

EDITORIAL

Limiting free speech in the interest of fun

Setting what may turn out to be a dangerous precedent, the Supreme Court ruled Tuesday that organizers of government-sponsored events, such as fairs and festivals, have the power to prevent certain groups from participating — if those groups are deemed “inappropriate” for that particular event.

The case in question revolved around “The Great Pumpkin Festival,” a Halloween event in Frankfort, Ky., where festival planners barred an anti-abortion group from participating in 1990. Capitol Area Right to Life was said to be “too controversial” by planners, after its 1989 appearance at the festival raised complaints from the community. That year, booth workers handed out plastic fetuses to children.

It is doubtful that the people of Frankfort had plastic fetuses in mind when they came up with the idea of “The Great Pumpkin Festival.” Designed to help revitalize the city’s downtown, the festival is intended for fun and entertainment — something the abortion issue hardly provokes.

And in this particular case, there was no special bias against the anti-abortion group; a pro-choice organization was also prevented from joining the festival. Therefore, it would be fair to say that the decision to exclude these groups was not made for political reasons — it was made because allowing them to join would not exactly be a recipe for fun.

But it is difficult to determine whether the Supreme Court’s decision could be abused in the future, especially by small, local governments, in their attempts to prevent unpopular or unpleasant voices from being heard.

The court did not offer any guidelines for governments to turn to when deciding whether a particular group is “inappropriate.” It appears that, at least for now, governments will have to use their own discretion in determining who gets access to a public forum and who does not.

And that is the dangerous prospect. Sure, in this case, nobody got hurt. Both sides of the issue were equally excluded.

But who knows what the next case might be? A pumpkin festival is just for fun, sure, so maybe controversial views might not be welcome there. But what about the Eugene Celebration, for instance? Or the Lane County Fair? How fun-oriented does an event have to be in order for its organizers to exclude controversy?

The free exchange of ideas, essential to a democracy, is not something to be lightly discarded in the interest of “fun.” If the Supreme Court ruling gives governments the authority to limit free speech — and equal access to a public forum has long been considered a component of free speech — then perhaps that decision should be re-examined.

But if that doesn’t happen, and it probably won’t anytime soon, then legislative action should be taken to give local governments some concrete guidelines about what types of groups can fairly be excluded. In any case, some kind of protection must be there. Local governments must be prevented from abusing their newfound authority.



OPINION

Like they say, ‘All good things ...’



MARTIN FISHER

Originally, I intended for this column to be a response to Kevin Hornbuckle’s silly commentary last week. But I realized there’s nothing I could say that Hornbuckle or his supporters have the intellect to comprehend. And besides, I couldn’t expose his inane nature any better than he did all by his lonesome.

Instead, I thought I’d reflect back on my two years of filling the pages of the *Emerald* with whatever tripe suited me at the moment, and maybe share some parting observations.

In the spring of 1992 I applied to be *Emerald* editorial editor. After having suffered through a year of frightfully shallow, wandering editorials, I thought I could do better. I believe I did.

Perhaps the highlight of that experience happened when the University announced it was going to spend \$100,000 out of the traffic fund to build some nifty stone pillars to greet passing motorists at the intersection of 18th Avenue and University Street. The editorial I wrote condemning the idea resulted in a phone call the next day from the administration saying they agreed with us and would not build the pillars.

But not every editorial went that smooth. When I criticized the poor manner in which Bill Clinton’s visit to McArthur Court was organized, the *Emerald* was attacked for not pulling the party line. I didn’t fully appreciate the expectation that the *Emerald* was expected to follow the lockstep until we refused to endorse Les AuCoin for the U.S. Senate.

We were told that it was our duty to endorse AuCoin because Clinton would need all the Democrats in Congress he could

muster when elected. Others suggested we simply come clean and endorse George Bush for president since we were all obviously closet Republicans. (For the record, we endorsed no one for Senate because they were both dirt bags, and we endorsed Clinton.)

It was frightening to discover that free thought was frowned upon by those whose political aims were not served by it.

A high note came during the 1993 Oregon Newspaper Publishers Association Collegiate Press Convention in Portland. At the awards ceremony, winning entries are displayed via overhead projector onto a large screen at the front of the room. Attending the convention as a guest panelist was OCA Fuhrer Lon Mabon, who happened to be sitting in the front-center of the room. I could only smile at Mabon as I walked up to receive my columnist award while, shining brightly behind me on a 20-foot screen, was my column with the glaring 35 point headline, “Don’t Ignore Continuing OCA Threat.” The room was dark, but not so dark I couldn’t watch Mabon visibly squirm in his seat.

This last year, having graduated from journalism school and moved west to law school, I settled for being a columnist for the *Emerald* and the *Oregon Commentator*.

The most fascinating thing I learned this past year is that, although the faces have changed, the problems and conflicts have not. This, above all, is probably the reason I’m giving up the columnist gig. It was fun when it was new, but the same old petty bickering over the same old petty problems has worn thin, and so has writing about them.

I’ve been asked how I deal with people who respond negatively to what I’ve written (e.g. Hornbuckle). The easy (and more oft than not, right) answer is simply, “Because I know I’m right.” It’s disheartening to have never received an intelligent, well thought-out rebuttal to anything I’ve ever written, particu-

larly considering this is supposedly the state’s elite university.

However, I’m constantly buoyed by the strong support I have received from various corners. There have been many personal letters and phone calls of support from faculty, staff, administrators, as well as members of the community at large and, of course, countless students. And although I wouldn’t mind seeing some of those well-wishes submitted for print once in a while, I am always grateful to the many people who have taken the time to say, “Thank you.” There’s nothing quite like being stopped on campus, or off campus, by someone who read my column and says, “Those were my thoughts exactly. It’s about time someone had the courage to say that publicly.”

And to the one caller from Sacred Heart General Hospital who said, after I wrote a column blasting a group who blamed the entertainment industry for all of society’s ills, that if I wrote a book of columns like that one, he’d buy it — I’m working on it.

But, it’s time to move on. Like I said at the start, I decided to work for the *Emerald* because I thought I could do better, and I did. Now, because of my annual “write me in during the election” column, I’m a member of the Student Senate — which I earlier trashed in the *Commentator*.

My wife can’t believe I’m staying on the Senate. “You called them a bunch of incompetent fools who are out of touch with reality,” she said. “And now you’re one of them.” Ouch. But this is my chance to put my money where my mouth is, so to speak. I’ve taken my shot at making a difference through the power of the pen; now it’s off to a more hands-on approach.

It’s easy to complain; it’s easy to offer solutions. It’s harder to actually carry out and implement your ideas. I’ve seen others try, and watched them fail miserably, time and again. I know I can do better.

Martin Fisher is (was) a columnist for the Emerald.

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