protect the citizen’s right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.”

—LWV Principles

League member Mary Francis has been protecting the citizens’ right to know. As a member of the Norman Enforcement Authority, Mary Francis has challenged that Authority to require candidates to tell all the facts about their campaign finances.

The problem arose at the July 2nd meeting of the Authority when it was reported that Chebon Marshal’s campaign received \$8,450 or nearly 40% of the total campaign contributions after the last report prior to the runoff election of May 13, 2008. As a result the public was not informed of these contributions prior to the election. A majority of the late contributions were from the development community.

In the discussion that followed, the Enforcement Authority Chair stated that these contributions were not “a substantial amount” or “unusual.” The Chair also said, “But he lost, didn’t he?” Francis felt that this was an apparent lack of concern for the rule of law. Seems so!

An amendment to the campaign ordinance was suggested by Francis after a meeting on the issue with the Executive Director of the Oklahoma Ethics Commission. On August 6th, members of the Authority voted unanimously to accept that amendment. It added provisions for a last-minute filing for municipal candidates at noon on Monday for last-minute contributions that come in after the Friday noon deadline before the election. This will allow the media to publish those contributions on Tuesday giving the public the information.

The Authority also recommended that the reporting period for violations be extended from the current period of 7 days after an election to 14 days after the candidates file their final report giving more time for investigations of any violations. In addition, the Enforcement Authority will make a public report to the City Council within 40 days after each election, 90 days after the final election, and include any violations or ongoing investigations of the city ordinances or state statutes.

Also, candidates will be required to retain their campaign records for one year from the date of the election and include supporting documentation.

These recommendations will go before the city council for final approval at an upcoming meeting.



A Report from City Hall

Linda Rice Price, Norman Revitalization Manager, Speaks at LWN 2008 Annual Meeting Held May 3

Linda Rice Price is a past president of the Norman League, and we were pleased to have her as our 2008 Annual Meeting speaker. Following are some highlights of her talk:

- Revitalization funds have been cut over the last few years. Fifteen per cent cuts in social services have had a big impact. This year there has been \$90,000 for infrastructure, which is enough for the reconstruction of one block of street curbs and gutters. Programs for housing are \$200,000 less than the peak of \$500,000. New homebuyers are allowed \$5,000 and there has been only one default over many years. Next year there is \$50,000 for tenant rental assistance and for utility deposits; then families can go into Section 8 when available. This program moves families—5 to 10 families per year—out of a homeless shelter.
- The Revitalization Department also has code compliance. The city is divided into 5 areas and there are 5 inspectors. Historically code compliance has been run on a complaint basis. Now it is more proactive. Grass has to be 12” high for the city to take action as a health hazard. Complaints are anonymous. The city has done some condemnations this year. The goal is to get residence areas fixed up.
- Oil and gas pipeline inspection is also part of the department’s responsibility. There are old oil lines and pipelines in areas that are being developed. Developers try to cover this up and ignore it. The inspector is very good, and there are now stricter ordinances. In the last 2 years the inspector found a half million dollars in costs plus \$100,000 on fees unpaid. There were 178 oil wells several years ago and now there are 68.
- In neighborhood planning, the department is working on 5 neighborhoods, looking at people there, housing stock, zoning, and the 20/25 Plan. Some mistakes have been found in zoning on the 20/25 map.
- Firms are being reviewed to do a study on the Porter Avenue corridor from Alameda to Robinson, which has deteriorated.
- The Historic District Commission is rewriting guidelines written 10 years ago. The Planning Commission has approved 130 applications and denied 10. The new handbook is 90 pages long. Historic preservation preserves the uniqueness of a community. It can be a positive economic factor.
- *What can LWN do?* The Planning Department has fewer planners than in the 1980’s. A planner and engineers will retire soon and no one is coming up. The Municipal Court personnel are stumbling over each other and sharing desks. We have no recruitment specialist. The water fund and general fund are under funded. LWN might look at the city budget.

Presidential Election of 1800

A synopsis of the article *The Election of 1800 Cliffhanger* by John Lerling published in *Smithsonian*, November 2004



Submitted by Phoebe Schmitz

In 1800 neither presidential candidate, Thomas Jefferson nor Aaron Burr, had a majority of the electoral votes at the end of the election. The fate of the election rested in the House of Representatives for seven days.

Background

Jefferson had decided to run for president because he believed that incumbent John Adams and others in the Federalist Party were not living up to the “spirit of 1776” goals for which the revolution had been fought. Jefferson had even called the Federalists rule a “reign of witches,” “adverse to liberty” and “calculated to destroy the republic.” He further believed that if the Federalists continued in office, they would destroy the states, and our government would become as overpowering as the one imposed on the colonists by Britain. Jefferson thought that the election of 1800 would decide the *principles* of our government.

Federalist Alexander Hamilton, George Washington’s Secretary of State, thought this election of 1800 was extremely important to save this new nation from the “fangs of Jefferson.” Hamilton further believed that if Jefferson won, it would mean that the Constitution, our laws and happiness would face irreversible ruin. The only agreement between the two parties was that whichever won would set our nation’s course for generations.

At the time of this election, the parties nominated 2 candidates, and the Constitution allowed the Electoral College to cast two votes for president, one for the candidate most likely to win and one for a favorite son. Besides Adams, the Federalists had nominated Charles Pinckney – the Republicans Jefferson and Aaron Burr. The Constitution also stated that if candidates tied or lacked a majority, the House of Representatives “shall chuse by Ballot one of them for President.”

There were many personal attacks on these candidates, mostly made by the newspapers. Adams was said to be senile, vain, a poor judge of character, and driven by an “ungovernable temper.” Pinckney was called a man of “limited talents.” Jefferson was called a coward, who lived in luxury on his estate while others fought in the War of Independence, and it was reported that “his nerves were too weak to bear anxiety and difficulties.” Burr was said to be without principles, one who would do anything for power.

Jefferson and Burr tied in the Electoral College, which met on December 3, 1800. They each received 73 electoral votes. Jefferson had been the choice of the party’s nominating caucus, and he had more national experience than Burr. Jefferson wrote to Burr suggesting that he (Burr) could be Vice President and have more responsibilities than previous VPs. Burr responded saying he pledged to “disclaim all competition.”

continued next page

Presidential Election of 1800 *continued*

Hamilton urged the Federalists to offer Jefferson their votes to make him president if Jefferson would promise to preserve the Federalist fiscal system (a fully funded national debt and the Bank), have a strong navy, and “keep in office all our Federal Friends” below the cabinet level. Jefferson declined this offer because he didn’t want to be tied down to these conditions. Next the Federalists chose to back Burr, who decided he would accept the presidency if he was elected by the House. By challenging Jefferson, Burr was committing political suicide.

The deadlocked delegations received much pressure to change their votes. Delaware’s only congressman, James Bayard, a Federalist, was lobbied daily. Bayard despised Virginia’s Republican planters. He thought Jefferson and others who owned slaves were hypocrites who lived “like feudal barons” and acted like “high priests of liberty.” Bayard stated he was supporting Burr.

Voting in the House

Voting began in the House of Representatives on February 11, 1801. The day ended at 3 a.m. after 19 roll calls that were all inconclusive because Jefferson was one vote short of a majority. By February 14 the House had cast 33 ballots and was still undecided for one candidate.

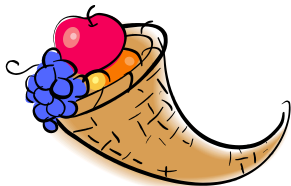
President Adams feared that “a civil war was expected.” Some thought Virginia would secede if Jefferson did not win the election. A mob was reported to have robbed the arsenal in Philadelphia so they could storm Washington and drive the Federalists out, thereby dissolving the Union. If a successor were not chosen by March 4, the country would not have a president until the newly elected Congress met in December, and the Federalists would remain in control of the government until that time.

These threats were probably what broke the deadlock. Bayard talked to a Republican near to Jefferson and said Delaware would abstain from voting, leaving 15 states to vote and giving Jefferson a victory. Many colleagues who thought he should have tried to make a better deal with Burr called Bayard a “Traitor.”

On February 17 the House met for its 36th vote, with Delaware abstaining, and the election was finally over after 7 days of discord.

Shortly after the final House vote Jefferson wrote to several signers of the Declaration of Independence, saying he thought the election of 1800 guaranteed the triumph of the American Revolution. When Jefferson was 76, he talked about the “Revolution of 1800” and stated to a friend that it had been reached “by the rational and peaceful instruments of reform, the suffrage of the people.”

[The Republican Party of today dates not to Jefferson but to the party formed in 1854-5, which backed President Lincoln.]



Public Transportation Issues High on League Agenda

The LWV of Norman has a strong position on the need for improved public transportation in the Norman area, as well as for a system that would efficiently connect Norman with other communities in Oklahoma. Recently the LWVN Steering Committee sent a letter to Mayor Cindy Rosenthal and City Council Members requesting that the Council “forward to Governor Henry a resolution which supports saving the Union Station rail yard in Oklahoma City and asks him to declare a moratorium on the Crosstown Expressway in order to save the rail yard. We think that the rail yard is a valuable state asset for future development of multimodal public transportation for Central Oklahoma, including Norman, and we think that it should be preserved rather than torn up to make way for the Crosstown Expressway.”

A new organization has formed to further the cause of public transportation called *Oklahomans for New Transportation Alternatives Coalition* or OnTrac. According to information on the web site, *OnTrac is an Oklahoma-based non-profit public interest organization whose mission is to ensure the future of multimodal and intermodal transportation opportunities for the citizens of Oklahoma.* Members of the OnTrac Executive Board are Charles Wesner, OnTrac Chair, Retired DDS; Tom Elmore, Director of North American Transit Institute; O. Gail Poole, Artist and Graphic Designer; Wallace Collins, Oklahoma State Representative; Mary Francis, Retired Educator and former NPR Commentator; Marion Hutchinson, President of Titan Energy Corporation; and Tom Sherman, Senior Vice President of McClain Bank. To learn more about this organization refer to the contact information in the left margin.

OnTrac

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Norman, OK 73070

EMAIL
info@OnTracOK.org

WEB SITE
http://www.ontracok.org

PHONE
405-321-2204

Membership Form

Membership dues are due on September 1 of each year. If you have not already paid your 2008 dues please complete this form or the form you received with your dues notice, and mail it with your check made payable to LWV of Norman, PO Box 720621, Norman OK 73070.

\$50 Individual Membership \$70 Household Membership \$30 Student Membership
(2 members at the same address)

I am including a **non** tax-deductible contribution to the LWVN operating fund of \$ _____.

Name _____ Home Phone _____

Address _____ Work Phone _____

City _____ State _____ Zip _____ Email _____

My primary interests are _____

If you would like to make a tax-deductible contribution to the Education Fund make the check payable to the LWV Education Fund.

LEAGUE OF WOMEN VOTERS

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy.

Any person of voting age, male or female, may become a voting member of the League. Associate membership is available for students not yet eligible to vote.



Calendar

Sept 3	Wed	11:30 am	LWVN Steering Committee Meeting Memorial Presbyterian Church 601 24th Ave SW
Sept 17	Wed	6:00 pm 7:00 pm	Reception Public Forum on the Judiciary Details on Pages 1 & 2
Sept 26	Fri	6:00 pm	Meet the Candidates at the Norman Library Lowery Room Details on Page 2
Oct 1	Wed	11:30 am	LWVN Steering Committee Meeting Memorial Presbyterian Church 601 24th Ave SW
Nov 4	Tue	7-7	General Election

**Dues are payable September 1
See Page 7**

See you at the polls November 4

LEAGUE OF WOMEN VOTERS OF NORMAN

P.O. Box 720621

Norman, OK 73070