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Don't complain about lack of criminal charges

AN EMERALD EDITORIAL

Only the accusers in a rape or sexual misconduct case can decide what the proper forum for their claims is

The Register-Guard has been the subject of frequent criticism on this page. The Oregon Commentator, on the other hand, is making its first appearance.

Despite being on opposite sides of the issue, both publications have misunderstood a crucial aspect of the controversy surrounding the conduct code hearings concerning accusations of sexual misconduct by Dontá Graham-Preston.

In a pair of phenomenally offensive editorials, the Guard argued that the two women who have accused Graham-Preston of unwanted sexual contact would have pressed charges in criminal court if their claims had merit.

By making this argument, the Guard makes a persuasive claim in favor of rape-awareness training for editorial staffs.

Many women (a majority, according to some surveys) do not report rape. The process of testifying in a criminal rape trial is often compared to a "second rape." In the course of proceedings, the accuser is

often put under merciless cross examination in the interest of justice.

The Student Conduct Code exists to provide another option. It is designed to be a way to resolve situations that prevent students from existing comfortably in the University community.

In this case, the two women clearly felt some sort of action needed to take place for them to feel safe on and around campus.

They apparently did not, however, feel criminal action was warranted.

It is pointless and potentially dangerous to speculate why they might have made that decision. The bottom line is that the two accusers chose to take their cases to the University rather than the district attorney.

As Commentator writer Farrah Bostic points out, this didn't necessarily prevent them from being exposed to the unpleasantness of a trial, regardless of it being a "conduct code hearing." Unfortunately, Bostic and her fellow writers, while making some reasonable criticisms of the process and the code, end up making the same demand as the Guard; they want the women to pursue criminal action.

Of course, Bostic and Mark Hemingway don't have the gall to challenge the decision of the women. Rather, they blame the University for not handing the situation to the district attorney.

Such a complaint is profoundly illogical. While it might be that in some cases, such as robbery, where there is sufficient physical evidence to proceed without someone personally filing

charges, accusations of rape (as this would be in a criminal setting) are not such a case.

In order for these accusations to go to trial, the women would have had to press charges.

It is hardly fair to fault the University because they did not. Therefore, if the Commentator is bothered by the lack of criminal action, it ought to direct its comments to the women.

The rhetoric of some other individuals and groups around campus suggests they are willing to pass blame in that manner. Ongoing complaints about the lack of criminal punishment have at times become demands for vengeance.

Such demands clearly suggest the emotional and mental stability of

the accusers is worth sacrificing for the perceived good of the University community.

Such a request is brutally unfair and thoughtless. No one can be forced into being a martyr for the anti-rape cause. If various campus groups want criminal punishment for rapists, they should work on community education.

Until people realize that the accuser should not be on trial in rape cases, many women will make the understandable choice of avoiding a criminal trial.

The Guard has been consistently foolish in its coverage, demonstrating the very attitudes that make it difficult to successfully prosecute a rape trial.

The Commentator, on the other hand, is admirable for taking a strong stand against rape. Unfortunately, it stumbles when calling for criminal action, implying not only that the University made the wrong choice but also that the women did.

There is no wrong choice when it comes to accusations of rape. Such claims should be made in the forum where accusers feel comfortable, be it the courtroom, the University or nowhere at all.

This editorial represents the opinion of the Emerald editorial board. Responses may be sent to ode@oregon.uoregon.edu

The bottom line is that the two accusers chose to take their cases to the University rather than the district attorney.

Thumbs



To Chicago:

The ACLU doesn't win very often, but thanks to a lawsuit by that group, the city has decided to stop providing money to the Boy Scouts. The ACLU filed suit on the grounds that government support of the Scouts, who have religious requirements, violated the separation of church and state. In addition, the suit claimed the Scouts' ban on homosexuals was discriminatory. We agree with both these claims and hope withdrawn funding by local governments will help encourage the Scouts to change their policies, putting an end to discrimination that taints a generally admirable organization.



To U.S. hypocrisy:

Regardless of the political or diplomatic reasons for or against bombing Iraq (and killing more civilians), it is difficult to stomach rhetoric by the U.S. government about the importance of protecting the "integrity" of U.N. resolutions. This is, after all, the same government that continues to neglect its financial obligations to the international organization. It's the same government that has consistently acted in ways that have drawn U.N. opposition, such as laws punishing nations for trading with Cuba. And it's the same government that has been a lone voice of support for Israel, another nation in the region that has consistently failed to obey U.N. resolutions.

DRAWING BOARD

