

OPINION

THE BATTALION

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Blowing smoke

Move to get smoking classified as a disability distorts laws that protect disabled

Most people are familiar with the Americans with Disabilities Act put into effect in 1992. The act was intended to open up services and employment opportunities to the millions of Americans with disabilities by eliminating illegal discrimination against disabled workers, and has done quite well. The Human Rights Act, a European code, is roughly synonymous with the disability act with in regard to employee discrimination. Despite its seemingly detailed and straightforward structure, the doctrine has been called into question by a workers' union attempting to take advantage of some rather gray areas.



CHRIS LIVELY

The Engineering, Printing and Manufacturing Union in New Zealand argues that because smoking is an addiction it is, therefore, a disability under the Human Rights Act. Consequently, it argues that smokers should be given disability status and therefore should not be able to be discriminated against. The complaint arose after applicants were refused employment at a New Zealand health center because of their smoking habit, according to The New Zealand Herald. If this claim was to even be considered, the precedent set would be a destructive and disgraceful one.

Employers in New Zealand have full legal permission to refuse employment to smokers if they wish on the basis that smoking is not protected under the Human Rights Act. This is fair and logical in the sense that if a company looks to hire people to counsel smokers and help them quit smoking, it would not employ smokers to do the job. Ironically, this is actually the case in New Zealand. But this is a separate ethical issue in itself. What is most inconceivable is the fact that the labor union and its advocates are attempting to expand the precincts of an act originally designed to give truly disabled people a boost to include a population quite unworthy of its assistance.

Certainly anyone who has been or is currently addicted to nicotine would testify that withdrawal symptoms can be quite intolerable. Symptoms including, but not limited to, anxiety,

nausea, headache and discomfort can hamper one's ability to work. There is no doubt that the withdrawal symptoms can at times be somewhat disabling.

However, many smokers are able to perform normally during an eight-hour work day while suffering withdrawal symptoms. For those who are addicted to the extent that nicotine is needed for them to function, they can simply smoke or get nicotine from another source. Furthermore, because there is no simple and efficient test for nicotine addiction, proving the disability becomes problematic. At the same time, however, these conditions were brought on by one's choice to start smoking. Not to mention that a smoker also has the same choice to discontinue using nicotine, regardless of how difficult it might be. Nicotine addiction may be considered a disability. But, because it is the person's decision to take up the habit and his ability to stop it, smoking falls into a separate category of disabilities: those that should not be covered by disability laws.

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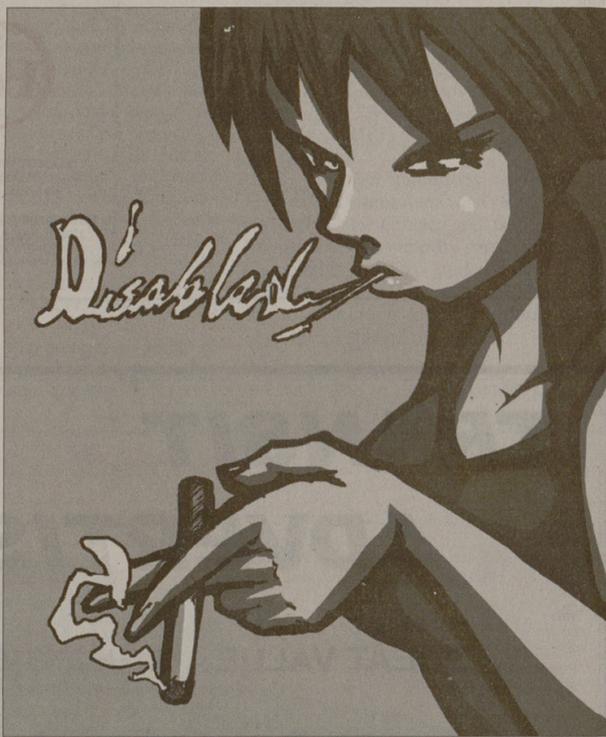
If smokers were covered by the disability act, up to 30 percent of Americans could be considered disabled.

If smokers were to receive disability status, why not treat all coffee drinkers the same? Some people experience withdrawal symptoms from lack of caffeine and, in some instances, can be disabled in the same sense smokers could claim. Not all smokers can be considered dysfunctional as a result of their addiction. Therefore, classifying all smokers as disabled is a fallacy.

Even for the most severely addicted, the addiction is not one qualifying them for the same treatment that should be given to people with arthritis, a heart condition or missing a limb.

The bottom line is that nicotine addiction is easily treatable, like an addiction to coffee's caffeine, without the special care of an employer.

The argument claiming smoking is a disability and therefore a disease qualifying for aid by a discrimination act is illogical. If the labor union in New Zealand takes its case to a human rights commission or tribunal, it should be thrown out on the



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grounds that smokers are not eligible for disability status. If nicotine users are granted protection from an act intended to serve humanity, then the real disabled will have been dealt an undeserving disfavor.

Chris Lively is a senior sociology major.

U.N. needs to help create lasting infrastructure in Iraq

Car bombs, roadside ambushes and other terrorist attacks seem to be the only news coming out of Iraq and Afghanistan. President George W. Bush and other officials have restated their resolve to stick it out in the countries despite the numerous attacks, but the attacks do seem to be having an effect. The assaults have made the U.N. leaders become defensive instead of helping rebuild the nations.



HAYDEN MIGL

The United Nations needs to act now and help set up a lasting infrastructure in Iraq. Its decision to temporarily stop committing resources to Afghanistan comes at an inopportune time. The organization has already lost credibility, but it could now make amends if its officials show they are willing to establish a strong physical presence in these countries.

U.N. Secretary-General Kofi Annan has said regional offices may be set up in Jordan or Cyprus to have a presence in the region of Iraq, but he is wary of sending personnel into the country while it is still unstable. Annan should immediately return the U.N. staff to its Baghdad headquarters and be resolved to stay

put. He said he wants to wait until the area settles down before more personnel are present, but more staff are needed before the region will settle down.

Even the main opponents of the United States and Britain's actions in Iraq are supportive of the United Nations taking an active role in Iraq. According to The Associated Press, the French ambassador to the United Nations Jean-Marc de la Sabliere said it is "essential that the United Nations be allowed, with full independence, to lend its legitimacy and its support to the transition in Iraq." Many major countries such as Russia, China and Germany have said the same thing, but the United Nations believes it must wait until the region settles down.

Currently, the United States has had to take on many roles in Iraq.

According to the AP, these tasks include repairing hydroelectric power stations to produce more electricity and setting up truck fleets to distribute supplies, but both could be fulfilled by U.N. workers. By shifting more of the infrastructure projects to U.N. workers, more U.S. forces could be devoted to security and more manpower could be committed to hunting down terrorists. This plan would fulfill both objectives: setting up an infrastructure in Iraq and making the country safer.

The United Nations is also more experienced in setting up governments, which is a huge part of reconstructing Iraq. A U.N.-built Iraqi government would have more international credibility than one formed only by the United States. The United States needs to allow the United Nations to come in and take primary control of the rebuilding efforts, and the United Nations needs to commence these efforts right away.

A recent assassination has also caused the United Nations to rethink its role in Afghanistan. A series of terrorist attacks and the killing of a French refugee worker has the assembly questioning if it should cease sending staff into the country to help secure the region, according to the AP. The security review may result in a pullout from Afghanistan which would decrease the United Nations' presence in the area until the country becomes more stable.

This is the wrong approach for the United Nations to take.

It needs to be in Afghanistan helping set up a permanent infrastructure and helping the new

government provide for its people. The United Nations needs to take a stand and show terrorist attacks will not shake its resolve to transform these countries into not only habitable, but favorable places to live. As much as the

United Nations thinks it can do from outside the countries, it would be able to do much more if it stays inside.

As tragic as the reports of daily killings and bombings are, there is progress being made in Afghanistan and Iraq, and a stronger U.N. presence in the area will only help speed up the reconstruction. The United States and the rest of the international community need to welcome the United Nations into this area, and the United Nations needs to have a strong presence to show it can still be effective. If the United Nations passes this opportunity up, it will have missed a chance to play an integral part in the formation of two countries and lose even more credibility.

"The United Nations is also more experienced in setting up governments which is a huge part of reconstructing Iraq."

Hayden Migl is a freshman political science major.

Howdy tradition holds Aggies together

In response to a Nov. 24 AggieLife feature:

To all who share Steven Trent and Jessica Madison's sentiments about Howdy, let me talk to you about what it means to be an Aggie. Give me a break if you think it takes too much time to say "Howdy" as you pass people! You're not getting their life story; you're simply leaving your own selfish, petty world for an instant to acknowledge the existence of another human being. Jessica, I'm sorry you feel "Howdy" is an unimportant tradition, because it is the tradition that holds the rest of them together! Without Howdy, Aggies are just another group of students at some generic college!

You reap what you sow in this world, and if you're too busy to be friendly, God help you if you are ever in need that someone like yourself comes along and ignores you! Howdy is not just a meaningless greeting to "strangers" as Jessica said. It's the glue that holds Aggies together, and what sets us apart from

the rest of the world. That other person may be in serious need of a smile, give them one! Please don't let it be you who killed the Aggie spirit that has been shared by Aggies for 127 years.

Clint Heath
Class of 1993

Race has no place in A&M admissions

In response to a Nov. 26 mail call:

I would like to agree wholeheartedly with Miss Goodman's comments. Race has no place in college admissions. What matters is keeping the academic standard high. If a student does not meet the academic criteria to get in, they do not belong on campus. The only criteria that should matter past academics are things like extra-curricular activities such as sports, band, student council and other well-rounding activities such as volunteering or part-time jobs.

I'd like to see an admissions form without information that could lead to a biased decision such as race, gender or even a student's name (some-

thing that is replaced with a student ID once enrolled). The color of skin does not make someone a more valuable asset to our campus, nor does affirmative action benefit anyone at Texas A&M.

I would like to hope that A&M takes the high road and does not follow in University of Texas' and Rice's footsteps and include race on new admissions forms. Doesn't anyone remember his mother telling him that it's what's on the inside that counts?

Marissa Feith
Class of 2002

E-walk discriminates against larger Aggies

Being the "red ass" Aggie that I am, I have been waiting for this all semester. Like many of my fellow 2005 classmates, I decided to purchase E-walk apparel. Being a bit more robust than some other students, I asked for a 2X E-walk shirt. To my surprise, the class representative informed me that they did not offer any. When I questioned why the class of 2005 decided not to

accommodate their more portly members, she revealed that they voted against having 2X's printed because they cost more than the smaller sizes.

Now ponder this: Was I in fact discriminated against because of my size? Am I any less important than any other member of the Class of 2005? Should my size somehow forfeit my ability to participate in traditions held dear by this University? I was discriminated against

because of my build. People do not generally consider that larger members of our society are discriminated against based on their size. We focus on religion, race, culture and sexuality, but never examine the only discriminating factor to cross all these boundaries: size. Now the Class Council of 2005 is guilty of this prejudice.

Adam Willmann
Class of 2005

MAIL CALL



MIKE LUKON