

OPINION

THE BATTALION

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FREEZE NECESSARY

Hiring and travel freeze good move amid fiscal emergency



LEIGH RICHARDSON • THE BATTALION

The hiring and travel freeze put into effect Monday, Jan. 27 by Texas A&M President Robert M. Gates could not be avoided.

At this moment, Texas is coping with a fiscal emergency. The state is in danger of overspending its budget, and in realizing this, our state government wants to do better. Gov. Rick Perry, in an attempt to lighten the budget shortfall, has asked that all state-funded agencies impose a 7 percent budget cut, as reported in last week's Battalion.

A&M, as a state-funded agency, receives almost a third of its budget from state funds. From the look of things, the state will not be able to make its full contribution this fiscal year, leaving A&M to take responsibility for effectively cutting costs without affecting most A&M students.

Some may argue that the hiring and travel freeze is an act of publicity that will do more harm than good in the long run. It is a valid argument that while Gates has frozen 240 staff positions to save \$5 million in costs, he has also taken away 240 jobs from members of this community and, if we wish to be dramatic about it, is an accessory to unemployment.

But in reality, it is his hiring freeze that makes the most sense in his efforts to save money.

Gates has not put our education at stake. He realizes that for A&M to remain a competitive University, we must contin-

ue to strive to bring the best faculty to our campus.

The freeze only pertains to staff and not faculty hiring. Recruiting new professors takes up to a year, and a moratorium would hurt the faculty if the hiring process was disrupted. Gates said in an interview with The Battalion. In the meantime, we have to finish off the school year without hiring any additional administrative assistants, teaching assistants or custodians. Yes, they make our lives easier, but we can get along without them.



MELISSA FRIED

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We do not have to worry about program or departmental cuts. With the tightened budget, money and resources will have to be better allocated so each program can continue to serve its students, possibly placing larger programs under financial strain. But it would be a shame

to see smaller programs fold simply because they could no longer support themselves financially. With the \$5 million saved through the hiring freeze, more money can be distributed to all programs and departments on campus so that they can update and enrich their curriculum in the future.

To contest the argument about leaving the unemployed unemployed, at least Gates has not considered layoffs as a way to cut costs. A Battalion article listed that A&M has about 6,000 staff and more than 2,000 faculty on the payroll, and this would have been the easiest method of saving money. We should be glad that in a time of economic recession, our University president is not about to turn anybody out onto the streets. At least, not just yet.

As for the travel freeze, that is also not as drastic as it sounds. Gates has not forbidden all University-related travel. If travel is funded by certain research grants or other funds, it will not be affected. However, if a professor wants to attend a conference in Detroit, the bill is on him.

The hiring and travel freeze is a necessary evil. It saves the University from cutting corners in places we really do not want them to, and if all this really brings you down, keep in mind that Gates told The Battalion that the freeze could possibly end at the same time as the state legislative session in May.

Melissa Fried is a sophomore international studies major.

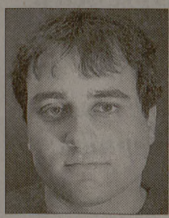
Copyright Act violates right to free speech

Legislation for companies that can't adapt

Do you like to sing in the shower? Have you ever hummed a song that you heard on one of your CDs when someone else was listening? Did you ever stop and think that what you were doing might be illegal? After all, what you essentially did was take a piece of copyrighted material, recorded it (with your mind), and then played it back, however inaccurately, possibly in an environment where others could have heard and "recorded it," thereby obtaining their own copy. And you did all this without the written consent of the copyright holder or the corporation the band is represented by. Did you see anywhere in the licensing agreement where it said it was OK for you to sing in the shower? It is hard to imagine scenarios like these ever being taken seriously as copyright violations in a country that values freedom, but thanks to a set of laws called the Digital Millennium Copyright Act (DMCA), the idea is not far-fetched.

In October 1998, under the radar screen of the American public, the DMCA was passed with the intention of providing protection for copyright holders. However, pressure from companies hoping to restrict the ways people could access information resulted in lawmakers passing a dangerous law that threatens free speech. The DMCA is a copout for companies that can't adapt to changing business conditions and are panicking because of projections of lost sales.

Controversial cases are a hallmark of the DMCA. The most recent case involved a ruling in a lawsuit between the infamous music industry trade group, the Recording Industry Association of America (RIAA) and Verizon, an Internet service provider. According to Reuters, the RIAA sued Verizon after it refused to give out personal information on a user accused of downloading copyrighted music. A federal judge ruled in favor of the RIAA based on the DMCA. This ruling is dangerous because now, the mere allegation of wrongdoing will enable a copyright holder to access the



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personal information of the accused.

Apparently, copyright infringement is such a threat that we can no longer afford to honor the constitutional principle of due process.

Reuters also reported that last Thanksgiving the DMCA was used to stop people from posting sale prices on the Internet. Prices for day-after-Thanksgiving sales had been posted on a Web site's message board. Four stores — Best Buy, Staples, Target and Wal-mart — threatened legal action against the site, www.fatwallet.com under the DMCA. They alleged that their Sunday ads are copyrighted materials and the posting of prices contained in them (or in this case, future sales circulars) violated provisions of the DMCA that restrict how copyrighted material can be distributed on the Internet. The Web site initially backed down, but later decided to counter-sue. The prices continued to be available to the public as angry users moved the information to Canadian servers outside jurisdiction of the DMCA.

Though little harm was done, this is an example of how the DMCA can be used by big corporations to bully smaller entities and restrict free speech.

Another infamous example of the DMCA being used to trample freedom of speech occurred shortly after the act was passed. When the movie industry came out with the DVD standard, it specified that all DVDs would be encrypted. What this meant is that if a DVD player didn't contain a decoding chip, it wouldn't be able to read the information on the DVD. This was one of many technologies that the movie industry implemented to try and control how people could use their DVDs. Their plans came apart, according to Reuters, when a teenager in Norway reverse-engineered the encryption algorithm, and posted a computer program for reading encrypted DVDs on the Internet. The program quickly spread to hundreds of Web sites, and was published in a

magazine. Instead of accepting that a teenager had broken its encryption algorithm through legal means, the movie industry sued the owner of the magazine under the DMCA. It also sued Web sites that had posted the program to suppress the technology. The reason it could do so is that the DMCA contains a provision that anything that has a purpose which is "mainly" to circumvent copyright protection is illegal. They also sued the teenager under Norwegian law. Norwegian courts recently ruled in favor of the teenager, but in America the final outcome of the lawsuits is still undecided, and could have far-reaching consequences. Even thinking about ways in which a copyright measure might be defeated could be illegal.

The DMCA is just one of the tools media entities are using to control what people can and cannot do with the electronic devices they purchase. Things such as better VCRs (tivo's, replay TV, etc.) that let people skip commercials are one example of technology that the movie and TV industry is fighting in court. The attitude of many media company executives is that they are legally entitled to total and absolute control of every aspect of how a consumer uses their product.

The Napster situation raised the country's awareness of the emerging problem of protecting copyrighted works. The music and entertainment we enjoy sets our country apart. We need to make sure that artists are given proper compensation if we want to continue to enjoy their work. This is certainly a difficult problem, and at some point, action will need to be taken. However, what we need are creative ideas, not inept corporations exploiting our system of government to trample over our Constitution before we can get a reasonable solution in place. Doing nothing at all would be preferable to the DMCA. Hopefully, as more and more people become aware of the DCMA, it will be quickly overturned.

Tim Schmiedwind is a graduate environmental engineering major.

MAIL CALL

Portales' assertions deny First Amendment

In response to a Feb. 3 mail call:

Monday's mail call, "Ghetto Party was unforgivable," by English professor Dr. Marco Portales is outrageous.

While I do not condone the actions of those few who support "ghetto parties," I do, however, believe in the First Amendment. Students should not be expelled from a state university for expressing their minds, and they should definitely not be afraid to express their minds.

Dr. Portales claims that "campus racial incidents continue to misrepresent the great majority of Aggies to the world." I realize situations occur, yet they are mild in nature to racial comments made on television stations such as Black Entertainment Television. Pay more attention to the source of the problem, Dr. Portales.

*Bud Force
Class of 2003*

I agree with Dr. Portales, and I would also like to disassociate myself from these "hurtful, juvenile activities." I think that we should be equal though, let us not stop at just "Ghetto Parties."

I think that we should track down any organization that has ever had a racial stereotype party, for example a "White Trash Bash." I am heavily offended that anyone would pick on these people just

because they are sorely under-represented on campus.

I would also like to see people who hold "Hawaiian Parties" expelled from A&M immediately. That is nothing but a negative stereotype; it is also very harmful to A&M's recruitment attempts.

Just look around campus, how many Pacific Islanders do you see around? It's probably because they have a negative view of A&M, especially when the student body has social gatherings using their culture as a theme where men wear grass skirts and coconut bras. Pacific Islanders don't wear that. You people make me sick.

I believe that if any organization continues to mock these good people, they should all be expelled just like Dr. Portales says. They are standing in the way of A&M fulfilling its mission statement of replacing qualified applicants with people that don't want to be here in the first place.

*Bryan Henry
Class of 2004*

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