

Expression of ideas protected by court

What do flags and crosses have in common? According to the U.S. Supreme Court, setting them on fire constitutes free-speech under the First Amendment.

On Monday, the Supreme Court overturned a St. Paul, Minn. law that banned hate-speech and specifically prohibited cross-burning and the display of swastikas. The ruling is the strongest ban on content-based speech regulation yet and may result in the abolishment of many such codes nationally, including here at the University.

The ruling does not legitimize hate-crimes however. Such crimes remain punishable under existing criminal statutes that deal with assault, arson, criminal damage and the like. Civil liability also remains untouched.

What this ruling does is guarantee people's right to think what they want and express those feelings or ideas, so long as that expression does not result in harm or violence toward another person.

Effects of the ruling will probably be felt locally as well. In fact, it may partially nullify the effects of Springfield's Measure 20-08. Under 20-08 for example, Springfield could refuse to grant a permit for a Gay Pride march because it would promote the idea of homosexuality in a positive light. The Court's decision might prohibit that type of content-based regulation.

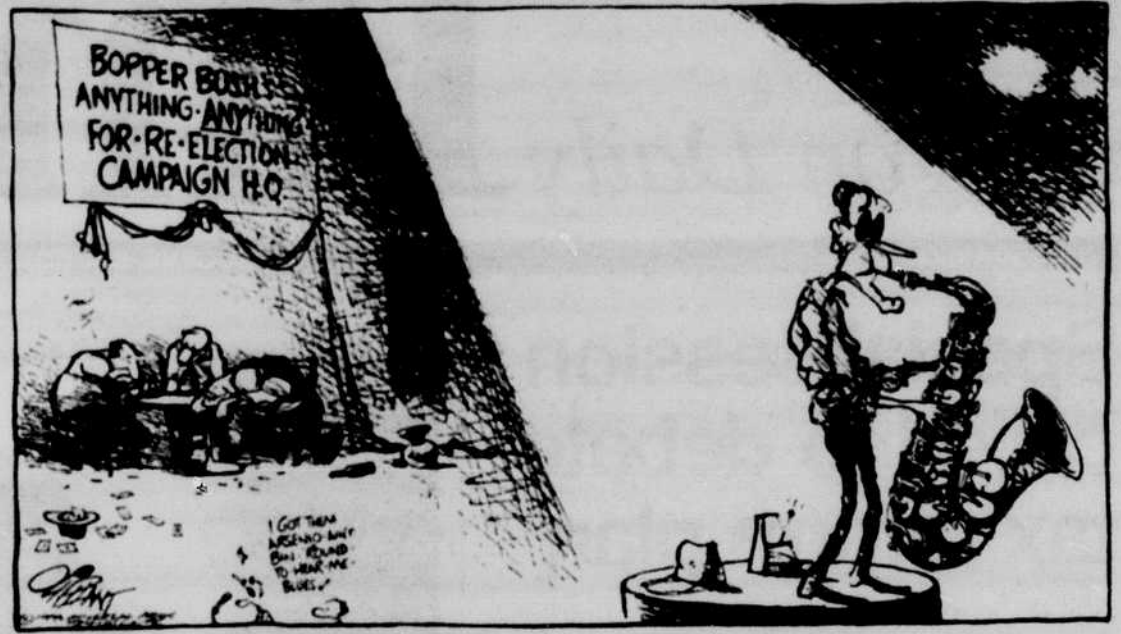
The ruling should also put to rest the claims of some student activists that the government is prosecuting students involved in the Federal Building incident because of the ideas they were expressing. Such a prosecution would clearly be illegal. However, the act of smashing windows can still be prosecuted as vandalism and destruction of public property.

The University's hate-speech code may also be in jeopardy for being over-broad and may need to be revised or abandoned.

Underlying the entire issue of hate-related codes and regulations is the question of their usefulness in combating prejudice. While attempting to create an atmosphere that is hospitable to all students, the codes do little more than cover up the symptoms of prejudice.

Prejudice does not need a bandage; it needs a cure, and such a cure can come only from education and subsequent enlightenment. However, if prejudice is not allowed to surface, it cannot be discovered and dealt with. Suppressing it only allows it to grow unchecked, eventually to explode in violence.

Thus, the University must find a way to create a positive educational environment where prejudice is met head-on while maintaining the individual's right to free-speech. A difficult task indeed.



COMMENTARY

Know your legal rights with FBI

By Ilona E. Koleszar

Rumors are rife on campus that the federal government has targeted the University as a place to prove that law and order will prevail in the wake of the protests following the Rodney King verdicts. While we cannot comment on these rumors, we do know that a local federal prosecutor has publicly stated that she will seek indictments that could lead to lengthy sentences for the protesters, presumed to be University students, who damaged property at the Federal Building on April 30, 1992.

The investigation is ongoing. An unknown number of indictments are expected soon. If you participated in the protest, know others who did or have been approached by any authority, you may want to know your basic rights under the Constitution. The following briefly summarizes some of the most important of these rights and what you can do if you are contacted by law enforcement officials.

First, you are not required to answer questions about yourself or your friends if contacted by federal investigators, local police, campus police or any other authority. This right to remain silent is guaranteed to you by the Fifth Amendment to the U.S. Constitution. Even if a law enforcement officer has a warrant, you do not have to answer his or her questions except to give your name and address. Do not answer questions or talk to investigating authorities, even if you are threatened or promised leniency or some other protection, without a qualified attorney by your side.

Next, know who you are talking to. Avoid discussing or rehashing the federal courthouse incident, even among people

you know were there. Conversations may be overheard. People who have no firsthand knowledge of your presence or actions may learn of your involvement by your own admissions. A person need not be on the federal payroll to act as an informant. The government's inability to identify protest participants will reduce the number of criminal charges filed. Do not give the government information it does not already have.

You are not required to let any police agent into your house or apartment without an arrest or search warrant. This is your right under the Fourth Amendment to the Constitution. If you are approached by an officer with any kind of warrant, cooperate with the officer's physical direction, but answer no question and ask immediately to call a lawyer. It is important that you invoke your right to remain silent at the earliest possible time to avoid any suggestion that you have waived that right.

If you are charged with a crime, call a lawyer right away. If you do not have access to a lawyer, call the Federal Defender's Office in Eugene at 465-6937 to request that a lawyer be appointed to represent you. The Sixth Amendment to the Constitution guarantees this right to counsel. A free lawyer is available to you through the Federal Defender's Office if you cannot afford to hire one yourself. You will have to fill out a financial affidavit (sworn statement) to apply. Your lawyer will help you to determine any legal defense or work to resolve the charge by negotiating a settlement. It is common in the federal system to negotiate a settlement before formal charges are filed, but you

should not approach authorities to attempt early resolution without a lawyer even if you are certain your identity is already known to the government.

You may be very upset by the charges and feel inclined to admit your involvement to the authorities in hopes of favorable treatment. This rarely works to your benefit, and while a confession may assuage your conscience, it also may ultimately result in a harsher penalty than if you were represented by competent counsel.

If you are subpoenaed to testify as a witness before any grand jury or in the trial of another, call a lawyer right away. Again, if you do not have access to a lawyer, call the Federal Defender's Office at 465-6937 to apply for an appointed attorney. A free lawyer is available to you, even as a witness, through the Federal Defender's Office. The application process is the same as if you were charged with a crime. Your lawyer will help you to challenge the subpoena, prepare your testimony and explain procedures and potential consequences, or determine whether you are entitled to invoke your Fifth Amendment right to refrain from incriminating yourself and explain how to invoke that right. Arguably, anyone involved in the protest has a legitimate Fifth Amendment claim.

Registered students may also call ASUO Legal Services at 346-4273 for an immediate appointment to receive advice and information.

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