

## Three crimes, and you're out

### Three-strikes law is necessary

"One, two, three strikes you're out at the ol' ball game!" That may be the rules in most places, but California has recently changed its game, allowing prisoners to regain their freedom. Since 1994, California has been enforcing a "three strikes" policy, which mandated heavy prison sentences on repeat offenders. The law was clear and simple — criminals received automatic imprisonment after three felony convictions. It allows for one-time mishaps, it allows for two-time mishaps, but then you go to jail. Unfortunately, the courts have decided that criminals deserve more than three chances.

Frequently, people fight against laws that are unfair or misunderstood by the residents they affect. The three strikes law is as simple as its name — there should be no confusion about the rules or the actions that must be taken to abide by them. This is not unlike a baseball game. When a batter stands at home plate, he should focus on the game, but also be able to feel relaxed. But as his count reaches two strikes, he has lost his right to relax and must realize that he will be out if one more strike passes him. A 5 year-old little leaguer can realize that he must concentrate seriously on not acquiring that third strike if he wants to continue playing — it is simply too bad if an adult cannot realize that.

Not only is overturning this law ridiculously implying that "crime is OK," but the specific example is almost good enough for a laugh. Recently, the U.S. Court of Appeals ruled by a vote of two to one that the 50-year sentence of Leandro Andrade for shoplifting is unconstitutional. That sentence in Dallas, while it may seem to make sense, and where the court's story speaks well beyond mere shoplifting scheme. Leandro Andrade was caught before heading to a K-Mart store. But his shoplifting schemes were not for mere satisfac-

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tion, nor were they because Leandro really liked video tapes. Instead those tapes gave him money to support his heroin addiction. Finally, this was his third strike since the law's enactment, but it was his fifth noted offense. It no longer seems that Leandro was neglected by the constitution. It could very well be that 50 years in jail is the best thing for him.

The three strikes law was one of the very few black and white rules that existed. Sadly, the appeals court has allowed there to be a gray area, and as prisoners across California realize, they may have the potential to reduce their sentences the same way Leandro did. The gray-area gates are going to open and California courts will be flooded with appeals.

In six months, Leandro and many like him will return to their days of shoplifting at K-mart and return to their drug-using lives. California's ball game will continue until it is understood that if three strikes do not equal an out, the home team will never win.

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## Truly politically incorrect?

On Sept. 17, Bill Maher committed an unthinkable act — he criticized the government. The host of the late night talk show "Politically Incorrect" accused the U.S. government of being cowardly. Maher said, "We have been the cowards, lobbing cruise missiles from 2,000 miles away. That's cowardly. Staying in the airplane when it hits the building, say what you want about it, it's not cowardly."

As one can imagine, the American public was an uproar over these seemingly unpatriotic comments. Affiliate television stations dropped the show and sponsors like FedEx Corp. and Sears pulled their money and said they were not coming back. It seemed that ABC would drop the show from its late night lineup. Yet, in a major milestone for freedom of speech, the show and its host are still part of ABC.

While the statements may anger many, Maher has a right to say them. Freedom of speech is the hardest to uphold when people say what no one wants to hear. Maher's show is called "Politically Incorrect" for a reason. One would not expect to hear

mainstream opinions on the show. It is an accepted fact that Maher is not mainstream America and his previous statements have angered many. But this new backlash is more disturbing than those before because it was so widespread. With the attacks of Sept. 11, most Americans are experiencing an increased amount of publicly-displayed patriotism and are watching the news more. With these two actions the public

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has an increased awareness of current events and a decreased amount of tolerance for dissenting opinions.

Even White House Press Secretary Ari Fleischer propagated this idea of decreased tolerance. In a White House briefing, Fleischer said that these remarks were examples of why people need to watch what they say in times like this. But that is exactly the wrong idea; it is in these times that dissent can be the most important.

Now is the time when Americans have the need to blindly follow and agree with the government. Listening to dissenting

opinions will give Americans a less biased view of what is happening. ABC is right to keep Maher, and others should follow the example of voicing minority opinions.

America's staple of freedom is that of free speech and the ability to criticize the government. The war on terrorism has been declared as a war protecting freedom and the American way of life. Maher is a striking example of what America stands for and what the terrorists tried to destroy. If America tries to stifle people like Bill Maher, then the terrorists have won. The American way of life was attacked and when American wanted to shut down Maher, it was once again attacked.

America needs an increased tolerance and acceptance of views that are in the minority. If America allows freedom of speech to be stifled even once when contrary views are spoken, then the terrorists fulfill their wishes to destroy what is so foreign to them.

Whether the majority of America agrees with the broadcasted opinions is not the concern. The concern is that America must practice what it preaches and accept these opinions.

Brianne Porter is a junior political science major.

### Law inadvertently punishes lesser crimes

In baseball, a player has three chances to get a hit. If not, he strikes out. Unlike baseball, in life the consequences are more than a disappointed crowd. The difference is that a criminal will strike out in the game of life and will be sentenced to 25 years in prison.

Although this analogy is strange, it is conducive to the "three-strikes" law under which California has been operating for the past seven years. Instead of attacking the root of crime, such as poverty, education, and drug addiction, this law, with its catchy moniker and tough-guy appeal, is a misdiagnosis of the cause and solution to crime.

California's "three-strikes" law, passed in 1994, is a habitual-offender law intended to deter violent crime offenders by harshly punishing them on their conviction. The law states that if a person has committed one previous violent or serious felony, upon committing a second violent or serious felony, he or she will be sentenced to twice the prison term prescribed. If a person has been convicted for two previous violent or serious felonies and is convicted of a third felony of any kind, the punishment is 25 years to life in prison.

This law offers Americans a feeling of comfort and safety by promising to crack down on repeat violent offenders, but more often than not this law captures offenders of minor offenses. In fact, according to Families to Amend California's Three-Strikes (FACTS), 65 percent of people convicted of three strikes are for drug-related offenses. In these cases, the sentencing is grossly out of proportion to the crime committed. Recently, the 9th U.S. Circuit Court of Appeals overruled a California court three-strikes ruling, claiming that it applied cruel and unusual punishment. In this particular case, because the plaintiff, Andrade Leandro, had been convicted of several prior offenses, all non-violent, the three-strikes law raised his two counts of petty theft for shoplifting nine videotapes from K-mart stores to a felony. As a result, Leandro was sentenced to life in prison with no possibility of parole for 50 years. In this case it is clear to see the problem that surround a law that results in dramatic injustice.

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Economically speaking, California's three-strikes law is not efficient, either. California spends about \$5.7 billion on its prisons and jails. Ironically, California spends more on corrections than on higher education.

This law does very little to deter crime. Most violent crimes are not premeditated and occur in a state of anger or under the influence of alcohol or drugs. Therefore, the prospect of a life sentence is not going to stop people from acting impulsively. Instead, it may actually spur violent acts since a criminal will be more likely to resist arrest, kill a witness or attempt a prison escape when facing a life sentence.

To make matters worse, the "three-strikes" law leaves no room for first-or-second time offenders to start over with a clean slate. No matter how many years have passed since a previous offense, a third offense, violent or not, will be enough to send a person to prison for life. This can leave the family and community of minor three-strike offenders embittered at and more likely to resort to crime. In the end, a vicious cycle of events has occurred and are continually being reinforced.

Meanwhile, our prisons are becoming full of older criminals, who are unlikely to resume a life of crime if released, and younger serious offenders are being paroled. According to the American Civil Liberties Union, more than 40 percent of inmates are illiterate and one-third were unemployed when arrested. By looking at crime-reduction policies, you would think that it takes a prodigy to discern the relationship between despair and crime. Programs aimed at prevention, rehabilitation and education should be implemented, or at least tried. Until crime is attacked at the root, Americans will undoubtedly be plagued by violence and injustice.

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