

THE BATTALION

## Ethics versus revenge

### Perry should sign bill banning the execution of retarded murderers

The Supreme Court's recent decision overturning John Paul Penry's death sentence a second time has heated the debate over capital punishment. Arguments now include the ethical implications of executing an inmate who is mentally retarded. Anyone with an IQ below 70 is considered to be mentally handicapped. Penry, who falls under this category, was convicted of rape and murder in 1980 and sentenced to die.



BRIENNE PORTER

There is a bill on Gov. Rick Perry's desk that will ban the execution of the mentally retarded. The bill will allow juries to decide in the sentencing phase of a trial if the defendant is mentally retarded.

If the jury finds the defendant mentally retarded, then the death penalty cannot be imposed. If the jury decides the defendant is not mentally retarded, then two outside experts would make recommendations to the judge during a hearing. From there, the judge would decide the sentence.

Gov. Perry has not decided whether he will sign the bill. He has until June 17 to either sign or veto it; if he does neither, the bill will become law without his signature. Gov. Perry should sign this bill, making Texas the 14th state to ban executions of the mentally retarded. It is morally and ethically wrong to execute those who do not have the mental capability to understand right from wrong.

Opponents of the bill argue it will take away a jury's right to impose a sentence.

"This bill gives [the decision] to the jury and then it takes it away from the jury," said David Weeks, the district attorney for Walker County in a *New York Times* article. Critics state that the present jury instructions are sufficient to warrant a decision about defendant's mental abilities.

Currently, sentencing juries are instructed to take into account all evidence, including a defendant's background, character and "personal moral culpability." According to critics, these instructions clearly indicate that juries can consider a criminal's mental ability during their sentencing, without the need of a new bill.

However, the instructions still allow juries to sentence a retarded person to death. "It reeks of revenge, not justice, when you execute someone who is mentally retarded and does not know the difference between right and wrong," said Rep. Juan Hinojosa, D-McAllen.

The bill limits the ability of the jury to sentence a retarded person to die. It bans capital punishment as a sentence and instead offers life in prison without parole. In the *Austin American Statesman*, Sen. Rodney Ellis, D-Houston, said, "It is time for Texas to stop defending the defenseless and make a clear, moral stand."

The legally retarded will never mentally mature, and most do not think above a sixth-grade level. It is beyond comprehension how anyone can support the execution of someone in this

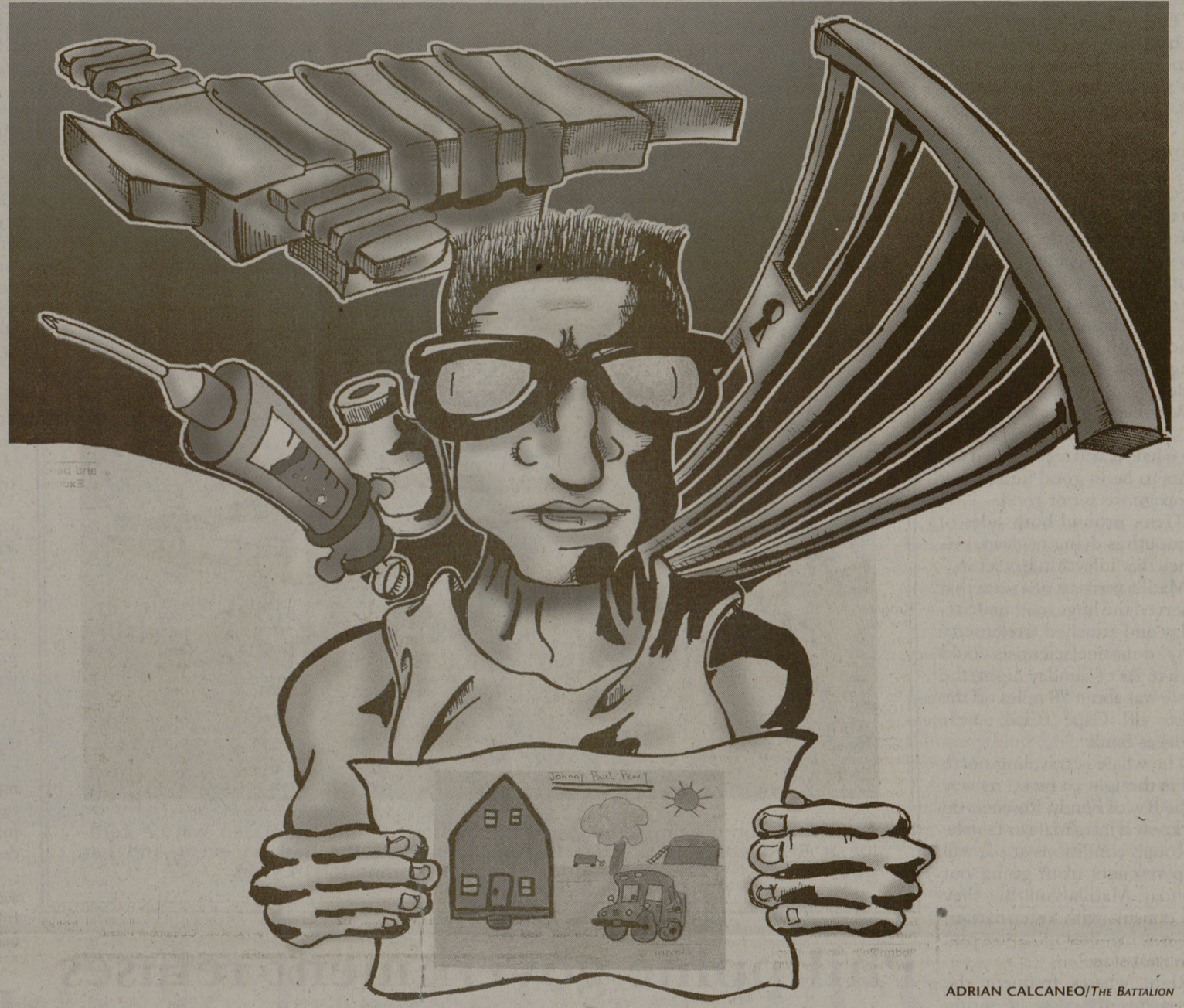
condition — it is equivalent to executing children. No one advocates sentencing children to death, but unfortunately there

are people who advocate the death of these child-like adults. Gov. Perry must sign this bill. Texas has received much atten-

tion for its application of the death penalty. Now, it is time to gain notice for something more admirable — taking a stand for

what is right.

Brienne Porter is a junior political science major.



ADRIAN CALCANEI/THE BATTALION

## Bush twins are normal college kids; deserve privacy

It was 10:45 p.m., a routine day for Austin's 911 emergency dispatchers. Minutes later, a call was received. The emergency was nothing more than underage teen-agers attempting to purchase alcohol with fake identification cards at Chuy's, a popular Austin restaurant. The frenzy was caused by Jenna and Barbara Bush, President Bush's 19-year-old twin daughters, who were cited for a misdemeanor charge of misrepresenting their age. The twins, who are in America's spotlight and dealing with their father's decision to lead



J.J. TREVINO

America into the 21st century, are victims of a tragedy — journalists microscopically exposing private matters.

The minute the story appeared in headlines around the globe, the twins became the subject of intense scrutiny, leaving journalists looking for juicy details. Unfortunately, these reports lacked the courtesy and understanding the girls deserve. After the twins were labeled as wild, out-of-control and troubled, the owners of Chuy's apologized for their handling of the situation and the media frenzy they caused.

The thoughtlessness of the media resulted in a *Boston Herald* columnist criticizing the girls for their clothing during their courtroom appearance. Doubtful, the reporter could not

believe that Jenna arrived wearing a toe ring.

However, what these narrow-minded reporters do not realize is that these girls are normal college students, no different from the thousands of others ticketed for alcohol-related offenses every day. Their violation does not make them criminals or social deviants, it simply adds their name to a long list of other teenagers. A petty misdemeanor should never be important enough to make front page news, nor does it require 911 emergency assistance.

Throughout this dilemma, President Bush has handled the situation in a manner that proves why Americans elected him as our nation's leader.

From the beginning, he has attributed his daughters' mistakes to the gap that lies between a parent's best intentions for their children and the reality of today's society. Bush's words accurately depict the rationale of a parent who understands their child's mistakes will later be valuable lessons.

More importantly, the consequences of the twins' mishap needs to come solely from their parents. It is not the business of journalists to engage in public forums contemplating reasons why the girls attempted to purchase alcohol despite being underage.

Repeatedly, White House Press Secretary Ari Fleischer has asked journalists to consider the nature of this matter before they pursue reporting

on the topic. Fleischer routinely rebuts questions from journalists by asking "Do you want the American people to know that you are asking about private conversations that took place between the president of the United States and his child?" The actions of Bush's daughters should not be the subject of questions at government press conferences.

This lack of respect by journalists to intrude into private matters is why others are wrongfully passing judgement on Bush's daughters. In the future, they should re-evaluate the effects of their "journalistic" reporting.

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### CARTOON OF THE DAY



THE UNCARTOONIST ©

## Spend new tax cut elsewhere

(U-Wire) — President George W. Bush's tax cut plan that was recently passed in the Senate is a wonderful example of the all-too-frequent political bag of potato chips designed to make you think that you are getting what you paid for.

Just like the chips, when we open up the political bag, we will see that it is mostly air and a few crumbs.

Put every American in one room, and the average person will receive between \$4,000 and \$5,000 from this tax cut — about half a used car, a few months' rent or a year of groceries.

OK. Now let's remember that we pay taxes on a sliding scale, so the more you earn, the more you pay, and vice versa. By its very nature, this tax cut gives more money to people who already have more money.

"You pay more, you get more," you say. Fine, that makes sense, but it is exactly the reason why this tax cut is very wasteful, essentially useless and completely sensationalized. It is a lot of money, and in the end, the people who need it aren't getting it.

Do we really have \$1.3 trillion to spend? If so, maybe we should look at some other options.

Tim Russert noted on "Meet the Press" last Sunday that it has been estimated that the AIDS epidemic in Africa, which long ago became disastrous, could be solved or at least curbed with \$5 billion a year for the next five years.

Sounds like a lot of money until you realize that we have \$1.3 trillion at our disposal. If we gave the \$25 billion that has been estimated, the average American would be sacrificing \$85.

That's a shirt, a pair of pants and a pair of underwear at the Gap. We would be left with \$1.2975 trillion — not too shabby.

If Dwight Eisenhower taught the country anything by building the highway system in the 1950s instead of later, it was that a dollar now might be worth \$5 or \$10 down the road.

Not only would our \$85 per person save millions of lives, it might also save us from paying \$250 billion in a decade or two, if or when we decide to take action against AIDS. But this assumes there will be someone left by then.

So we've spent \$25 billion — now what? Why don't we pay school teachers more? Or how about we build homes for the homeless? Or help Americans afford medications?

We could do all of those things and still have some spending cash left over.

Isn't America supposed to be the free and visionary country? How can it justify a tax plan that is so confining and short-sighted?

If we chose to spend this surplus wisely, while it might not be as popular as saying "free checks for all," it would not only be the smarter thing to do, it would be more beneficial.

If we could stop or curb the major problems in America and around the world today, we could do more than simply cover the problem with money. Bush would be using money as a tool to fix the problems now, saving us money later. Spending this money would help us more in day-to-day life than the average \$4,000-\$5,000 in tax cuts each person would receive.

A child can take money out of the piggy bank to pay for a broken window, but a carpenter rolls up his sleeves, gets out the tool box, buys the equipment and builds a window that won't break again. In the long run, who do we want to be?

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