

# OPINION

THE BATTALION

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## Eyes wide shut

### States should wake up to New Jersey driving law

He knew he should not have been driving in his condition. He was operating on only four hours of sleep over the past 36 hours, and he was beginning to feel the effects. The highway seemed to stretch on forever, and the striped yellow median became a blur. Every once in a while he would find himself nodding off and jumping awake. The last thing he saw before his eyes closed was a pair of headlights approaching from the opposite direction. It took him a while to wake up completely and figure out he was involved in an accident.



HAYDEN MIGL

Scenarios like this occur all across the country to various drowsy drivers for numerous reasons. Sometimes these wrecks take lives, but no matter what the result, the cause of this type of accident can be avoided. The state of New Jersey has taken a step in the right direction to prevent this all-too-common occurrence. Legislators in the state have passed a new law to curb the number of fatalities which occur from accidents caused by drowsy driving.

The new rule is meant to punish those who cause accidents by falling asleep behind the wheel of a vehicle. Legislation such as this is also a good way to raise awareness of how dangerous it is to drive while tired.

The law was passed in response to a wreck five years ago in which Maggie McDonnell, a 20-year-old New Jersey college student, was killed by a driver who swerved through three lanes and hit her head-on. The driver who hit her had been awake for 30 hours. The state had no laws concerning falling asleep at the wheel, so legally the man had done nothing wrong. Sleep deprivation was not allowed as a factor in the court case against the driver, and he received only a \$200 fine and a suspended jail sentence.

Afterward, McDonnell's mother set out on a campaign to get a law passed in memory of her daughter concerning sleep-related accidents. Her efforts proved successful when Maggie's Law was passed by the New Jersey legislature this past summer. Mrs. McDonnell should be commended for her determination and resolve in getting this law passed.

The new law does not allow police officers to pull over drivers and test to see if they are alert enough to be driving, but it does impose tougher penalties on drivers who kill someone while they are tired. The punishment includes a fine of \$100,000 and a sentence of up to 10 years in prison. Only motorists found to be fatigued can be charged under the new law, and fatigue is defined as being without sleep for 24 consecutive hours. New Jersey may be a long way from College Station, but laws are being introduced in a number of other states which are similar to Maggie's Law, according to the Christian Science Monitor. Rep. Robert Andrews, D-New Jersey, has also introduced a similar bill in Congress which would affect the country. The new law should impact all Americans because drowsy driving can be a hazard for all motorists.

Other state legislatures need to recognize the disastrous effects of driving while fatigued and take action like New Jersey did in order to make the nation's highways a safer place to drive.

Most people do not realize drowsy driving is a problem and believe driving drunk is much more dangerous, but that is not true, according to the National Sleep Foundation. Its Web site states that going without sleep for 24 hours can have the same effect on the body as having a blood alcohol level of 0.1 percent. To be legally drunk in Texas, a blood alcohol level of 0.08 percent is all that is needed.

Many people are unaware going without sleep can have such hazardous effects. The lack of knowledge can make it even more dangerous since people do not realize their senses and instincts are not functioning properly.

In the past, laws such as this one were mostly aimed at truck drivers, but college students are also put in situations in which they might drive without adequate rest. These can include staying up all night studying for an exam, staying out all night partying or making a long road trip home. Students should realize that even if they have not had a drink and they have been up all night, their driving ability can still be affected.

The effects of the new legislation should have consequences everywhere. New Jersey has taken the first step, and other states should follow suit and impose laws which penalize



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drowsy driving. The new rule should raise concerns about the dangers of sleeping while fatigued, and if made law across the nation, would make people think twice before getting behind the wheel when feeling tired.

Hayden Migl is a freshman political science major.

## Keeping woman alive disregards her personal rights

Florida Gov. Jeb Bush filed an amicus curiae brief on Oct. 8 to save an incapacitated woman from a death she had requested, according to The New York Times. Bush's effort to keep Terri Schiavo tethered to a feeding tube against her wishes is a gross disregard for well-established legal and ethical standards protecting individuals rights.



DAVID SHACKELFORD

Schiavo suffered critical loss of oxygen due to a heart attack in 1990, leaving her with severe brain damage. She had requested before her husband and two relatives not to be kept alive by artificial means. For 13 years she has been in a permanent vegetative state which means she can breathe on her own but is unable to think or speak. Her husband, Michael Schiavo, has spent five of those years fighting to honor her wishes in the Florida courts.

His legal opponent was not the state but Mrs. Schiavo's parents. Mr. and Mrs. Schindler were understandably driven by faith in the possibility that their daughter could recover, but another factor played in. Upon winning a malpractice suit, Mr. Schivo won \$1.2 million on his wife's behalf. The money, allocated for Mrs. Schiavo's

treatment and care, would be inherited by Mr. Schiavo pending her death. If he were to divorce her the money would go to her parents.

As the circumstances suggest, each party has grown suspicious of the other's motives. Because the dispute could not be resolved within the family, the court serves as a "proxy," an independent third party with authority to make the decision for the family.

According to court documents, selected neurologists found that Schiavo's condition was indeed permanent. They also could not fulfill the burden of proving that medical treatment existed that would restore her cognition. The decision to remove Schiavo's feeding tube went through three trial courts and was affirmed before a Florida appellate court. In a final statement, Chief Judge Altenbernd maintained that "(the panel of judges) understand why a parent who had raised and nurtured a child from conception would hold out hope ... but in the end, this case is not about the aspirations that loving parents have for their children. It is about Theresa Schiavo's right to make her own decision."

With the court's recognition of Schiavo's right, her wishes and dignity were preserved. Now, however, the state has picked a side.

This isn't the governor's first attempt to subvert the rights of legal proxies to make decisions. Bush, an abortion opponent, asked a court in April to appoint a guardian for the fetus of J.D.S., a developmentally disabled rape victim, infuriating women's rights groups. The court denied his request, saying a separate guardian for the fetus would conflict with the rights designated to J.D.S.'s guardian. Critics interpreted Bush's action as an effort to reinforce his good standing with conservative groups.

The euthanasia debate remains contentious surrounding what role physicians may take to end the life of a willing patient. Medical experts and the courts, however, agree on the right to refuse treatment. The Council on Ethical and Judicial Affairs of the American Medical Association stated in 1989, "The social commitment of the physician is to sustain life and relieve suffering. Where the performance of one duty conflicts

with another, the preferences of the patient should prevail." It went further to state: "Even if death is not imminent but a patient is beyond doubt permanently unconscious ... it is not unethical to discontinue all means of life-prolonging medical treatment."

Despite expert consensus and court rulings, Bush wants to drag this case out further. His brief argues the possibility that Schiavo could be trained to eat and drink on her own, but this possibility has been explored during her 13 years of care. These attempts have failed.

Arrogantly presuming that a state knows better than those appointed to make crucial decisions inhibits due process of law. In Florida this attitude combined with Bush's political aspirations has sparked the idea of a fetal guardian and is now behind the degradation of a patient.

An executive official should not attempt to make things right when a judicial decision doesn't agree with his views or the views of his conservative constituents. Values dictate decision-making and action, but those in power must not let ideology trump a citizen's right to privacy and liberty.

David Shackelford is a senior journalism major.

## MAIL CALL

### All sides must be heard for true tolerance

It seems to me that modern tolerance is a recursively incriminating folly. A person is "tolerant" only if his ideology conforms to what certain groups consider to be tolerant - it's a paradigm that censors speech. For an individual to verbally express abhorrence of the homosexual lifestyle is to invite ridicule and intolerant rhetoric from those who proudly boast that their level of tolerance has culminated to a non-enumerable level. Apparently, it's acceptable for those folks who pompously proclaim tolerance to harshly scold those who disagree with them, yet the converse is most certainly untrue.

The YCT is attacked because they disseminate their opinions regarding homosexuality but the pro-gay community can arbitrarily assign those with whom they disagree with the title of "discriminatory person." If anyone vocally expresses a dissimilar opinion and who is not coerced by the inaccurate representation and rightly termed 'eisegesis' of the Biblical texts and mounds of propaganda to supplement it, they then cry discrimination. It doesn't matter who is offend-

ed or insulted by these things; what matters is that they are "tolerant." What matters is that they accept this lifestyle that their consciences find morally objectionable. To this I reply: cursed be that tolerance by which free speech may never exist!

Matt Gamel  
Graduate Student

### YCT moral objections not shared by all

In response to an Oct. 13 mail call:

If the Young Conservatives of Texas insists on characterizing its actions on Wednesday as a demonstration, so be it. I'm sure that some might agree that banners with messages such as "Satan is a flamer" are useful tools in serious political discourse. Sarah Davis may feel confident in speaking for all members of the Christian faith by proposing that welcome views on GLBT issues are a "slap in the face." Perhaps the University is wrong to support our events, and the best possible way for concerned Aggies to initiate a fair and honest discourse about the use of student fees is to attempt to

make the nearest available non-heterosexual feel subhuman. Maybe it is possible to self-righteously perpetuate cruelty and hatred.

The Young Conservatives of Texas, with its moral objections, its constant protests against opinions it does not support and those who support them and its calm veneer of political advocacy may take itself seriously. Please do not ask me to do the same.

Christopher Smith  
President of GLBTA

### Tuition dollars are split among everyone

In response to an Oct. 10 mail call:

Moore states he doesn't want his tuition funds going to groups such as GLBTA or other groups with similar interests. However, in an institution such as A&M, you don't have that choice. Every tuition dollar is divided and passed to the different student groups. My tuition money goes to groups that I do not agree with, but it also goes to groups that I support. Every student should have the ability to support a cause he believes in and this arrangement allows just that. The

Young Conservatives felt the need to express their feelings, and I support their right to do so even if I disagree with the message. As an out gay student, I can see the hostility caused by such events and I wish people would find better ways of voicing their feelings.

Stephen Schmidt  
Class of 2002

### Bullets won't rebuild Iraq the right way

In response to Collins Ezeanyim's Oct. 13 column:

I agree that Bush's plan for reconstructing Iraq is wasteful and ignorant, but it is important to remember that Iraq will never resolve its current issues without a free-standing and capable infrastructure. Paying for things like training a police force and fire fighters or for building schools are a necessary step to rebuilding Iraq.

We rebuilt Japan within a decade with an army of bureaucrats, and Bush seems to think we can fix Iraq with bullets. He has no sense of how

to use a working system, but I guess I can't expect much better from a man who ran his oil company to the ground, micro-managed his baseball team, and did little for Texas in the year he spent as governor before running for the presidency.

Thomas Critz  
Class of 2005

### Boycott the back door and meet bus drivers

Since the addition of the back door entrance to the on and off campus buses, there has been a steady decline of students getting to truly know their fellow Aggies. How many of you know the name of the bus driver that takes you to school? Most people only know them as Operator # 1473. Too many rely on this form of transportation to get to campus yet because of the back door we don't take the time to get to know these drivers. I challenge the student body to boycott the use of the back door, and keep our Aggie Network Alive.

Clayton Smith  
Class of 2004