

BOARD EDITORIALS

NOT QUITE JUSTICE

Police were right to classify a recent assault as a hate crime, but they also should have charged the offenders with "ethnic intimidation."

According to statute N.C. GS 14-401.14, "If a person shall, because of race, color, religion, nationality or country of origin, assault another person ... he shall be guilty of a Class 1 misdemeanor." In short, this crime is known as "ethnic intimidation."

An assault that occurred in Chapel Hill on March 27 certainly seemed to fit the guidelines for this type of offense, but, apparently, local police didn't think so.

The incident, in which Sikh UNC senior Gagandeep Bindra and two friends were accosted by three teenage boys near the intersection of West Franklin and Mallette streets, began when one of the boys referred to Bindra as al-Qaida leader Osama bin Laden. Bindra, an economics major from Punjab, India, referred to the boy's mother in response.

After following Bindra and his friends, reports state, the boys became violent. Bindra was hit in the jaw, and one of his friends was injured to the point of needing medical attention.

According to reports, police categorized the assault as a hate crime. But they didn't charge the alleged assailants with ethnic intimidation. On

Sunday, Chapel Hill police Chief Gregg Jarvies said that particular charge wasn't filed because it wasn't sufficiently evident that the verbal attack was a direct cause of the physical assault.

It isn't clear whether the alleged assailants were looking for a fight to begin with or if Bindra's retort provoked them. What is obvious from police reports is that the hostility toward Bindra, based on their patently negative disposition toward his ethnic appearance, led to the assault. This was ethnic intimidation, and police should have filed the charge.

Law enforcement officials should have jumped on this case with greater ferocity. The offense was clear, and incidents as heinous as this one rarely take place in Chapel Hill. When they do happen, it's up to local authorities to use the full force of the law in an effort to prevent future attacks and prejudice-laced abuse.

Chapel Hill is considered to be a relatively safe haven for people of all colors and creeds. But this incident showed that a considerable amount of ignorance has slipped through the cracks. While police couldn't have prevented it, they could have made a greater statement in their enforcement of the law.

A CHOICE HINDERED

It isn't the place of the University to interfere in students' personal health choices and make it harder for smokers to purchase cigarettes.

Smokers throughout the University community are frustrated — and rightfully so — over the fact that cigarettes will no longer be sold at several campus stores.

There is no doubt that smoking is a deadly habit, and those smokers at UNC probably should quit. However, stopping the sale of cigarettes on campus is ridiculous, and so is the manner in which that decision was made.

Student Stores Director John Jones is responsible for the decision to take cigarettes off the shelves at the Circus Room and the Campus Y.

That decision was made after philosophy Professor Marc Lange wrote a letter to The Daily Tar Heel's Readers' Forum and personally contacted Jones to offer a polite warning of the letter's content.

The letter referenced a new program started by UNC Hospitals to help students and hospital patients kick the nasty habit.

Lange argued that the sale of cigarettes in branches of Student Stores compromised the UNC Health Care System's efforts to wean people off their nicot-

tine addictions.

His letter asked the question, "Does the University really want to turn a profit from this addiction and the suffering and death it brings?"

Lange's argument overly dramatizes the issue, which should be primarily one of personal choice.

The vast majority of students, faculty members and employees are adults and, as such, are fully capable of deciding whether or not they want to buy a pack of cigarettes.

UNC Hospitals should be applauded for efforts to help smokers quit. It's a dirty habit, and it's deadly.

But University officials have no place pre-empting the personal choice of individuals who just want to buy some smokes.

Surely, such a decision should not be made at the prompting of one letter-writer.

This decision, paired with the new ban on smoking on the balconies of residence halls, makes for a rough semester for on-campus smokers. University officials should think twice before they further usurp personal choice.

ACADEMIC PRIORITY

Unfortunately, Emeka Okafor is more the exception than the rule in terms of college sports stars balancing athletics with good academics.

Emeka Okafor has been the darling of this year's men's college basketball season. The star center for Connecticut's championship team is an academic All-American, winds a 3.76 grade point average and is on track to graduate a year early with a degree in finance. There are no worries for him.

It's the many players in the NCAA Tournament's Final Four not graduating who are drawing some concern. Of this year's Final Four teams, only Duke has a graduation rate higher than 50 percent, which sports reformers are advocating as a minimum standard for collegiate programs.

Nationally, only 44 percent of collegiate men's basketball players graduate from college. Four of the 65 teams that participated in the NCAA Tournament failed to graduate any players at all.

These numbers indicate a serious problem, and the NCAA is finally taking some action about it.

NCAA board members are slated to vote on a set of academic performance requirements to help motivate schools to improve results. Also in the works are new procedures to gauge the progress of teams and to calculate their graduation percentages

without punishing them for students who transfer.

Some coaches have criticized graduation data, saying that statistics neglect to account for players who do end up transferring or entering professional leagues early.

Those types of concerns are being addressed. Meanwhile, NCAA officials should be careful to implement changes gradually and in a manner that is fair to all of the teams involved.

It's important that a sense of responsibility accompanies such fairness. These measures are a good step toward ensuring academic opportunities for the athletes from whom universities gain so much.

But they can work only with the good faith of coaches and institutions alike. A fair program also must be firm.

It almost has become cliché to lament the decline of academics in college sports, but that shouldn't be grounds for forgetting universities' responsibilities to their athletes.

Emeka Okafor might be the current bright light of college basketball, but let's not forget about the supporting cast. They are just as deserving of a degree.

EDITOR'S NOTE: The above editorials are the opinions of solely The Daily Tar Heel Editorial Board, and were reached after open debate. The board consists of seven board members, the editorial page associate editor, the editorial page editor and the DTH editor. The 2003-04 DTH editor decided not to vote on the board and not to write board editorials.

EDITOR'S NOTE

DTH's free speech principle extends to Playboy ad

I can't ever recall being called "bunny," but I have been called "darling," "sweetie" and "sugar" countless times.

Most recently, I've been labeled a "honey," a term of endearment in the South perhaps, but degrading nonetheless. When I protested the label, I was told simply to get used to it because I was a "girl."

In fact, I'm a 21-year-old woman who has lived on her own, more or less, for four years. And I will never get used to it.

So, as I checked the pages of The Daily Tar Heel on March 24, an ad on page 9 stopped me cold.

"Attention female student body," it read. "Ever fantasized about being pictured in the No. 1 men's magazine in the world? Now's your chance to turn fantasy into reality."

Yes, Playboy is visiting Chapel Hill this week, and I had the final say on whether the ads announcing its visit would run in the DTH — a decision that has been called into question given the dangerous stereotypes Playboy and other such magazines use to turn a profit.

As a woman, I loath the idea that a female's success in life — "Who knows what the future holds for you?" — could somehow



ELYSE ASHBURN
EDITOR

be tied to her height, weight and measurements. As a woman, I hate perpetuating that message.

But as editor of The Daily Tar Heel, as a responsible journalist, I had no choice but to let that day's ad and the subsequent Playboy ads run, and not just because of financial concerns.

Sure, the paper would have lost money — \$1,228.50 to be exact. But more importantly, it would have lost its integrity as a marketplace for ideas. While ads provide revenue for the paper, they also serve its mission of upholding free speech and promoting dialogue.

The DTH ad staff and the paper's editor, me in this case, certainly reserve the right to refuse any ad. We rarely do so, however, unless the ad contains blatantly false or obscene material.

While I don't respect the work they are peddling, the Playboy ads, simply don't meet that bar.

The paper would have been wrong in refusing to run them.

Just as I would never pull an opinion column because I disagreed with its assertions, I would be remiss to pull an advertisement because its content was unsettling.

Free commercial speech is about far more than selling products. It's about the free flow of ideas. It's about freedom of speech as an underpinning of political freedom.

It's about the ability to float a theory or statement, no matter how unpopular, in a public forum.

While the newspaper's editors control the news content, anyone with sufficient funds may advertise a service, sell a commodity or push a viewpoint in the DTH's advertising space.

Without freedom in advertising, we as a nation might not have Playboy ads. But we also might not have ads such as the one published in The New York Times in October 2002 that denounced anti-Semitic actions on college campuses, an ad bearing the signature of UNC's chancellor.

We also might not have ads such as "Heed Their Rising Voices," which ran in the March 29, 1960, issue of The New York Times.

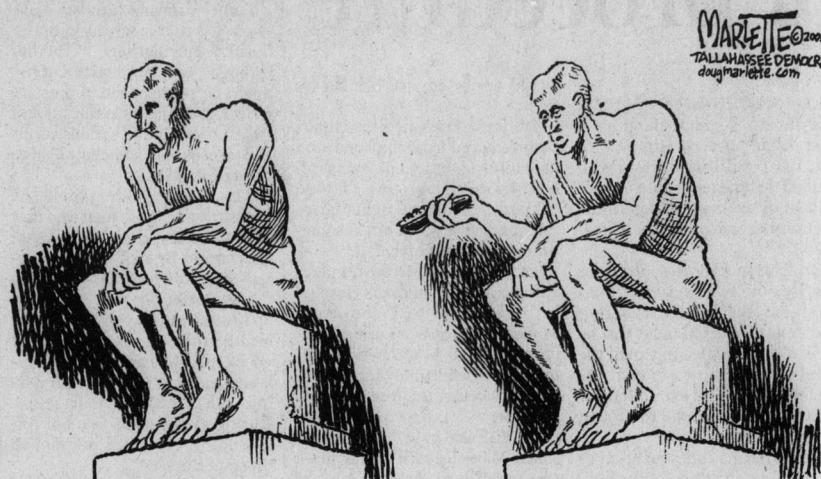
Published during the heat of the

ON THE DAY'S NEWS

"If we do not maintain justice, justice will not maintain us."

FRANCIS BACON, ENGLISH WRITER

EDITORIAL CARTOON



THE THINKER

THE CLICKER

COMMENTARY

Lecturer's action effectively suffocated free expression

The brilliant French thinker Voltaire said, "I may not agree with what you say, but I will defend to the death your right to say it."

This quote has long reminded me of the importance of free expression, regardless of how offensive it might be.

And short of hate speech and crying "fire" in a movie house, our Constitution ensures that the good, the bad and everything in between can be aired.

That is what's so disturbing about the recent controversy surrounding Elyse Crystall, a lecturer in the UNC Department of English who lambasted a student for calling homosexuality disgusting and immoral.

These comments were offensive and close-minded, but there should have been no attempt to censor such expression.

While this is an isolated incident on our campus, contrary to claims of right-wing conservatives who argue this is representative of Carolina as a whole, it is eerily similar to a trend of censorship apparent in higher education.

According to articles published last year in the Chronicle of Higher Education, collegiate speech codes imposed during waves of political correctness during the past two decades are still around, despite their overwhelming unconstitutionality and jarring constraints on free speech.

For example, a student parody of a Harvard Law Review article advocating for a gender-related perspective of the law was attacked by feminists and others, resulting in regulations that, while not explicit speech codes, have limited free expression at the esteemed university.

The publication also reported



MICHAEL DAVIS
COUNTRY FEEDBACK

on incidents at Pennsylvania's Shippensburg College and California's Citrus College, demonstrating that this is a widespread problem in academia.

Today, concerns about not offending anyone have chipped away at free speech, causing chilling effects on campuses that claim wholeheartedly to be "marketplaces of ideas."

In an intellectual marketplace, much like at a business, you don't have to buy everything you see. Some of it is pure rubbish, but those selling the junk sure have the right to do so.

It's up to us to discern the good from the bad: That's half the educational experience.

And a frightening double standard exists when people want to express their opinions in favor of certain ideas or lifestyles, but then raise hell when others simply disagree.

From all accounts I've read, that's what happened in Crystall's class. And when educators discourage discourse simply because it might offend some people, they are imposing speech codes of sorts.

Making people uncomfortable to speak their minds because of the views of instructors or peers is not only unconstitutional, it is disgusting.

Those students and faculty coming to Crystall's defense are missing the severe consequences of her actions, which not only

brought unnecessary negative attention to a beacon of free expression, but also questioned just how free it is.

As reported in The Daily Tar Heel, one letter read in defense of Crystall at a press conference last week argued that she was enforcing the University's nondiscrimination and anti-harassment policies concerning sexual orientation by confronting the student.

"Instructors have both a right and an obligation to set the terms for discussion in their classes and to determine what constitutes relevant and appropriate content," the letter stated.

Using this university's policies as justification for explicit constraints on protected speech is manipulative and insulting.

Instructors can fulfill their responsibilities without attacking free expression. The student's comments appear to be relevant to the class discussion and appropriate in that they did not consist of hate speech or threats, but were merely opinions.

It's worth having to stomach offensive speech just so I can enjoy the comfort of knowing that I can freely speak my mind.

Students in Crystall's section have told the DTH that they no longer feel as free, since the class is now being monitored.

When you curb potentially offensive speech, you set a dangerous precedent for the murky, subjective world of censorship.

Just because you don't agree with an opinion, you have no right to deny folks with those viewpoints the ability to be heard.

And, I'll defend that to the death.

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