

Opinion

Stating the obvious

The secretary of education Tuesday called on college and university administrations to ban illegal drugs on college campuses. It's a meaningless act on William J. Bennett's part, but he said he will — if Congress gives him the authority — withhold federal funds from colleges that "do not protect their students from drugs."

With the death of University of Maryland basketball star Len Bias, officials suddenly are concerned with drugs on campus.

Bennett is naive in thinking that drug problems on campuses and in sports are worse than in the past. His decree will have no effect on the problem.

Drugs have been a problem on college campuses for decades and the abuse probably was more widespread in the '60s than now. But eyes have been opened with the deaths of sports figures and entertainers in the '80s.

Threatening to cut off federal funds shouldn't be part of the issue. Drugs already are against the law, and withholding federal funds would do nothing but hinder campus law enforcement at best.

Bennett's call for campus drug bans is the same as saying colleges shouldn't allow any other crimes — such as murder, rape or theft — that would harm the students.

Bennett also said colleges have a responsibility to parents to protect their children. Hogwash. The primary concern of colleges should be to the students, not to the parents, in making campuses safe. This becomes difficult when those same students are breaking the law by using drugs. As young adults they must take responsibility for their actions.

Bennett has jumped on the bandwagon of outcry surrounding Bias' death. He is voicing hollow concern by stating the obvious.

Obviously drugs should not be allowed on campus. Obviously the rules should be enforced — not because a basketball star is dead, but because of the ongoing threat to well-being of students. Tell us something we *don't* know, Mr. Secretary.

The Battalion Editorial Board



Education the only solution for crime linked to porn

The government's Commission on Pornography delivered its long-awaited report Wednesday to Attorney General Edwin Meese III. The report not only calls for strict enforcement of existing anti-obscenity laws but for new, tough laws to be put into effect to stamp out smut in America.



Michelle Powe

In its report, the commission — appointed by Meese — encourages the FCC to take action against cable programmers who transmit "obscene programs" and against people who run "phone porn" and X-rated computer services. It recommends arresting video porn performers for pandering and keeping on file names of individuals convicted of obscenity violations. The commission also recommends providing monetary restitution for "identified victims" of obscene pornography.

The commissioners say their report is not intended to try "to send this country back to the sexual Dark Ages," as has been charged by Barry Lynn, legislative counsel for the American Civil Liberties Union, but to open people's eyes to the dangers of pornography.

Says commissioner Frederick Schauer, who drafted the heart of the report: "We just want people to read the report and think seriously about pornography."

The commissioners should be praised for bringing the issue of sexual violence to the public's attention. The public needs to be educated about child pornography and porn which encourages violence — rape, torture, murder.

According to the commission, pornography is an \$8 billion-a-year industry

and child pornography alone is a \$2 to \$4 billion industry.

Evidence linking pornography to violent sexual acts is inconclusive. But, as Meese says, "obscene portrayals of violence or degradation towards women (are) socially harmful." Violent porn, especially that which depicts violence against women, encourages the rape myth — the belief that women secretly want to be raped and dominated.

But the methods the commission has proposed — 92 recommendations in all — for preventing such abhorrent crimes are not the answer. Problems aren't solved by sweeping them back into the gutter.

Education, not censorship, is the solution to the pornography problem. And education, not censorship, will solve the problem. People must learn that women do not secretly want to be raped; there is nothing arousing about sexually abusing another person.

But people will not learn these lessons if the government forbids them from viewing pornographic material. If anything, Americans will resent their government leading them around by their hands, treating them like children.

As Lynn says, Americans are "smart enough to know that when the government has gotten into your library and your bedroom, it's gotten too much power."

Once the government starts censoring, where will it draw the line?

If *Hustler* magazine disappeared tomorrow, the world would be a better place. But if we allow the government to censor *Hustler*, next it'll be censoring *National Lampoon* and *Heavy Metal*.

And what will be next? *National Geographic*?

Obscenity is not protected by the First Amendment. So any work that is ruled

to be obscene can be held liable under current obscenity laws.

Defining what is obscene, however, is a tricky business.

Simply put, material is defined as obscene if average adult citizens find it whole work, not just parts of it, is patently offensive and if the work is judged to lack any serious literary, artistic, political or scientific value. The work is obscene if it appeals to the prurient interest — that is, a morbid interest in nudity, sex or excretion — and if, in its depiction, it goes substantially beyond the customary limits of candor in describing or representing these matters.

Just because a person finds a work personally distasteful does not mean that work is obscene, and does not justify censoring or suppressing that work. But try to explain that to the Lit Foundation.

Personally I believe the members of the Ku Klux Klan and the Aryan Nations are the lowest, most despicable form of life. But I know that I cannot curtail their rights to free speech and freedom of assembly. Nor would I try — as long as they stay within the boundaries of the law.

Child pornography is illegal — should be — because it involves minors. No sane person is opposed to cracking down on child abusers. But when laws concern the sexual activities of consenting adults, that's another matter. That's a matter of our most precious fundamental rights — rights we cannot allow the government to deny us.

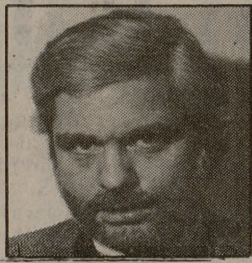
Just like sexual promiscuity among teenagers, the problem of pornography is not going to be stamped out by appeals to "traditional values." Just like sexual promiscuity, the solution is education.

But more on that issue next week.

Michelle Powe is a senior journalism major and editor for The Battalion.

Some stiff competition for judicial nominee

Move over, Daniel Manion; and listen up, President Reagan. I recommend a candidate for the U.S. Seventh Circuit Court of Appeals who has more extensive experience in the oh-so-complicated field of negligence law and petty suits than does Manion. I am referring, of course, to that whiz at property-damage claims, workmen's compensation and the wholly neglected area of law dealing with plate and auto glass: Cohen of Claims.



Richard Cohen

men's compensation, which is well-recognized as the epitome of The Law. In workmen's comp (legal jargon for workmen's compensation), you deal with job-related injuries — bad backs and that sort of thing. How President Reagan can nominate a man who knows nothing about bad backs is beyond me.

Granted, Manion has credentials that I lack. Besides sponsoring a bill in the Indiana Legislature that the Supreme Court already had declared unconstitutional, he has praised the John Birch Society, which his father helped found. And then, too, Manion has gone to law school and is a member of the bar, although he must have slept through his courses on constitutional law. I am not sure that any of that compensates for no experience with workmen's comp.

But Manion and I have a lot of credentials in common. Like me, he has never practiced before the court of appeals to which he was nominated and, like me, has a poor memory. In testifying before the Senate Judiciary Committee, he said of his father's organization, "I could not tell you what the policies of the John Birch Society are." I can, but I remember nothing at all about 1983 and I once found myself writing a column that I already had written. And, like Manion, I, too, am a bad speller. He submitted documents to the Senate replete with spelling errors which, to me, proofs nothing.

But what does he know about plate glass? Where is his knowledge of auto glass? Does he know how to "lose" a file until the claimant is desperate? Does he know how to order a police report, hire private investigators to find out the claimant beats his wife and drinks to excess — and then make settlement offers that are ridiculously low. In short, does this man — selected from the second-highest bench — really know the law that affects most Americans? I think not.

Daniel Manion, no doubt about it, is a worthy choice for the court of appeals. But, in all modesty, I have to say that I know better ones. Why, at my old office, within reach of a flying paper clip, there were men and women who would have reduced the damages on that Volkswagen Rabbit to nothing and closed the case involving the fence in a half-hour. President Reagan, reconsider. I submit, for your consideration, Cohen of Claims.

Let me tell you about the El Morocco case.

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The Ed Meese color-blindness test:

If you can't see the man on the right, you pass.

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