

Drug testing violates student rights

Expanding drug testing in public schools will not prevent students from using drugs



FRANK CHANCE • THE BATTALION

In a 5-4 decision by the U.S. Supreme Court on June 28, the expansion of drug testing into middle or high school students involved in competitive extracurricular activity was deemed permissible. According to the *Houston Chronicle*, the court stopped short of testing the entire student population on the basis that only the students involved in extracurricular activities voluntarily submit themselves to this type of invasion of privacy. To believe this newly broadened version of drug testing will deter the drug problem in school districts is preposterous. Instead, administrators need to realize this court ruling violates students' natural rights to privacy and unreasonable search and seizure. Even worse, it does little to deter students from drug use and even exacerbates the drug problem by keeping students who experiment with drugs out of beneficial extracurricular activities.



JENNIFER LOZANO

A central question of this ruling is whether or not a minor is entitled to the same constitutional rights as adults. According to the Constitutional Rights, Powers and Duties website, under common law at the time the Constitution was adopted, "natural personhood" began at the time of natural birth and ended with the cessation of the heartbeat. This natural personhood is what gives an American citizen legal rights. Therefore, when a school with no serious drug problem, or reason to believe a group of individuals are abusing drugs, implements random drug testing, students' rights are violated. The same concept applies when schools bring in drug dogs to sniff students' personal belongings.

In addition to violating students' rights, the American Civil Liberties Union says drug testing does little to prevent drug use and may even have the reverse effect because drug testing implies school officials presume all students are guilty of criminal drug use unless otherwise proven innocent. This is a poor demonstration of the way our justice system is supposed to work.

The American Academy of Pediatrics also opposes random drug testing, and even the testing of student athletes (who are tested for safety reasons), because it destroys adolescents' needs for confidentiality and autonomy. They are also opposed to drug testing because of its inaccuracy.

Drug testing provides a false sense of security for the parents and community and does not allow them to attack the root of the

drug problem. Even worse, broader drug testing could set into motion a series of catastrophic events. For example, say a student who has experimented with marijuana fails his drug test and thus cannot partake in extracurricular activities. On the off chance that this student did have a serious drug problem, nothing is done to help him or her deal with it. Instead, they are ostracized and not allowed to participate in extracurricular programs that could have leant him or her the support and leadership was needed. With nothing else to do, this student may take up with a different crowd where drugs are encouraged. Even if a student has succeeded academically, they will more than likely not be admitted to a major university because they were not involved in any extracurricular activities.

Also, according to the website www.drugsense.org, studies conducted by the General Accounting Office, the Department of Justice and the California Department of Education among others, have proven the Drug Abuse Resistance Education (DARE) program, present in 70 percent of schools, fails to reach students at high risk for drug abuse. Instead of implementing drug testing and other stringent, anti-drug programs that revolve around scare tactics such as DARE, law enforcers should focus on preventative drug abuse programs that center around a more realistic portrayal of the effects of drugs. For example, in San Francisco, a first-of-its kind conference for educators, health professionals, drug treatment and prevention specialists, parents and students addressed the problem of student cynicism surrounding traditional drug education. This program, entitled "Just Say Know: New Directions in Drug Education," encourages abstinence from drug use, but provides a fallback approach of realistic, science-based recognition that some youthful drug experimentation is unavoidable.

For educators and law enforcers to have a sincere concern for the drug problem among America's youth is a noble cause.

Unfortunately, officials must also realize that violating students' right to privacy with strict, broader drug testing — as well as unrealistic drug prevention programs such as DARE — only increases the gap between themselves and students. In the end, students are the ones who will be hurt by this disparity.

Jennifer Lozano is a junior English major.

Smokers must pay the price

Increased cigarette taxation is better than the alternatives

Many smokers feel they are receiving the brunt of responsibility for a statewide budget problem as they are forced to pay increased taxes on their cigarettes. However, cigarette taxation is substantially better than the alternatives.



LINDSYE FORSON

Several states across the nation have chosen to increase cigarette taxes as a quick solution to pressing budget deficits. *Newsday* magazine reports that New York and New Jersey have increased tax rates on cigarettes to \$1.50 per pack, and Washington state currently levies a \$1.425 per pack tax, making these three states the highest cigarette taxes in the country. Other states are following suit.

New Yorkers now pay up to \$7.50 for a pack of cigarettes, which is double the national average, according to *Newsday*. Naturally, many smokers resent this financial encumbrance and feel that they, as a group, are being singled out and forced to carry the burden of responsibility for a fiscal problem that belongs to everyone.

The American public has traditionally opposed any significant tax increase. Opponents of the cigarette tax hikes claim many people, particularly those addicted to nicotine or looking to make an easy profit, will take advantage of loopholes in the system. For example, cigarettes can be bought online at significantly reduced prices. Critics also claim raising taxes will increase the amount of cigarette-related criminal activity. The *Washington Post* describes one incident of 6,000 packs of cigarettes being smuggled between Maryland, which has a 66 cent cigarette tax, and Virginia, which has a 2.5 cent tax. The cigarettes are bought cheap in Virginia, where they are relatively inexpensive, and then sold in states with higher tax rates, allowing smugglers to keep the amount of tax disparity as profit. Maryland Comptroller William Schaefer reported agents' confiscation of 154,307 packs of cigarettes worth \$594,825 this year. Maryland recently increased its cigarette tax to a dollar per pack and state officials speculate the already high numbers of crimes involving cigarettes will only increase.

In U.S. history, increasing excise taxes to meet monetary shortfalls is nothing new. According to the U.S. Department of the Treasury's Brief History of U.S. Taxes website, "Congress levied excise taxes on distilled spirits, tobacco and snuff, refined sugar, carriages, property sold at auctions and various legal documents" to pay off Revolutionary War debts. Congress also chose to levy additional excise taxes in order to raise money for the War of 1812. In the wake of funding the Spanish-American War, the taxes on tobacco and beer were doubled.

There have always been those who have sought to get around or take advantage of these laws. Raising excise or luxury tax rates in times of financial difficulty is not uncommon for the United States, and noisy opposition by those most affected is both predictable and inevitable.

Advocates of the tax increase claim it will bring about valuable social benefits in addition to revenue. The *Washington Post* reports that Maryland's 33 cent cigarette tax raise was accompanied by promising statistics. General consumption of cigarettes dropped 16 percent, and Maryland 10th graders were found to smoke 30 percent less. The American Lung Association cites Dr. Ron Davis of the American Medical Association saying studies show every 10 percent boost in the cost of a pack of cigarettes reduces youth smoking by approximately seven percent and overall cigarette consumption by three to five percent.

Several states have raised cigarette taxes to cope with varying degrees of budget deficits. Tennessee needs an additional \$877 million to maintain current governmental services and avoid a governmental shutdown, according to Reuters. New York and New Jersey have \$5 billion and \$6.1 billion dollar budget deficits, respectively.

While increased cigarette taxes alone will not generate enough funds to rid the states of their budgetary problems, they do make considerable strides towards doing so. New York is expecting to collect an additional \$111 million from the tax raise, and New Jersey is expecting to make \$275 million. Maryland's tax increase has been slated to make \$101.4 million over the next year and much of this money has already been earmarked for school related purposes.

People will almost certainly find ways to avoid or even capitalize on the tax increase. But periods of high excise taxes have been part of America's history since its founding, and the United States has always found ways to cope with these lawbreakers in the past. Fearing the possible illegal activities of a few is not a legitimate reason for an entire state to sacrifice the immense financial, social and life-saving benefits that increased cigarette taxes will bring. Asking Americans to pay a couple of extra dollars for so-called luxury items in order to help maintain the status quo of state and locally provided services is not asking too much.

Lindsye Forson is a sophomore journalism major.

MAIL CALL

Boycott the circus

Ringling Brothers and Barnum & Bailey Circus has once again descended upon College Station, bringing along caged, chained and beaten animals to entertain paying customers. I am appalled that Texas A&M allows this animal abuse on its facilities, and the people of College Station are interested in viewing this horrific event. Elephants and tigers do not naturally stand on their hind legs or walk on balls — they do so out of fear. Fear that the "trainers" will inflict more pain. Ringling Bros. has a long history of animal abuse and trouble with animal advocates.

I would like to ask the people of College Station and the students of A&M to show Ringling Bros. that animal abuse is not accepted in this city of higher learning. Boycott the circus, and show it that it is not welcome here.

Julie Leslie
Class of 2004

Money alone does not improve schools

In response to Lindsye Forson's July 9 column:

Forson claims the Cleveland voucher program poses a severe threat to the public school system. Good. The public schools in most cities produce some of the most uneducated citizens in the industrialized world.

The argument against vouchers is that they take funding from already under-funded schools. More money is not the answer to improving schools. The answer is more accountability from both parents and schools. Parents need to become active partners in education, ensuring that homework is completed and that discipline is maintained. The schools need to be less focused on "self-esteem" and other touchy-feely garbage and more focused on algebra, history and verbal competence.

Brian Dear
Class of 2002

