EDITORIAL

DORM SEARCH
Corps inspection intolerable

A professional agency not affiliated with Texas A&M used drug dogs to search two Corps of Cadets residence halls for contraband Sept 29. While this unexpected search seemed to violate the rights of the imposed students, it is not quite that simple.

Because the students searched are members of the Corps, this search was completely legal. By agreeing to be a member of the Corps, students agree to abide by the governing rules, called The Standard, said Maj. Joseph "Doc" Mills.

The Fourth Amendment states that every U.S. citizen is exempt from "unreasonable search and seizure," which keeps the police out of their houses unless they have a search warrant. By agreeing to The Standard, Corps members effectively sign away their rights.

According to The Standard, random searches may occur at any time "to check on the health, welfare, violations of directives and orderliness of dorms and dorm rooms."

The Standard allows each cadet's locked foot locker to be exempt from searches. However, when dogs are used, this personal space — and the Fourth Amendment — are thrown out the window.

Although nothing was found on Sept. 29, Assistant Commandant for Operations and Training Col. USAF (Ret.) Anthony Groves said if a drug dog was to signal that contraband was in a locker, it would establish probable cause for the opening of the locker. If the cadet did not open the locker, the searchers would call University Police.

This creates a double standard for the commandant to barge into the rooms of cadets under the false pretense of an inspection and search for contraband material that completely disregards the rights of students.

These kinds of searches would never be tolerated in normal residence halls and should not continue to be tolerated in the Corps.

MAIL CALL

Doing justice to a friend's memory

In response to an Oct 22 mail call:

First let me say that Levi never "humiliated" me in public. Levi taught me how to laugh at myself and to enjoy every moment of every day. Levi taught me that life is precious and that we should live every moment of it to the fullest. Only Levi could make me laugh when no one else could even get a smile out of me. Levi Garret Windle was an incredible person who blessed my life. It is the memories of him doing anything to make someone smile, working hard for the things he believed in and being a fantastic friend that his family and friends wrap ourselves in right now. Maybe the article was misleading to some, but for those of us who were close to him, we know how wonderful he was.

Only a person like Levi could pull together the group of people that has created The Levi Windle Fund. We will be at the Wellborn tunnel selling fajitas this weekend during the game. Please come by and meet some of the people who's lives Levi touched. Maybe then you can better understand how incredible Levi was, because no matter what I say, there are not words that can do his memory justice.

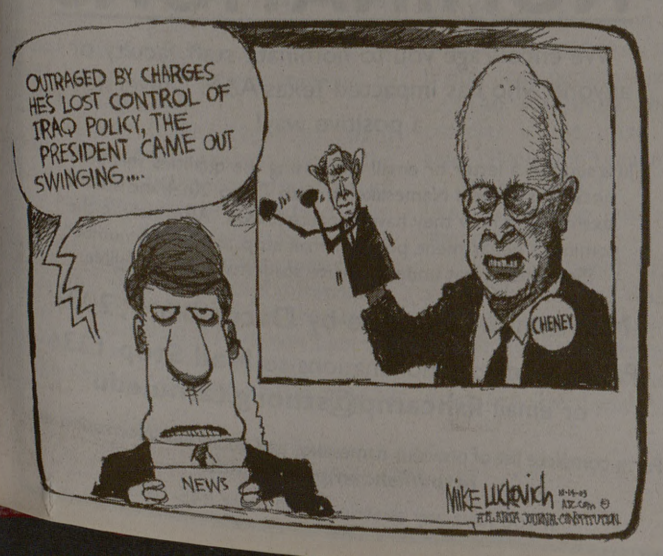
Sarah Denham
Class of 2004

Stories meant to honor friend

I am sorry that The Battalion's article on my friend, Levi Windle, offended you. I personally felt the article was well written and was an excellent reflection of the man I knew. When his friends get together and reminisce, those crazy stories of what you call humiliation, such as him standing on a table at a bar in his boxers, are what we tell and laugh about.

So you are correct, you didn't know Levi, but those of us who did will remember him for who he was and what he was. Levi Windle had a smile that will forever stay etched in the memories of his friends and loved ones, he was a man who loved everyone and judged none. We love you and miss you, but we find peace knowing that you are in a better place.

Shawn Pulkkinen
Class of 2003



Dress code debacle

Punishing girl for not removing scarf violated rights

SARA FOLEY

This month, 11-year-old Nashala Hearn was forced to make a decision between her God and her education when she was asked to leave school after refusing to remove her hijab, a religious scarf worn on the head by Muslim women. Although she is now back in classes and still wearing her scarf after an eight-day suspension, her actions have inflamed a debate over religious expression, dress code and censorship.

In a country founded upon religious freedom, the expression of any religion, regardless of whether it is the popular choice, should be protected at all costs. It would seem that America has matured past religious discrimination, at least at the policy level. Administrators at the school, the Ben Franklin Science Academy in Muskogee, Oklahoma, have made it apparent that this is not the case.

The real issue is not dress code, and to assume that it is merely an issue of a student wearing a hat, scarf or particular T-shirt is to ignore the implications that run much deeper. In the Islamic faith, women are expected to keep their coverings on at all times, and expecting a student to disregard his or her convictions for the sake of a school dress code belittles that student's faith.

School officials said the institution of the dress code was aimed at preventing gang-related apparel. Not only are they mistaken if they assume they can restrain gangs by prohibiting hats, but they egotistically ignore the personal implications the removal of her scarf has for Hearn and the significance attached to it. The hijab is not equivalent to a baseball cap and should not be treated as if she was wearing it for fashion purposes.

The free exercise of religion, a right guaranteed to all citizens, has clearly been infringed upon by the school officials. The Supreme Court doctrine for restricting free exercise mandates that any law restricting expression should be democratically decided upon. Although the mere existence of an avenue to instill restriction of expression seems unconstitutional in itself, the fact is the school did not use any sort of democratic process to decide to ban Hearn's scarf.

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If school policies were applied logically, only a policy that prohibited all religiously affiliated apparel from being worn could prevent Hearn from wearing her scarf. If Hearn's scarf was unfit for school grounds, than in the same respect any cross necklace or T-shirt with a Bible verse on it should be as well.

Luckily, Hearn stood up for her beliefs and did not surrender to administrator and societal pressure. Last year, 17-year-old Bretton Barber chose to wear his anti-war T-shirt and be sent home rather than remove the shirt. While Barber's case involved freedom of expression rather than free exercise of religion, both incidents illustrate youth fighting for their Constitutional rights. These incidents strengthened the students' convictions rather than weakening their morale.

However, there may be an immeasurable number of students at other schools around the country whose first attempts at expressing their beliefs and ideas were censored without making headlines.

Public schools cannot control every aspect of expression, religious or otherwise, during the school day. Discomfort, judgment and insults will come one way or another. If school personnel continue attempting to suppress the beliefs of youth, they will only produce a generation of crowd-pleasing, apathetic students with no real convictions.

Sara Foley is a junior journalism major.

Act to protect children goes too far

Internet law violates free speech rights of adults

JOHN DAVID BLAKLEY

Laws, no matter how benevolent their intent, must be made in pursuant to the Constitution. As recent polls indicate, obscenity on the Internet is a concern of more than 80 percent of Americans. Though regulation is a priority, it should not be permitted by the Supreme Court if needless restrictions on free expression are present. The Child Online Protection Act, which the court will rule on during its current term, fails to meet the standards set forth by the First Amendment.

When the Supreme Court deemed the Communications Decency Act unconstitutional during its 1997 term, Justice John Paul Stevens said the interest of Internet content regulation "does not justify an unnecessarily broad suppression of speech addressed to adults." COPA, an attempt by Congress to modify the CDA to meet court standards, produces chilling effects on the First Amendment not essential to the protection of children from obscene material on the Internet.

Persons who "knowingly and with knowledge of the character of the material, in interstate of foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors" may be convicted under COPA. Under the statute, material is considered obscene if the "average person applying community standards" finds it to be "designed to pander to the prurient interest."

Community standards cannot be applied to information circulated on the Internet, since the World Wide Web knows no geographical boundaries. As the 3rd U.S. Circuit Court of Appeals pointed out in its review of the case, community standards allow material only permissible in "the most puritanical communities," placing a burden on the First Amendment rights of adults and minors living in more tolerant areas.

In determining whether material can be displayed or published, no matter what the vehicle of expression, be it newspaper, television or the Internet, the standard for which expression is allowed cannot be limited to expression appropriate for minors. Such a standard applied to the Internet is analogous to a standard for film which, instead of rating films and sorting age restrictions for viewing permissibility, would throw out all films not suitable for persons under 17. Minors can be protected from obscene materials on the Internet without burdening material that is suitable for adults and within their First Amendment rights to view.

> *"Minors can be protected from obscene materials on the Internet without burdening material that is suitable for adults and within their First Amendment rights to view."*

In Miller v. California, the court set forth that the First Amendment requires the redeeming value of material be considered of any work as a whole. Although COPA does provide a stipulation which requires material to be taken as a whole when considering its value, it allows any individual "communication, picture, image, exhibit, etc." be deemed a whole by itself. Therefore, the context in which these individual forms of expression are found as Web sites are often comprised of several pictures, images and forms of expression, as well as separate Web pages linked together by hyperlinks.

Justice Stevens expressed certain fears in Reno v. ACLU that congressional attempts to regulate obscenity on the Internet would result in the restriction of individual communications which in context provide social value because viewed by themselves, they appear obscene. Two briefs presented to the U.S. 3rd Circuit Court bring reality to Stevens' fears. The Web site of the California Museum of Photography contains a page introducing each photographer with one of their photographs, serving as hyperlinks to his or her exhibit. The photograph used to introduce Lucien Clergue's artwork is of a naked woman whose breast is exposed. This is a violation of COPA, although Clergue's work is inarguably of artistic value. Similarly, the Web site of the Safer Sex Institute contains a page of graphic drawings explaining proper condom use. Despite the obvious social value to minors and adults on how to place a condom on the penis, COPA's prohibition against drawings which exhibit the genitals do not allow such instruction.

According to Justice Cardozo, "Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom." When Congress attempts to restrict speech, even for the protection of children, regulation must not engross speech which is of discernible social value.

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