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## ■ Guest commentary

## Sullivan conference to drum up First Amendment appreciation

As the U.S. Supreme Court stated in the 1964 landmark case of *New York Times vs. Sullivan*, the "central meaning" of the First Amendment is found in Americans' right to criticize the public officials they choose to govern them.

The Supreme Court's categorical repudiation of seditious libel as inconsistent with the free speech rights of Americans illustrates "a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials."

Thus, a public official, the Sullivan Court held, cannot recover damages for a defamatory falsehood unless he proves that the statement was made with "actual malice"—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

To the advocates of Sullivan it was "a great liberating force of American law and life," according to former *New York Times* columnist Anthony Lewis, who wrote "Make No Law," the definitive study of the case.

To its detractors, however, Sullivan's "actual malice" rule is counterproductive to news reporting and

public service in the United States. They assert that the libel rule results in shoddy journalism while encouraging unreasonable attacks on the "best men" in public life. In a nutshell, freer journalism is not necessarily better journalism.

Amid the continuing debate about Sullivan's actual or perceived impact on freedom of expression in the United States and abroad, the School of Journalism and Communication and the School of Law at the University of Oregon are sponsoring a major First Amendment conference on the seminal case. The conference, titled "*New York Times Co. v. Sullivan: Forty Years After*," will be held at the University Knight Law Center on Friday.

At the Sullivan conference, U.S. Circuit Judge Gilbert S. Merritt will deliver the keynote address on the government's efforts to control free speech in the post-Sept. 11 America. He'll be joined by a dozen other speakers in the day-long conference. Among the invited panelists are Justice Rives Kistler of the Oregon Supreme Court, Judge Robert Sharpe of the Canadian Court of Appeals, First Amendment lawyer Bruce Johnson, Washington Post columnist David Ignatius and professor Frederick Schauer of Harvard University's Kennedy School of Government.

The speakers at the Sullivan conference will assess the social, cultural and political influence of the foundational case in connection with the extraordinarily volatile situations confronting us these days.

"In this time of war and terrorism and certain risks to civil liberties, we should take those rights and responsibilities to heart," said David Bodney, a leading media law attorney who'll speak at the Sullivan conference. "And we should use *New York Times v. Sullivan* as a battle cry to view ourselves in the media as part of this experiment in self-government responsibility."

No doubt the Sullivan conference at the University of Oregon on Friday will be a valuable opportunity for all of us to more critically (re)appreciate what defines the United States as a functioning democracy. To the engaged, discerning members of the University community the opportunity is too good to be missed.

*Kyu Ho Youm, who holds the Jonathan Marshall First Amendment Chair at the University School of Journalism and Communication and is a courtesy professor at the School of Law, is co-organizing the Sullivan conference on Friday.*

### INBOX

#### Kerry will save struggling after-school programs

Head Start needs more funds. Currently in Lane County, Head Start is only serving 50 percent of those children eligible due to a lack of funding.

Research has shown early education programs like Head Start can prevent school failure and crime. John Kerry has a plan to save Head Start. The No Child Left Behind Act created new requirements for educators but did not give them the funding they needed to complete them. The No Child Left Behind Act was underfunded by \$27 billion. John Kerry has a plan to fully fund education programs that teach kids, not just test them.

John Kerry is a strong supporter of after-school programs. I am in high school, and I have witnessed how after-school programs can save lives. I know two different people who were considering suicide and did not go through with it because they made friends in an after-school program. I know other students who did not drop out of high school because of an after-school program they were in.

In the past three years, college tuition has risen 35 percent. About 220,000 people were priced out of college and many more felt they had no hope of affording college. John Kerry has a plan to bring college education to all Americans.

Send me to college. Vote for John Kerry.

Peter Howland  
Springfield

#### Leaving Nader off ballot - no way to run a democracy

David Jagernauth makes good points about keeping the progressive faith ("Voted out with the garbage," Oct. 1). We need to know more about why no Senators, including Kerry or Edwards, would sign the election objection of the Congressional Black Caucus in 2000. That scene in Michael Moore's "Fahrenheit 9/11" is heartbreaking.

The Democrats' fight against Ralph Nader is disgraceful. This is no way to run a democracy. We need to allow

more candidates back into the presidential debates and to reform our electoral process along the lines of "instant runoff" systems like in San Francisco. I have spoken with conservative voters with lukewarm support for Bush who would vote for Nader instead if only he were on the ballot.

A vote is only thrown away if it isn't cast or isn't counted.

Robert Adams  
Eugene

#### Minorities could use a lot more than 'some help'

Tuesday's commentary article on affirmative action was an appreciated, but misguided attempt to discuss and understand the purpose of affirmative action. First of all, affirmative action can not only refer to increasing opportunities for black Americans, but also women, Hispanics, Asians and Native Americans.

However, black Americans have been prominent advocates of affirmative action, authoring numerous books and articles in support of it (such as Randall Robinson's "The Debt"). The author of Tuesday's article suggests that economic-based affirmative action would be a more constructive approach to achieving social (not racial) equality.

Undoubtedly, minorities and black Americans specifically have suffered the United States' injustices and discriminatory practices since before Thomas Jefferson penned the Declaration of Independence in 1776. Yet some Americans seem to believe that racial discrimination ended in the 1960s with white-only water fountains.

The author of Tuesday's article says, "No student on campus today won their freedom through the Emancipation Proclamation." I completely agree. I am sure there isn't a teacher or student on this campus who is at least 140 years old. But, it is possible that there is a student on this campus who was a victim or is related to a victim of the Tuskegee Syphilis Experiment. According to a 1997 Seattle Times article, the experiment was a

40-year long experiment that ended in 1973 done by the Public Health Service that denied treatment to 399 black men with the disease.

Along with that, the well-known case of Mumia Abu Jamal, an incarcerated activist and journalist who was arrested (from no substantial evidence) for the murder of a police officer in 1978, displays how close to home racial injustice indeed is. These examples illustrate that racial oppression is still alive today.

The author of Tuesday's article says that although he/she disagrees with race-based affirmative action, "blacks could still use some help from society." I commend the author for the sympathy, and also for raising some important issues like black teen pregnancy, black low income levels and low levels of black educational attainment.

Unfortunately, the author fails to connect the 400 years of oppression as a cause of these issues, the need for social reform and the first step of that being affirmative action. After all, there must a reason why black men flood America's prisons and black children continue to drop out of schools, right?

If we study our history, we will learn that when blacks gained their freedom through the Emancipation Proclamation, the reconstruction granted blacks no compensation of land, giving them no economic foundation to begin their life as a free people. Hence ever since 1863, black Americans have been playing the catch-up game.

It is useless to single out a black person and say, "Hey- you weren't a slave, you and I are equal," because slavery and other forms of oppression tyrannized a whole people, its culture and its future generations.

Black Americans, along with all other minorities, could not "use some help." Instead, they could use racial equality, socio-economic equality and the opportunity to lead and participate in a government in which they are underrepresented. Increasing the number of people of color in universities and professional industries is a long overdue, but progressive initiative.

Jordan Thierry  
Eugene