

opinion

Witness liability questioned

by Maxwell Glen and Cody Shearer

America's recent incidents of spectator rape have led some state legislators to a seemingly logical conclusion: There ought to be a law that makes witnesses at least part culpable for sexual violence.

Yet proposals in the Massachusetts and Rhode Island legislatures to fine or imprison those who observe and then fail to report a rape stumble on their simplicity. Simple solutions don't necessarily make for good law or effective deterrents.

As with most Americans, the horrible image of cheering rape-watchers at a New Bedford, Mass., tavern is foremost in the minds of Barbara Gray, a Massachusetts state representative, and Gloria Kennedy Fleck, a Rhode Island state senator. Gray and Fleck have sponsored bills in their respective legislatures requiring witnesses of a rape to report it within 24 hours or face one year in jail or a fine of up to \$1,000 (\$500 in Rhode Island). Gray's bill would, in fact, cover all violent crimes.

"It just doesn't make any sense to have nothing on the law books to address the type of situation that allegedly took place in New Bedford," said Fleck, 33, who has served in the Rhode Island legislature for seven years.

Fleck modeled her proposal after a two-year-old Rhode Island law that re-

quires witnesses to report child abuse to the police. Otherwise, models are few. Some European countries, including France and the Soviet Union, hold that those who fail to assist someone in peril can be imprisoned or fined. In this country, only Vermont does and, according to the state attorney general, it has never even put its law to the test.

By contrast, Fleck said, the Rhode Island child abuse statute has led to two convictions since its enactment. She adds that her own conversations with law enforcement officials, as a member of the state senate's judiciary committee, gave her hope of obtaining more rape convictions and forestalling more New Bedford.

Yet the lack of precedent suggests the difficulty of devising ways to round up the witnesses. For one, different crimes generally involve different circumstances. Child abuse prosecutions, for example, practically demand evidence of harsh physical and emotional abuse over an extended period of time. Rape is more a crime of the moment. While the transgressions are equally egregious, they place dissimilar demands on a witness' judgement and sense of responsibility to alert the authorities.

Moreover, some witnesses are better observers than others. Witnesses who come to the fore simply out of fear of prosecutions won't necessarily speed the

pursuit of justice. Those "who come forward due to some requirement of the law don't always make the best witnesses," the Essex County (Mass.) district attorney told The Boston Globe. "We would prefer to have people who at the outset decide to be cooperative."

Such practical problems may only add up to a fundamental constitutional dilemma in the Massachusetts and Rhode Island bills. Does an individual have a constitutional responsibility to report a crime, or simply a moral one? If put to the test, too many courts would say the latter. Even when a criminal act can incite a cheering crowd, the law should defer to those whose obligations are less than clear.

This isn't a pleasing judgement to those of us who see New Bedford as a dangerously, and possibly contagiously, bad example. Only two years ago, a University of California survey disclosed that 35 percent of all men interviewed said they might rape a woman if they were confident of not being caught or punished. In the face of such statistics, our society hangs by a thread of social propriety.

But the New Bedford incident and others like it would best serve as shock treatment for a nation that too often shuffles its feet on sexual violence.

Berry's World

... WHETHER IT IS NOBLER TO SUFFER THE SLINGS AND ARROWS OF OUTRAGEOUS TAXES, OR...



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Reagan: Loyalty to all appointees

by Helen Thomas
United Press International

WASHINGTON — President Reagan is known as a "loyalist" to his appointees.

He sticks with them until the die is cast and he can no longer lend his support to a losing cause. But even then he has yet to admit a mistake in his appointments. And he often finds another government sinecure for those who fall by the wayside.

In the case of his predecessor, Jimmy Carter, all allegations, right or wrong, seemed to rub off on his White House. His aides were a closely knit group. They had made the long march with him from Georgia and they were a family.

But then they could be counted on one hand: chief of staff Hamilton Jordan, press secretary Jody Powell, and before he was forced to resign, budget director Bert Lance.

Allegations against Lance for his banking practices, Billy Carter's personal problems and Libyan connections, and the troubles of Dr. Peter Bourne, his drug abuse expert, added to Carter's woes.

Throughout his presidency, Carter had to contend with one shoe falling after another under the relentless spotlight and publicity attending the allegations.

The bad luck followed him in his close relationships with family and staffers.

Not so for Reagan, who manages to escape any taint when the activities of some of his appointees come into question. And yet many more of them have had troubles in public service.

Although the Reagan White House laid down the controversial policies for the Environmental Protection Agency — particularly in terms of dealing with business with a lighter hand on matters of pollution and toxic wastes — the president has not been faulted for the fate that has befallen former EPA Administrator Anne Gorsuch Burford, and several other top-level assistants.

One of them, Rita Lavelle, director of the toxic wastes division, was fired under a cloud of allegations.

At least two of the EPA assistants who were forced to resign their positions in the department moved over to the Energy Department where they were given jobs as consultants. One of them described the department as a "dumping ground" for EPA staffers who had been let out.

Among the several appointees who have been subjected to public scrutiny are recently Thomas C. Reed, who held the post of assistant for national security, although he allegedly profited from information on a stock trade.

Among others forced out of the White House was former national security aide Richard V. Allen for accepting a \$1,000 a Japanese magazine that had been given an interview with Nancy Reagan. Allen added to the Foreign Intelligence Advisory panel, and he has become the foreign expert on the Republican National Committee.

Publicity has also focused on William Casey for failing to disclose his holdings, comply with other financial regulations before he became CIA director.

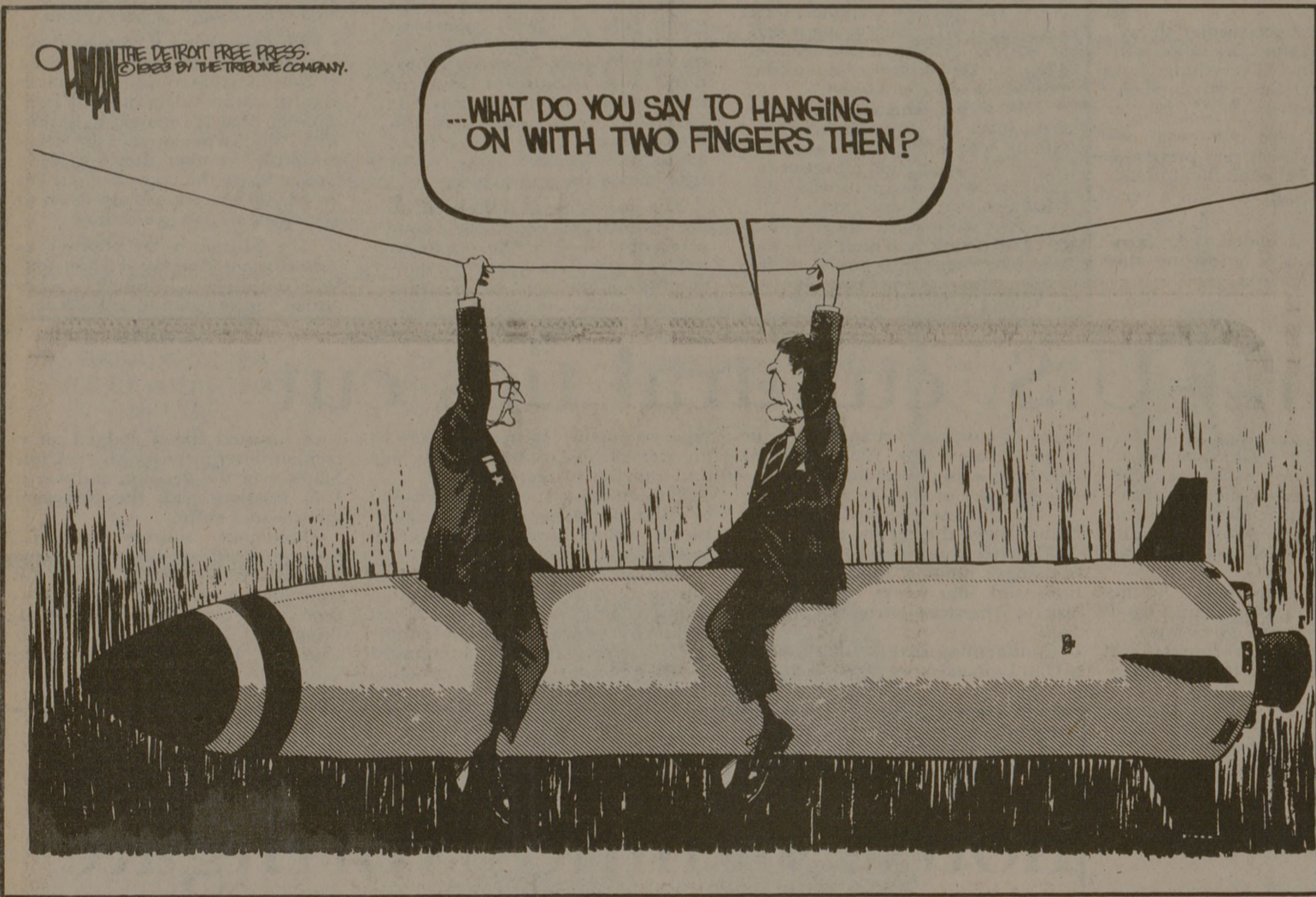
Former Reagan aide Dennis E. Lehman who earns \$58,500 a year as director of National Telecommunications Office of Commerce Department, still accompanied the president on his trips to his mountain ranch near Santa Barbara, Calif., where Reagan chop wood and clear brush.

In most cases, Reagan has lashed out against the critics and has strongly defended his appointees as victims.

He told Mrs. Burford that she could not work with her "head high," and since then he has never would have asked her to leave the agency. He also blamed environmental extremists for the upheaval at EPA and predicted that they would like to turn the White House into a "bird's nest."

In short, Reagan fights back and is not dropping anyone until his top White House tell him the handwriting is on the wall and he has to cut his losses.

In such cases, his aloofness and detached style of governing serves him in good stead.



Letters: Gay genetics and abortion

Editor:

In my "Technology and Human Values class," we had a discussion recently about homosexuality. Many students argued that homosexuality was not normal, nor moral. They used the same old clichés that have been used over and over again within the context of their arguments. It is funny to note that a few, not all, of these students like to refer to the Bible when they argue such moral issues.

As a noncommitted person to the issue of homosexuality, I was wondering if somebody could answer this question for me:

It has been pointed out that most "scientists" do not know if homosexuality is genetic or psychological. If in four years, or so, some "scientists" discover it to be a genetic situation; and within the next 10 years, or so, (that would be approximately six years after the first discovery) some "scientists" found a way to test the genetic structure of a six-week-old fetus and that fetus was found to have the genetic structure of a homosexual — male or female — would it then be all right for the mother to have an abortion?

Stephen Weiss '84

Sex discrimination

Editor:

The only fault I can find regarding

Ephraim Seidman's letter in Thursday's edition is that he apparently does not know that this is one of those parts of the world where attempts to limit expression are acceptable, at least to some.

I hope he got a chance to see Ronald Claiborne's letter at the bottom of the same page in which the author demonstrated his great tolerance for divergent opinion by suggesting that if one desires to attend a "great" university which (oh, horrors!) has women (gasp!) in the band, then that person ought to avail himself of the only viable option existing — skip town for good. It is reassuring to know that people of Mr. Claiborne's caliber are looking out for our interests. You know, I guess sex discrimination is funny, especially when it permeates traditional structures. Rest easy, Mr. Seidman. There are good Ags watching over you.

Lain Ellis
306 Francis

Yankee thanks

Editor:

I had the pleasure of visiting your campus last week and wanted to tell you how impressed I was with the people. Everyone was so nice, friendly and made

this "Connecticut Yankee" feel right at home.

I would like to particularly thank my good friend Warren "Spider" Simpson and the members of the Department of Health and Physical Education who made my stay even more enjoyable and rewarding. If ever any of you all drift into New Haven, please feel free to give me a call.

Thank you.

Ned Burt,
President of Burt, Simpson,
Brachocki & Kaiser

Ads elsewhere

Editor:

In my opinion, the letters to the editor should be addressed to pertinent issues that relate to Aggie students and faculty. I believe that it is inappropriate to include lost and found ads in this section. If the lost and found column in the classifieds seems insufficient, perhaps a larger, more noticeable column would be more effective.

Mary Ann Wiley '86

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The Battalion also serves as a laboratory newspaper for students in reporting, editing and photography courses within the Department of Communications.

Questions or comments concerning an editorial matter should be directed to the editor.

Letters Policy

Letters to the Editor should not exceed 300 words in length, and are subject to being cut if they are longer. The editorial staff reserves the right to edit letters for style and length, but will make every effort to maintain the author's intent. Each letter must also be signed and show the address and phone number of the writer.

Columns and guest editorials are also welcome, but are not subject to the same length constraints as letters. Address all inquiries and correspondence to The Battalion, 216 Reed McDonald, Texas A&M University, College Station, TX 77843, or phone (713) 261-2611.

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