

Opinion

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Editorials

Pledging Allegiance

The Pledge of Allegiance is not legally welcome in the classroom — and for good reason

What a shame. Did you know that the children of our Founding Fathers did not have to learn the Pledge of Allegiance in school?

Not because it was not yet mandated that they recite it but rather because it was not composed at their time.

When the 9th U.S. Circuit Court of Appeals ruled last week that reciting the Pledge of Allegiance in schools is an unconstitutional endorsement of religion, the outcry was loud, especially from Congress.

Sen. Kit Bond, R-Missouri, released this statement: "Our Founding Fathers must be spinning in their graves. This is the worst kind of political correctness run amok."

But what Bond is mistaken about is that our Founding Fathers had nothing to do with the pledge in the first place.

In 1892, Francis Bellamy, a Christian Socialist minister, wrote the pledge for a public school flag ceremony. Officially

accepted as the national pledge in 1942, it did not include the words "under God" until 1954 when Congress, concerned the pledge sounded too similar to "godless communist" pacts, added them to make it a religious prayer.

What significance did those two words carry that would force Michael Newdow to bring suit?

Our First Amendment guarantees that Congress shall make no law with respect to the worship of religion. Judge Alfred Goodwin was right to rule that a government law that endorsed a prayer in school was unconstitutional.

The problem was not that kids who did not believe in God were being forced to recite a prayer. The solution was not to allow them to not participate. The issue was that our government ordered that a prayer, in some respects dealing with religion, be recited in public school.

It is true that the majority of Americans believe in a deity of some sort. Some say therein lies the answer. Because a majority "believe" and because we are a democracy, then what is the issue with mixing religion and public space?

We are a country built upon ideals and cannot, therefore, fundamentally encroach upon another's beliefs. A society that lives at the cost of a minority's rights is morally weak.

Those who say the ruling threatens the fabric of our society are mistaken. If we are truly as weak as to need a pledge to remind us of who we are and where we've come from, then we need to rethink our country.

In 1892, the pledge was a good idea. Now, I still believe it has its place but only if it is constitutional. What is a pledge worth that lauds our country's strengths if it cannot stand up to our Constitution?

And no, George Washington is not rolling over in his grave because he never had to learn it either.

COLIN SUTKER
EDITORIAL NOTEBOOK

Cruel and Unusual

The U.S. Supreme Court's ruling against the death penalty for mentally retarded murderers raises questions

The U.S. Supreme Court finished its 2001 term last week, handing down a flurry of decisions at the last minute. Among the decisions were two, released within a period of four days, that seriously restrict the application of the death penalty and will finally allow the United States to start catching up to the rest of the world.

The first ruling prohibits the execution of mentally retarded murderers, a practice that was — until last week — still allowed in 20 of the 38 states in which capital punishment is permitted. The 6-3 decision, which correctly identifies the execution of inmates whose reasoning and judgment abilities are disabled as "cruel and unusual punishment," makes Japan and Kyrgyzstan the only two countries in which the brutal practice is allowed.

The second decision bans judges from applying the death penalty, allowing only juries to issue the sentence. The 7-2 vote

featured the surprising departure of justices Scalia and Thomas from their usually consistent conservative voting and could overturn the sentences of hundreds of death row inmates.

In both cases, the court made the right decision. In abolishing the execution of the mentally retarded, the majority opinion reversed a 1989 decision allowing the death sentence in such cases and cited a vast growth in public opposition to the practice.

Such opposition is deserved — as is the label of "cruel and unusual" for executing those who cannot clearly and rationally make decisions. With these rulings, the Supreme Court has taken major steps toward eliminating unfair application of the death penalty.

However, we still lag far behind. In the United States more criminals are executed than in almost any other nation. To put things in perspective, Iran, China and

Saudi Arabia are among our competitors.

The death penalty, shown by numerous studies to be unfairly applied to low-income inmates and blacks, no longer deserves a place in our society.

The United States should join the ranks of advanced industrialized nations that have banned the practice.

Thankfully, the state of North Carolina has been somewhat ahead of the curve recently when it comes to anti-death penalty legislation.

But the state should go above and beyond the recent rulings and declare a moratorium on capital punishment while its fairness and adequacy are further studied. Sen. Frank Ballance, D-Warren, proposed a moratorium last year, but it became stranded in senate committees.

The N.C. General Assembly should try again, and harder this time. The proposal should be revisited, the moratorium declared and the death penalty abandoned.

NATHAN DENNY
EDITORIAL NOTEBOOK

Patriot Act Questions Inalienable Rights

The Fourth of July is a festive holiday — replete with Uncle Sam parading down Main Streets nationwide, fireworks lighting up the night sky, wig-wearing actors portraying George Washington and the smell of hot dogs cooking on a grill.

It's a time to celebrate the origin of the United States of America and the people — soldiers, statesmen and everyday citizens — who sacrificed their lives and their fortunes.

But Independence Day also serves as a needed period of reflection.

It should be a time for all citizens to consider the meaning behind the lofty truths in the Declaration of Independence and the protections enshrined in the Bill of Rights.

As the United States prepares to celebrate its 226th birthday this Thursday, all Americans should pay closer attention to the guiding wisdom of the Founding Fathers, who sought to prevent a powerful government from infringing on the rights of individuals.

Several recent events involving the



LUCAS FENSKÉ
GUEST COLUMNIST

infringement of those same rights have left the Founding Fathers turning over in their graves.

Armed with a secret subpoena signed by an anonymous judge in a closed-door hearing, agents from the Federal Bureau of Investigation can force librarians to surrender reading lists of patrons.

The strong-arm tactics extend to imprisoning librarians who fail to comply and even those who discuss the materials searched by the FBI.

This amounts to nothing more than a sample of the FBI flexing its newly found muscles granted by the USA PATRIOT Act. The act, passed in the wave of shock and blind fear that paralyzed the United States after the Sept. 11 terrorist attacks, also allows federal agents to access private student information with little to no real reason.

The act weakens judges' powers to monitor wiretaps to ensure that they are justified while increasing the federal government's ability to conduct secret searches.

The same fear of terrorists has led to

secret trials and people imprisoned for months for reasons the authorities haven't bothered to disclose.

In the stampede for protection, America's leaders have lost sight of amendments in the Bill of Rights shielding free speech, ensuring a speedy and public trial and protecting against unreasonable searches and seizures.

By failing to provide those rights, America's leaders are shirking their responsibility to shield the ideals upon which the United States of America was founded and for which so many loyal citizens have fought and died trying to protect.

To get back on track, Congress must re-examine the USA PATRIOT Act while reflecting on the Founding Fathers' intentions.

Ignoring pesky protections might make the United States a safer place, but it's not worth sacrificing inalienable rights to life, liberty, and the pursuit of happiness.

Patrick Henry struck the proper chord when he said, "Give me liberty or give me death!"

Comments or questions can reach Lucas Fenske at fenske@email.unc.edu.

Talent High in NBA Draft But Lacks Maturity

With the 2002 NBA draft in the books, I've been pondering some important questions that arose from it. We are, after all, from Carolina, where basketball still reigns supreme despite any Matt Doherty jokes you might have heard.

The NBA draft might be the most exciting sporting event this time of year outside of the yearly Red Sox struggle to keep from collapsing like they have every year since 1918. However, I digress.

The draft combines some occasional intrigue while the regular NBA season ends the same as it does every year.

L.A. Lakers, BLAH!
For me the NBA draft raises the question of why there were dozens of names that I couldn't even pronounce.



MICHAEL TOMPKINS
THIS SIDE OF PARADISE

One of the analysts for TNT made a comment about the state of American basketball to the effect that the sport is changing. More profoundly, he looked into the influx of Europeans and high schoolers.

Last year's draft involved the phrase "ton of potential" a few million times as high schoolers with no experience on any comparable level were picked.

As far as basketball landscape goes, Carolina has always been in the mainstream of developing basketball players and providing them with not only an education but also the coaching to allow them to develop their games.

The NBA has always looked to places like the University of North Carolina for players who can be super-stars, significant contributors, role players and even a few practice personnel.

The departure of top players from the college ranks has depleted a lot of talent, yet the college game still produces one of the best products that sports can offer.

I wondered whether the game of basketball has changed so that European talent is more developed than anything colleges and (now) high schools can produce? On average the statement is being made that America wastes talent on fancy dribbles while Europe seems to be optimizing.

European basketball is getting a whole lot better, but should it rank as high against the nation that invented the sport?

Why don't four-year starters at one of the top storied basketball programs get drafted?

"Four years" is a stigma.
Why does a proven kid who has developed his game over a four-year period not get a glimpse from NBA scouts?

Luke Recker and Udonis Haslem didn't even get picked. Lonny Baxter, with a stat line during his senior year of 15 points, eight rebounds and two blocks per game, dropped to No. 44. There has to be something there.

The comment was made in the same telecast that colleges don't develop players any more. There are a few exceptions, but it seems like the winningest programs are more of a revolving door than a four-year development plan.

The stigma rides with a kid if sticks around. "He's not good enough if he doesn't go." Coaches want wins more than they want to develop individuals. Dean did it the right way. Why don't more follow suit?

Let the pool of underdeveloped talent in the NBA get a little bit bigger with every Lenny Cooke and DeAngelo Collins who declares. "Oops," David Stern says. "Don't need any more of them! Go directly to NBDL."

This year the NBA said no to a top-three high school senior ranked small forward, and maybe it was making a bigger statement that teams don't want projects.

Who wants to spend three years to develop an 18-year-old when a veteran European player four years older could be valuable for 2 1/2 years of his rookie contract?

Jermaine O'Neal or Kevin Garnett might be the most talented, but I would rather have Dirk Nowitzki taking the shot at the end of a game.

What really got me thinking was the arrival of the "Super Six" on campus. My challenge to them is that if this University's basketball program still stands for what it has in the past, they should really develop themselves here. Ignore the friends, groupies and family members who say go for the big money after one or two years. The test for Matt Doherty and his staff is to develop raw talent and not just pass it off for wins.

Winning will follow accordingly.

If you agree that Carolina is still Carolina, e-mail me at tompkins@email.unc.edu.

The Daily Tar Heel

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