

HEALTH: Access to care is poor

CONTINUED FROM PAGE B8 employers. Only 20 percent of the uninsured can afford health insurance; if you add up food, rent and transportation, there's not a lot left. You may think for those who cannot afford health insurance, there surely is Medicaid. Well, if you are a parent of a child and make more than \$4,600 per year, you are not eligible for Medicaid; if you have no children, you are not eligible for Medicaid at all unless you are blind, disabled or have kidney disease.

What does this have to do with the U.S.? As the presidential contenders have to defend their records, Gov. Rick Perry and former Gov. Mitt Romney sit as bookends — Texas with the highest uninsured rate and Massachusetts with the lowest. If Perry's fix is giving the states a block grant for Medicaid, he will need to show how that will reduce the percent of uninsured four years later and what it would cost — around the time he would be coming up for re-election. The RAND Corp. has estimated that under the Affordable Care Act, 5 million more Texans would have health insurance coverage (2.7 million on Medicaid) at a cost to the state of \$2.5 billion per year, which is about \$500 per life. That's a pretty good deal.

But the answer to whether uninsured Texans get all the care they need in the emergency room is: False.



PAUL LACHINE

Garson, the former chief of pediatric cardiology at Texas Children's Hospital and senior vice president and dean of academic operations at Baylor College of Medicine, is the director of the Center for Health Policy, a university professor and professor of public health sciences at the University of Virginia. Engelhard, a graduate of the University of St. Thomas, is an assistant professor and director of the Health Policy Program, Department of Public Health Sciences, University of Virginia. Garson and Engelhard are co-authors of "Health Care Half Truths: Too Many Myths, Not Enough Reality."

The dropout paradox

Universities provide more to community than just degrees

By SHABAB SIDDIQUI

EARLIER this month, the world mourned the loss of Steve Jobs to pancreatic cancer. Unlike many other well-known figures, Jobs' direct and indirect contributions to society are every bit tangible. He's the reason the song *You've Got a Friend in Me* gets stuck in our heads and, consequently, the reason we can pull out a 32-gigabyte testament to human ingenuity to listen to it over and over again. Jobs was an innovator, a visionary and, of course, a college dropout.

That didn't stop Reed College, the destination of Jobs' semester-long post-secondary sojourn, from honoring one of its "most visionary former students" on its website.

This kind of phenomenon takes place at other universities as well, including The University of Texas. Last year, the Texas Exes — who, for that matter, do not limit membership to alumni or even former UT attendees — revealed a list of Extraordinary Exes in celebration of 125 years of existence. Longhorn legends such as Dell founder Michael Dell, broadcaster Walter Cronkite, businessman Red McCombs, NBA star Kevin Durant, Olympic gold medalist Mary Lou Retton, *Charlie's Angels* icon Farrah Fawcett, former Texas Lt. Gov. Ben Barnes and former U.S. Speaker of the House Sam Rayburn all fall short of being traditional alumni.

And this illustrates higher education's dropout paradox: that a university's poster children of success may be the same poster children that critics point to when those individuals are reduced to a number or a percentage of the "did not graduate" persuasion. While their achievements may be boundless, they stand equally degree-less.

Some may point to the paradox as a way to illustrate the insignificance of a university education. After all, it seems as though college was simply a roadblock on their paths to greatness. Yet this assumption misses the well-documented influence universities had on many of the aforementioned dropouts' successes.

Jobs, in his famous commencement speech at Stanford in 2005, talked about auditing a calligraphy class he attended after dropping out of Reed as the reason for the Macintosh's revolutionizing "multiple typefaces and proportionally spaced fonts."

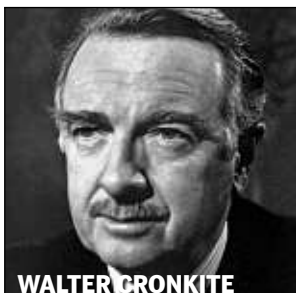
Dell launched his industry-transforming company from his campus dorm rooms. According to his biography, *A Reporter's Life*, Cronkite wrote for The Daily Texan and said his first time in front of a microphone was reciting sports scores for UT's radio station at the time, KTUT. Before becoming private investiga-



STEVE JOBS



MICHAEL DELL



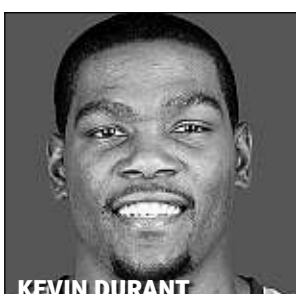
WALTER CRONKITE



MARY LOU RETTON



FARRAH FAWCETT



KEVIN DURANT

tor Jill Munroe for millions of ABC viewers in the late 1970s, Fawcett modeled for students and faculty at UT's art department, which got her noticed by several publications.

Though seemingly non-traditional, these situations simply illustrate what universities have always done best, which is to serve as resource centers for society. Universities serve as points of collaboration, boasting pockets of world-class expertise and resources in very specific areas.

However, what Texas' recent higher education controversy has shown is the inherent difficulty in translating the intangible benefits of being a resource center into tangible, measurable outcomes. Having a premier conglomeration of top experts in the history of American foreign policy or housing the archives of David Foster Wallace are difficult to measure in dollars, cents and productivity hours.

This is at the root of the push to increase graduation rates. Institutions have significant administrative discretion to create policies that push students to graduate on time. Pledging to increase four- and six-year graduation rates is essentially an agreement between the university and the state that says, "We'll promise to take care of this as long as you promise to leave us alone."

The university's real focus should be on finding avenues for students and the community to tap into and contribute to the institution's rich resource centers. UT's Intellectual Entrepreneurship Consortium is a leader in experimenting with creative programs to connect students to those resources, but it would require greater support for it to flourish. The Texas Center for Education Policy works to bridge the gap between community and academia but is more of an exception than the norm. Engagement initiatives like these would enhance and broaden the student experience at the university and better equip it on its mission to work for the betterment of society.

Jobs and his dropout colleagues listed above happened to tap into the university resources that changed their lives — as well as all of ours. Jobs finished his Stanford commencement speech by quoting the last words published in the *Whole Earth Catalog*: "stay hungry, stay foolish." Students come into the university with both hunger and foolishness. Let's not let that go to waste.

Siddiqui, a journalism student at the University of Texas, wrote this on behalf of The Daily Texan Editorial Board.

JUSTICE: Science can clear the innocent

CONTINUED FROM PAGE B8 card and a check were later used by someone other than Michael. Instead, prosecutors misled the jury, arguing that since nothing was stolen there was no evidence to support Michael's claim of a burglar. The prosecutors also withheld this evidence from Michael's lawyers, even though required by law to turn it over.

The new evidence was ultimately discovered in the prosecutor's files years later by pro bono lawyers representing Morton. In 2006, these new lawyers asked that the bandana be tested using the latest DNA test methods. John Bradley, the Williamson County district attorney, refused the request and successfully won a hearing to prevent it. Five years passed.

An appeals court eventually overturned the denial, and DNA testing was allowed to go forward. We now know that the bandana contains both Christine Morton's blood and the DNA of another man.

The man whose DNA is on the bandana has felony convictions in three states, and last month his hair was determined to be present in the Austin home of another unsolved murder victim. He is now implicated in at least three murders, and sadly one of them occurred after the murder of Christine Morton.

On Oct. 4, 2011, Michael Morton was released from prison. That 3-year-old son is now 28.

Ironically, John Bradley, the prosecutor who fought for years to prevent DNA testing of the bandana, was appointed by Gov. Rick Perry to the Texas Forensic Science Commission. The commission investigates complaints that allege professional negligence or misconduct relating to scientific tests in criminal cases.

Bradley has been termed "an enemy of science" by this newspaper, an unfortunate truth for someone charged with using science to look into courtroom injustice. After his appointment to the commission, Bradley successfully stalled or shut down other efforts

to use new scientific methods to review convictions.

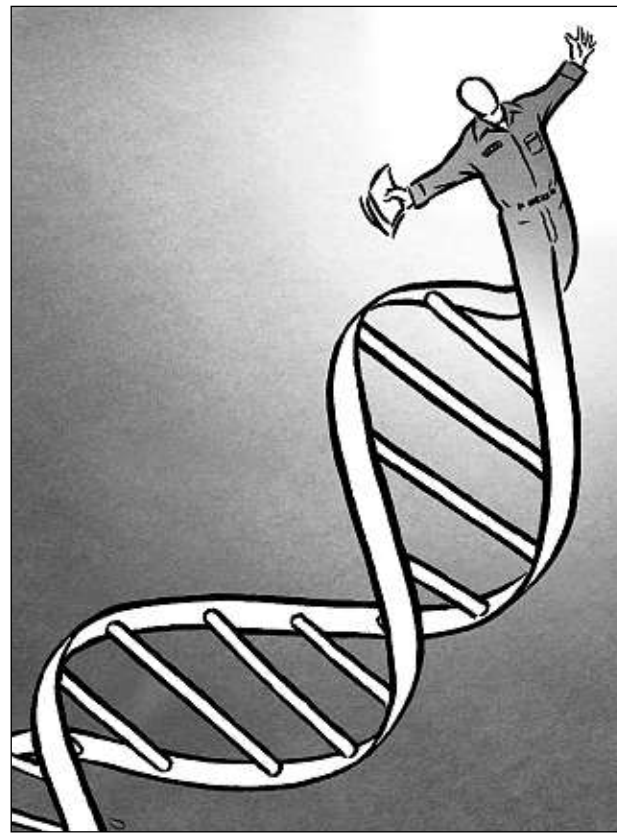
Lest we think of Michael Morton as an exception, he is at least the 45th Texas inmate to be exonerated based on new DNA testing methods. That's 45 innocent Texans who have been imprisoned wrongfully. That's also 45 guilty parties who have gone free.

Mistakes happen in courtrooms; that is unavoidable. But it is inexcusable for any prosecutor to resist DNA or any other scientific testing that might reveal the actual truth about a crime. Both the innocent and the victims deserve the truth. John Bradley's obstruction of the truth honors nothing but the tunnel vision of an overzealous prosecutor.

Meanwhile, the truly innocent remain in prison, and the victims in those cases go on believing the real culprit has been punished. A system that mainly relies on over-stretched pro bono lawyers to seek the truth is a system that needs revision.

In the 11 years surrounding 1986, 51 people were executed in Texas. The 234 executions presided over by Perry in his 11 years as governor now serve as an applause line during Republican presidential debates. Currently, Texas houses 8,500 inmates serving life sentences, and Texas will spend more than \$3 billion this year on criminal justice. Forgetting for a moment the real loss of 25 years for Michael Morton, it cost Texans more than \$400,000 to incarcerate him all this time. Meanwhile, the real murderer walked through America committing more crimes and another murder. Shouldn't we use all the tools science has to offer and a little of that money to assure we've got the right man?

Dunnam, a former Texas state representative, is a senior fellow at the The Texas First Foundation, a 501(c)(4) nonprofit organization dedicated to shaping the future of our state through honest public dialogue and policies that put what is right for Texas ahead of partisan politics.



DEAN ROHRER

ENRON: Guidelines will help determine Skilling's sentence

CONTINUED FROM PAGE B8 on a finding that Skilling's conduct caused Enron's bankruptcy, which, in turn, caused devastating losses to Enron's corporate retirement funds. Taken together, Skilling's sentence level and his lack of a criminal history gave him a sentencing range of 292 to 365 months. The court imposed a sentence at the bottom of that range. That's where the current 24-year sentence came from.

On appeal, Skilling argued that the district court's application of the four-level increase was erroneous because Enron's retirement plans were not "financial institutions" under the guidelines. The 5th Circuit agreed, finding that Enron's Corporate Savings Plan and Employee Stock Ownership

Plan did not fall within the guidelines' definition of a "financial institution."

We will see what impact this ruling will have on Skilling's sentence. The judge could simply eliminate the four-level boost. That would give Skilling a sentence between 188 to 235 months. If the court opts for the bottom of the range as it did the first time, Skilling's sentence will be 15 years and eight months — roughly nine years less than his current sentence.

Alternatively, the court could keep Skilling's sentence at 24 years, or even make it more draconian by using a catch-all provision of the guidelines known as Section 5K2.0. Under Section 5K2.0, the court may increase a sentence to account for aggravating



DEAN ROHRER

circumstances "of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission." The prosecution might argue this way: Because Judge Lake mistakenly thought that the "financial institutions" provision applied, he didn't consider the catch-all provision. Now that the appeals court has

ruled out the "financial institutions" increase, Section 5K2.0 provides the only means to account for the harm Skilling caused thousands of Enron employees who lost their retirement savings.

To determine how high to go under Section 5K2.0, the judge could look to a later version of the guidelines. In 2003, the U.S. Sentencing Commission revised the guidelines to include a four-level increase for a crime that endangered the solvency or financial security of an organization that was publicly traded or employed at least 1,000 people or substantially endangered the solvency or financial security of 100 or more victims. That sounds a lot like what happened at Enron. In fact, it's possible

that the commission added these provisions precisely because the harms Skilling caused weren't adequately addressed under the existing guidelines. Of course, the 2003 revisions don't strictly apply to Skilling; he committed his crimes before then. But the revisions could help the judge make his ruling.

Thus Skilling could be resentenced to 24 years, his original sentence, or even more. A four-level increase would easily support another 24-year sentence. A six-level increase would give him a sentencing range of 30 years to life.

But the judge won't likely go in this direction. For one, courts rarely increase a defendant's sentence the second time around in the absence of new evidence.

Also, the judge could have given Skilling a 30-year sentence the first time but decided to look at the bottom of the range instead. We are not aware of any new evidence to support a harsher result. Finally, codefendants Richard Causey and Andrew Fastow are currently serving sentences in the five- to six-year range. Skilling's initial sentence was already four to five times greater, by comparison. The sentencing judge is not likely to make that disparity any larger. If he does, our prediction is that another round of appeals is sure to follow.

Ifrah is founding partner, and Hamlin is an associate, at Ifrah Law, a law firm in Washington, D.C., that represents clients in white-collar criminal matters.