

# ROLL CALL

## 'Truce' Offers Chance to Explore Issues Raised by Va. Tech Tragedy

April 24, 2007

By David Winston,  
Roll Call Contributing Writer

---

In the weeks after the terrorist attacks on Sept. 11, 2001, I wrote that a new American environment had emerged, one "characterized by a sense of unity, personal responsibility, and mutual respect for one another." On that terrible day, people saw unforgettable pictures of individual courage and compassion from first responders and just average Americans who risked and, in many cases, gave their lives to help others, and they took pride in the actions of fellow citizens.



But for many Americans, the unprovoked terrorist attacks also had a profound impact on how they viewed this country and its role in the world. For many, the moral relativism they had substituted for the concept of good and evil suddenly seemed incompatible with horrible scenes of destruction, tragedy and grief.

Last week, as the tragic events at Virginia Tech filled America's television screens, many of the feelings that characterized those dark days after 9/11 re-emerged in a shocked nation. We were stunned, disbelieving, angry and saddened.

Many of us found ourselves asking the same questions we asked nearly six years ago. What is our responsibility as individuals? What is really important in life? Is there good and evil in this world? How could this happen here, and what would each of us have done if put in the same situation?

We know how this university and its community reacted — first with courage and then with hope and stubborn determination. We learned about Ryan Clark, a 22-year-old 4.0 student with a triple major, a resident adviser who lost his life when he went to the aid of his neighbor in the dorm, the first victim. We heard the story of Waleed Shaalan, an Egyptian graduate student and father of a small child, who, though wounded, distracted the gunman and saved a fellow student at the cost of his life.

And then there was Liviu Librescu, a 76-year-old Israeli and Holocaust survivor who became a highly respected professor of aeronautical engineering at Virginia Tech. This hero barricaded the door to his classroom with his own body, allowing his students time to escape through a window. He died saving others.

The students and faculty of Virginia Tech didn't let anyone down. But, as more details of the shooter's life came into focus, it was clear that a lack of integration between the courts, law enforcement and the health care system let them down. Add to that a university hamstrung by fears of privacy lawsuits, and it was disaster waiting to happen.

Thankfully, in the days after the tragedy, the bitter partisanship of recent years was put aside for a moment. The expected uproar over the issue of gun control was unexpectedly muted. This partisan "truce" gives the nation and especially our political leaders a rare opening to address the issues raised by the Virginia Tech tragedy in an atmosphere of unity.

State and federal education and law enforcement officials certainly will review campus security across the nation. Surprisingly, in the days after the shootings, the National Rifle Association and Democratic leaders in Congress appear to have found some common ground by agreeing to work together to address the holes in the system that allowed a mentally ill man to buy handguns.

Congress also must investigate the role that a number of federal laws may have played in keeping crucial information about the killer's mental state from both his family and the university, beginning with the Health Insurance Portability and Accountability Act of 1996.

When Congress enacted HIPAA in 1996, it was designed, among other things, to protect patient privacy. What the Virginia Tech shootings showed in the extreme is what many families have found since it went into effect a few years ago. Fear of litigation on the part of hospitals and doctors has resulted in the most stringent privacy interpretation of the law.

Because of HIPAA, families, much less universities, can be legally kept in the dark when it comes to what could be a serious illness of a family member. But it's not only HIPAA that has caused universities to hesitate to take action against a student whose behavior is suspect.

On Fox News Sunday, The George Washington University President Stephen Trachtenberg said, "Between the [Family Educational Rights and Privacy Act] laws and the Buckley amendment, we can't tell parents students' grades, much less that they are drinking in excess or having psychiatric problems or other kinds of problems."

The indemnification of our nation's colleges and universities from irresponsible lawsuits is an issue that Congress ought to explore along with the role that parents should play in the lives of their college-age children.

Once again, a catastrophe has shown us that our governmental systems, the bureaucracies at every level that are charged with delivering safety and services to the people of this country, are not up to the task. Congress ought to take a hard look at how we can do better.

But to change the status quo, political leaders on both sides of the aisle must acknowledge that the responsibility goes beyond one party or any one administration. The answers will be found only if the search is conducted in a spirit of bipartisanship and a genuine determination to do what is best for the American people.

Washington could learn much from the words of the Virginia Tech poet-in-residence Nikki Giovanni, who brought thousands of Hokies to their feet at the school's convocation in memory of the fallen. "We are better than we think and not quite what we want to be ... We are the Hokies. We will prevail ... We are Virginia Tech."

**David Winston is president of The Winston Group, a Republican polling firm.**

Copyright 2007 © Roll Call Inc. All rights reserved.