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to occur this year on campus.

In early September, a swastika was found on third Belk, leading some students to question whether the KKK graffiti came from a student, rather than someone outside the College community.

Many students, including members of the Black Student Coalition (BSC), are calling for an investigation and hope the incident will not be "swept under the carpet" as Mbye Njie '04 said happened in the past.

Njie called for people to live up to the standards of the Honor Code: "I would like to see the principles of the Honor Code come into play here so that we can find a culprit and that culprit can be brought to justice."

Along with finding those responsible, President Vagt hopes for a campus-wide response to the incident. "The fact of the matter is that no single group should have the responsibility," said Vagt. "The BSC by virtue of its

membership may find this more despicable. But it's all of our responsibilities to respond."

Vincent Benjamin '04, president of the BSC, noted that this incident affects everyone on campus and hopes that members of all ethnic groups and backgrounds will speak out. "It would really be a shame if the BSC is the only group on campus that speaks out about this," said Benjamin.

Five juniors, Mary Square, Crystal Austin, Phia Salter, Felicia Browne and David Phillips, expressed their outrage by sponsoring an anti-racism banner, which was signed by hundreds of students on Monday in the lobby of Chambers. The banner reads "We Will Not Tolerate Racism" and will most likely be posted in the Union sometime this week.

Chuck Connor '05 expresses the feeling of many students on campus regarding these recent acts of ignorance: "It's not about the banner; it's not about the KKK sign; it's about what's going on in people's minds."



Vandals spray-painted the brick sidewalk in front of the laundry.

Honor Council struggles with position on file sharing

By RACHEL EGAN
Staff Writer

Although the Honor Code is one of the leading influences on Davidson's campus, very few students actually know what goes on behind the scenes of the Honor Council.

Jamie McNabb '04, Honor Council chair, is anxious for this to change. His primary focus this year is to ensure that the Honor Council's hearings go well. "I want students to recognize that it is a process that's well-run, and run just for them," he said.

McNabb also hopes to increase campus awareness about the Council's positions and activities, and is doing away with the educational mock trial, which normally takes place at the beginning of the school year, in favor of distributing literature straight to dorm rooms about once every semester.

On average, the Council has about six hearings per year, mostly around final exam periods although that number varies greatly with the individual classes. The Executive Committee hears cases the first time they are presented, and is composed of around thirty elected officials, including a Chair and a Vice Chair.

The Review Board handles all appeals filed against the Council, and serves a more important function than most students think it does, said McNabb. The Board basically gives the convicted student one last chance to clear their name. Solicitors present the case against the student, while the Defense acts as the advocate of the accused. McNabb hopes "good people will run for those elected positions," since the Board is such an important part of the Honor Council's check-and-balance system.

As always, academic internet plagiarism is still a distinct problem on campus. The Council will maintain its strict position of no tolerance.

The problem that is becoming increasingly common to Davidson is specifically cases involving the illegal sharing of music files. This is a national concern as well; an article in the *New York Times* on Sept. 9 stated that an estimated 60 million Americans download music off the

internet. (See related story at right)

The Honor Council is struggling to find a position on this complicated issue. One idea McNabb had is to hold panels this year to promote discussion with the student body. Visiting ethicists would be invited to the panels, resulting in an informed public, which he feels is essential before making any distinct decisions on the Council's view.

Also, on Oct. 19, the Council members are going on a retreat specifically to discuss the file-sharing issue and establish guidelines for prosecution. McNabb said that as of this moment, there is no real policy for downloading a small amount of music files. He expects that the student community has some sort of perspective as to what is clearly immoral or unacceptable.

Giving an example, he said, "I would hope that students think that downloading *Lord of the Rings* two days before it comes out in theaters is wrong. Some things are clearly wrong."

McNabb says Davidson students can expect to see more of the Honor Council's presence on campus this year, not at the cost of privacy and confidentiality, but instead through increased student discussion and contribution. He hopes that students will want to become involved in the Board and the Council and will run in the spring elections.

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File sharing, from page 1

"We have not been targeted," Casey assures, but "in higher education, the subpoenas have not been resisted." He explains that while a few schools have objected purely on procedural grounds, such as improper jurisdiction of subpoenas, the RIAA has quickly addressed the objections and moved forward.

He explains that although "a number of ISPs... are claiming constitutional and legal protections for their customers," colleges aren't in the same position. It isn't about "colleges and universities having pockets deep enough to take on the RIAA," Casey says, it's whether they want to be "spending resources on something that isn't in line with their core mission."

Casey hopes that a fledgling movement to resist RIAA subpoenas on procedural or privacy protection grounds won't give students "a false sense of security." When asked whether the recent invocation of privacy rights to avoid lawsuits will be effective, he says, "It's nebulous."

That nebulousness extends to the "wrongness" of the activity. Both Casey and philosophy professor Lance Stell object to file sharing on moral grounds.

"The 'hard to get caught' part isn't what makes it right or wrong," says Stell, who publishes in ethics, medical ethics and ethics of the law. "When your interests are in play, it's hard to be objective. When we are strongly motivated—I want the damn recording and it's easy to take—we're more attracted to arguments that seem to cover that."

One such argument is that independent bands tend to encourage file sharing whereas more established, financially secure acts denounce the practice.

To that point, Stell says, "The question is whether the greed ingredient is significant or a distraction. It's true that one of the ways that you can draw more attention from the public is to give it away. [But] to defend your rights you don't have to defend your motive."

Recording industry executives and musicians "have a right to pursue their interests," says Stell. "Is it right to pursue them this way? Not necessarily. Is it prudent? Probably not. Clamping down can be counterproductive, because people are going to think the only thing wrong is if they get caught."

David Shelburne '04 exemplifies this result. "I have slowed down my downloading habits with the recent surge of RIAA lawsuits. It hasn't changed my attitude about what I'm doing. I just don't want to get sued."

Shelburne acknowledges the legal storm around file sharing but tries not to let it bother him. "Do I think it's stealing?" he asks. "I guess. I don't feel guilty about doing it. It's not like I'm screwing over the little guy. Mp3 downloads screw over the big boys, and personally, that's fine by me."

Shelburne has over 25 GB of downloaded music, "which is about 5,500 songs and over 300 full CDs," he explains.

After Napster closed, Shelburne says, he switched to BearShare, then LimeWire, then KaZaA. He now uses KaZaA Lite "and occasionally WinMx."

This adaptability of users and program writers is one of many obstacles facing anti-piracy efforts.

According to Casey, RIAA efforts have "pushed sharing underground."

"The practical issue of the property right is enforcement," says Stell. "Enforcement is very, very difficult."

For campus enforcement, though, things are a little easier.

ITS is not worrying about the morality of the issue. "We really kind of police around the very edges, we're looking to only monitor student behavior in extreme cases where there is risk to the student or risk to the institution," says Casey.

For example, he explains, the school is taking "measures to make sure this really expensive resource we share isn't taken over by any single activity. We limit the percentage of bandwidth for known downloading. We identify people who are using more than their fair share and notify them. If they fix it, all is forgiven."

"[There is a] presumption of personal responsibility. The Honor Code is not about college policing, it's about the people needing to think about and take responsibility."

The Honor Council is, however, looking at how file sharing will be interpreted under Honor Code standards. As the Davidsonian reports this week, the Council plans to educate the community on the issues surrounding file sharing.

But there won't be any students brought before the Honor Council on charges of stealing music just yet.

"Until there are some very specific, tried and tested court cases, it's not going to be clear what constitutes a violation [of the Honor Code]," says President Bobby Vagt. "This is an evolving law, [and] the Honor Council is only engaged if it's determined to be stealing."

Of course, Vagt says, "The more we learn about it, the better off we're going to be. Until about two months ago, some students thought it was a joke, or at least something that could be avoided."

That ambivalent attitude is exactly what Casey hopes to discourage, but he understands the many sides of the debate.

"Where are we going?" he says. "I don't know. There's clearly a big disconnect in our society, somewhat along the lines of age. The younger generation has the disposable income, and they were already alienated by the price of CDs."

RIAA tactics of "fear, uncertainty and doubt" will likely, according to Casey increase that alienation.

"[Recording industry executives] may feel they don't have a choice or they may just not get it," he says.

"But you can't put the genie back in the bottle."

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