

OPINION

THE BATTALION

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Ashcroft chooses life for FACE

Freedom of Access to Clinic Entrances Act protects rights of patients, doctors

Last month, Attorney General John Ashcroft pledged to defend a section of U.S. code which protects patients' right to abortion that U.S. District Judge Kenneth Hoyt declared unconstitutional in a misinformed ruling. Frank Lafayette Bird Jr. was set free by this decision after being arrested on charges of violating the Freedom of Access to Clinic Entrances Act of 1994. Bird crashed his van through the doors of an abortion clinic, according to The Houston Chronicle.



MATTHEW RIGNEY

Ashcroft should be applauded for vowing to defend the American people. Hoyt erroneously struck down the law using an argument that had already been proven antiquated at the time the bill was signed into law and an argument that violates the First Amendment rights of abortion clinic doctors and patients. The FACE act prohibits "by force ... or by physical obstruction" anyone to "intimidate or interfere with any person because that person is ... obtaining or providing reproductive health services." It does not advocate abortion but simply allows for the safety of those who work or make use of abortion clinics. Obviously, driving a van through the doors of an abortion clinic violates this act.

Hoyt declared this act unconstitutional on the basis that Congress had no right to make such a law. However, Congress, through what's commonly known as the commerce clause in the Constitution, can "regulate commerce with foreign nations, and among the several states, and with the Indian tribes." Modern interpretations of the commerce clause allow Congress to regulate, among other things, the commerce that has a significant importance to interstate commerce.

Perhaps, when declaring that Congress did not have the authority to sign the FACE act into law, Hoyt failed to review the financial report of

Planned Parenthood, one of the country's largest abortion providers in America. In the 2001-2002 financial report, Planned Parenthood reports an income of \$254.8 million from clinics alone. The total revenue for the company that fiscal year totaled \$692.5 million.

More than \$600 million surely has a substantial effect on the interstate commerce of the country, giving Congress the right to pass this law. Anyone, including Hoyt, can see the relevance of this money.

If abortion clinics and abortion protesters were confined to one state, state governments could clearly handle the regulation FACE covers. But just as Congress states in the findings published for the FACE act, "... abortion-related services have been targeted in recent years by an interstate campaign of violence and obstruction... (that) overwhelm(s) state and local law enforcement authorities and courts."

These findings, first pub-

lished in the early 1990s, identify and address the problem that abortion protesters have wreaked upon society. They have a nationally organized campaign meant to spread their ideals and organize protests and events, which today is even more decentralized because of the organization the Internet allows. It would be an insurmountable task for each state government to tackle this problem alone.

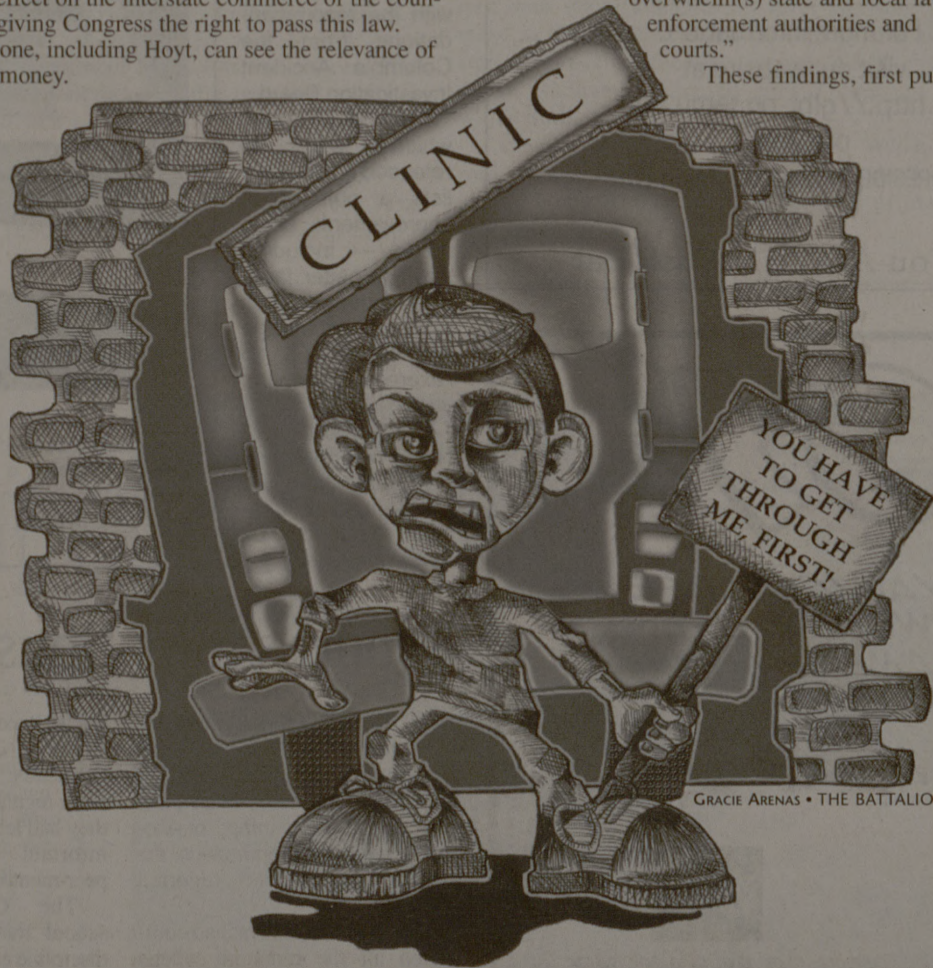
The intervention of the federal government was and still is a necessity.

Anti-abortion advocates recently told The New York Times that Hoyt's ruling reinforced the First Amendment rights of protesters. Although the FACE act limits the speech and assembly of these protesters, they are wrong in calling them First Amendment rights.

In the 1919 Supreme Court case *Schneck v. United States*, Justice Oliver Wendell Holmes outlined speech the First Amendment does not protect. Holmes asserts that words must be reviewed to see whether they "are of such a nature as to create a clear and present danger that they will bring substantive evils that Congress has the right to prevent." Holmes uses this to justify his famous finding that "the most stringent protection of free speech would not protect a man in falsely shouting 'fire' in a crowded theater and causing a panic."

Clearly, driving a van through the doors of an abortion clinic presents a danger to not only those who are in the clinic, but the driver of the van. The anti-abortion factions are attempting to use the First Amendment as a last-ditch attempt to justify their actions, but it holds no constitutional merit.

Hoyt obviously made the wrong decision last month, and any sensible American citizen should support Ashcroft in his defense of an act that Congress had the absolute right to sign into law.



GRACE ARENAS • THE BATTALION

Matt Rigney is a junior journalism major.

States must be able to pass Internet privacy laws

The Internet has brought about an information revolution that has made it possible to find nearly anything about anyone online, including one's personal information. No one is immune from this potential threat, as the Foundation for Taxpayer and Consumer Rights, a California-based consumer advocacy group, demonstrated. It recently purchased the social security numbers and home addresses of top politicians such as CIA Director George Tenet, Attorney General John Ashcroft and Bush's chief political adviser Karl Rove, online for a meager \$26 each, according to CNN.



LINDSYE FORSON

This high profile case of privacy invasion exemplifies the need for stricter credit reporting laws. These laws, however, should not be restricted to the federal sphere; a state must have the ability to create its own legislation in case the citizens from state to state differ.

Acknowledging that current credit reporting laws are flawed at least to some extent is probably the least controversial aspect of this issue. After all, when social security numbers are on sale for 26 bucks a pop, one cannot help but be concerned about consumer privacy issues, the worst being the looming possibility of identity theft.

Credit reports, by their very nature, are invasive. A credit report is essentially a rap sheet of a consumer's every financial gaffe, from paying a bill late to filing for bankruptcy. Some credit reports even include one's criminal record. When a consumer applies for a loan or even a job, corporations may choose

to order a credit report to make a more informed decision. However, sometimes corporations that compile credit reports sell this information to their affiliated companies and even those that aren't affiliated, allowing consumers' private information to be circulated widely and with little regulation, according to CNN.

Rep. Bachus, R-Alabama, and other House members have responded to this threat by sponsoring bill H.R. 2622, the Fair Credit and Accurate Credit Transactions Act of 2003. The act aims to "amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of and consumer access to credit information and for other purposes," according to the House of Representative's Committee on Financial Services Web site.

Some states have also begun to write consumer privacy and protection legislation. In what some have called a desperate last attempt to appeal to voters in California, Gov. Gray Davis recently signed into law a bill that will force institutions such as banks and insurance companies to obtain their customers' permission before sharing any account information with an unaffiliated company. It will also give consumers the option to share their information with affiliated businesses or to keep it private, according to CBSnews.com.

Unfortunately, the federal bill H.R. 2622 in its current form contains an addendum that would severely limit states' sovereignty to pass their own financial privacy legislation. According to CBSnews.com, the accurate reporting act would bar states from passing legislation that would prevent banks from sharing

consumer information with affiliated companies, the kind of legislation California just passed.

Proponents of the accurate reporting act cite logistical concerns as the primary reason why an overarching federal law would be more efficient than having many and varied state laws. They argue that different rules in different states could ultimately hurt consumers more than it would help them by increasing the cost of loans and the amount of paperwork, according to CBSnews.com.

That argument could be made about a lot of things, though. Sure, it would probably be simpler if drivers' licenses were federalized, but a logistical headache is not reason enough to deny states a right that should be theirs.

The accurate reporting act makes major strides in protecting consumers' financial privacy and even personal safety. Its proposed measures to thwart identity theft — which affects one out of eight Americans, according to CNN — and improve the accuracy of credit reports are badly needed, and this country will be the better for it if this bill is passed. However, the accurate reporting act should be amended either to give consumers the choice of who does and does not have access to their personal information or it should not pre-empt the states from granting their citizens this right.

Given the choice between filling out a few more papers and having their identity stolen, Americans would probably chose the paperwork any day.

Lindsay Forson is a senior journalism major.

MAIL CALL

Taxpayers should not foot bill for gay class

In response to Chris Lively's Sept. 3 column:

The purpose of a college education is just that: education. From super string theory to underwater basket weaving, every course is intended to provide its students with skills and knowledge that will aid them in the future. The University of Michigan's new course, however, has very little to do with helping students' careers. Granted, other cultural studies courses impart valuable knowledge to those willing to take them, but if the class truly were a "cultural study," then it would seem Professor Halperin is deliberately inviting criticism by naming the course "How to be Gay."

In his article, Chris calls for equal representation, and accuses opponents of the course of "trying to suppress a movement" and "taking away the choices of others." A public university, funded by our tax dollars, is simply not an appropriate place to provide

a class on "How to be Gay," no more than a "How to be Straight" class would. The acceptance of the homosexual community strives for is hindered by their choice to set themselves apart.

Jessica DeMaio
Class of 2005

Students should carry costs of education

In response to Jenelle Wilson's Sept. 5 column:

As budget cuts continue to affect the financial policy of the University, students should be more willing to bear the costs incurred for their education. Many people probably do not consider on a daily basis the degree to which the taxpaying citizens, through the state government, subsidize their education, but it is a reality that we are beholden to these taxpayers.

Unfortunately, with the economic downturn hitting not only the state of Texas but our nation as well, the tax revenues that once allowed state col-

leges to lavishly fund state programs must be used with more constraint. If that causes a university to naturally receive less funding, then so be it. But the University must fund itself and its programs somehow, and this leaves more opportunity for students to bear these costs.

Does anyone genuinely think that they are entitled to a top-quality university education? Perhaps we would all become better students, and better people, if we viewed education as something to be earned, that sometimes requires financial sacrifice, than something for which taxpayers should gladly and willingly foot the bill so that we will have the means to purchase Play Stations and beer.

Jonathan Shilling
Class of 2005

Tolerance necessary for diversity

In response to a Sept. 5 mail call:

With everything happening at Texas A&M concerning aims to increase tol-

erance and diversity, I found Lindsey Arms' letter very disturbing. In her letter she called homosexuality "perverse and disdainful." Who's right is it to determine what is right and wrong concerning how one chooses to live their life?

The case of what is right or wrong is not concrete, or we would have no need for the extensive court system

and loosely written Constitution in this wonderful place to live called America. We need to be tolerant of how people choose or are forced to live their lives, not shun it as being "vulgar" or "morally wrong."

Christopher Kowalski
Class of 2004

