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Should Packwood be forced to turn over his personal diaries?

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JAY ROBBINS
Columnist



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People get excited and angry when major public figures come under fire. A terrific example of those emotions currently entertains C-SPAN viewers. On stage is Sen. Bob Packwood of Oregon, starring in "Let's Fend Off Sexual Harassment Charges From 29 Different Women."

The latest controversy in Packwood's case stems from his refusal to voluntarily comply with a Senate Ethics Committee subpoena requesting a complete copy of his personal diaries.

Packwood earlier released a censored version of the diary. That edited copy led several investigators to conclude that Packwood hoped to hide not only sexual harassment, but also other illegal activity.

Debate raged in the Senate Chamber over one question: "Should the Senate force Packwood to give up the diaries?" Apparently so. Senators voted 94-6 to enforce the committee's subpoena.

But why should he have to give up the diaries? One reason justifies the step.

Packwood is a U.S. Senator and therefore must account for any possible personal actions that could damage the integrity of that institution.

Furthermore, Packwood is not on trial for these alleged incidents. The sexual harassment laws applicable to Congress took effect after his alleged misconduct occurred and have no bearing on the case.

The Senate takes the view that the Fifth Amendment right to avoid self-incrimination does not extend to its internal investigations. One of the stated purposes in seeking the diaries stems from the widespread belief that they are essential to proving Packwood's guilt or innocence.

The inquiry's whole purpose centers on the need to determine whether Packwood behaved according to the standards that Congress sets for its members. In a worst-case scenario, violation of this code could result in Packwood's expulsion from the Senate.

Many people express concern that these standards punish Congressmen who have not committed actual crimes.

The need to inform voters of a public official with those amoral habits justifies the Senate's no-holds-barred tactics. The diaries may hold key evidence that could finally tell the truth about the allegations.

However, these rules have countless points in favor of their use.

A U.S. Senator wields immense power over this country. Most of the laws passed in this country protect the rights and privileges of all Americans.

Not many people would argue that a man who feels free to forcibly kiss, hug and feel up the women around him has a very good conception of rights or privileges. The need to inform voters of a public official with those amoral habits justifies the Senate's no-holds-barred tactics.

The diaries may hold key evidence that could finally tell the truth about the allegations against Packwood. Regardless of general appearances, the Senate is stupid and would not take this step unless convinced of its necessity.

Packwood is an elected government official. He owes the Senate and his constituents full disclosure of any records of this behavior.

One certainly finds it difficult to summon much sympathy for a man accused by no less than 20 women of making unwanted sexual advances. Nonetheless, subpoenaing Sen. Bob Packwood's diaries is out of line, unnecessary and, at the very least, disquieting for all who value privacy.

It's important to distinguish distaste for the man from the separate issue of respecting a citizen's — any citizen's — constitutional right to privacy. Imagine for a moment if you will the implications that this case could have. If Packwood is forced to turn over his diaries, then we all must abandon any illusions that there is in our possessions even one item considered "untouchable" by government investigators.

Packwood did initially comply with the ethics committee's request for his diaries by allowing his attorneys to deliver.

The committee has also requested additional material on six women listed in the diaries. Of the six, four have no relation to the government or the inquiry. Yet, the committee says it's not interested in private sex lives.

a censured version to committee staff under the understanding that the material being used would be only that relevant to the current inquiry.

Then, while reviewing thousands of pages, a staff lawyer spotted entries that could possibly indicate an unrelated criminal violation. At this point, Packwood's lawyers refused to hand over any more of the diaries, and the matter is now set to go to a U.S. District Court.

So, what's the problem? Why not let the ol' so-and-so be hung out to dry?

The Senate Ethics Committee is granting itself the power to have access to "all diaries, journals, or other documents or material" in Packwood's possession that describe his activities from 1989 to the present. Yikes. Let's hope Packwood didn't go 40 in a school zone on Oct. 3, 1990.

What are the limits of government's power? Is there absolutely no concern over Packwood's Fifth Amendment right not to incriminate himself?

Furthermore, the contents of the diaries extend far beyond the public and personal life of Bob Packwood. The committee has also requested additional material on six women listed in Packwood's diaries. Of the six, four have no relation to the government or the inquiry. Yet, the committee says it's not interested in private sex lives. And despite a promise to keep secret the diaries' contents, one news story referencing the diaries has already used information from "anonymous sources."

Insisting that "there is no constitutional privacy right" to cover Packwood's diaries, the committee has issued a "whole-sale, dragnet subpoena" in the absence of criminal charges. One might easily be led to believe that the Senate views Bob Packwood as the ideal scapegoat. His name is already mud, so why should anyone care if his diaries are taken?

Those who feel that way, must by all rights also be willing to give up their own diaries, their own papers, their own privacy. And for those of you who don't keep a diary, you may be well advised not to start.

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Children's bodies, adults' deeds

Society must have stricter laws for juvenile crime



JASON SWEENEY
Columnist

In recent years violent crimes perpetrated by teenagers have been on a meteoric rise. Once regarded as only the "stuff" of a few bad apples, crime now has reached an alarmingly large number of youths. In a word, many children today are totally "un-child-like."

Society's only recourse is to pursue these young offenders as though they are adults.

Many examples illustrate this trend of youths and violence. In England, two 11-year-olds are standing trial for the grisly murder of a 2-year-old infant.

Said the pathologist who examined James Bulger's body, "there are so many injuries to the scalp and skull you could not single out one particular blow ... (as) the one that was fatal."

After bludgeoning the toddler with bricks and lead pipes, the two boys laid the body across a railroad track where it later would be cut in half.

In Houston, a gang-related incident ended in death when a youth was beaten and then shot at a Halloween party. The incident touched off a public war of words among rival gangs, leading many residents in the southwest Houston community where the crime occurred to brace for more violence. A suspect was arrested and charged Nov. 7. He is 16 years old.

Last March in Bryan, a 15-year-old

stabbed to death a 16-year-old classmate following a track meet at which an altercation had taken place. This incident was believed to be linked to youth gangs as well. After lengthy and controversial trial proceedings, the youth was sentenced to 10 years suspended probation.

A great number of minors who commit crimes today overall display little respect for authority, and even less remorse for their deeds. Most juvenile offenders are actually very aware of the wrong they do. This is one area over which there is much confusion on the part of those who would be lenient with youth offenders. The assumption is made that a youth who commits a crime must be a confused individual, that children are essentially unable to willfully commit crime. This is plain naivete.

These characteristics of apathy towards the law and unapologetic, destructive actions toward others are identical to those found in adult criminals. Sociopathic, morally corrupt behavior is not reserved nor does it only begin in those who have reached 18 years of age. Any individual who would willfully and sanely commit a crime is an unqualified criminal. An 11-year-old who, understanding the consequences of his actions, plots the manner in which he will abduct and murder someone is no different from a 31-year-old who would do likewise. Put in real-life terms, the two British boys demonstrated the same diabolical methods that any older criminal would. Age is irrelevant.

Criminal justice systems would do well to consider the example set forth by the Judeo-Christian tradition that says if one is above the age of reason, he has the capacity to commit sin. No age is ever set forth in this - it is a given that young

and old alike possess this capacity to sin.

Fortunately, there are those in Congress who are beginning to understand this idea that children can be criminals, too. On Nov. 5, the Senate voted 64 to 23 in favor of an amendment to its omnibus crime bill that would consider minors down to the age of 13 as adults should they commit a serious crime using a firearm. "Serious crimes" include murder, attempted murder, armed robbery with a gun, aggravated assault with a gun, and finally aggravated sexual assault with a gun.

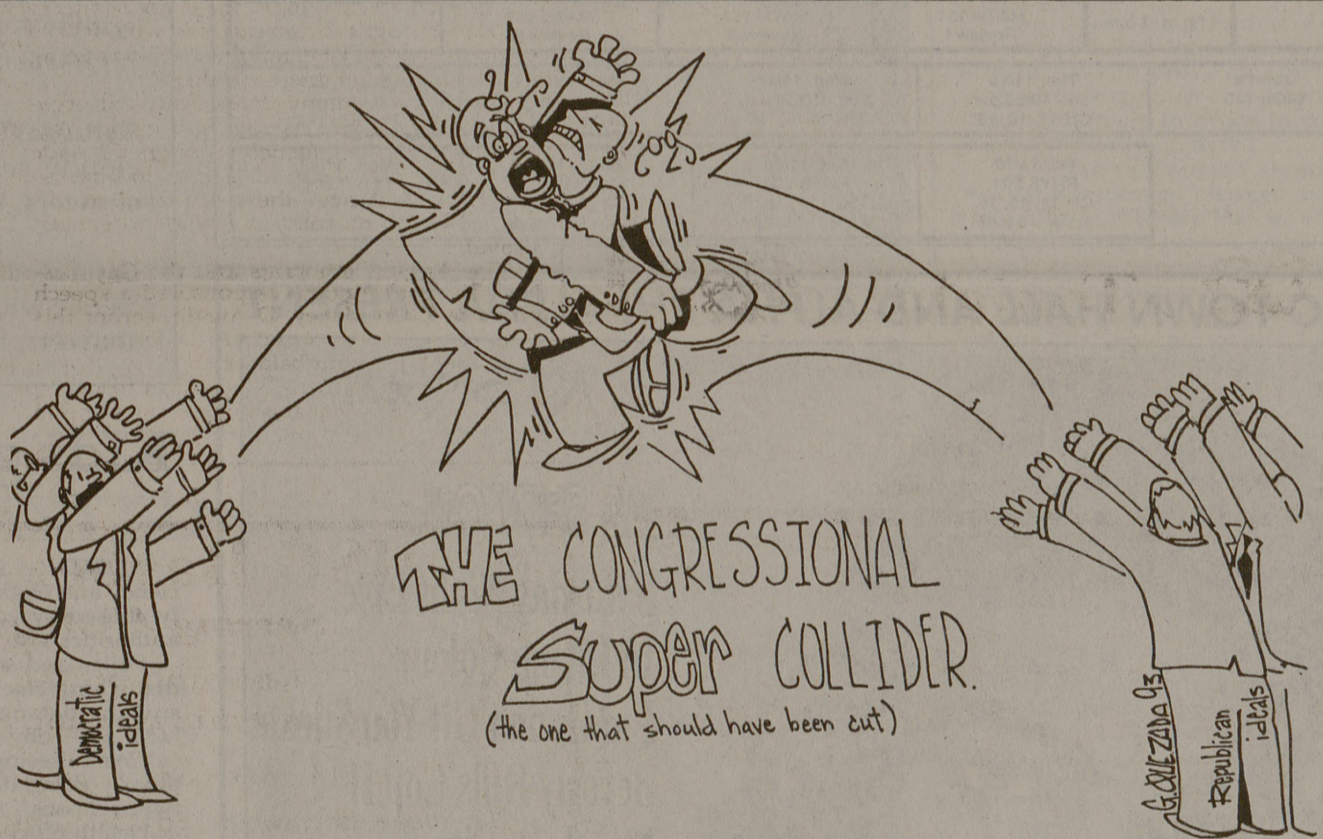
Senator Carol Moseley-Braun, who sponsored the amendment, argued that minors now can commit many crimes only to have each offense expunged and essentially forgotten.

"If you have someone who has committed murder at 13, rape at 14, and a drive-by shooting at 15, they should not be able to wipe the slate clean," said the Illinois senator.

Recidivism among youth offenders is ridiculous. The reason for this is that under current statutes, youth are not being adequately punished, and as a result are simply not learning their lesson.

The logical conclusion must be to change the conventions of the law whereby all defendants in criminal cases are considered not only innocent before proven guilty, but also responsible adults before proven naive youths. If a trial can demonstrate a young defendant's sanity, culpability and understanding of the offense, that individual must be punished in a manner no different from an adult.

Jason Sweeney is a senior political science major.



COLLEGE STATION TX MAIL CALL

NOV 12 1993

Too many new toys

Have you ever noticed that when a kid gets a new toy he/she forgets the old one? I think this is the case with our own bus operations. I find that they spend money on items which become "dust collectors" within a year.

Let me give you an example. Have you noticed the colorful electronic sign boards on the buses-there to notify students? Now for those on off-campus routes-Do you notice those nice new pass scanners? Well, I have and they don't seem to be using the sign boards now that they have the scanners. Why just this morning the sign on unit 72 stated "Bus passes will be required starting Sept. 2nd." Just two and a half months old. And what about the scanners? What is the purpose of them?

It can't be to find invalid/ stolen passes because too often when someone sets off the scanner those rapid beeps for one pass the driver just does nothing. Personally I think Bus Operations should quit wasting money on toys and should lower the bus pass fee accordingly.

Jason M. Adams
Class of '94

Don't sleep in MSC

As a former student of the Class of '41 and as an ex-corps member, I wish to

protest students sleeping in the MSC. As I understand, the MSC is dedicated as a memorial to Aggies who made the supreme sacrifice. I think these former Aggies would and I hope some present Aggie will join in protest against such "sloppiness."

If these students don't have a bed, why couldn't the Former Students Association put up tents (go back to the old tent city) and cots for the "sleepy heads."

Ted E. Franklin, DVM (Ret.)
Class of '41
Bryan

'Cut' cuts sack time

I used to be infuriated by the blatant display of disrespect that Bonfire participants had for dormitory residents who chose not to partake in the chopping down of trees on the weekend. Every Saturday and Sunday morning in my dormitory, someone would wake me up by banging on the doors and yelling obnoxiously.

This was a rude awakening for me as I wanted to "sleep in." In fact, it once became so disrupting that a resident wielding a lacrosse stick tried to put an end to the baloney single-handedly. But you can't fight fire with fire, so I have to learn to adapt to this blasphemy.

Instead of rolling over in disgust on those cutting mornings, I get out of bed. I

wait for the banging to cease and the Bonfire people to leave. Then, after using the restroom, I turn on the television.

You wouldn't expect any quality television programs this early, but you're wrong. Too old for cartoons? NBA Inside Stuff and paid programming advertisements are just a few alternatives to animation. Saturday morning television offers something for everyone.

On Sunday mornings I read a good book or study until church. But on each day, I sneak a catnap to supplement the sleep I missed in the morning.

Matthew T. Krueger
Class of '94
Accompanied by nine signatures

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