

The right to make wrong choices

Tobacco smoking may be unhealthy, but it should not be made illegal

"The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Justice Louis D. Brandeis

Few concepts are less understood than what the modern day meaning of "drugs" entails. The Random House Dictionary of the English Language, Second Edition, lists nine definitions.

However, no conception of "drug" comes close to describing what we as a society commonly think of as drugs.

The reason, as professor Erich Goode has stated in "Drugs in American Society," is that the concept of "drugs" is a "cultural artifact, a social fabrication." The only characteristic that all drugs share and nondrugs lack is the societal label "drug."

A few generations ago, not many thought of tobacco as a "drug," yet today virtually all who have professional interests in drugs do so.

Were it not specifically exempted by federal law, it would surely be controlled as a dangerous drug.

Tobacco is an example of a substance that meets almost any definition of "drug" but is still not considered by the law or by most people as a drug.

But if there is to be any consistency in the great chorus of concern regarding the enormous health risk caused to our society by drugs, it is proper to take a closer look and consider what has been called society's most dangerous legal drug — nicotine.

All around us, the usual groups of anti-smoking advocates have been joined in loud voice by lawmakers and administrators eager to increase regulation of the use of tobacco, as well as of its advertising promotion and nicotine content.

It can certainly be argued that one of our most serious health concerns today is caused by the tobacco problem. Tobacco, or rather its nicotine, accounts for most of the damage smoking inflicts on the human body.

In a recent study, the Surgeon General concluded that tobacco use met all the criteria of drug addiction and that, in fact, the "processes that determine tobacco addiction are similar to those that determine addiction to other drugs, including illegal drugs."

In comparing one index of addiction, relapse rates, the report observed that "the relapse rates of persons addicted to illegal drugs and tobacco are similar. Of those who achieved abstinence, approximately 80 percent relapsed



Tobacco fits the definition of a drug, as many addicts will admit. However, making it illegal would cause more problems than it would relieve, writes attorney Edwin Quiñones. He sees the health cost as a price society must pay in order to guard individual rights to freedom of choice.



EDWIN QUIÑONES
Commentary

within five years, whether the drug involved was tobacco or heroin."

Many smokers who have quit using both tobacco and illegal drugs contend that kicking tobacco was as difficult as kicking the habit of other drugs.

Smoking accounts for 30 percent of all cancer mortality and is the major cause of many cancers.

The estimated losses of productive capacity due to tobacco-caused employee illness run into the tens of billions of dollars. None of this litany of nicotine hazards includes the very considerable fire damage, injuries and accidental fatalities caused by use of this legal drug.

The good news is that Americans are kicking the habit. The per capita consumption of cigarettes has been on a steady downtrend since 1973. Half of Americans now living who once smoked have quit. Still, there are 50 million cigarette smokers left in American society, with a life expectancy far lower than that of nonsmokers.

That tobacco is a powerful drug should not be doubted, but it is legal. As such, whether to indulge in it or not is a very personal, individual decision, one which should be respected.

So as we consider all these valid arguments against the use of tobacco, as we hear prominent voices argue in favor of government restrictions of this habit, we must all remain vigilant.

For we must remember that the core difference between our democratic system and totalitarian regimes is that we have rights to make wrong choices; we have rights to do things that are not good for us.

During this heated debate we should not lose sight of the fact that history has proven that government impositions and restrictions on individuals have not always been the best guide to what is right nor what is wrong.

As the English philosopher John Stuart Mill stated a century and a half ago, referring to prohibition, "This development is a gross usurpation upon the liberty of private life and an important example of illegitimate interference with the rightful liberty of the individual."

Government action can accomplish great goals for society, but it cannot, and should not, dictate upon the individual what it considers to be appropriate and accepted norms. This even at a high cost for society.

That is the price we must pay for our freedom of choice.

Edwin Quiñones is an attorney in Hato Rey.



MELANIE LENART
EcoLogic

Plan to tap Mameyes River stinks

It's too bad the "hearing" over whether to dam the island's last pristine river won't get the high-profile attention given the Aqueduct and Sewer Authority's recent request for a rate increase.

If it did, then thousands could tune in next week to hear about how the ASA's proposal to draw 10 million gallons a day from the Río Mameyes might turn its estuary in Fortuna into a part-time sewer.

International Institute of Tropical Forestry researchers have analyzed the ASA proposal while also considering the presence of the Palmer sewage treatment plant further down the river. IITF Hydrologist Frederick Scatena gave me a preview of his pending testimony last week during a lunch break of Wednesday's administrative hearing on the issue.

His data indicate that a plant shutdown of the type that occurred last year — when the waste treatment process broke down completely between Sept. 2 and 14, as explained in an official letter sent Nov. 9 from the Environmental Protection Agency's Caribbean field office — would turn the water bordering the planned Río Mar resort into a virtual toilet.

Even without crisis situations like this, which are not uncommon, the amount of sewage effluent stagnating in the estuary will skyrocket.

Generally, the river flows fully and rapidly enough so that sewage effluent stays below 2 percent, and the estuary flushes out within 17 hours, Scatena concluded after reviewing the data. But if the ASA wins its case to draw out 10 million gallons of water a day (or all but 5 million gallons, whichever comes first), sewage effluent often would comprise one-fifth to one-third of the remaining stream, as Scatena's graph on the following page illustrates.

The slower flow also would mean the estuary flushes out only every five days, giving sewage time to accumulate and ferment, stealing oxygen from marine creatures in the process and contaminating swimmers' enjoyment of the estuary and the adjacent balneario at Luquillo Beach.

Please see RIVER, Page 34

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VIEWPOINT

A meeting of minds on territorial issues

Three weeks from today, an important event will be held in Washington, D.C., related to the future status of territories that are in the process of redefining their respective relationship with the United States.

Sponsoring this event are various universities located at Guam, American Samoa, the Northern Marianas, Virgin Islands and Puerto Rico.

Also acting as a sponsoring institution is the federal Department of the Interior's Office of Territorial and International Affairs. The possible participation of Bruce Babbitt, Interior secretary, would give an "officialist flavor" to the event.

This conference extends for four days of sessions. One of the outstanding panel discussions will examine the federal government's structure apropos the insular areas.

The three panelists are: Jeffery Farrow, recently appointed by President Clinton as co-chairman of the Interagency Task Force; Allan Stayman of the Federal Interior Department; and James Beirne, minority counsel of the Senate Committee on Natural Resources.

The three participated actively in the U.S.-Puerto Rico plebiscite negotiations held from 1989 to 1991. With this background, they are well prepared to deal with the subject "where we can go from here."

That same day, Congressman Don Young's bill on "incorporation" will also



AIDA N. MONTILLA

Star Board of Contributors

be discussed with an attempt to answer the question, "Is Incorporation a means of decolonization?"

Two afternoon sessions will be dedicated to Puerto Rico.

Under the title, "Implications of the 1993 Status Plebiscite in Puerto Rico," the three political parties participating in last year's event will present their respective viewpoints on the subject.

Baltasar Corrada del Río will speak for the New Progressive Party. Héctor Luis Acevedo is expected to speak for the Popular Democratic Party and either Fernando Martín or Manuel Rodríguez Orellana will represent the Puerto Rico Independence Party.

A professor from the Virgin Islands, Dr. Marilyn Krigger, will offer an explanation of the implications of the 1993 status plebiscite held on the neighboring islands. Seven formulas were

presented to this territory but the people failed to appear to cast their votes in the electoral colleges.

From the Department of Interior, an explanation will be given on the Guam commonwealth proposal. This topic will be also covered by the president of the University of Guam, John Salas.

The case of American Samoa will be presented by the lieutenant governor of the territory and the case of the Northern Marianas will be presented by a judge of the Supreme Court of this territory.

Two persons will be speaking on the subject of Hawaii, both professors from the University of Hawaii. During last year's conference, a strong defense was presented of the independence movement prevailing in a place where the statehood option won some 35 years ago.

One aspect in this conference that was not present last year is the discussion of various "models of association with metropolitan powers."

Under the heading, "The U.S. model, the French model, the Dutch model and the New Zealand model," experts from these regions will present in a workshop particular ways in which territories have achieved "association status" with their respective metropolitan powers.

In the case of Puerto Rico, two law students, Angel Ortiz from Inter American University and Luis Vega from the University of Puerto Rico, will present the topic, "Free association and enhanced commonwealth."

Delegates who sit in Congress, some called resident commissioner or resident representative, (but having no voting rights in plenary sessions), will also participate.

One of them is Delegate Ron de Lugo from the Virgin Islands, who is resigning his seat this year. His many years in Congress gave him the opportunity to be chairman of the Sub-Committee of Territorial and International Affairs, a committee that was instrumental in achieving the Congressional Plebiscite Bill for Puerto Rico in the House of Representatives in 1991. It failed to pass in the Senate.

With de Lugo's resignation, there will be a vacuum of power in the House in terms of territorial rights. In fact many people believe that the sub-committee de Lugo chaired will eventually disappear.

Possibly there will not be a third conference next year on the subject of territorial rights. The importance of this second conference is that it will perhaps serve as a "sounding board" for the coming work of the Inter-Agency Task Force created by President Clinton.

On May 1, Jeff Farrow will be at the Commerce Department working hard to find ways to implement the changes that the "benign neglect" treatment of territories has postponed for so many years.

Aida N. Montilla, a retired University of Puerto Rico professor, now conducts political analysis.

From Page 33

River

The 134,460 people who said they use the lower Mameyes for recreation or fishing — about 39 percent of those responding to a recent ASA survey that showed almost everyone supported the Mameyes project after hearing it described by an ASA interviewer — might feel a bit differently if they heard the whole story.

"Basically, you're going to kill the estuary. I have trouble seeing how it's going to benefit Río Mar," as Scatena puts it.

The backers of a proposed 600-bed Río Mar hotel would do well to consider the rest of the big picture. And this information on sewage doesn't consider that the resort already draws water from the river for its golf courses and ponds, a tidbit passed along to me Thursday by Jorge Fernández Porto of the environmental group Misión Industrial.

It's clear that the ASA is biased in favor of tapping the river, and this surely seeped into its survey, just as it tainted last week's hearings. An agency lawyer wasted more time trying to prevent a witness from testifying than eventually was spent on the actual testimony.

We can expect more of the same in next week's hearings, which will continue Monday in the Department of Natural and Environmental Resources auditorium across from Secretary Pedro Gelabert's office. And all this posturing is basically for one person, hearing examiner Carmen Bravo, who said she will summarize the proceedings in a report to Gelabert so he can make the decision on whether to allow the ASA to carry out its designs on the Mameyes.

In actuality, the resort and other area needs could be served by drawing from existing outlets in other streams. Scatena is convinced. He has suggestions for alternative sources to meet present and future needs.

Area residents also should know that much of the water drawn from the Mameyes would be shipped out to areas like Loíza and Carolina and later even San Juan, via a planned interconnection between the Río Grande and Sergio Cuevas water treatment plants, as attorney Cindy Gines Sánchez pointed out is suggested in the 1993 ASA rehabilitation plan.

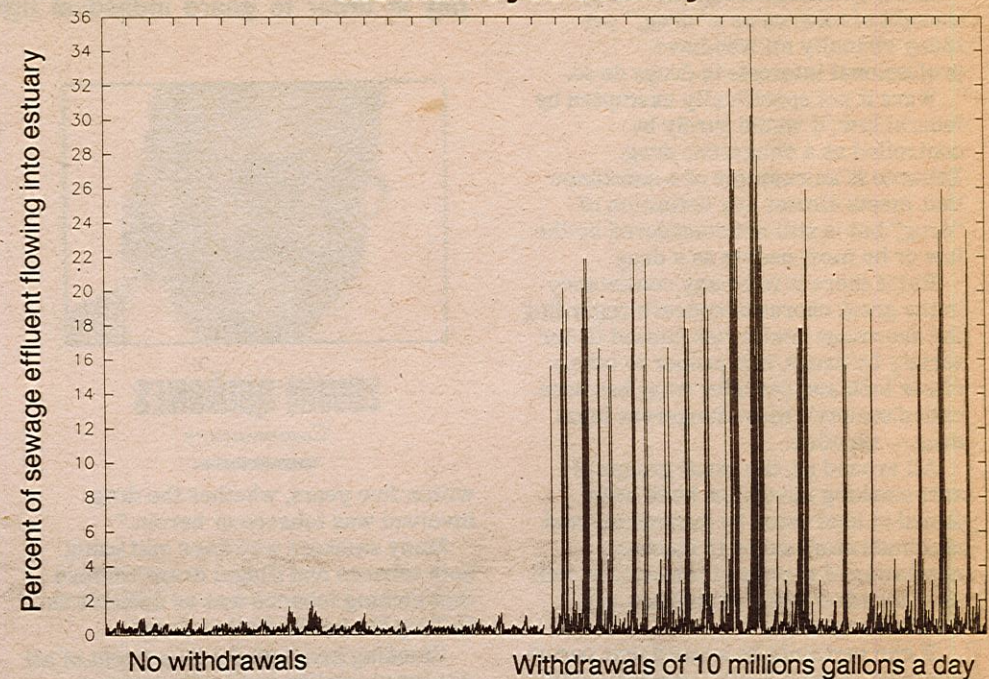
Gines, one of two attorneys arguing against the dam, noted that the ASA's water losses could only increase with such long-distance travel. Calculations show that between 36 and 45 percent of the treated water already gets lost on its way to consumers, either to thieves and from sieves that pose as pipes.

Colón, no doubt, wants to pull some water out of a hat and magically turn into a Good Guy in many residents' minds. Who can blame him? The poor man inherited the massive bureaucracy of the ASA — which has, by some estimates, at least twice as many employees as efficiency would dictate. Yet Gov. Rosselló has decided to back off plans to trim government, as was announced last week in somewhat different words.

Colón also received a cold shoulder from the Legislature when the Senate Friday unanimously opposed increasing the minimum rate of \$8.10 a month.

It's no wonder he is reluctant to pursue water conservation measures, as he admitted during a meeting with the STAR editorial staff last week. The agency can't afford to lose any income

Río Mameyes estuary



Calculations by Frederick Scatena, above, show that withdrawing 10 million gallons a day from the Río Mameyes would greatly increase the number of days that sewage effluent reaches above the current 2 percent level in water flowing to its estuary, even if 5 million gallons a day remains in the river.

when it's already bleeding dollars and leaking water.

And here's where the Legislature could tie a few strings that could avert the "need" to plunder the Río Mameyes.

The Senate has expressed a willingness to provide recurring funds to the financially-troubled agency; members should condition this upon a certain portion going to save water, through promoting conservation by consumers and repairing leaking pipes. The agency could start by keeping track of its output

so as to notice discrepancies.

Forcing the ASA to undertake such efforts would take the pressure off Gelabert to pour diminishing resources down a leaky drain. And it would allow scientists, developers and agency officials to work together to determine future needs and reasonable resources without having to convert the estuary of the last pristine river into a cesspool.

It's in everyone's best interest to sniff out the truth before the stench makes it impossible to ignore.