

## Getting away with murder

Colombian president granting impunity to death squads who killed thousands

Earlier this month, Colombian President Alvaro Uribe announced plans to grant impunity to right-wing death squads and leftist guerrilla forces in an attempt to stop a conflict that has plagued the country for 39 years, according to The New York Times. This proposal, which is supported by the Bush administration, was formally presented to the Colombian congress on Sept. 21.

Uribe's proposal to free these groups from punishment has been rightly denounced by international organizations, such as the United Nations and Amnesty International, as a travesty. Instead of prosecuting the massacre of thousands of innocent civilians, Colombia is condoning the brutal tactics of paramilitary groups that have been labeled as terrorist organizations by the U.S. State Department.

If Colombia is serious about protecting human rights, the proposal must not be passed. The killers of thousands must not be allowed to go free by paying a meager fine. States have a responsibility to their citizens and to the world to prosecute such atrocious human rights violations such as those that have taken place in Colombia.

The United States must also rescind its support. The Bush administration's support for this proposal — when so much of its foreign policy is dedicated to eliminating terrorism — simply does not make sense. This bill is rewarding groups labeled by the United States as terrorist for their activities.

The administration's support is also in conflict with its dedication to the war on drugs. Last year, three leaders of the Self-Defense Forces, one of the right-wing death squads that will benefit from the bill, were indicted in a federal court in Washington for trafficking cocaine, according to The New York Times.

According to Human Rights Watch, the impunity bill allows Uribe to designate which paramilitaries qualify for a suspended sentence. The convicts will have some limitations placed on his personal liberty, such as not being able to leave Colombia, carry weapons or run for public office. Convicts may also pay a fine or transfer some assets to a government fund for victims to remain out of jail.

The bill fails to contain any provision allowing victims to challenge the president's decision on who should be granted

impunity. This lack of appeal only serves to victimize Colombian citizens for a second time. First their family members were raped, tortured, murdered or "disappeared." Now the Colombian government does not seem to care even to ensure they get justice.

According to Amnesty International's 2002 report on Colombia, 60,000 people have been killed since 1985. Eighty percent of them were civilians. Hundreds of thousands more have been displaced, tortured, kidnapped or disappeared.

And now, those responsible for this cycle of violence and death are being given a chance to walk away.

Carlos Castano, commander of the Self-Defense Forces, is likely to benefit from this plan. According to Human Rights Watch, Castano has been sentenced to multiple jail terms for his crimes: 22 years in 2001 for murdering a presidential candidate, 40 years in April 2003 for the massacre of 15 people and 40 years the next month for the killing of another 10 people.

Castano is also suspected of being involved in other massacres. In 2000, 300 armed men from Castano's groups tortured, garroted, stabbed, decapitated and shot residents of the village of El Salado, Bolivar. A 6-year-old girl was tied to a pole and suffocated with a plastic bag. Thirty-six people were confirmed dead, with another 30 missing from the village.

By handing some money over to the government, Castano will be able to ensure he never spends one day in jail, and the United States is supporting this.

The proposal may also prevent leaders such as Castano from having to face legal repercussions of using child combatants. More than 11,000 children are fighting in the Colombian conflict, in direct violation of the Geneva Conventions, which forbid soldiers under the age of 15.

According to Human Rights Watch, paramilitary and guerrilla leaders take advantage of poor children who are desperate for food or protection or are seeking to escape domestic violence. Some children are not given a choice — it's join or die.

Forcing children to kill in order to survive is exactly the kind of human rights violation that needs to be severely punished.

Allowing these death squads to go free is unacceptable, and the United States should not be party to this policy. Not punishing those responsible for the deaths of thousands is the same as condoning the behavior. Those involved in the violence have no motivation to stop if nothing happens as a result of their actions. The hope that this policy will bring peace to Colombia is only wishful thinking.



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SETH FREEMAN • THE BATTALION

Jenelle Wilson is a senior political science major.

## New policy will have dire results on U.S. court system

Considering recent developments in both state and national government, it seems that when the United States entered the 21st century, its courts suddenly lost all prior accountability. Juries are no longer capable of distinguishing a frivolous lawsuit from a genuine one, as the recent passage of Proposition 12 in Texas suggests. And now, according to Attorney General John Ashcroft, prosecutors can no longer be trusted to seek appropriate sentences for convicted criminals.

Ashcroft released a policy directive Monday stating that prosecutors must seek the most serious, readily provable offense in every case and not employ plea bargaining unless there are overriding circumstances, according to The New York Times. The intent of the directive, as stated by Justice Department spokesman Mark Corallo, is to "make sure that someone who is convicted of a crime in California is treated no differently than a person who is convicted of the same exact crime in Massachusetts."

Parity of sentences in similar crimes among the several states is to be desired. However, this directive requires parity of sentences without the court's consideration of the unique circum-



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stances each case brings. Traditionally, prosecutors have taken into account a criminal's persona, background and the intensity of the situation in which the crime was committed, as well as several other mitigating circumstances when seeking proper sentences.

The policy overlooks the effect a limitation on plea bargaining will have on the court system. Not only does plea bargaining allow prosecutors to obtain cooperation from defendants and make the trial process faster and more cost efficient, but significantly reducing plea bargains is impossible without "collapsing the entire court system," according to David Burnham, co-director of the Transactional Records Access Clearinghouse at Syracuse University.

The directive stipulates that if prosecutors become "particularly overburdened, the duration of trial would be exceptionally long, and proceeding to trial would significantly reduce the total number of cases disposed of the office," then they may negotiate pleas. Philip B. Heyman of Harvard University also foresees a "huge revolt" as a result the new directive, according to The New York Times.

These two consequences of the directive introduced further burden and hamper justice and fairness as known in today's courts. What the consequences mean is that one criminal who goes to trial when prosecutors are current-

ly overburdened does not receive the same trial process as those who are tried during relatively slow times. Furthermore, whether an accused criminal gets a lawyer who follows this directive influences the sentence he will receive.

If anything, this directive will cause disparity among sentences, instead of equality.

Another objective of this policy, according to Corallo, is to get an accurate reporting of how the sentencing guidelines are being applied. This policy goes beyond the gathering of information about the application of sentencing guidelines. It enforces sentencing guidelines among the courts, pushing them to be harsher and more extreme.

If the sole goal of Ashcroft's policy is to bring uniformity to sentencing, why must it be a uniformity of harshness? Perhaps it's because the true motive behind this directive, according to Gerald D. Lefcourt, former president of the National Association of Criminal Defense Lawyers, is a "tough-on-crime attorney general pandering to the public."

Providing security to the American people has been a popular excuse used by the Bush administration to pass controversial acts, such as Ashcroft's own Patriot Act, which restricted the civil liberties of many resident aliens suspected of terrorism. The same administration made duct tape essential to surviving terrorist

attacks and orange alerts common practice. Ashcroft is once again pouncing on the fear of the American people, this time the fear of criminals, in order to gain political ground through an initiative which deals out harsher criminal punishment.

Despite the political ground such an initiative might gain for Ashcroft, political gain is not worth losing good prosecutorial practice.

Considering Ashcroft's last three years as attorney general, this policy should not come as a great surprise. His distrust of the decisions made by prosecutors is best highlighted by the fact that he has already pushed for the death penalty in 28 cases when the prosecutors had already found this to be an unwarranted punishment, according to the St. Louis Post. However, the prosecutors should be trusted to seek fair sentences as the courts provide every person tried with the correct punishment for his particular crime. Justice might be blind to race, gender and creed of the accused, but not to the significant realities of each individual case.

John David Blakely is a sophomore political science major.

### MAIL CALL

#### Aggies dishonoring the code

In the early morning hours of Sept. 7, after the Texas A&M-Utah football game, some unknown Aggie came by my RV at Lot 100 in Reed Arena and stole two Aggie chairs from the four folding chairs I had left under the canopy when we went to sleep. The thief left a 5-by-7 note with the following message: "UTA SUXS, ATM RULES."

When I came to Texas A&M College in 1954, I learned a basic rule: Aggies do not lie, cheat or steal. If you had such a need for those chairs, you should have come to us and asked for them I would have probably given them to you.

On Sept. 27, we will again be at Lot 100 for the Pittsburgh game. I'll be parked close to Reed Arena to minimize the distance I must walk to

Kyle Field. You should have no problem recognizing me — I am the one with the grey hair, a cane and a pronounced limp.

I would appreciate if the two chairs you stole were returned, no questions asked.

Raúl G. Villaronga  
Class of 1959

#### Misinformed opinions on scientific theories

In response to a Sept. 24 mail call:

There is no scientific conspiracy or subservience to dogma concerning evolution. The prodigious volumes of molecular, anatomical, fossil and simulation data stifle any doubts of those willing to properly investigate them. Irreducible complexity is an artifact of a prejudiced,

uncreative mind. The day that vacuous nonsense like Intelligent Design is included in curricula is the day that the Stork Theory is taught as an alternative to biological reproduction. The consequences wrought on our nation's future students are grim, guaranteeing perpetual entertainment of their present, august echelon near the bottom of industrialized nations.

Neil Aschliman  
Class of 2005

#### Graduating early is beneficial to students

In response to Lindsay Orman's Sept. 24 column:

High school's main purpose is to prepare students for college, and if the students finish their prerequisites and display exceptional poten-

tial, they should have the option to matriculate early. I agree that fast-tracking is not for everyone but it should be an option for the most stellar of students.

Students who are scholastically-inclined tend to take larger course loads, compared to their peers, thus leaving them bored their senior year as only electives are left to be completed. I assume that you all finished high school, thus you and I know what electives are comprised of. Why have the student fill a seat in these overcrowded schools taking classes that he does not need when his mind can be better utilized elsewhere: college?

The fast-tracking option is helping to relieve the overcrowding issue and releasing exemplary minds into our society.

Brian Vu  
Class of 2004

#### Not all students attend college

Ms. Orman has forgotten a key ingredient to good reporting: looking at all sides of the story. Her focus on only those students bound for college has led her to ignoring the many students who never go to college. Contrary to popular opinion, not everyone has to go to college to meet their life goals.

Many students in the public education system are not college material and will be able to succeed without the "piece of paper."

I don't like the Florida fix, but make sure that all parties are represented when you focus on students in public education.

Kevin LaFollett  
Class of 1997