

Diversity policies, speech are cases to watch in 2003

As the Emerald's resident law student, I want to let students know about two important cases the Supreme Court will decide in the new year. I chose them for their special interest to students and other Emerald readers.



Philip Huang
A different light

Can the University of Oregon be any less diverse? The Court will answer that

rhetorical question in 2003, when it hears *Grutter v. Bollinger*, a challenge to the University of Michigan's law school admissions program.

Also under review is the undergraduate admissions program. Two issues are before the court: Whether diversity is a "compelling state interest," and whether Michigan's program is "narrowly tailored" to accomplish that goal. In 1978 in *Bakke*, the Court struck down fixed ethnic quotas but upheld diversity as a goal, and affirmative action has been an integral yet controversial part of higher education ever since. California and Washington already forbid

their schools to consider ethnicity even as one factor in admissions.

If the Supreme Court overrules *Bakke*, the University admissions program — and the hopes of thousands of disadvantaged students — will fall with it.

The justices will also consider the case of *Nike Inc. v. Kasky*. The California Supreme Court has ruled that corporations are liable for deceptive advertising if they make misleading public statements about their operations. Nike had responded to news stories critical of working conditions in its sweatshops in Southeast Asia, whereupon an activist sued the shoe

company for lying to the public. Constitutional law treats commercial speech differently than non-commercial speech. The issue is whether a company's public statements about child labor, clear cutting and organic food are commercial speech.

After all, those statements are likely

to influence consumers in their commercial decisions, particularly conscientious shoppers in Eugene.

Contact the columnist at philiphuang@dailymerald.com. His opinions do not necessarily represent those of the Emerald.

UO should walk away from KUGN

Guest commentary

In typical fashion, University President Dave Frohnmayer has offered another fatuous argument in defense of the University's pursuit of dollars from whatever source is at hand. Weighing in on the controversy surrounding radio station KUGN-AM and its status as the "voice of the Ducks," Frohnmayer has argued that to compel KUGN to stop broadcasting certain bigoted, right-wing talk show hosts (whom I will not aggrandize by naming) would amount to censorship. On this point I would agree with Frohnmayer. The Univer-

sity should not attempt to influence KUGN's programming.

It should walk away. It is the University's right to affiliate itself, contractually and/or otherwise, with organizations of its choosing. That choice should favor organizations that seek to promote the same values and ideals that the University stands for and avoid those that don't. As the station manager makes clear in his remarks in *The Register Guard* ("UO chief praises students, rejects protests," Nov. 16), KUGN's primary motivation is the bottom line — the station is blind to all other considerations. That is their right. Apparently the bottom line is Frohnmayer's pri-

mary motivation as well.

To suggest that seeking to terminate the contract with KUGN (or to refuse to extend it) amounts to censorship is like suggesting that it would be censorship to refuse to listen to KUGN, or to refuse to support KUGN's sponsors.

The people, and the University, have a voice. Both voices need to be used. But, as has been said and the recent election proves, people vote with their pocketbooks. The same can be said of the University of Oregon under the leadership of Frohnmayer.

Bill Shaw is a first-year graduate student in architecture.

Letter to the editor

Ruin your own body

If people want to damage their bodies with cigarettes or Twinkies, that is their right; the problem is when it affects other people's well being.

Smokers compromise other people's health with their second-hand smoke. How many people are killed by the obese eating Twinkies? How

about in public places like restaurants and bars? Is the guy smoking a pack of Camels or the guy eating his dessert more invasive?

How much should we raise the tax on cigarettes to pay for cleaning up all the butts smokers flick to the ground? I see a lot more cigarette butts than Twinkie wrappers on the street.

How much does it cost taxpayers to fight fires started by careless

smokers throwing lit cigarettes out the car window?

The way I see it, smokers are getting off easy even after the tax increase. If you want to ruin your body with tobacco, sugar or whatever your vice is, go ahead. But if you want to ruin other people's bodies, pay up.

Justin Montgomery
senior
astronomy

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