EDITORIAL

NO ELECTED MEDIA

The media are often referred to as the fourth branch of democracy, working to keep the executive, legislative and judicial branches in check. By airing the dirty laundry of the government, the media serves as the first line of defense against tyranny. However, if some student leaders get their way, The Battalion will become a promotional newsletter for student government.

The Student Government Association may hold a non-binding referendum on whether the editor in chief of The Battalion should be an elected position. The editor is currently selected by the Student Media Board, whose three student members are appointed by the student body president. The other five members of the board are faculty and staff members who serve year-long terms. Politicizing the position would be a disservice to readership because the position would go to the best politician, rather than the best journalist.

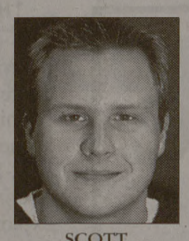
During the Student Senate debate, Kevin Capps, perhaps unintentionally, let slip the real motive behind this referendum. "The opinions in The Battalion really bother me," Capps said. Student Body President Zac Coventry and several senators concurred, arguing that The Battalion has a duty to reflect positively on the University, and avoid stories that might upset alumni and prospective students. Coventry also expressed dismay that The Battalion would use its opinion page to express opinions on campus issues.

While some senators think The Battalion should be run like an SGA committee, students deserve nothing less than an independent newspaper beholden to no organization or interest group. Supporters of the referendum are correct that The Battalion should be accountable to students, and the student presence on the Media Board ensures a balance between student input and insulation from political pressures. This selection process is not unlike the one used to select the president of the Memorial Student Center Council, which spends 100 times more student fee money than The Battalion.

The Battalion staff is filled with students who joined because they wanted to improve their campus newspaper. Continued student involvement in the production of The Battalion, rather than politicizing it, is the best way to ensure the newspaper's reflection of students' concerns.

The Battalion encourages letters to the editor. **Letters must be 200 words or less and include the author's name, class and phone number.** The opinion editor reserves the right to edit letters for length, style and accuracy. Letters may be submitted in person at 014 Reed McDonald with a valid student ID. Letters also may be mailed to: 014 Reed McDonald, MS 1111, Texas A&M University, College Station, TX 77843-1111. Fax: (979) 845-2647 Email: **mailcall@thebatt.com**

Owning the news



SCOTT MONK

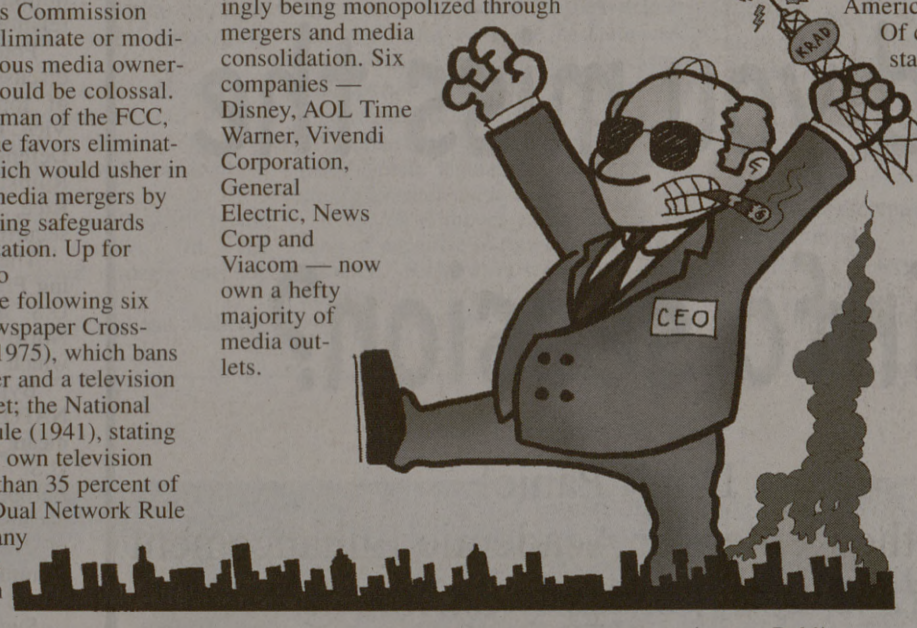
America is witnessing one of the most anxious and critical times in all its 227-year history, and although affairs overseas happen to be the topic of the month, pressing domestic issues do not just roll over and play dead during times of war. Arguably, the decision that will shape the American way of life in coming years will be made by late June, when the Federal Communications Commission will decide whether to eliminate or modify six seemingly innocuous media ownership rules. The impact could be colossal.

Michael Powell, chairman of the FCC, has made it known that he favors eliminating these restrictions, which would usher in a new wave of massive media mergers by striking down long-standing safeguards against media monopolization. Up for reevaluation, according to www.pbs.org/now, are the following six rules: the Broadcast-Newspaper Cross-Ownership Prohibition (1975), which bans ownership of a newspaper and a television station in the same market; the National Television Ownership Rule (1941), stating that a broadcaster cannot own television stations that reach more than 35 percent of the nation's homes; the Dual Network Rule (1946), which prohibits any entity from owning more than one major television network; the Local Television Ownership Rule (1964), prohibiting a broadcaster from owning more than one of the top four stations in a single market; the Local Radio Ownership Rule (1941), limiting the number of radio stations any one entity can own in a single marke, and the Television-Radio Cross-Ownership Rule (1970), which limits the number of television and radio stations a single entity can own in any given market.

If these rules are struck down, democracy cannot survive without the diversity of ideas presented by a truly free press. According to United States Senators Wayne Allard, R-CO, Susan Collins, R-ME, and Olympia Snowe, R-ME, it may not.

In a letter to Powell calling for a broader public debate in the FCC's media ownership review, the senators contend, "the mass media provide the news and information that the citizens of this country use to participate in our democratic society. A fully functioning democracy depends on media sources with diverse voices and opinions as well as content relevant to local communities."

According to the media watchdog group "Fairness and Accuracy in Reporting," America's once diverse media are increasingly being monopolized through mergers and media consolidation. Six companies — Disney, AOL Time Warner, Vivendi Corporation, General Electric, News Corp and Viacom — now own a hefty majority of media outlets.



Deregulation will only give these corporate giants uninhibited rule over the marketplace and severely limit the ability of journalists to be independent. As America's window to the world grows increasingly narrow and falls into the hands of fewer people, independent, objective and unbiased journalism will get squeezed out of the picture, and society's perception of reality becomes severely distorted. A glaring example is the war coverage around the globe. The media tend to mirror the stance of their respective government, sifting out information not conforming to that view. Thus, several different wars were being fought at one time; depending on what country and on what channel it was being watched.

On Feb.17, the Project for Excellence in Journalism, a non-partisan research group, in collaboration with Princeton Survey Research Associates, released a five-year study on media consolidation and quality. It concluded, "Overall, the data strongly suggest regulatory changes that encourage heavy concentration of ownership in local television by a few large corporations will erode the quality of news Americans receive."

Of course, to pay for the staggering costs of mergers, media moguls must bombard consumers with a barrage of cross-media promotions, and as their pervasiveness into every facet of our lives intensifies, so too does their influence on government, politics and pop culture.

Fortunately, the FCC has allowed a public comment period up until June 2, during which it has requested the public weigh in on the issue. Public comments can be made on the FCC Web site, at www.fcc.gov/ownership. It will use the public opinion as a deciding factor in its decision.

If all of this is news to the public, think about it. Shouldn't the public be aware of it? The very media responsible for providing everyday Americans with information important to their daily lives have a valuable stake in not letting the public know this.

Scott Monk is a sophomore agronomy major.
Graphic by Josh Darwin.

Partial-birth abortion ban passes the Senate

Law is dangerous and unconstitutional

JENELLE WILSON

Last month the U.S. Senate passed Senate Bill 3, also known as the Partial-Birth Abortion Ban Act of 2003, which criminalizes the abortion procedure known as "intact dilation and extraction," or D&X. The House of Representatives is expected to pass the bill this spring, and President George W. Bush has made it known that he will sign the bill into law, according to CNN.com.

This is not the first time Congress has tried to ban the so-called partial-birth procedure. Since 1995, Congress has passed this same law on two separate occasions. However, former President Clinton rightly vetoed the bill each time because it did not contain a provision allowing the procedure when a woman's health was in danger.

The new bill has many problems and should not be signed. Senate Bill 3, or S.3, is based on highly misleading information and half-truths. The American College of Obstetricians and Gynecologists — which represents nearly 90 percent of physicians who provide health care for women — call any D&X bans "inappropriate, ill-advised and dangerous."

D&X bans are also unconstitutional. Six state supreme courts independently struck down these bans during the 1990s. With the case of Stenberg v. Carhart in 2000, the U.S. Supreme Court declared the remaining state D&X bans to be unconstitutional, according to Salon.com. The new federal D&X bans have the same constitutionality problems the state laws had.

Two main reasons were given for the ruling in Carhart. The first was that the language of the bill was vague; it did not specify that it meant to ban only intact D&X procedures. During a D&X, fetus is aborted by dilating the cervix, pulling the fetus out of the uterus and collapsing the head. With other late-term abortion procedures, the fetus is not taken out of the uterus intact. The Court found that other abortion techniques could also be targeted under the law. The second reason was that the law contained no exceptions in the event that a woman's health was in danger, which is a requirement for any late-term abortion regulation.

The state laws failed to distinguish between pre- and post-viability abortions. A D&X can be performed before or after viability, or the point in which a fetus can survive outside the uterus. Pre-viability abortions and post-viability abortions are subject to different rules under Planned Parenthood v. Casey.

Early term abortions may be regulated if those regulations do not constitute an "undue burden" on the woman. The Supreme Court in Carhart ruled that D&X bans do form an undue burden by preventing a woman from obtaining an abortion by using the technique that is the best for her situation. In Roe v. Wade and Casey, the Supreme Court asserted that any late-term abortion legislation must have a provision allowing the procedure to protect maternal health.

The bill that passed through the Senate did not fix these constitutionality problems. The proposed law still fails to specify intact D&X as being the only procedure criminalized. It does not distinguish between pre- or post-viability, and it does not have exceptions that would protect maternal health. The Congressional findings of S.3 arrogantly claimed the Roe v. Wade ruling does not apply because D&X procedures are never medically necessary to save the life of the mother. While this is technically true—different abortion procedures can be performed—in many cases, a D&X is the safest and most appropriate technique to use, according to the ACOG.

Only a doctor, in consultation with the patient, can decide which procedure is the best based on the woman's particular circumstances, which is why the ACOG and the American Medical Association oppose the ban.

The proposed bill has another major constitutionality problem: Congress does not have the authority to pass the law. Congress is trying to pass this law using the Commerce Clause, which gives it the ability to regulate interstate commerce. For a regulation to be upheld, however, the activity has to "substantially affect" interstate commerce, according to the ruling in U.S. v. Lopez.

Only a few thousand of these procedures occur each year. Even if some women traveled out of state to obtain a D&X, the notion that one extremely rare type of abortion procedure can have a substantial affect on commerce is ridiculous. As a 1997 Connecticut Law Review article states, "Unless a physician is operating a mobile abortion clinic on the Metroliner, it is not really possible to perform an abortion 'in or affecting interstate or foreign commerce.'"

In passing this dangerous and deceptive law, Congress is trying to take away what may be a woman's safest and most appropriate abortion option. Congress is usurping doctors' rights to make the best medical decisions for their clients, but Congress lacks the authority to pass the regulations in the first place. Unfortunately, this ban will inevitably become law and women will be hurt before the Supreme Court strikes it down.

Jenelle Wilson is a senior political science major.

On the path to overturning Roe

JERAD NAJVAR

Just as joyous Iraqis are finally being liberated from Saddam Hussein's reign of terror, the U.S. Congress is beginning to free innocent American children from the murderous clutches of the abortion-rights lobby.

Encouraged by an overwhelming 64-33 Senate vote, the U.S. House of Representatives looks poised to pass the Partial Birth Abortion Ban Act of 2003, according to CNN.com. The bill would finally end the brutal form of abortion that has been a stain on America's soul for way too long.

Termed "intact dilation and extraction" by the American Medical Association, this gruesome procedure is nothing short of infanticide. Performed to terminate late-term pregnancies (normally in the 20-24 week range, but sometimes up to the ninth month), the doctor begins by grabbing the live baby by its feet, and pulls the body out all except for the head. Scissors are then stabbed into the base of the cranium and opened to create a large hole, into which a suction tube is inserted to vacuum the brains out. The head is then easily collapsed and delivered and the child is discarded.

This barbaric procedure, performed more than 2,200 times every year in America, according to Fox News, is an affront to human dignity. Still, some people are fighting to keep it legal, even as passage of the ban looks imminent. Why? Two reasons are generally given, neither of which is valid.

First, many claim that partial-birth abortions are sometimes a medical necessity, and that to ban the procedure would endanger women with problem pregnancies. But hundreds of physicians have testified before Congress and elsewhere that this is not the case at all. For example, after former President Clinton vetoed an earlier version of the bill in 1996, the Physicians' Ad Hoc Coalition for Truth formed specifically to counter his claims of medical necessity, stating that "partial-birth abortion is never medically indicated to protect a mother's health or her future fertility," according to prolifeinfo.org.

Even some abortion doctors have admitted to the fallacy of the health claim. In an interview with the American Medical News, Dr. Martin Haskell said 20 percent of the late-term abortions he performs are for fetal genetic abnormalities, and the other 80 percent are "purely elective." In other words, absolutely none of them were performed to save the life or health of the mother. This procedure was used for convenience.

The second argument commonly used to defend partial-birth abortion is used to defend abortion generally, and it brings us to the heart of the matter.

Abortion advocates claim that women have a constitutional right to decide whether the unborn child inside them lives or dies.

Strangely enough, this so-called "right to choose" exists nowhere in the Constitution. Instead, it is derived from a vague right to privacy cited by the Supreme Court in Roe v. Wade. And even though the Supreme Court declined to say, definitively, which part of the Constitution guaranteed such a right to privacy, the justices declared that it included a "woman's decision whether or not to terminate her pregnancy."

Troubled by the Court's nihilistic activism, dissenting Justices Byron R. White and William H. Rehnquist wrote that they "find nothing in the language or history of the Constitution to support the Court's judgment," and that the decision is "an improvident and extravagant exercise of the power of judicial review."

Tragically, this alleged right to privacy expanded in Roe can only be exercised at the expense of the most fundamental of all rights, a right explicitly protected by the Constitution and the Declaration of Independence, and a right without which all other rights are rendered useless. That, of course, is the right to life.

Roe v. Wade and abortion advocates deny this essential right to unborn children, and with it the human dignity and protection they deserve. Without offering any definitive or convincing criteria of their own, they say the unborn child has not developed into an actual human life.

Yet the answer to this central question of when life begins is absolute and unequivocal. Life begins at conception. At this point, the new cell is a unique individual, complete with 46 chromosomes and everything it needs to thrive inside the mother's womb. If undisturbed, nature will take care of the rest.

Like the "separate but equal" doctrine of Plessy v. Ferguson and the Dred Scott decision that mandated the return of escaped slaves, Roe v. Wade denies to a disadvantaged group of people–unborn babies–the God-given and inalienable rights due to every human being. And, like these infamous cases, Roe will eventually be overturned. The Partial Birth Abortion Ban Act of 2003 is the first step down that righteous path.

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