

Editorial

Court ruling denies constitutional tenet

On the eve of the nation's Fourth of July celebration of freedom and liberty, the Supreme Court dealt a stinging blow to these principles. The court ruled 5-4 Monday that the Constitution does not protect homosexuals' rights to engage in sex, even if they are consenting adults in their own homes.

The court has blessed states' efforts to barge into consenting adults' bedrooms and dictate their sexual practices. It enables 25 states to continue prohibiting sodomy — defined in the laws of nearly half of these states only as the "abominable crime against nature," the "infamous crime against nature" or "deviate," "perverted," or "unnatural" sexual intercourse. Only 13 states define sodomy as oral or anal sex.

And 20 states apply the law equally to married and unmarried heterosexuals — an aspect the court chose to ignore.

The decision stemmed from a challenge of Georgia's anti-sodomy law by Michael Hardwick, a man who was arrested after a police officer saw him having sex with another man through an open door in his home. Hardwick charged that the law, which bars "any sexual act involving the sex organs of one person and the mouth or anus of another," violated his constitutional right to privacy.

The court's opinion rests almost solely on precedence. Laws prohibiting homosexual sodomy have been a part of Western culture for centuries, it says, and until 1961, all 50 states had laws against it.

But if the court were to use mere precedence to decide every case, this nation would never progress. Just because the nation has adhered to a belief or custom for a long time does not mean it is right. How long were women prohibited from voting? How long were blacks denied even basic legal rights?

As Justice Harry Blackmun duly noted in his dissenting opinion, using an 1897 quotation from Justice Oliver Wendell Holmes, "... it is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past."

Precedence is a cornerstone of this nation's legal system, but it should be used as a guideline, not as a substitute for rational thought.

And based on precedence, the court said it could find no protection under the Constitution for homosexual sodomy. We strongly disagree.

The Constitution's most basic tenet — the very tenet that led people of the world to immigrate to American soil in the first place — is the freedom to choose; American citizens' freedom to choose their leaders, their religion, their jobs, whom they marry, how many children they shall have, and what they write, say and read. Inherent in the freedom to choose is the right of two consenting adults to choose how they wish to practice sex — one of the most basic and intimate of human functions.

In addition, laws should be enacted to serve a purpose — to prevent some sort of harm or danger. These laws serve no such purpose.

The ruling also gives states a rubber stamp to discriminate against homosexuals. Because gays are the only ones targeted by the ruling, they are denied equal protection under the law. The very existence of the laws promotes prejudice against gays and makes criminals out of millions of upstanding citizens.

And in a time when the incidence of AIDS is expected to multiply dramatically, these laws could discourage gays from being tested for the disease for fear of discrimination.

At a time when America is celebrating its fierce adherence to freedom and the restoration of its greatest symbol of liberty, The Supreme Court committed a grave error by supporting states' right to direct how consenting adults practice sex in their own homes.



From the whiners to the throwers, strawberry picking isn't much fun

I thought I'd graduated from the strawberry fields when I graduated from junior high school. Until last week that is, when I committed the unthinkable — I went back. And I am ashamed.

The painful truth is, I did it for money. And the more painful truth is, I only made \$11. Not that 11 bucks is bad. It's what I had to go through to get it that's bad... berry bad.

Before my finals-weary brain was seriously considering the idea, I heard about the shortage of pickers on a local radio station: "Strawberry growers are paying up to \$2.50 a flat at area fields." Now, I've heard enough about the plight of the American farmer to write "The Grapes of Wrath, Part II," and I felt that taking their money at such ridiculously high wages was criminal — at first.

Then I turned to the Help Wanted ads where I encountered many pathetic pleas of "HELP! HELP! HELP! WE NEED PICKERS! EARN \$\$\$!"

I called. I wish I hadn't missed Willie Nelson's "Farm Aid," as that may have convinced me to give growers a break and not take their money, and to stay as far possible from the fields. As it turned out though, by 6:30 the next morning I was knee-deep in post-ripe strawberries and preteen pickers.

I'll admit that I've probably seen worse strawberries atop a waffle at Denny's in February, but these field berries were bad nonetheless. Most were so

covered with gray mold that they resembled furry mice.

Fortunately, the mold passed up some of the berries. Unfortunately, this was because these berries were too small for any self-respecting fungus to bother with. These, of course, were the ones we were expected to pick.

Worse than dealing with the berries, which could better serve as buckshot, was dealing with the buggers (i.e. children), who couldn't have performed better in Tide commercials.

I ran into every kind of berry-picking kid. Fellow pickers will recognize characteristics in the

Reporter's notebook

following stereotypes:

The Examiner. These are the most harmless and the most plentiful of the young pickers. They stroke the row of bushes as if they were petting a kitten. When they come across a berry they feel like picking, which is about every 10 or 15 feet, they gingerly pick the fruit several inches from the stem. They then dangle it in front of their eyes for several minutes, making absolutely sure it is indeed a strawberry and not an imposter. Satisfied, they carefully pull the cap off and place the berry safely in their flat.

The Whiners. This child is more annoying than the Examiner because there is no way to escape their droning voices. I picked near two chunky girls until their conversation became unbearable — not that I'm whining.

"I'm huuuuungr!" said Chunky Whiner Number One.

"So am I, and I'm positively dying of dehydration," gasped Chunky Whiner Number Two.

I'm sure this pair was stuck on a continuous sniveling loop because every time they got to the end of their list of complaints, they would start over from the top.

The Throwers. "Duck!" Need I say more?

The Thieves. You have to give credit to this group...

Anyone who can get paid for the same berries again and again and then take them home to Mom deserves kudos. Or is that a judo? One junior snatcher in a Little League cap, though he looked too young to hit a baseball from a tee, was nevertheless capable of scooping berries from my hard-earned cache. Age buys no respect in the fields.

The Moms. These are the "overworked and underpaid" housewives-turned-cops of Berryville. They bring their crammed station wagons each morning so their kids can earn enough money for school clothes come September. Invariably, the kids end up in different corners of the field, where they wreak havoc until Mom can subdue them. And because the kids all fall under one of the Examiner, Whiner, Thrower or Thief categories, Mom ends up buying Johnny's 501s with the picking money she managed to earn between berry fights.

The Pickers. Odd as it may seem, some people actually pick strawberries to earn money. Honest, I saw one.

I quit picking at 12:15 p.m., when my sunburn began talking to me. The Examiners had just finished their first half-flat and were congratulating themselves on a buck and a quarter well-earned. The Whiners had gone home long ago, the Throwers were locked in the car, and Mom was checking pockets for hidden berries with one hand and balancing a too-full crate in the other. The Pickers, well, they were still picking.

I cashed in the last of my berries and a kind man handed me a receipt for my earnings. Really, at the time I was thankful for the amount.

But then I added up my costs against my gross pay, and I do mean gross, of \$11. I spent \$5.50 for suntan lotion I never used, roughly \$2 in gas and \$1 for the lunch munchies that boiled in the car before I got to them. I cleared \$2.50 for five and a half hour's work — 50 cents an hour for pure hell.

By Eric Apalategui
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