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## Government locks out constituents

Student Senate broke the law at its Wednesday meeting. The Senate went into executive session to discuss the confirmation of Kristofer Wustrow as a Humanities senator. The executive session, however, was not called legally under the guidelines of the South Carolina Freedom of Information Act.

There are specific exceptions to the FOIA; the Senate claimed an exemption that allows private discussion of personnel matters. There is, according to the law, no broad "personnel matters" exemption from the FOIA. A specific reason must be stated — for instance, "We have voted to go into executive session to discuss firing our city's manager." The Senate failed to state a specific reason for the session.

Furthermore, Wustrow was being neither hired or fired. He was being scrutinized for fitness to serve as a student senator, a representative of the student body and a custodian of South Carolina taxpayers' money and students' tuition.

The FOIA also forbids a vote in executive session. All votes must be made public. This stipulation of the law does not imply that all debate can take place in executive session with the actual vote resting as the sole public action of the body. This part of the Act was written, in part, to prevent bodies from making all of their decisions in private discussions.

The Student Senate, however, undertook the entire discussion of Wustrow's appointment in closed session, made up its collective mind and voted without the public present. The people who were kicked out of the meeting were then invited back in to see a symbolic vote — everything had been decided behind closed doors.

Anyone seeking a seat on the Student Senate at USC should be prepared for public debate of his or her qualifications for office, and the Senate should be prepared to undertake that debate with fervor, not shy away from it or use ignorance of the law to shield itself from public ears. If it does, the body is doing itself and the students a great disservice.

## Men and women see age issue differently

Women, womyn, wimyn. We men can't live with them and wouldn't have any fun id we did.

I like women. They're fun to hang around. There are lots of things I like to do with women that you just can't do with a man.

For instance, you can't go see a movie other than something like Bloodsport or The Jerky Boys without a woman. People look at you funny if you don't.

Can you imagine, "Well, Percy, didn't that ending scene where Forrest cried at Jenny's grave cut the tear faucet?"

"Why, yes, Samuel, I think it did." But, at the same time, there are many things you have to do with another man.

If you want to have your lady friend upset at you, try taking her to a sporting goods store. The more time you spend looking at the new rifles means the more Saturday nights you get to watch old reruns of "Matlock" with only your cat and roaches to keep you company.

I've dated lots of women. I've dated them in all sizes and shapes, all ranges of intelligence and depths of womanhood.

But nothin makes so much difference in a relationship as the age difference. Each gender sees it in a different way.

For the man who dates an older woman, the age difference is like killing a ten point buck. He automatically becomes the envy of all of his friends and hunting club members.

Even if the difference is only by a few weeks, the man thinks it to be one of his most crowning achievements.

His buddies all gather and say, "Man, I hear you're dating an older woman. I bet she done made a man out of you, boy."

However, for the woman involved, the age difference is seen like your cousin who got locked up in the state pen. They want the fact to stay hidden like a six pack in a freshman's room. In fact, they would rather their friends find out their beau was bit-

**DREW STEWART**  
Columnist

ing the heads off of live kittens than have them find out he's only two weeks younger than she is.

I've only dated one older woman in my lifetime (age difference: 7 months). But to her, it was like 7 years. To me, I didn't give a darn.

Soon after I got through dating her, I dated a girl who was 2 and a half years younger than me. Now this is when the tides turn.

Most men try to hide the fact they date younger women. It is a stigma that will stay with them throughout the duration of the relationship.

Whenever I dated a younger woman, I always made a habit of telling my friends she was a much more mature lady than her age. It made me feel better anyway.

However, women think it is the world's best thing next to no-run panty hose and "Another World."

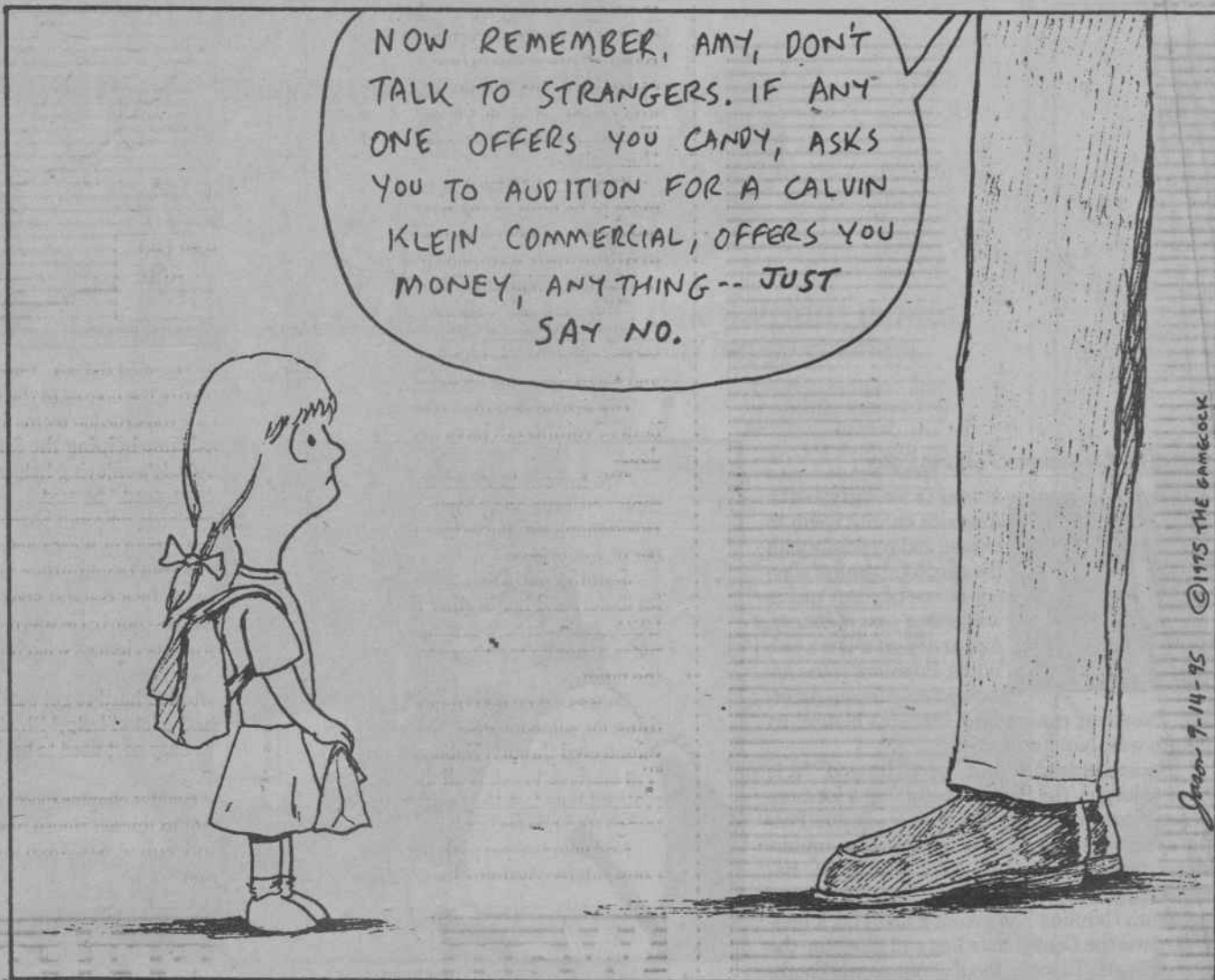
They make it a point to tell all of their girlfriends, "He's cute, sexy, considerate and he's also six weeks older." "Oh, Karen, your so lucky to have someone so old."

Heck, even if the guy is uglier than Jack Palance women still think the fact he's older is wonderful.

However, men don't see it that way. Every guy's dream is to be seen with a woman with the face of Courtney Cox, the body of Kathy Ireland and the cute appeal of Chrissy on "Three's Company."

Don't believe me? How about Jacqueline Kennedy and Aristotle Onassis? Or what about Nancy and Strom Thurmond? Certainly, no good watcher of Inside Edition can forget the courtship and marriage of Anna Nicole Smith and the rich old man from Texas. His children were old enough to be her folks.

At the writing of this column, I'm currently not seeing anyone. I probably won't be either after this thing is published. But, at least I'll have something to talk about at the next dove shoot.



**QUOTE, UNQUOTE**

"I'm still in shock. I'm speechless. I knew I would have a house one day, I just thought it would be a while. But her it is."  
1991 Carolina graduate Decole West, on her new Habitat for Humanity home

## Affirmative action a far cry from original intent

In America today we are engaged in a great debate over our national racial policies. The central aspect of that debate is Affirmative Action.

Liberals are fighting to preserve it in the belief that it is the only means to equality for traditionally disadvantaged groups in an inherently racist society. Conservatives believe it is morally wrong, contributes to racism and polarization, and simply doesn't work. President Clinton has joined the debate by proposing the engaging, if ambiguous, couplet "Mend it, but don't end it."

After some early fits and starts the Civil Rights Movement came of age in the early 1960's. At the beginning the goal was simply to bring about a society where race didn't matter, in essence a color-blind society.

The best expression of this noble ideal came from one of the greatest civil rights leaders and orators in our history, Reverend Martin Luther King, Jr., as he spoke before nearly a quarter of a million people peacefully demonstrating for civil rights in 1963. Dr. King's words are a simple, elegant recitation of the heartfelt wish of a father wanting a better world for his children: "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

His dream became the moral inspiration for the Civil Rights Act of 1964; legislation which ushered in the most momentous change our social landscape has seen since reconstruction. The Civil Rights Act brought government deeply into private decisions — such as college admissions, employment, contracting and real estate sales — in an effort to end racial discrimination. Significantly, the Civil Rights Act did not include quotas, preferences or set-asides. As the bill's major sponsor, Senator Hubert H. Humphrey, described it, if one could find "any language which provides that an employer will have to hire on the basis of percentage or quota related to color, race, religion, or national origin, I will start eating the pages one after another, because it is not in there."

The Civil Rights Act created the Equal Employment Commission (EEOC). The EEOC was designed to ensure that discrimination by employers would be punished and the victims compensated. A basic requirement was that the individual had to have been discriminated against personally.

**STEPHEN SAMUELS**  
Columnist

The first compliance chief of the EEOC, former Rutgers law professor Alfred W. Blumrosen, sought from the beginning to give the Act a liberal (meaning broad) construction. He wrote that "if discrimination is broadly defined, as, for example, by including all conduct which adversely affects minority group employment opportunities . . . then the prospects for rapid improvement in minority employment opportunities are greatly increased." Blumrosen's first step, as a prelude to enforcement, was to require employers to submit reports showing the racial breakdown of their labor forces. This would give the EEOC a statistical base and, not coincidentally, highlight potentially discriminatory employers.

If Blumrosen was the father of affirmative action, its patron saint was Lyndon Johnson. At a commencement speech at Howard University in 1965 Johnson said: "We seek . . . not just equality as a right and a theory but equality as a fact and equality as a result." Thus "equality of result" rather than mere equal opportunity was born. The government was now committed philosophically to quotas since, to the bureaucratic mind, "result" means actual measurable statistics showing a given percentage of minorities in a given job (As EEOC chairman Clifford Alexander put in 1968: "At the EEOC we believe in numbers.")

However LBJ did not have the political clout to turn his speech into reality. That would depend on two other key players: Richard Nixon and the Supreme Court.

Nixon, having been on the losing side of the Civil Rights Act as a Republican, wanted to show minori-

ties "that we do care." He backed a quota system for federal contracts called the Philadelphia Plan. Although the Congressional Quarterly called it a "non-negotiable quota system", it was argued that "visible measurable goals" in the Plan were not. The Plan was upheld by the U.S. Court of Appeals for the Third Circuit and quotas gained legal legitimacy. Before long the Nixon administration went beyond the workplace and extended the system to faculty hiring and student admissions.

The Supreme Court weighed in on the issue in Griggs v. Duke Power. The Court essentially upheld Blumrosen's interpretation of the Civil Rights Act declaring that "practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to freeze the status quo of prior discriminatory practices." The other piece of the puzzle had dropped into place. Not only were quotas legal, but now there was no longer any real requirement of actual discrimination. Merely showing a statistical "disparate impact" was enough.

Numerous other court decisions too numerous to mention upheld various aspects of affirmative action. The high water mark for affirmative action was reached with the signing by George Bush of The Civil Rights Act of 1991. The 1991 Act legalized racial preferences as the core of civil rights law, added punitive damages, and made it much tougher for victims of reverse discrimination to gain standing to sue.

Regardless of legislative contraction, affirmative action is enshrined in American business and academia — witness "diversity goals" — and only the most blatant aspects of it are in any real danger.

One-hundred years ago in his famous dissent in Plessy v. Ferguson (the Supreme Court decision that created the "separate but equal" doctrine that permitted racial segregation), Justice John Marshall Harlan wrote that the Constitution "is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful." Would that we were so wise today.

## Trauma talk: Lacking in sexual education

How can we assist adolescents as they struggle to make sense of their sexuality and the development of relationships? How much should they know about sex? How do they find out? And what do they do with such information? There is a wide range of views about the quantity of sexual information that should be available and the methods of distribution.

According to Fernand Dutile, the market of ideas approach "assumes that the best learning occurs when teachers are free to expose students to a great variety of concepts, approaches, and values. Students grow not by routine learning of a traditional body of doctrine, but by wrestling with diverse ideas, choosing some, rejecting others and realizing that most important issues are complex, not given to reflex answers."

As to Edward Bolmeier, the controversy is centered on a few main issues: does sex education increase or decrease the problems associated with adolescent sexual activity? Is it the responsibility of parents of schools? At what age should children receive it? And, should it be confined to biology or should it include moral guidance too?

Critics of sex education declare that teaching students about sex leads experimentation and increased rates of promiscuity. Supporters argue that information is necessary for fighting unwanted teenage pregnancy and sexually transmitted disease. The U.S. Department of Health and Human Services states, "Even if it were possible to pinpoint changes in teenage sexual activity, it would be difficult to know what extent sex education might be responsible."

Here, I would agree that "knowledge doesn't always correlate with behavior," but that with proper advisement and guiding, knowledge can help a child make rational decisions. Furthermore, the failure to

**KEN TRAUM**  
Columnist

take precautions against pregnancy seems to deal more with adolescent attitude and anxieties about sexual relationships, rather than with sheer lack of knowledge about contraception; as an educator it is more difficult to change students' attitudes about sex, than it is to supply them with physiological facts.

If sex education is said to increase sexual activity, does that mean that it presents sex so tantalizingly that it makes young people want to try it? Or perhaps that young people can become dangerously addicted, much like tobacco use? Against most traditional religions, I think not.

Defining sex education seems simplistic at first, but becomes more difficult with further research. Since the Federal Constitution does not authorize Congress to provide for education, the legal control of public education resides with the state. Thus, sex education curricula are no different from curricula in history, math, and English. Also, the teaching of a subject such as sex ed. must be consistent with all other curricula taught within a given school. In that sense, education of sex is comparable with that of English. To support my point, are people getting pregnant or dying from the lack of teaching math and English, as they are with the lack of teaching sex and A.I.D.S. education.

Therefore, sex education is taught only by school districts which are allowed by the state to teach the program and must follow that state's specific guidelines. Since local school boards have only the powers

provided by the state, it is a misconception that local school boards control education within this nation.

The primary method for changing the current environment is through education. Although we have seen an increase in sex education in recent years, the quality of this education is lacking in teaching technique and relevant substance. We must develop better program, and better trained teachers, so that we can feel confident about the programs administered. Improved parent to child communication about human sexuality would be most beneficial. Many studies indicate "that parents feel that they should be the primary sexuality educators of their children and many [children] favor parental responsibility for sexuality education" (U.S. Department of Health and Human Services).

The idealistic program would emphasize school based and parent education. Students should be involved in a cooperative learning environment, one involving both sexes simultaneously. This gives students the opportunity to experience in a learning situation the same social dynamics they will later experience in a sexual encounter.

Anatomy can no longer be the singular focus of sex education in public schools. The substance should be based on social and psychological rather than physiological elements. Also, pressure from one of the participants not to incorporate safe sex methods, the unavailability of such methods, or the use of alcohol and other drugs all can add significant stress to the notion of communicative sex among adolescents and even some adults.

If I knew it would make student think, twice, I would, inside a classroom, volunteer for putting on a condom.

The problem is not how to tell children about sex,



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