

# COMMENTARY

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## Attacking assault

Sometimes I trick myself into thinking I live in a very tolerant and peaceful environment. During Intro-DUCKtion four years ago, the organizers didn't tell my group of wide-eyed freshmen about the climate of hate on campus, the number of sexual assaults or what the University was doing to change all of that.

They didn't tell us, probably because they didn't know these things were going on.

The problem is, when incidents happen, a small majority of students actually file reports with the Department of Public Safety. Since the beginning of the academic year, the Department of Public Safety has only received eight reports of assault, compared with 45 incidents reported to the Eugene Police Department.

Who knows how many rapes or hate crimes go on at this school? The FBI says rape is one of the most underreported crimes, with nine out of 10 assaults not reported. When survivors are so scared or shocked, the majority of them keep it from the authorities for a greater fear they will be publicly shunned, or nothing will come of it.

But bad things do happen on campus. A case in point is the ordeal a

friend of mine went through two weeks ago when he was walking home from the bar, and two drunken bigots accosted him outside the Knight Library.

My friend, who is allowing me to print his story on condition of anonymity, said he had escorted a friend home on the east end of campus and was trekking back to his own place around 3 a.m.

He heard two inebriated men walking in his direction, espousing their views on homosexuals and the like. They were whooping and hollering, all the while sucking down liquor.

Then the pair caught a glimpse of the stranger walking past and unleashed their rage. They circled him like vultures, calling him a "fucking faggot," among other ignorant terms. Then they pushed him back and forth, belligerent and angry shoves that threatened to evolve into something much more violent.

Luckily, they stopped themselves after a few moments of machismo muscle-flexing and continued on their way. My friend escaped the altercation unscathed physically, but scared as hell, as anyone — gay, straight, black, purple, whatever — would be after such a hateful encounter.

The two boys, described as "typical clean-cut, Abercrombie & Fitch kind of guys" may have been exercising their freedom of speech with their archaic views on homosexuality, but the pair went too far when the incident turned physical.

Despite all of the feelings of guilt,

rage and indignity my friend experienced afterward, he has declined to report the incident because he says he couldn't remember the faces of his assailants, and he didn't think it would make any difference.

Going on file may not make any difference to him, but it would say something to the administration, and to prospective students looking for the tolerant institution I thought I attended. An institution

located in a state that embraces such radical ideas as assisted suicide and bottle returns.

Let's not forget, nearly 47 percent of Oregonians voted for Measure 9 three years ago. Not all of those voters are likely to be as aggressive as the pair who roughed up my friend, but I wouldn't exactly call them open-minded.

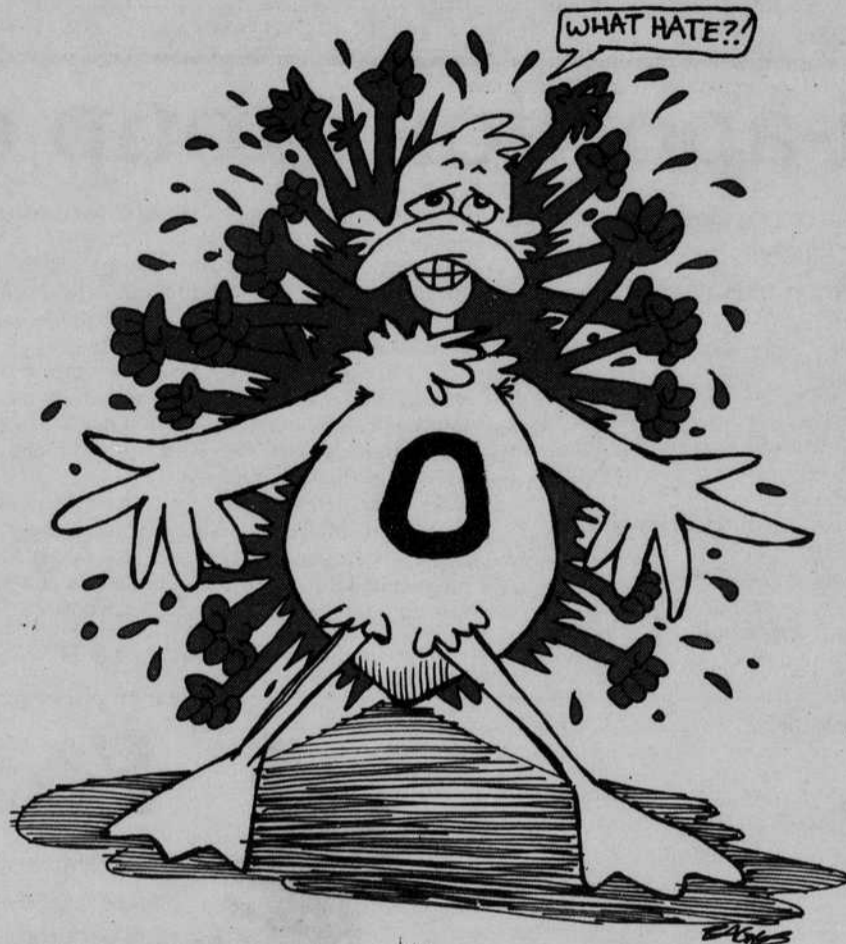
Until people are willing to be educated about lifestyles different to

their own, people like me will have to keep writing columns like this. If you have been assaulted, take control of your situation and let the authorities know. Because keeping silent only perpetuates the myth that these crimes don't happen.

Contact the columnist at [julielauderbaugh@dailyemerald.com](mailto:julielauderbaugh@dailyemerald.com). Her opinions do not necessarily represent those of the Emerald.



Julie Lauderbaugh  
 Judge Julie



Steve Baggs Emerald

## Ruling against Nike would have chilling effect on speech

### Guest commentary

Editor's note: An earlier version of this commentary appeared in *The Oregonian* on April 21. This version was distributed by the Knight Ridder/Tribune news service and was not submitted directly by Tim Gleason.

Nothing is more frustrating for a journalist than to have a source respond to a question with "no comment." Journalists and the public will be hearing such responses from business sources if the Supreme Court follows the lead of the California Supreme Court in the most important commercial speech case in many years.

On April 23 the court heard oral arguments in *Nike v. Kasky*, a case with the potential to chill "commercial speakers" and make it more difficult for all of us to gather information about business practices and operations.

The narrow question in front of the court is the legal definition of "commercial speech," a category of speech that is subject to greater government regulation than political speech. The

broader question is the freedom of corporate speakers and all other speakers with economic motives to participate in political debates about business policies and practices.

The case pits Nike, one of Oregon's largest and best-known companies, against Marc Kasky, a California community activist.

In the late 1990s, Nike responded to widely publicized criticism of its overseas manufacturing practices with an aggressive public relations campaign. Kasky believed that claims, such as, "Nike products are made in accordance with applicable governmental laws and regulations governing wages and hours" were false and should be subject to the same false advertising regulations as an ad for Air Jordan basketball shoes. He argued that such claims were part of an image campaign designed to sell Nike products.

Kasky filed suit under California's business and professional code governing false advertising. Two lower California courts rejected the case. The Court of Appeals found that the speech in question was not commercial

speech, but rather "part of a public dialogue on a matter of public concern within the core area of expression protected by the First Amendment."

A majority of the California Supreme Court reversed the lower courts. It fashioned a broad definition for commercial speech.

Rather than limiting commercial speech to material advertising claims about products or services, the California court said that it is commercial speech when a speaker with an economic motive makes "factual representations" to an audience of potential buyers of a product. Under this definition, any statement offered by the company in the policy debate over labor practices may be subject to the same regulations used to police advertising for shoes and golf clubs.

Three dissenters found that the speech was protected political speech. The majority's broad definition of commercial speech, they said, would silence important participants in public debate. One judge wrote, "The First Amendment ensures the freedom to speak on mat-

ters of public interest by both sides, not just one judicially favored. Sadly, Nike is not the only one who loses here — the public does, too."

A long list of amici (friends of the court), including 40 journalism and publishing organizations, lined up to argue that the California ruling threatens not only the free speech rights of corporations, but also, the public's interest in open and robust debate. Journalists are worried that a broad definition of commercial speech will shut down sources in the business community.

In oral argument the justices appeared sympathetic to Nike's claim that the California court's ruling denies the company the right to respond to its critics in "an intense debate on the pros and cons of globalization."

At the same time, the court may not be ready to define clearly commercial speech as speech that does "no more than propose a commercial transaction," the definition favored by Nike and many first amendment advocates. It will be a lost opportunity if the court does not draw a bright line between

commercial and political speech.

It is hard enough to get information about the workings of large corporations. The threat of litigation under statutes like California's will make it even harder. Rather than engaging in public debate, corporate spokespersons will respond to tough questions with vague generalities. Nike and other companies have already begun to limit their participation in the globalization debate.

Corporations and other speakers with economic interests are central players in nearly every public policy debate. It is important that they are full participants so that we can test the truth of their claims and of our own.

Let's hope the court takes this opportunity to demonstrate its belief in the ability of the journalists and the public to sort out truth and falsity in the marketplace of ideas.

Tim Gleason is the dean of the School of Journalism and Communication. © 2003, Tim Gleason. Distributed by Knight Ridder/Tribune Information Services.

### Letter to the editor

#### I've seen the futility of war

I read the Emerald every day. I commend you for your excellent editorial sensitivity and balance.

Congratulations to Jessica Cole-Hodgkinson for a very fine column

("Patriotic Dissent," ODE, April 24) for clearly spelling out her thoughts on the futility of any war, especially this one.

I have earned the right to speak up. I'm 80 years old and served in World War II, China-Burma-India Theater, 14th Air, 51st Fighter Group, and Headquarters Squadron. I spent three years in service, two and a half years

in harm's way, in the combat zone. I was so fortunate to survive.

Ah, Iraq! Let's see, the first 18 months of President George W. Bush's presidency, he never once uttered the word Saddam Hussein. It was all Osama bin Laden, and the president said, "We'll get him dead, or alive." When that didn't work, Bush said, "Let's get Hussein, later

we can talk about North Korea, Syria and Iran."

So, we haven't found bin Laden, Hussein or the weapons of mass destruction. We sure bombed the hell out of Iraq, but we'll build it up better than ever.

As we renew Iraq, please remember our economy has tanked and we're downgrading education and

health care; not to mention budget cuts have us reeling.

I have a wonderful quote hanging on my wall:

"I hate war, as only a soldier who has lived it can, only as one who has seen its brutality, its futility, its stupidity."

— Dwight D. Eisenhower

Arthur Golden Eugene