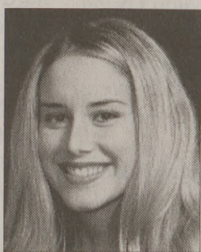


Drinking without driving

Pennsylvania man shouldn't have had licence removed for drinking regularly

While drinking and driving at the same time is not advisable and illegal, does a government entity also have the right to restrict anyone who drinks regularly from driving? Under current Pennsylvania law, the answer unfortunately seems to be yes.



LINDSYE FORSON

While being treated for an irregular heartbeat, Keith Emerich of Lebanon, Penn., told doctors that he usually drinks at least a six-pack of beer a day, according to The Associated Press.

Emerich's doctor, who, ironically, remains unnamed for reasons of confidentiality, apparently reported him to the Pennsylvania Department of Transportation in the interest of complying with a state law passed in the 1960s that requires doctors to report any physical or mental deficiency that could impair a person's ability to drive.

In April, Emerich received a notice from PennDOT that, effective May 6, his driver license would be suspended due to substance abuse.

Apparently, PennDOT inferred that drinking six beers in one day engenders drunken driving and revoked Emerich's driver's license preemptively, based solely on an unsubstantiated assumption of his guilt, an action that is unfair as well as unconstitutional.

The Fifth Amendment states that "No person shall be ... deprived of life, liberty or property, without the due process of law," and the Sixth Amendment guarantees the right to a "speedy and public trial" in all criminal prosecutions. Yet, these are exactly the things Emerich has been denied. In one fell swoop, PennDOT acted as judge, trial and jury, and convicted Emerich of a crime he has yet to commit or, more accurately, a crime he has not actually been convicted of in the past 23 years.

According to the AP, Emerich was convicted of driving drunk when he was 21. Since then, however, Emerich has maintained a clean driving record and gainful employment.

"He's been able to go to work, and he's got a heck of a nice work record. He's been able to function in all other avenues of life," said Emerich's lawyer Horace Ehrgood, according to the AP.

And Emerich is the first to admit that his past drinking practices were unhealthy.

"It wasn't good for me - I'm not going to lie," Emerich told the AP. "What I do in the privacy of my own home is none of PennDOT's business."

A July 15 editorial written by the Lebanon Daily News, Emerich's hometown newspaper, succinctly summarized the situation: "If Mr. Emerich was drinking more than a six-pack of beer a day, he may well have had a drinking problem. But a drinking problem is not the same as a drinking-and-driving problem. Mr. Emerich said he only drank at home and never drove afterward."

Pennsylvania's law was intended to help keep an open line of communication between its department of transportation and its doctors, thus best enabling the state to keep aging and ailing drivers from getting behind the wheel. In many cases, this law is not only warranted but almost certainly life-saving. After all, it is not always easy or even possible for a doctor to prevent a recent stroke victim or a person with declining eyesight from driving when driving is an integral part of both functioning logistically on a day-to-day basis and one's feeling of autonomy as an independent human being.

However, Emerich has not been restricted from driving due to a medical deficiency that detracts from his driving proficiency, but due to an alleged substance abuse problem. Therein lies the problem, because the only medical condition directly correlated with alcohol consumption that renders a person unfit to drive is drunkenness. If the state of Pennsylvania wants to accuse Emerich of driving drunk then it must go through the prescribed channels - where the alleged perpetrator is caught committing the crime, tried and convicted of it - and not act solely on a presumption of his guilt.

"Sensibly enforced, it's a good law. It is not a tool for social engineering, which is what it appears to us the mystery physician was doing when he or she turned Mr. Emerich in

to PennDOT," the Lebanon Daily News' editorial said.

Cases such as Emerich's epitomize the problems that can arise when a law fails to provide sufficient accountability to ensure its accurate enforcement and is worded loosely enough not to preclude the possibility for it to be misconstrued. PennDOT spokeswoman Joan Nisswood told the AP that while the state's transportation agency revokes 5,000 to 6,000 licenses a year, it does not keep statistical records on its reasons for the revocations.

So essentially, PennDOT can suspend the licenses of anyone it wants to, forcing the individuals to appeal the suspension if they ever hope to drive again. This backward, guilty-until-proven-innocent logic is unbecoming of a U.S. state agency.

Emerich has appealed his license's suspension, and his hearing has been slated for July 29. The Pennsylvania Department of Transportation should restore Emerich his license, and

with it restore the integrity of the constitutionally guaranteed presumption of innocence until proven guilty.

Lindsye Forson is a senior journalism major. Graphic by Rylie Deyoe



MAIL CALL

Same-sex marriages should be allowed

In response Nicholas Davis' July 20 column:

Mr. Davis, regarding same-sex marriage, you are absolutely right. The majority of Americans do oppose it, as do I. However, in any government, especially the government of a democracy, it is imperative to recognize the minority for legitimacy. This concept is directly related to the civil rights movement and has been a fundamental part of our government since the revolution. Many believe same-sex marriage is a direct violation on civil rights.

If this group does not warrant like consideration, it is simply discrimination. America needs leaders who accommodate every individual without discrimination. If you do not agree with that statement, you are merely a prejudiced interest.

Besides that, banning same-sex marriage will create a great uproar. I consider it similar to trying to control a rebellious teenager, causing only more rebellion. Eventually the teenager will have to acknowledge what is right and wrong, possibly the hard way. In either case the goal is achieved. Banning same-sex marriage will not only forcefully implement what naturally exist, it will discriminate and it is not needed.

John McLaughlin
Class of 2005

The Patriot Act is too invasive, unpatriotic

In response to Craig Bowen's July 21 column:

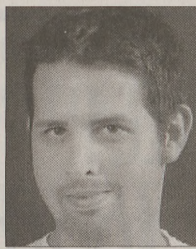
Maybe Mr. Bowen should have read the Patriot Act before writing an article as to what it says or does not say. To claim that investigative authorities need a search warrant to conduct investigations is simply a lie. For instance, under the Patriot Act, authorities can monitor books that ANY person reads at the library or buys for a bookstore without looking at whether or not that person is a terrorist and without a search warrant. Rep. Bernie Williams tried to amend the Patriot Act so that only suspected terrorists, not just any average Joe, could be searched. Congress voted this amendment to a tie, leaving it dead. This is one of several instances of where the Patriot Act goes too far past the Fourth Amendment of the U.S. Constitution.

Certainly there needs to be increased vigilance and tightened security for our country. No rational person would debate this point. However, if our president claims the "United States was attacked because terrorists hate our freedom," the last thing that needs to be done is pass the Patriot Act, which limits those freedoms. Limiting freedoms is unpatriotic, and gives victory to the terrorists.

Brent Lowry
Class of 2006

Cheney shouldn't change stance on Federal Marriage Amendment

In an election year, the public turns to its current leaders and their challenges to ask how important issues might be decided during the next four years.



MIKE WALTERS

One such issue involves the conflicting ideas over the government's sanction of gay marriage. Over the past year, people have watched on the news as same-sex couples line up outside city buildings to receive marriage licenses, and witnessed the subsequent backlash from politicians as they argue whether or not this should be allowed.

During Vice President Dick Cheney's campaign with President Bush in 2000, Cheney engaged in a debate with Joe Lieberman and was asked about the issue of gay marriage.

"That matter is regulated by the states," he responded. "I think different states are likely to come to different conclusions, and that's appropriate. I don't think there should necessarily be a federal policy."

This undoubtedly pleased his lesbian daughter, Mary, who held a public role in her father's campaign and helped the GOP recruit gay voters during the 2002 elections.

Instead of sticking to his convictions, Cheney has decided to yield to a position of solidarity with Bush's push to create a Constitutional amendment against gay marriage. In doing so, he seems to have violated his own beliefs in order to align with his party's stance and supported legislation which is a slap in his own daughter's face.

"The president is going to have to make a decision in terms of what administration policy is on this particular provision, and I will support whatever decision he

makes," Cheney said.

A change to the Constitution is a major statement. It's the highest law in our country, and one would expect a man of strong moral conviction to be clear on how he feels about changing that text. However, he has publicly supported the Federal Marriage Amendment in glaring contradiction to what he told America when he was being considered for his job. While lying on your resume would certainly bring severe consequences to normal people, it's sadly the status quo when it comes to politicians.

Supporting the president is important to Cheney, but yielding to his convictions simply to give that support seems to be treason against his values, if indeed he believed what he told Americans during the 2000 debate.

"He that always gives way to others will end in having no principles of his own," Aesop once said, and while that was thousands of years ago, that sentiment is just as important today.

If Cheney really had a change of heart, it's important that he explain it to the public, especially since his original statement likely had something to do with the way the public voted. He should state his reasons for his beliefs, and strengthen his own position. Sadly, the stance of "whatever my boss thinks," suggests a weak conviction that he cannot likely justify.

This story is one of many that occur too often in politics. It's become a joke that politicians lie to get elected, and believe that compromising their beliefs just to be pragmatic in their job is more important than being men

and women of principle. While the nature of our government allows a diversity of opinions to be expressed, leaders must be of strong moral character and have clear ideas of right and wrong, for their own lives, families and their country.

Happily, Lynne Cheney has a strong enough character to speak out for what she believes, even if it contradicts her husband. "First of all, to be clear

that people should be free to enter into their relationships that they choose," she told CNN's "Late Edition" on July 11. "And, secondly, to recognize what's historically been the situation, that when it comes to conferring legal status on relationships, that is a matter left to the states," she said.

This is the kind of courage we need to see from our leaders - the courage to

say what you believe, ignoring those who disagree, even if they are your boss or your husband. In a time when leaders think that "legitimacy" means getting the world's approval to act and candidates can flip-flop on positions without being taunted off the stage, it's refreshing to see a woman like Lynne Cheney unafraid to dare the opposition in defense of what she holds to be true.

Perhaps in the future Mrs. Cheney's sense of moral conviction will rub off on her husband. He seems to be in need of some.

Supporting the president is important to Cheney, but yielding to his convictions simply to give that support seems to be treason against his values ...

Mike Walters is a senior psychology major.

