

Constitution protects rights, doesn't advance fundamentalism

By Andrew Sergienko

As I am about to leave the University community, I thought I would take this last chance to respond to the continuing idiocy of Stephen Crawford (ODE, July 19).

I find Mr. Crawford's views on homosexuality bigoted in the extreme, but using the Constitution to buttress his closed-mindedness is an insult to both constitutional scholarship and intellectual integrity. Rather than enter into a tirade against his homophobia, however, I thought I might express my concerns over his interpretation of the Constitution and the framers' intentions.

It is clearly ludicrous for someone to claim that the Constitution was written from a value-free or even value-neutral

standpoint, though I am not sure that is an accurate representation of the editorial to which you are responding. Indeed, the framers had many ideals in mind when they laid the groundwork for the great experiment of democracy.

But it is even more ludicrous to assert that the Constitution was based on "biblical concepts." Which concepts do you have in mind here? Where are these concepts in the actual text of the Constitution? There isn't anything about sodomy, though it does say "Congress shall make no law respecting an establishment of religion."

It is true that there were and continue to be laws against sodomy, supposedly made on the basis of common standards. Though the constitutionality of these statutes is open to question, you quote Justice White in support of the claim that being allowed to engage in certain sex-

ual practices does not fall under the category of a fundamental right. This is a tenable position, but nevertheless you fail to understand the nature of these rights and their relationship to democratic rule.

It would not be constitutional for the majority to enact a law subjecting philosophy students such as yourself to random searches of their homes, because even philosophers have a right "to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." Your claim seems to be that practicing homosexuality is not a right of this type, evidently because it is not "God-given."

But it is not clear to me who the "small minority" is that decides "what is in our best interests." Here in Oregon, there is a small minority, the OCA, that thinks it is in our best interests to pass some laws

equating homosexuality with bestiality and pedophilia. It is their God-given conviction that passing these laws would make the world a better place. If the majority of Oregonians see things their way, whether through fear or ignorance, democracy will simply be taking its uncertain course.

Because of your ideological sympathies, this causes you no concern. But there may come a time when a small but vocal and well-organized minority wants to pass laws condemning your behavior. Your God-given rights will not help you here. Only then will you realize that the Constitution was not put in place to advance fundamentalist dogma; it is there to preserve the very rights it, and not God, has given to you.

Andrew Sergienko is a graduate student in philosophy.

LETTERS

Fascist

I am writing in response to Jeff McCoy's letter, published on Aug. 2 in the *Emerald*.

In 1933 a man by the name of Adolf Hitler rose to power in Germany. First he imprisoned the communists. Then he threw the social democrats in jail (they were far too liberal). His extermination didn't end until the Allies captured Berlin and freed millions of hostages who were awaiting their most certain deaths in the concentration camps.

Hitler's regime exterminated millions of human beings. Jews, "inferior" racial groups, gypsies, homosexuals, political dissidents, prisoners of war. He used his ideology to justify taking millions of lives.

Jeff McCoy says that freedom of speech should be limited to views that are only pro-Christian — that lynching should be brought back to exterminate subordinate classes of people. Mr. McCoy, you sound more like a fascist than a Christian.

Our founding fathers molded this nation so as not to make the same mistakes that our European counterparts made. As Americans we have privileges that entitle us to our personal freedom and development. When you begin to take away these rights you take away the very fabric upon which this great nation was built. Whether you are a homosexual, a Muslim, or an anarchist, and so on...

There is nothing wrong with being a Christian, Mr. McCoy, but there is a problem with being a fascist.

Ross Klehn
Physics

Blind repetition

Your recent editorial (ODE, Aug. 2) on the "public corporation" scheme was misinformed, to say the least, and substituted inflammatory buzz words for analysis.

"Autonomy for the system will reduce 'bureaucracy' and allow us to avoid needlessly 'redundant administrative rules.'" In the future, the *Emerald* should try to avoid reprinting OSSHE's press releases and deliver some legitimate analyses.

If there is a problem with needless state regulation, these concerns should be addressed to one's legislators. Unelected board members and administrators would seem to be the very epitome of bureaucracy which you seem to loathe so much. Does it make any sense to permanently transfer control of our universities to them?

And if removing bureaucracy is a good idea, shouldn't it be dealt with across the board? Why not remove redundancy from all state agencies, and thus watch Oregon's money problems disappear? By injecting "the elements of responsiveness and competition" back into the equation, better service for less money will no doubt trickle down to Oregon's students eventually.

This all sounds well and good, but the reality — once one looks beyond the epithets and buzz words — is that these redundancies are things like decent retirement and health care for state workers and fair systems of bidding on state contracts. Of course OSSHE would like to avoid these costs, but the people of this state have enacted these things because they believe that they're important. (And again, if people change their minds, these things can be changed democratically.)

Most importantly for students, removing oversight of the system's budget from the Legislature would — as I've indicated — place it squarely in the hands of higher education administrators. Anyone who believes that better service and lower tuition would follow is a fool.

Please don't let your unfocused hostility toward the state Legislature drive you to embrace the latest quick fix for the state's higher education crisis. Faddish solutions that take control away from the people deserve thoughtful scrutiny, not blind repetition.

John S. Mulvey
Law

Daily, not really

In response to your Editor's Note following my letter (ODE, July 19):

1. Your concededly authoritative dictionaries say that "daily" may be applied to "a newspaper published every day or every weekday." The *Emerald* is published only two days a week during the summer but "daily" remains in your name.

2. That "daily" "may be applied" is not the same as "should be applied" if "accuracy" as defined by my Webster's Unabridged is sought: "exactness and conformity to truth..."

3. What is your response to my suggestion that the *Emerald* publish every day? Weekend editions are better read and so provide more service to readers and advertisers along with more hands-on experience for tomorrow's quality journalists.

Charles O. Porter
Eugene

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