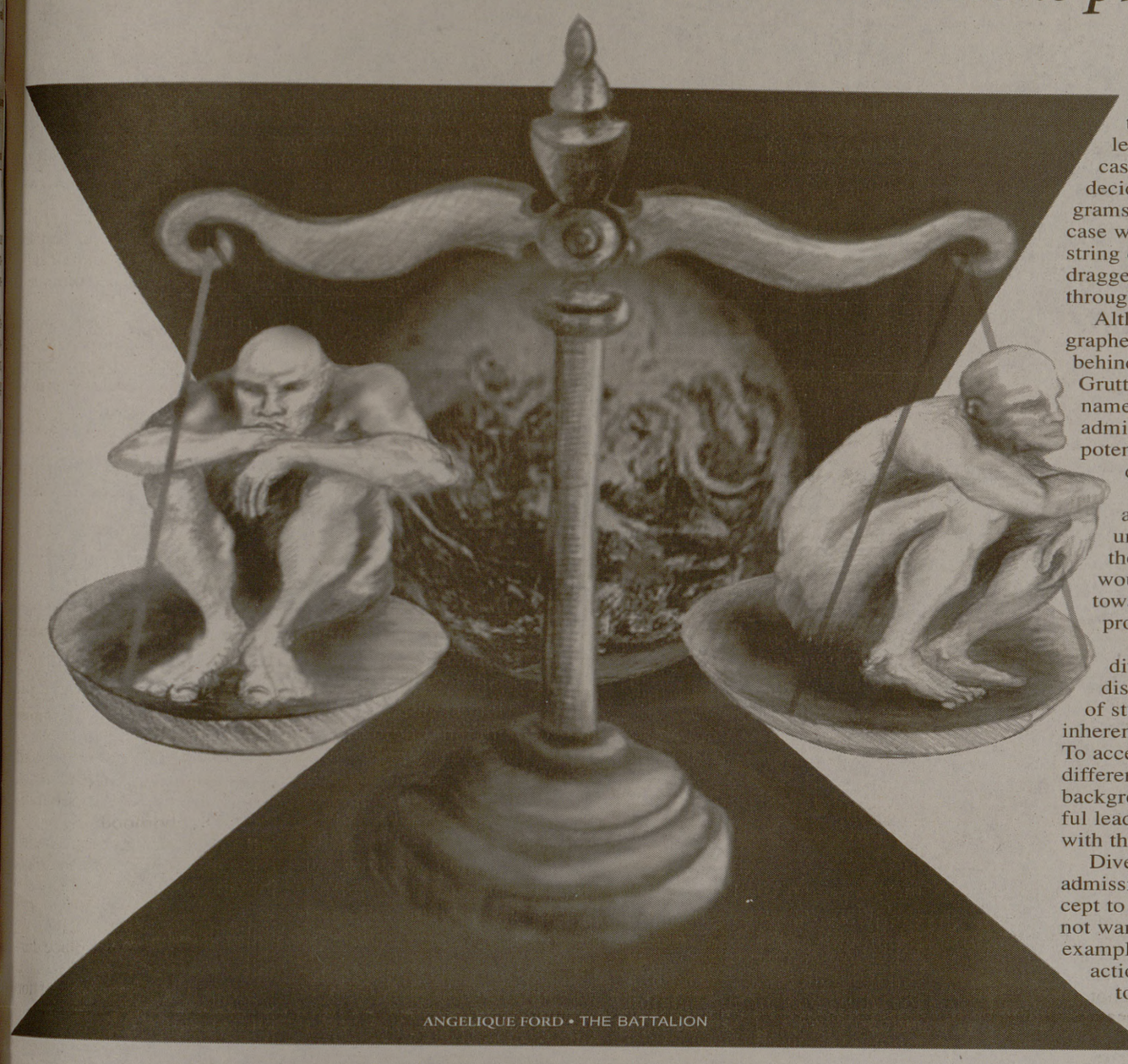
The fate of affirmative action

Diversity needed, but race-based admissions programs wrong way to achieve it



ANGELIQUE FORD • THE BATTALION

MARIANO CASTILLO

The U.S. Supreme Court agreed last week to review a case that could reshape college admissions. The case, Grutter v. Bollinger, will likely decide the fate of affirmative action programs in the nation's universities. This case will hopefully bring an end to the string of ambiguous court cases that have dragged the admirable goal of diversity through the mud of race-based admission.

Although this case is very choreographed – *USA Today* reported the group behind the white students' lawsuits chose Grutter as the best case from a list of 70 names – the fact remains that race-based admission programs will always be potentially discriminatory to white students.

Although ruling that race-based affirmative action programs are unconstitutional would definitely be the right decision, such a ruling would further malign public opinion toward diversity. This is a serious problem.

A complete education requires a diverse student body. Judging from discourse on campus, a large number of students are still not aware of the inherent value of having a diverse campus. To accept that interaction with students of different economic, social and ethnic backgrounds is imperative to be a successful leader and citizen has nothing to do with the status of affirmative action.

Diversity is needed, but race-based admissions is wrong. It is a simple concept to sum up, but one many students do not want to accept. At Texas A&M for example, many who oppose affirmative action would like to build momentum to oppose diversity in general. These critics say there is plenty of diversity already within the predominantly white A&M student body. Even if A&M is 86 percent white, they say, there is diversity in this group's economic, social and political backgrounds. They are absolutely right. However, to see the diversity that exists among the white majority, but be blind to how students of different ethnicities will enhance those types of diversity, is indeed myopic.

If the Supreme Court rules to end affirmative action, as it should, the challenge to diversify is more important than ever. What is missing from the national debate are proposals for diversifying campuses if affirmative action is overruled. It is certain that schools such as Michigan will experience a sharp decline in minority enrollment, much like A&M and the University of Texas witnessed after the 1996 Hopwood decision.

Schools across the nation, including A&M, are lagging behind the curve. Instead of defending affirmative action programs, the diversity movement should shift its efforts to programs that are not legally dubious. The paradigm of quotas and admission based on race should rightfully die in the chamber of the Supreme Court. New, bold initiatives are necessary to convince the student body that diversity is a positive goal.

Fortunately at A&M, President Dr. Robert M. Gates is moving quickly to meet these goals. His announcement that he will appoint a vice president for institutional diversity is a great first step. By committing resources, such as this new position, A&M will hopefully come closer to reflecting the demographics of the state, without resorting to programs that are unfair to any group.

Mariano Castillo is a senior international studies and journalism major.

California courts threaten Second Amendment

BRIEANNE PORTER

Sometimes it is not a surprise what type of decisions come out of the California courts — and this case is no different. In a federal appeals court decision on Dec. 5, three appeals court judges handed down an opinion which states the Second Amendment to the U.S. Constitution does not say people have a right to bear arms. Instead, the judges say it only allows for states to raise and maintain a militia. While the three California judges look to the historical context in which the Second Amendment was written, it is obvious to most that historical context aside, the Second Amendment protects an individual's right to bear arms.

The case concerns California's ban on semiautomatic assault weapons. Gun owners filed suit, saying the Second Amendment protected their right to own weapons that the 1999 amendment to the 1989 California law banning 75 "high powered weapons that have rapid-fire capabilities" allowed, according to The Associated Press. In the court's unanimous ruling, "the amendment's operating clause establishes that this objective was to be obtained by preserving the right of the people to 'bear arms' to carry weapons in conjunction with their service in the militia," wrote Judge Stephen Reinhardt for the 9th U.S. Circuit Court of Appeals. When the Second Amendment was written, it was clearly meant to protect the right for militia members to be armed; it is not entirely clear how this amendment affects today's society. Many argue the Second Amendment is obsolete because there is a standing military to protect the nation. When the amendment was written, the founders were protecting the rights of states against the power of the federal government. It is still true today that many people are wary of the federal government and look to intrusions into the private realm as proof that people's right to own guns is still necessary. Without the ability to own guns to protect themselves, many fear the federal government's power to become as tyrannical as the British government's was during the American Revolution.

For the past 60 years, the U.S. Supreme Court has avoided the issue of Second Amendment rights. In 1939, the Supreme Court ruled the amendment was a prohibition on the federal government and states had a right to regulate the sale of guns in between states. This case dealt with the selling of sawed-off shotguns across state lines. The court held that "possession of such a weapon has no relationship to preserving a well-regulated militia," according to *The San Francisco Chronicle*. Now, the Supreme Court may be forced to revisit this issue, because the California ruling is at odds with the position held by the Justice Department and Attorney General John Ashcroft. In a letter to the National Rifle Association, Ashcroft said, "the Second Amendment gives individuals the right to bear arms," as printed in an Associated Press article. Many legal scholars, while still in the minority, agree with Ashcroft's interpretation of the amendment. In the Supreme Court case, Printz v. United States in 1997, Justice Clarence Thomas wrote in his concurring opinion a footnote that stated "marshaling an impressive array of historical evidence, a growing body of scholarly commentary indicates that the 'right to bear arms' is, as the amendment's text suggests, a personal right." For many, this comment leaves hope that if this case reaches the Supreme Court that an individual's right to own guns will be protected.

While California's law has been upheld, many states still protect gun ownership rights within their state constitutions. As NRA spokesman Andrew Arulanandam said about the ruling, "From an organizational standpoint, for 131 years we've been standing steadfastly to protect the freedoms of all law abiding Americans and stand steadfastly that the Second Amendment is an individual right and will continue to do so," according to The Associated Press. For Americans, it is not the end of gun owning rights, but the continuation of a long legal battle to prove their case.

Brieanne Porter is a junior political science major.

MAIL CALL

ACLU is for all who seek membership

In response to Leann Bickford's Dec. 9 column:

It saddens me that Ms. Bickford does not consider the violation of the Bill of Rights a cause that is truly worthy of conservatives.

In fact, I think her definition of what is conservative is totally wrong.

A conservative, not a liberal, would be the first one to stand up and fight against a large government.

She also needs to check her facts, because Bob Barr and Dick Armey will not be serving in the Congress next term. So her assertion that the ACLU will have some kind of direct effect on federal policy is totally wrong.

The ACLU does not promote solely ultra-liberal causes. Yes, some of them are, but trying to keep the federal government from spying on American citizens is hardly liberal.

I am proud that there are still true Republicans out there who stand up for the traditional philosophy of that party.

I believe that the federal government Ms. Bickford wants for the world would be about the furthest one could imagine from the traditional conservative ideology. Dissent encourages democracy, it does nothing to hamper it.

Chris Cole
Class of 2005

Kudos to Leann Bickford for her incisive reminder of the threat posed to all Americans by those "pesky liberals" at the ACLU. Their advocacy of civil liberties cannot be tolerated in a free society, particularly when those liberties run contrary to majority opinion.

Their fervent advocacy of Constitutional rights is absurd and runs contrary to the intention of the Founding Fathers. The thought that people should be free from government interference in their lives clearly runs contrary to conservative thought, particularly regarding laissez-faire economics.

Conservatives must particularly protect all Americans from the dangers of gay rights, as the right to privacy cannot be extended to intimate relations, and certainly should not infringe upon the right of Americans to fire people because of their lifestyle choices or even to violently protest those choices if they see fit.

This country was founded on Judeo-Christian principles, and were Jesus here, he clearly would be the first to condemn and physically attack those who would engage in those behaviors.

Nicolas Rangel Jr.
Ph.D. student and lecturer

Students tired of petty harassment

I should not have to remind the College Station Police Department that their job is not to harass the youth of College Station in their misguided efforts to get money.

The system set up by the municipal court to have an undeserved ticket dismissed resembles an elaborate system of extortion in which only the police can come out on top.

As a working, married, twenty-one-year-old student at Texas A&M, I have better things to do with my money than pay College Station for frivolous and unwarranted parking tickets.

Casey Cockrell
Class of 2004