

High Judgement

Lower court's decision to protect doctors ensures the best treatment for patients

Last Tuesday, the U.S. Supreme Court denied the federal government's appeal of the October 2002 *Conant v. Walters* decision by the U.S. 9th Circuit Court of Appeals to uphold a permanent injunction against federal officials prosecuting doctors for recommending marijuana as a treatment option to ill patients. The injunction, originally granted in April 1997, was in response to threats by federal officials against voter referendums in California and Arizona to allow the use of marijuana for medicinal purposes, according to the Drug Policy Alliance.



JENELLE WILSON

The Supreme Court was correct in letting the 9th Circuit decision stand. Not only does the decision protect against unnecessary federal encroachments into state affairs, the decision goes a long way in protecting the right of doctors to speak candidly with patients and to give advice in the patients' best interests.

In November 1996, California voters passed Proposition 215, the Compassionate Use Act, allowing sick and dying patients to use marijuana to relieve their suffering. Doctors were immunized from prosecution for recommending the drug in state courts. The federal government, however, was quick to warn doctors that they would not be impervious to federal action.

On Jan. 14, 1997, a group of seriously ill patients, doctors who treat seriously ill patients, a patients' organization and a physician's organization filed suit against high-ranking officials in the Clinton administration, including then-White House Office of the National Drug Control Policy Director Barry McCaffrey, the original lead defendant in the case. A temporary injunction was granted four months later, which prevented federal officials from taking action against doctors recommending the drug to patients unless there was evidence the doctor was actively helping patients acquire it.

Federal District Judge William Alsup made this injunction permanent on Sept. 7, 2000, according to the Drug Policy Alliance. The government appealed the decision to the 9th Circuit, and John P. Walters, McCaffrey's counterpart in the Bush administration, was substituted for his predecessor.

The federal government has no right to interfere with the medical advice of a patient if a doctor is sincerely acting with

that patient's best interests in mind. The government is prohibited from regulating the content of speech because it disagrees with it by the Constitution.

However, the government's actions in this case go beyond simply trying to regulate the content of speech. The government is trying to ban a particular viewpoint, one that conflicts with its own.

Doctors are ethically required to give patients the best medical advice they can, and if a doctor reasonably believes that a patient may benefit from marijuana, then they are obligated to recommend it.

The government contends that marijuana has no medicinal value. Deputy director of the National Drug Control Policy Andrea Barthwell told CNN, "There is a difference between feeling better and actually getting better." However, proponents of the use of marijuana for medical purposes are not claiming that it cures these illnesses. If marijuana, like other pain relievers, makes them easier to live with, takes away some of the suffering, then patients have every right to know that option is available to them.

A concurring opinion in the case cites a 1999 report from

National Institute of Medicine of the National Academy of Sciences, which found that marijuana does have a potential therapeutic value for pain relief, nausea, vomiting and appetite stimulation. The report also found that marijuana, particularly the chemical THC, provided relief to patients with certain illnesses and diseases, including metastatic cancer, HIV/AIDS, multiple sclerosis, spinal cord injuries and epilepsy.

The patients who are party to the suit suffer from severe medical conditions, including epileptic seizures. If marijuana is able to relieve some of that suffering, then doctors must be allowed to tell patients. More importantly, a patient has the right to have access to receive all information a doctor believes to be relevant to his case in order to make the best decisions regarding his own health.

It is not the federal government's place to take this right away from rational adults, especially when it knows nothing about a particular patient's case. The decision of what is best for a patient lies with those closest to him.

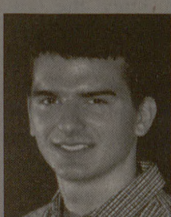


TONY PIEDRA • THE BATTALION

Jenelle Wilson is a senior political science major.

Syrian terrorist camp deserved Israeli bombing

On Oct. 5, Israeli planes bombed what they claimed was an Islamic Jihad terrorist training camp inside Syrian borders.



DAVID EGE

This attack, Israel says, was in response to the suicide bomber who killed 19 people at a restaurant in Haifa, Israel, a few days before. On Oct. 6, Syria called an emergency U.N. Security Council meeting to discuss the hostile actions Israel had taken the day before, according to Fox News.

Syria needs to get with the program. Syria claims to be on the America's side, along with Israel and other countries that fight against terrorism, yet the nation exhibits questionable behavior.

If Syria was serious about the war against terrorism, it would be glad Israel took out a terrorist camp for Syrians inside their country's borders. This would mean less work for Syria. However, Syria argued that the training camp that was bombed had been abandoned for seven years, according to The Houston Chronicle. But this doesn't make sense. If it was abandoned, then why does Syria care about an old camp sit-

ting in the desert? This camp would have always had the potential for serving as a training ground for terrorists until it was destroyed or taken over by regular citizens.

Syria should be concerned that Israel is striking at locations inside its borders. But, Syria has no right to be angry for Israel striking at a terrorist camp inside its borders, even if it is abandoned. If Syria is against terrorism, it would wipe out any terrorist establishments itself, including old abandoned ones.

Furthermore, the United States revealed on Oct. 9 that American spy satellites show the camp Israel bombed was under recent construction and used by militant groups, according to The New York Times. American officials said the camp in Syria had been used as recently as six months ago by at least one of two separate factions of the Popular Front for the Liberation of Palestine, but the new construction additions suggested that it was being repaired for another terrorist group to use such

as Islamic Jihad, a major militant Palestinian group.

Recently, Syria has a poor record when it comes to making peace and fighting terrorism.

According to CNN, U.S. Defense Secretary Donald Rumsfeld said equipment such as night vision goggles came across the Syrian-Iraqi border to aid Saddam Hussein's forces in fighting the Coalition troops during the war in March. In reference to the resistance during the aftermath of the war, Rumsfeld also told an ABC News journalist in August that Jihadists have come from Syria to Iraq. These Islamic militants came across the border to fight the U.S. forces.

Islamic Jihad denied on Oct. 5 that it maintains any military or training bases in Syria, according to Fox News. Whether or not a terrorist group's statement is believable is something to question. Ironically however, Islamic Jihad "has long maintained a political office in Syria," according to The Times. How can any nation allow an organization that carries

out terrorist attacks such as suicide bombings to maintain an office inside its own borders? One should wonder what side Syria is actually on.

It is no wonder that on Oct. 15 the U.S. House of Representatives voted 398-4 to impose sanctions on Syria. The Senate also passed a bill similar in nature. According to MSNBC News, these sanctions limit U.S. trade with Syria, and give President George W. Bush "authority to impose other trade and diplomatic sanctions."

Syria is labeled by some Washington officials as a nation that harbors and supports terrorists, and with good reason. Actions such as the few mentioned above as well as the events in the past few weeks only serve to hurt its insecure credibility with the United States.

Israel was justified in its attack on the camp in Syria. Americans need to be aware of the events that occur in the world's hotspots, and Syria should not lash out when someone else takes care of business that they should have already taken care of. That is, if they are actually on the side that fights terrorism.

David Ege is a junior computer engineering major.

"How can any nation allow an organization that carries out terrorist attacks such as suicide bombings to maintain an office inside its own borders?"

MAIL CALL

'Just say no' program hasn't been proven

In response to an Oct. 20 mail call:

While it is true that many teenagers may not be equipped to make such an important decision such as whether or not to have sex, many are making this decision themselves.

Mr. Shaw stated in his mail call that comprehensive sex education programs fail to address the problems of condom failure and other risks of sexual activity. On the contrary, most comprehensive sex education programs educate students not only about the types of contraception, but the failure rates of each, and the other modes of disease transmission. Abstinence is not only taught in these programs, but is actually promoted as the only guaranteed method of preventing pregnancy, disease transmission or other consequences of sexual activity.

Finally, no studies have effectively proven that abstinence-only education programs deter teens from engaging in sexual activities, nor that comprehensive programs increase

sexual activity in teens. Most teenagers have formed the basis for their ideas by high school, and a short program telling them "just say no" is not likely to have a major effect on them. Studies have shown that teens who are provided with a comprehensive education are more likely to use contraception than those with an abstinence-only education.

Mike Rice
Class of 2003

Legacy students are a small population

In response to Midhat Farooqi's Oct. 20 column:

Throughout the column's entirety I saw mention of four statistics having anything to do with legacy admissions, and none of these pertained to A&M. Of the statistics mentioned, none told how many of these students would not have been admitted were it not for the legacy admissions policy.

Generally speaking, parents who have attended college have children who will perform at a higher level

then those whose parents did not attend college, which may account for higher legacy admissions.

In the fall of 2000 when I was applying for admission to Texas A&M, I was told that the previous year only eight students out of 10,500 were admitted who didn't qualify without legacy. So that means that .0008 percent of students got in on legacy. The percentages are not that low with affirmative action.

Robert Dover
Class of 2004

Many Bible verses contradict judgement

Call:

James 4:11 says "Brothers do not slander one another," and James 4:12 continues: "But you — who are you to judge your neighbor?" All of these Christian Bible verses are references to how it is not anyone's right to judge and slander people for any reason, even if it is written in the Bible as a sin, yet Christians of today

feel that it is off-limits to judge everyone except gays. GLBT seems to be fair game. And Christians wonder why they are often called hypocrites.

Secondly, scientific evidence now shows that homosexual men are born with a larger than normal (for men) hippocampus, which gives them sexual attractions toward men. The opposite is true for homosexual women. I, as an individual who happens to also be Christian, cannot fathom the idea of a 'loving' God who predestines people to the fiery pit of hell. That being said, theologians

agree that there are many places in the Bible that are flat out mis-translated in that there can be many English words for any one Hebrew word. For instance, Leviticus 18:22 is completely taken out of context; it was meant to stop men from molesting young boys. Those of you bashing gays and citing the Bible for ethical and moral high ground might want to re-evaluate your position.

Patrick Paschall
Class of 2007



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