

## PRO CON

Should capital punishment be an option for juvenile offenders?

Over the last several years, there has been a movement to try juveniles — people under the age of 18 — as adults in cases of violent crime. Traditionally, teenagers could be punished by the courts, but normally they were neither tried as adults nor suffered the same consequences as an adult offender. For the most part, teenagers have been sentenced to reform school for criminal actions.



ROY L. CLAY  
Columnist



ROBERT VASQUEZ  
Columnist

"I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed ... institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors." — Thomas Jefferson

It's long been said, "the punishment should fit the crime." Now, United States courts are finding that the punishment should fit the criminal as well.

Courts across the country — all the way to the Supreme Court — have struggled with the question of killing juveniles for capital offenses. There was a time when generic punishments were applied for generic crimes, regardless of the age. The Journal of Criminal Law and Criminology says, "prior to the last few centuries, the death penalty was imposed often and for a variety of offenses, some of which seem trivial to the modern eye."

The question is not whether these people are criminals. That point is clear. Anyone who kills another person has committed murder. They are murderers.

In *Thompson v. Oklahoma*, the Supreme court ruled that a fifteen-year-old boy convicted of murder

should not be sentenced to capital punishment. The Justices expressed the great difficulty they had defining the line between childhood and adulthood. The Court noted how no state allows a 15-year-old to vote or serve on a jury. All but one state prohibit a 15-year-old from driving without parental consent, all but four prohibit a 15-year-old from marrying without parental consent.

The Journal said, "The Court has long maintained that the death penalty is a constitutional penalty under certain circumstances, and further that the juvenile justice system is itself worthy of merit. As the Court demonstrated, it is difficult even for reasonable minds to draw an appropriate line that effectively separates the child from the adult and the offender from the punishment. However since society can protect itself from violent juvenile crime without resort to execution, the Court can safely guard the principle that children, though deserving as citizens of certain fundamental due process rights afforded adults, must nevertheless receive the special consideration and treatment embodied by the juvenile justice system."

There are no age barriers to committing a crime. A 19-year-old who kills is probably thinking the same thoughts as a 17-year-old murderer. Slapping their wrists or putting them into reform schools is only allowing the violence to continue. In its own way, it only enforces the idea that a person can get away with a major crime with relatively light consequences. Juvenile penalties are just not enough to curb this tendency.

The fact is that sentencing juveniles to death is not the tragedy. The real tragedy is that it has become necessary.

Roy Clay is a senior history major

Robert Vasquez is a senior journalism major

## High and dry in a foreign land Drug possession in some countries a terrible risk

Spring break is fast approaching, and you're thinking about leaving the country. Care to do any illegal drugs? If you're thinking it's no big deal, think again.

Mark D (not his real name), a Boston College student, was on break in Thailand when he was arrested in his Bangkok hotel for smoking hashish. The Nov. 1993 issue of "Details" magazine tells the story.

"When the cops broke into my room, I really thought they were making a mistake! I was like, 'No, no, you got the wrong guy!'" explained Berger. "I didn't know it was a setup, that they wanted me to buy my way out of trouble. I had no cash, only about forty bucks, and no — damn credit card — they were willing to charge my bribe!"

Apparently, some hotel proprietors in Bangkok will watch their boarders to see who seems to have money and is glassy-eyed. They then set up a police bust with the stipulation that they will get a kick-back from the bribe the boarder is sure to proffer. Mark Berger is currently serving a one-year sentence in Bantab prison "for possession of nine joints and several grams of hash."

Ironically, although he had never tried heroin before, Berger is now addicted to the drugs he can easily buy from the prison



LYNN BOOHER  
Columnist

guards. An American undercover agent rants, "This is a police state run by an unbelievably corrupt military government! Twenty bucks is more than some cops earn in a month here. If a kid on spring break is gonna sit in his room smoking pot all day, someone is going to notice and take advantage of the situation."

So what can the United States government do? Part of the U.S. — Thai Prisoner Transfer Treaty states that "except under extraordinary circumstances, no person shall be transferred to a prison in the United States under this treaty who at the time of his arrest had on his possession one kilogram or more of heroin."

A prisoner transfer would allow an American prisoner to serve out the remainder of his sentence in the United States, but only after serving four to six years in a foreign prison. And if Americans are arrested with a kilogram or more of heroin, they would be forced to spend their lives in prison, with no chance of release short of a royal pardon.

Even when caught with a drug as seemingly minor as marijuana, an American can be imprisoned for up to five years in an "open-air cell ... [where] each prisoner is allotted a space eighteen inches wide on the concrete floor, where dozens of prisoners sleep shoulder to shoulder" and where those who dare to break the 8 p.m. curfew for communication between prisoners can be put in solitary confinement for up to 10 days.

A prison sentence in the United States for the amount of marijuana that Berger had when he was arrested might be up to 180 days in jail or a fine of up to \$1500.

"According to Richard Gonzalez, former chief of the Near East and Asia division of the Citizens Emergency Center in Washington, there were over 3,000 Americans arrested in foreign countries in 1992. Forty percent of these cases involved illegal drugs."

All of this sounds foreboding, but how many A&M students plan to go to Thailand for spring break? And how many plan to use illegal drugs if they do leave the country?

A large number of students probably do plan to visit Mexico, if only to grace its border towns. Many may not be aware that they are under the jurisdiction of a totally different government.

Monica Daniels, a sophomore genetics major from El Paso, has made many trips to the neighboring border town of Juarez. She explained that police will often arrest Americans under the age of 18 for drinking or "disturbing the peace." As in Thailand, these police expect bribes if the arrested American wants to stay out of jail.

Daniels said that if it is obvious that travelers have a lot of money with them or if they appear to be Americans — particularly if they have blond hair — they are likely to be harassed by police who will take anything from jewelry to credit cards as a bribe.

The moral of this story? "It's a foreign country," says Daniels. "So you don't have any rights. That's something to keep in mind."

Lynn Booher is a sophomore English and psychology major

## Trying teenaged people as adults is no longer enough. The consequences of a crime must fit the severity of the criminal act, including the death penalty.

years in Texas alone. Last June in Houston, a gang of boys, most of them juveniles, came across two young girls. The boys raped and sodomized them, then strangled them with shoestrings.

In Ft. Worth, a high school girl is charged with planning her parents' death. Her boyfriend and another young man went into the parents' home late one night, killed the girl's mother, and beat her father so badly they thought he was dead. The apparent motive was the inheritance of the couple's \$21 million estate.

These atrocious crimes are only a small sample of those committed by juveniles in Texas. However, they pale in comparison to the amount of violence and death committed by youths in places like New York and Los Angeles.

The simple fact is that the rate of violent crimes perpetrated by juveniles is steadily increasing in both frequency and cruelty. These young people have the capacity to understand what they're doing the same as people in their early twenties. Criminals just three or four years older are being sentenced to death for the same types of crimes.

There are no age barriers to committing a crime. A 19-year-old who kills is probably thinking the same thoughts as a 17-year-old murderer. Slapping their wrists or putting them into reform schools is only allowing the violence to continue. In its own way, it only enforces the idea that a person can get away with a major crime with relatively light consequences. Juvenile penalties are just not enough to curb this tendency.

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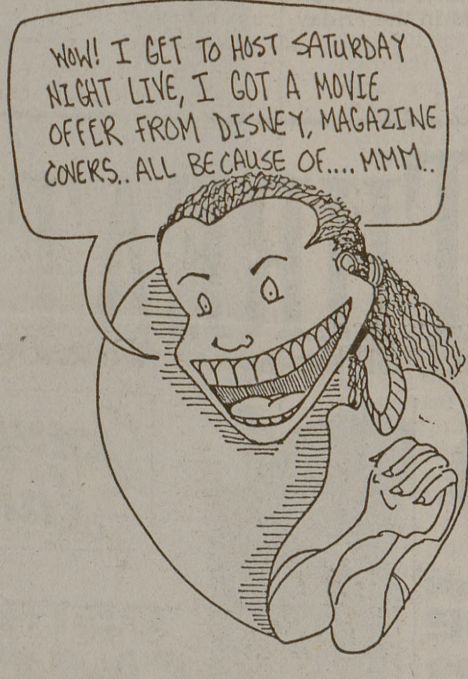
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The Battalion will print as many letters as space allows. They must be 300 words or less and include the author's name, class, and phone number.

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Contact the opinion editor for information on submitting guest columns.

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## COLLEGE STATION, TX Feb 18 1994 MAIL CALL

### Academic windows shatter historic value

I am writing in regards to the article in The Battalion (Jan. 26) about the replacement of the Academic Building's windows. I am not only representing my own views but the views of my organization A.I.A.S. (American Institute of Architectural Students) with over 200 members. We strongly support our Associate Dean of Student Affairs and Professor, Dan McGilvray, when he says "it destroys the historic integrity of the building." The changing of these windows is not going to make the building "fit in with the other building on campus." The only thing that will have occurred is the destruction of the historic value of our most distinctive and prominent building.

Why is this important decision made by the Physical Plant for Engineering without the Historic Preservation Department of the College of Architecture even being consulted? We have a masters program in the practice of Historic Preservation and a very distinguished expert in this field, David Woodcock. I was informed that he offered his expertise, in this matter, but was seemingly ignored.

If this is the policy Texas A&M University is pursuing, then they should just tear down the Academic Building and replace it with another Box.

Michelle D. Carter  
A.I.A.S. President-elect  
Class of '94

### Find your niche here

In response to the article "Blacks deal with limited social life," it saddens me to think there are black students so uncomfortable here that they would leave this fine

university to transfer somewhere else.

A&M needs more black students. There are many white students like myself that attended 99 percent white high schools and were raised by openly racist parents or unknowingly racist parents. Students like myself could benefit greatly by exposure to other cultures and socializing with people of other races. I try very hard not to be the racist that I was raised to be. I have always been equally friendly to black and white students alike in my classes, and hope my actions encourage other students to do the same. Unfortunately though, nearly every time I try to include a black student to, for example, go to lunch with a group, they say, "No thanks." What else can I do?

I agree that this small town does not provide a wide variety of night life entertainment, but have you tried the Hilton Sundance Club? I know that it plays a variety of music you won't hear anywhere else in town. Not all whites think the Dixie Chicken is the place to be, either.

I am an off-campus student, and I work full time to pay for my education. I know what it is like to feel like you don't fit in. The solution is not to go to another college, but to find your niche here. You have to make an effort to make friends, it doesn't just happen.

Debby Hall  
Class of '94

### Battalion manipulates perception of North

In the chronology of the Iran-Contra scandal, the New York Times reads: "Oliver North refused to testify in front of the Congressional Committee unless immunity were granted him."

May 4, 1989: "Oliver North is convicted

of obstructing Congress, falsifying and destroying Congress and accepting an illegal gratuity."

July 10, 1990: "A federal appeal court sets aside the North conviction ruling that the case may have been tainted by the testimony that North under a grant of immunity, had given to the Congressional committees."

Oliver North is a convicted criminal who was set free due to a legal technicality. The fact that he was set free doesn't mean he is innocent of falsifying and destroying documents and lying to Congress.

On Sept. 21, 1993, the day before North came to Texas A&M, The Battalion wrote: "North is best known for his involvement in the Iran-Contra affair.... North was cleared of all legal charges stemming from the affair."

Aggies weren't told that North was convicted and later cleared due to a legal technicality. I find the article manipulative. North was presented as a good guy, as the hero the College Republicans say he is.

The same applies to The Battalion coverage of North's speech on Sept. 23: "North is best known by his role in the 1987 Iran-Contra affair.... North was cleared of all charges stemming from the affair."

On Sept. 22, the editors of The Battalion censored my letter to Mail Call, in an attempt to make my letter seem baseless. In that letter I called Oliver North a traitor to American Democracy for violating a congressional order: the Boland Amendment. The Battalion censored my explanation of what the Boland Amendment was. The Boland Amendment explicitly banned U.S. military support to the Nicaraguan contras.

The 2500 Aggies who packed Rudder to see North weren't violent skinheads who have no respect for democracy. I believe they were good but ignorant boys and girls who were manipulated by the vicious staffers of The Battalion and the College Republicans. Ignorant people and naive children can be easily manipulated, after all.

Humberto A. Jorge  
Graduate student

Editor's note: letters to the editor, as noted in the above box, should be 300 words or less. Due to space limitations, it is often necessary to edit, not censor, for length.

