

Two recent cases suggest high-school students are endowed with

ALIENABLE RIGHTS



JESSICA CRUTCHER



JEFF SMITH/THE BATTALION

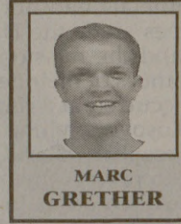
Banning sensitive books in school libraries unjustly limits exposure to good literature.

language to better illustrate the plight of Japanese-Americans. The two "sex scenes" both take place between married couples — in no way promoting promiscuity or sexual irresponsibility. Overall, there is also a surprising lack of profanity in the novel in comparison to most modern novels. What profanity does occur is concentrated in the two or three pages where one of the character's war flashbacks is described. Three pages of a 500-page book can hardly be considered excessive. It is unwise to leave out part of American history because some parts of the narrative are considered distasteful. The complaints against the novel might be considered valid if the students reading the material were too young to understand the situation in question. However, most high-school seniors have an excellent grasp on reality. If the high-school seniors are unable to take a book in context that has been approved for 10th-grade students, then perhaps the school's administration should look to itself for answers instead of simply sweeping the

problem under the rug by banning the novel. In removing *Snow Falling on Cedars* from the curriculum, Boerne High School administration is denying students many important lessons. Textbooks do not teach students the practical applications or effects of many historical events. Champion was quoted as explaining the book's removal by stating, "we are a conservative community." But one can be conservative and still have a grasp on reality. Expecting students to gain a true sense of reality from reading a textbook is absurd. Actions such as this leave high-school students everywhere ill-prepared for both college and the working world. Daily life cannot be described accurately in any textbook, just as history cannot. Racism and other undesirable subjects are a part of daily life. The sooner high-school administrators come to terms with this, the sooner students will realize it as well.

Jessica Crutcher is a sophomore journalism major.

A fictional scenario from the business world can easily illustrate how high-school students' rights to free speech are unfairly coming under fire. Suppose Bob heard rumors that his boss, John, is cheating on his wife with another of Bob's bosses, Jane. So one day Bob and some co-workers drive by Jane's house. Lo and behold, John's car is parked in her driveway. One of Bob's friends snaps a picture of the situation and leaves the photo with Bob for safekeeping. John then traces the rumors circulating around the office about the affair back to Bob. Bob is then punished, while nothing is done to John, even though 35 co-workers wrote statements declaring the rumors about John and Jane began before Bob ever saw the car. Bob's plight may sound like business as usual, but it is hardly fair. Regrettably, something resembling this fiasco actually happened. But in the actual case there was one extenuating circumstance: "Bob," or Casey Riggan, was a senior at Midland High School, and "John," also known as Neil Richmond, was Riggan's principal.



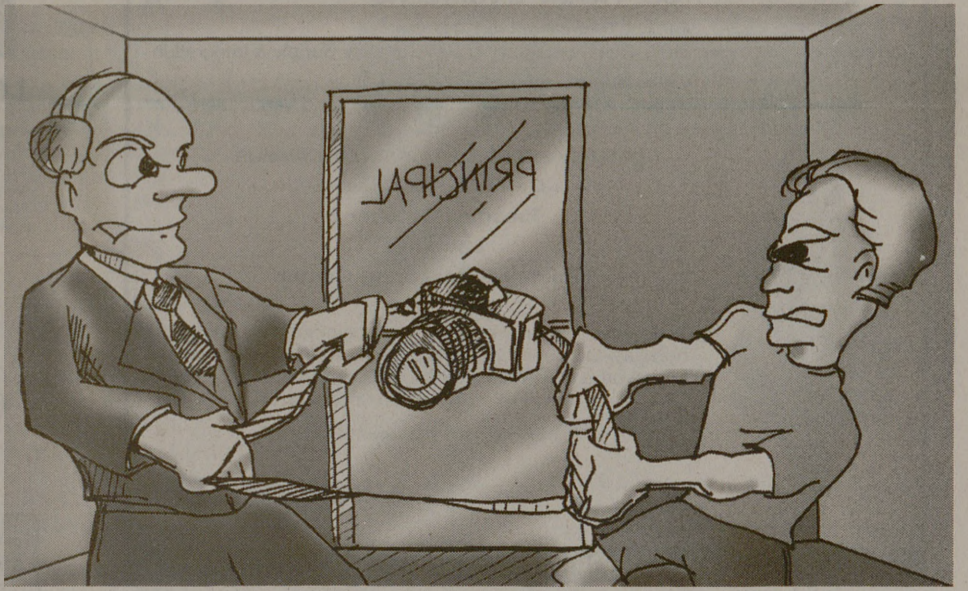
MARC GREETHER

Riggan snapped a photo of Richmond's car parked outside the house of a pretty, young teacher from Midland High School. Riggan's punishment included a three-day suspension and placement in an alternative school. By far, the harshest part of the punishment was that Riggan was not allowed to attend graduation. Thus far, Richmond has not received any punishment. However, the punishment of the principal and the school district may be forthcoming. Riggan has filed a lawsuit against the school district in federal court alleging his right to free speech has been violated. His complaint is valid. Unfortunately for the Midland Independent School District, schools are held to a higher standard than non-governmental businesses. If Riggan and Richmond were co-workers in a business environment, Riggan would have likely lost the suit. In some settings, it is permissible to restrict speech, enforce dress codes and even fire people just because it is Tuesday. But schools are different. All students at public schools are entitled to the right of free speech guaranteed by the Constitution. As U.S. Supreme Court Justice Thurgood Marshall agreed in his majority opinion in the landmark case of *Tinker v. Des Moines*.

"It can hardly be argued that either students or teachers shed their Constitutional rights to freedom of speech or expression at the schoolhouse gate," he wrote. Later court decisions have shown that students' rights while at school are more limited than adults' rights in other arenas. However, the standard which schools must use to limit students' speech is very high. It is clear Riggan did not exceed these limits and thus his right to free speech was infringed upon. The violation is made worse by the fact that he was prevented from attending graduation by the school district. As the Supreme Court has pointed out, high school graduation is a special event. Justice Anthony Kennedy in his majority opinion in *Lee v. Weisman* stated, "Everyone knows that in our society and in our culture high school graduation is one of life's most significant occasions." The "significant occasion" of graduation was denied to Riggan because he chose to talk about a picture his mother says was never even brought to school. Justice has not been served in this case. Only time will tell if anyone will be punished for this gross violation of a student's rights. If no one is penalized, a dangerous precedent will be set for the diminution of teen-agers' Constitutional rights. For his part, Casey Riggan will never have the opportunity to walk across the stage during his high school graduation. One can only wonder how many more times Richmond and others like him will wrongly violate students' rights before they are stopped.

Marc Grether is a mathematics graduate student.

Limiting students' freedom of speech ultimately leads to greater injustices.



JEFF SMITH/THE BATTALION

MAIL CALL

Change will not come 'overnight'

In response to Eric Dickens' Sept. 29 column. The content of Dickens' article is hypocritical. It seems Dickens is observing from his own pedestal of superiority. Obviously, as Dickens abstains from staring at minorities, he must fail to see them. Perhaps minority enrollment is only 15 percent, but what is the application rate? Besides, what can a student possibly do to raise non-white enrollment? You also have to take into account that until recently, Texas A&M was "an all-white, all-male, all military university." Did you expect a change overnight? This is hardly fair. The "friendliest university" campaign is not meant to cloak the stereotypical backwoods, country-bumpkin racism at A&M, but to enhance friendliness at A&M.

Kevin Burns
Class of '02

Orgasm lecture was indecent

I read with interest the article about the lecture given

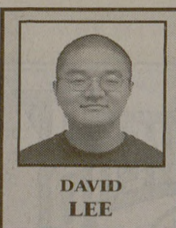
by Dr. Rachel Maines on the Texas A&M campus regarding female orgasm. Ravi Zacharias' words in *Deliver Us from Evil, Restoring the Soul in a Disintegrating Culture* are a fitting commentary on Dr. Maines' lecture. "In the name of non-offensiveness, religion is privatized and relegated to the home, while in the name of freedom all kinds of indecencies and abandonments are made public," he writes. "How ironic that sexuality and nudity, which are meant to be private, are now fare for public consumption while spiritual convictions, which are meant to strengthen public polity, are now for private expression only."

Margaret Reese
Staff member

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Mumia supporters should re-evaluate position

In the never-ending crusade for an equitable criminal justice system, the name of Mumia Abu-Jamal has become a favorite rallying cry. Currently on Pennsylvania's death row, Abu-Jamal stands convicted of the 1981 murder of Philadelphia police officer Daniel Faulkner. The allegations that Abu-Jamal was found armed at the crime scene and later gave a confession solidified his status as the prime suspect. In an ensuing media frenzy, Abu-Jamal's right to a fair trial was clearly abridged multiple times. Facing a biased judge, inadequate counsel, unreliable witnesses and a white-dominated jury, his odds for acquittal were slim. Given these disadvantages and the fact that he was an outspoken African-American activist and former Black Panther, Abu-Jamal's fate was sealed from the very beginning. Soon after his conviction and incarceration, the "Free Mumia" movement was established in order to raise awareness of the injustice done to him. During the past few years, the movement has enjoyed its strongest following yet with various celebrities and musical artists throwing their support to the cause. Feeding off of this new-found support, the Free Mumia movement has been able to motivate student groups around the world into holding numerous protests and marches demanding for Abu-Jamal's re-



DAVID LEE

trial and subsequent release from prison. A recent example of this support was the celebration of Mumia Awareness Week which began on Sept. 19. However, there is one serious problem with the movement's message. While Abu-Jamal rightfully deserves a retrial, a disturbing misconception has emerged that Abu-Jamal is an innocent man who has become a martyr, fighting for justice and racial equality from behind prison walls. Many of his supporters fail to realize that, if anything, a retrial will solidify his guilt. During the years since his conviction, new evidence has been uncovered and previously unknown witnesses have come forward with new information. The sad truth is a retrial does not automatically deem Abu-Jamal an innocent man. A clear distinction should be drawn between Abu-Jamal's right to a fair trial and his guilt or innocence in regards to the murder. Realizing this difference, the Free Mumia movement should rethink its promotional tactics. In a controversial report broadcast earlier this year, ABC's "20/20" performed an in-depth analysis of the Free Mumia movement and the life of Mumia Abu-Jamal. In their report, ABC News uncovered several bits of new evidence which will become very relevant if Abu-Jamal is ever retried. In his original trial, two key bits of evidence were missing: ballistics tests linking Abu-Jamal's weapon to the murder and more witnesses of his alleged confession.

Years later, it was discovered there were indeed ballistics tests performed on the bullet fragments found in Faulkner's body. An irrefutable link was discovered connecting the fragments with Abu-Jamal's gun at the crime scene. Why this evidence was not introduced by the prosecution during the original trial remains a mystery.

Although he was unfairly tried, Mumia's guilt is virtually assured.

Also during the original trial, a Philadelphia police officer who guarded Abu-Jamal while he was in the emergency room testified. He swore he overheard Abu-Jamal bragging about how he murdered Faulkner in cold blood. Mumia's defense at the time contended the officer was not credible because there were no other witnesses who backed up his claims. But interviews were later discovered with a large number of people in the emergency room who claimed to have witnessed Abu-Jamal confess to the murder. In many cases, they recited word for word what they overheard. Once again, the absence of this evidence at the original trial is baffling. Naturally, the Free Mumia movement immediately blasted ABC News and "20/20" for launching a

smear campaign against Abu-Jamal. Nonetheless, they have not been able to come up with any viable excuses to refute any of this new evidence. Considering this turn of events, it would make sense for the Free Mumia campaign to streamline its message: Mumia Abu-Jamal deserves a retrial but is not necessarily innocent. Not surprisingly, they have failed to respond, clinging to their blind assertion that Mumia is innocent no matter what. At a concert held this January in East Rutherford, N.J., CNN depicted enraged students carrying signs of Abu-Jamal with a raised fist. The phrase "refuse and resist" was splashed everywhere. It was made perfectly clear that the concert-goers, largely college students, bought into the misconception that Abu-Jamal is absolutely innocent. For every person asking for a retrial, there were many more screaming about Abu-Jamal's absolute innocence and unjust imprisonment. Without question, a clear and definite distinction must be drawn between the two legal issues at hand. Abu-Jamal's alleged guilt and his right to a retrial are clearly independent and non-related legal issues. With the Free Mumia movement unwilling to encourage such a distinction, a dangerous cloud of confusion has formed. Such a course of action is unfortunate because if Abu-Jamal is eventually legitimately proven guilty, the Free Mumia movement will go down in history as a sham of massive proportions.

David Lee is a junior economics major.