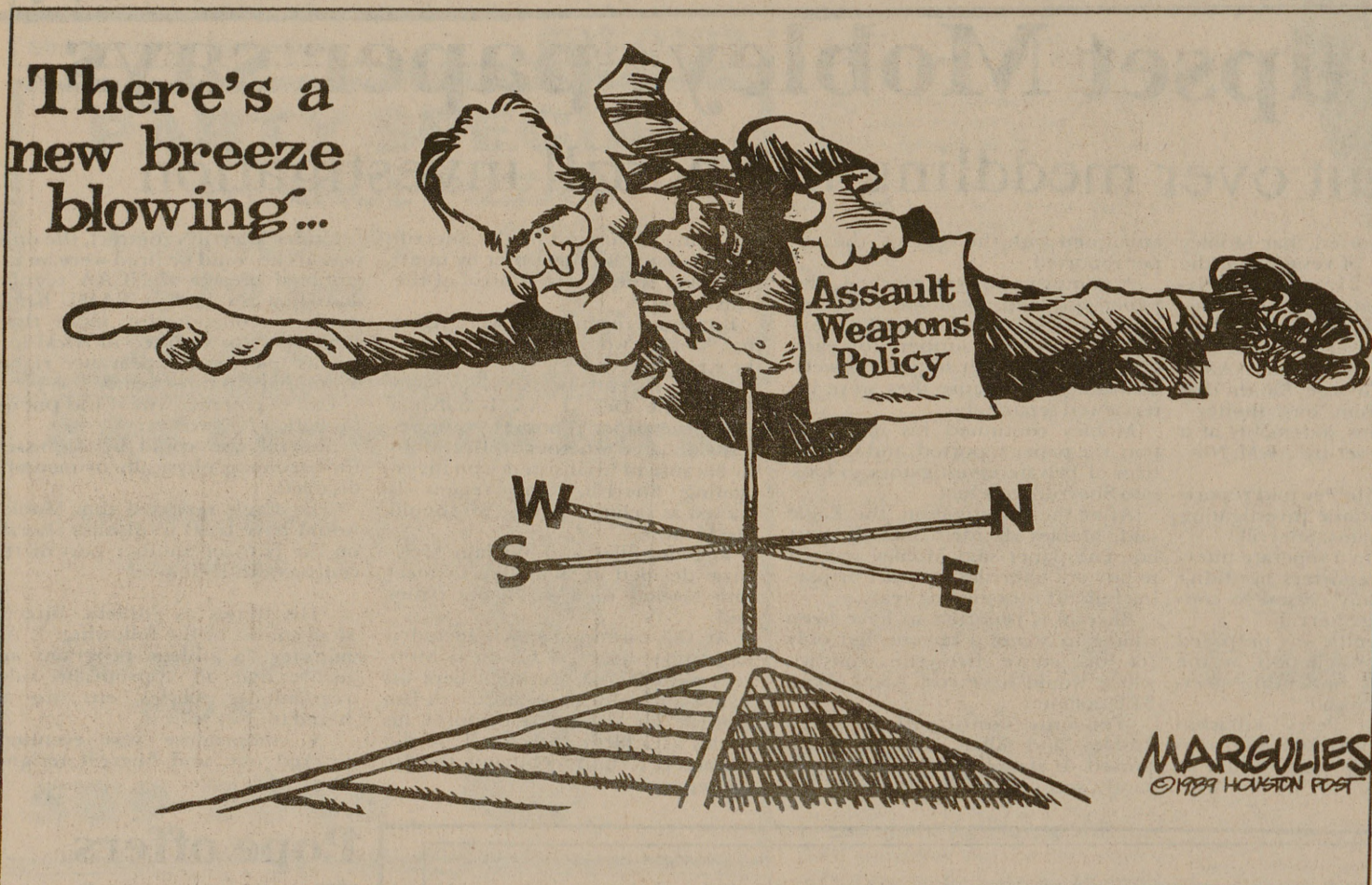


Monday, March 27, 1989

There's a new breeze blowing...



Drug testing violates rights

Do you think you should have to submit to regular drug tests administered by your employer?

A majority of the members of *The Battalion* Editorial Board think so.

An editorial on this page Friday commended two recent Supreme Court rulings that approved mandatory drug tests for government workers in sensitive positions and whose jobs involve public safety.

These rulings make sense. The Supreme Court should be commended for putting public safety above all else in making its decisions.

However, the editorial also praised these rulings because they will encourage private companies to test their employees for drug use.

This is where it went too far.

Drug testing of people whose jobs have a direct impact on the safety of others is acceptable because it could have serious ramifications on people's lives. But for every person in this nation to be subjected to such an infringement of individual liberties is abhorrent.

Drug-testing proponents reason that an employer has a right to expect a certain level of performance from an employee. If the employee is taking drugs, they say, the employer has a right to know because the drugs might have an adverse effect on the employee's productivity.

While it probably is true that drugs would hamper an employee's productivity, this does not give an employer the right to invade his workers' private lives. When a person hires on to do a job, he enters into an agreement to perform specified duties at an acceptable level for a specified rate of compensation. He is not presenting his life, with all of his secrets and personal decisions, to the employer for examination and approval. If a person is performing inefficiently, he should be fired. It makes no difference whether the inefficiency is due to drug use or laziness. The litmus test should be job performance, and nothing else.

Some would say it is the employer's choice to set policy for his company as he sees fit. But that line of thinking has been shot down by child-labor laws, labor unions and the minimum-wage law.

Scot Walker
Wire Editor
and
Drew Leder
News Editor

Another argument for drug testing is that drugs have become such a problem in the United States it is necessary to intrude on civil liberties to correct the problem.

Sorry, but that dog won't hunt.

Granted, the drug problem in this country requires some combative measures. A so-called "war on drugs" is underway, and in times of war, individual freedoms sometimes must be restrained. But is America really at war with an inanimate object? The real war is to save ourselves from self-destruction. By restraining our individual liberties to fight a war with ourselves, any way you look at it we lose. There is no end result that justifies taking away the liberties and freedoms upon which this country was founded.

Drug testing logic could be applied in an incredible array of situations, leading to a frightening vision of America's future. For instance, according to an article in the March 20 edition of *Time* magazine, scientists in the very near future will be able to screen a person's DNA to determine diseases a person is likely to develop, what a person will die of, and even when he will die. An employer could conceivably try to guarantee a healthy and thus more productive workforce by making job applicants submit to genetic screening.

Would you, as an employer, hire someone whose genetic tests revealed a Huntington's marker near the end of chromosome four? Of course you wouldn't, because Huntington's disease is a painful, debilitating and invariably fatal disorder that strikes adults between the ages of 35 and 45, when they would otherwise be in the prime of their productivity.

What if the results of genetic and drug tests were put into a computer bank? We could all have a health and morals rating similar to our credit rating, accessible by anyone with a phone and a personal computer. What if you failed a drug test when you were 18, trying to get a job at Burger King, and then

the results of that test became available years later when you applied for a job with IBM?

The logic that drug-testing proponents use also could be applied to an unlimited number of other activities. Automobile accidents and smoking, for example, are among the greatest killers of our time. Could an employer prohibit smoking and driving to protect his interest in having employees who are less likely to die or be injured, thus reducing the company's productivity?

Drug-testing proponents respond that an important distinction is that most drugs are illegal, while smoking cigarettes, driving a car or having Huntington's disease are not.

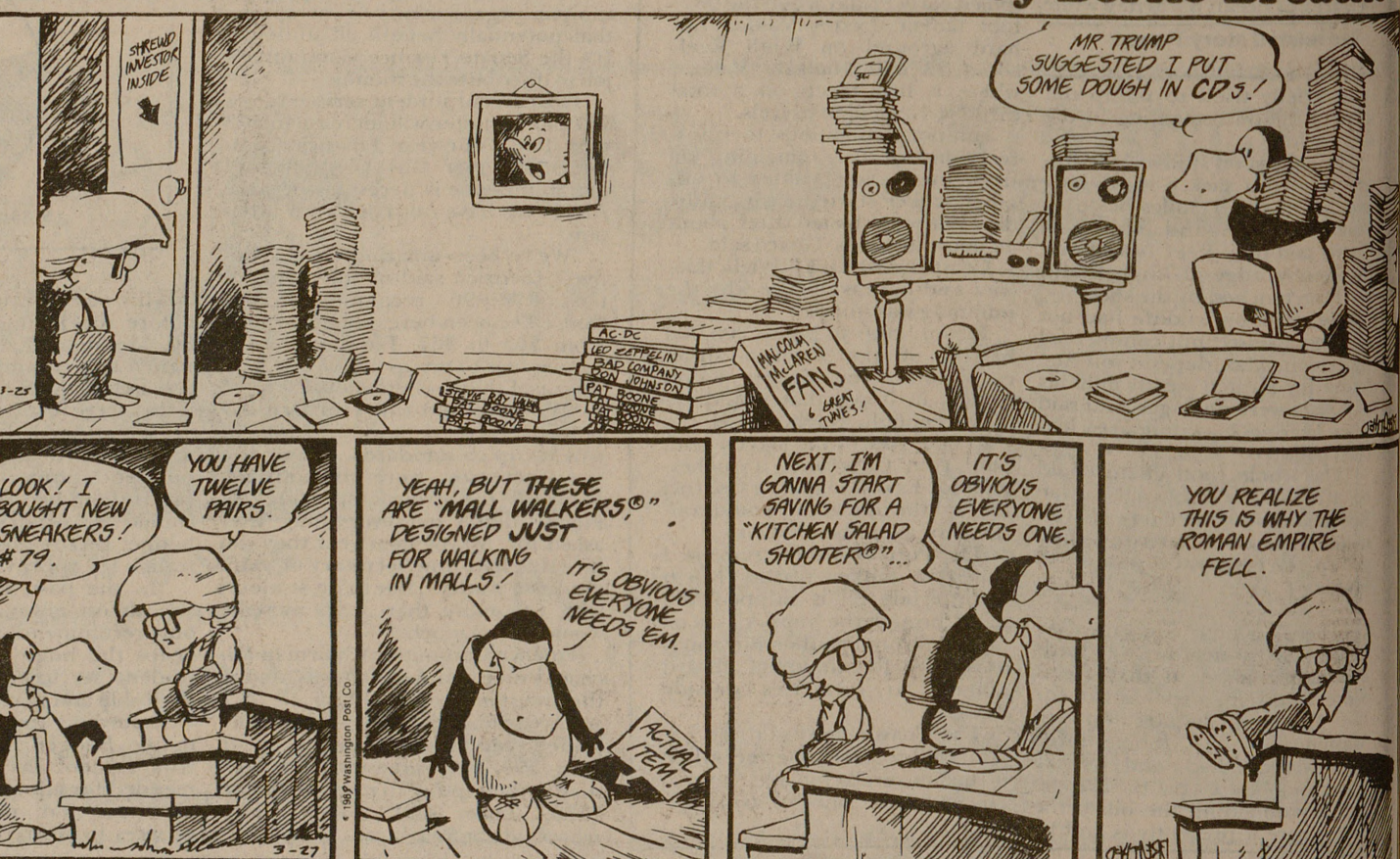
So what?

The police have the responsibility to find people who break the law. All your employer should worry about is whether you come to work on time and do your job efficiently. This business of delving into people's personal lives to dig up all of their secrets is getting carried away, and if it goes too far, we are going to pay the price with the continued loss of our personal freedoms.

The most often heard line by those who favor drug testing is, "If you don't take drugs, you have nothing to worry about." We disagree. To us, giving up individual rights and dignities is a lot to worry about.

Scot Walker is a junior journalism major and Drew Leder is a senior accounting major. Both are members of The Battalion Editorial Board.

BLOOM COUNTY



Mail Call

Signs leave good impression

EDITOR:

I want to thank Texas A&M University for placing those new signs on every building. But wouldn't we be embarrassed if someone pointed out that "Hughes Hall" is now "Huges Hall"? How about the English Annex being the sight for communications (except its sign is missing an "m")?

I cringe when I think of what people experience when they visit our "institution of higher learning."

Lisa Newton '91

Letters to the editor should not exceed 300 words in length. 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 be signed and must include classification, address and telephone number of the writer.

What will become of Randall Adams?

Imagine that you're walking down University Drive tomorrow afternoon. A police officer approaches you, shows you a warrant for your arrest and takes you to jail. You've been charged with homicide.

Eventually you receive a trial, and you are convicted of murder. The sentence is life in prison. You file all sorts of appeals, but you still end up in jail.

Twelve years later (March 2001) it is proved that you did not commit the murder of which you were convicted. You're released from prison, and you rush home to a long-awaited reunion with your family and friends.

After carefully considering the situation, you decide you should be fully compensated for the time you spent in prison.

But there's just one problem. Because of a U.S. Supreme Court ruling and a Texas state law, you cannot sue any witnesses, jurors, prosecutors or judges who were involved in your case.

What can you do about this unjust situation?

Not much.

And that's exactly what Randall Adams can do about the time he spent in prison — not much.

Even though Adams served a 12-year sentence for a crime he didn't commit, it appears the only compensation he will receive is his freedom.

If he's lucky, maybe he'll get a few bucks. But the chances of Adams receiving adequate restitution appear slim indeed.

Adams can't sue his prosecutors because of a state law which grants prosecutors immunity from certain lawsuits.

"Even if there's out and out misconduct ... even if he (the prosecutor) lied ... you can't sue the prosecutor," Doug Larson, a Dallas civil rights attorney, told the Associated Press.

That's just not fair.

If a prosecutor lies or performs unethically during a trial and the result is that an innocent person goes to jail, that person should be able to sue the prosecutor.

The intent of this state law is to protect prosecutors who are performing their official duties. If prosecutors had to worry about getting sued over every case they took, few people would want to become prosecutors. But would it be that terrible if lawsuits were allowed in cases where it was proved the prosecutor lied or intentionally hid facts?



Dean Sueltenfuss
Opinion Page Editor

No, of course not.

Honest prosecutors would have nothing to worry about, because they could not be sued unless they intentionally deceived the court. Even the most inept prosecutors would be safe as long as the mistakes they made were honest ones.

The same reasoning applies to witnesses, jurors and judges. If any of these people lie or knowingly disregard facts and an innocent person is sent to jail, these people should be open to lawsuits.

What makes Adams' situation more intolerable is that so many frivolous lawsuits are allowed to take place in America. If someone runs over your dog, you're free to sue them for the emotional distress you suffered as a result of your dog's death. If your child jumps off the balcony after watching a Wyle E. Coyote cartoon, you're free to sue Warner Bros. for \$15 million.

But if you are forced to sit in jail for 12 years for a crime you didn't commit can you sue anybody?

No.

It's unfortunate that a lawsuit is necessary in cases such as Adams'. The state should have a provision under which innocent people who are imprisoned automatically receive restitution.

The Texas Legislature and/or the U.S. Congress should consider passing a law that automatically and fairly compensates people such as Randall Adams for the suffering the government has put them through. It simply isn't right that people can be imprisoned for crimes they didn't commit, and when the mistake is discovered, all the government does is say, "Oops, sorry about that. But it's OK. We'll let you out. There—you're free."

There is no way we can give the last 12 years of Randall Adams' life back to him.

The least we can do is to make the rest of his life as comfortable as possible.

Dean Sueltenfuss is a junior journalism major and opinion page editor for The Battalion.

by Berke Breathed

The Battalion

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Opinions expressed in *The Battalion* are those of the editorial board or the author, and do not necessarily represent the opinions of Texas A&M administrators, faculty or the Board of Regents.

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

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