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Sunday, Mar. 13, 2011

Zero Tolerance, Zero Sense

By NANCY GIBBS

Two good kids. Two broken rules. Two parables of justice, except one offers a bracing lesson in honor and the other just leaves you heartsick at the latest evidence that zero tolerance often makes zero sense.

One kid made headlines: Brandon Davies, star Brigham Young basketball player whose team was heading toward its first Final Four ever — until it emerged that he had violated the Mormon school's strict honor code, with its injunction to "live a chaste and virtuous life." He had apparently slept with his girlfriend, an act that would barely register on most campuses, where athletes' failing grades, drunken sprees and loutish behavior are ignored as long as the players keep putting points on the board. BYU could have let Davies keep playing while the honor-code office "investigated," but school officials were steadfast. Davies' teammates, whose hopes were also crushed, said they bore him no malice and considered him a brother. The crowd roared in ovation when he returned to the arena, in street clothes, to cheer on his team. ([Is the BYU controversy good for college sports?](#))

It would have been so easy to excuse him just this once — win a championship, reap the glory. But the players did the hard work that true forgiveness requires, offered it even as they lost their next game by 18 points, saw their championship hopes fade, knew potential recruits would surely pause. "BYU knows all this stuff, and it suspended the kid anyway," noted Los Angeles *Times* sportswriter Bill Plaschke, "and if you don't believe in its code, you have to love its honor."

The other story offers nothing whatever to love, only to mourn. Nick Stuban was a 15-year-old boy scout in Fairfax County, Virginia, doing well, playing football, going to church. He was the only child of parents who had retired from the military. His mother suffered from Lou Gehrig's disease, as torturous an illness as you could ever watch consume someone you love. He helped take care of her, suctioning her tracheal tube in the middle of

the night when the alarm went off. One day he bought a single capsule of a synthetic compound that acts like marijuana but is not illegal. Someone told school officials. Like Davies, he confessed, said it was a dumb thing to do. But in November, a school review board suspended him; he was separated from the friends who supported him, from the team, the Scouts, those in driver's ed. He pleaded in vain with officials to be allowed to return. And then, in January, he killed himself. ([See photos of extracurricular activities that keep kids' minds sharp.](#))

Thus has Fairfax County become the latest to reconsider whether the edicts born of fear and Columbine actually make any sense or keep anyone safe. The original rules against drugs and knives soon swelled, with schools that once called parents now calling the police. Suddenly middle schoolers were being suspended for puddle stomping and Alka-Seltzer possession or referred to a drug-awareness program for accepting a breath mint. A 6-year-old in Delaware was suspended and threatened with reform school for taking to school a camping utensil that served as a fork, spoon and knife. A 9-year-old perp was questioned by police about a plan to launch a spitball with a rubber band; he had to undergo psychological counseling before he could go back to class. A 12-year-old New York City girl was led off in handcuffs for scribbling on her desk with an erasable marker. A high school sophomore was suspended for breaking the no-cell-phone rule when he took a call from his father ... who was serving in Iraq. A Florida honor student faced felony charges when a dinner knife — not a steak knife or a butcher knife — was found on the floor of her car, which she had parked at school. "A weapon is a weapon is a weapon," the principal said.

Except it's so obviously not. Sometimes a weapon is just a dinner knife. Making distinctions is part of learning. So is making mistakes. When authorities confuse intent and accident, when rules are seen as more sacred than sense, when a contrite first-time offender is treated no differently from a serial classroom menace, we teach children that authority is deaf and dumb, that there is no judgment in justice. It undermines respect for discipline at a stage when we want kids to internalize it.

Which brings us back to Brandon Davies and why his punishment has been applauded rather than condemned. He chose the school, signed the honor code, knew what was expected — and confessed to falling short. We have watched this spring a pageant of celebrity entitlement: lawmakers who think the laws they make don't apply to them, actors who act as though standards are for suckers. Treating Davies as a man of honor, who accepts responsibility for his actions, protects him from the poison of privilege. No cutting corners, the school said. Your honor is worth more than our glory. Sometimes justice is at its most merciful when it's blind.

This article originally appeared in the March 21, 2011 issue of TIME.

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