Subject: DUI Laws
Posted by Wayne Parham on Tue, 20 Jan 2004 09:17:24 GMT
View Forum Message <> Reply to Message

What do you think about DUI and public intoxication laws? I'm talking about things like driving while under the influence, public drunk, having actual physical control of a vehicle while under the influence, etc.I haven't had a drop to drink or any drug more powerful than an aspirin for almost 15 years, so I think it's fair for me to state my indifference to such laws. It can't be seen as some kind of justification, because I'm a teetotaler and I'm not defending any desire to drink or use drugs. But I still think that some of these laws border on "thought police" style control.Like Sam Kinison used to say, "you don't get drunk hoping to plow into a family of six." I don't want to see that happen, but I'm not sure that setting a blood alcohol limit as low as 0.08% or even 0.1% is appropriate. That's like two beers. I don't know about the rest of you, but I know lots of folks that drive a hell of a lot better after two beers than a lot of other folks do stone cold sober. For that matter, lots of people drive so poorly that you'd have to drop acid and drink a fifth to drive as bad as they do. And now that I think about it, I'm not even sure that would do it.So why do we use something like blood alcohol limits as an indicator of performance rather than directly measuring performance? It is sort of a way to convict a person of driving poorly even when they haven't? Same with public drunk - It is like you convict a person of bad behavior under the pure presumption that the things they have ingested will make them obnoxious or dangerous. But is this reasonable? Is it fair? Should we also incarcerate manic-depressives that haven't taken their meds? How about people that are just grumpy or excitable?No one wants an unsafe person on the roads, and most don't want a violently obnoxious person out in public. Surely, it is easy to test for blood alcohol levels, and that's probably the reason why it's done. A quick field sobriety test is obviously easier to do than a real driving test. But does the fact that it is easier really make it right? How many freedoms are we willing to sacrifice for "safety?"

Subject: Re: DUI Laws
Posted by BMoye on Fri, 23 Jan 2004 13:19:18 GMT
View Forum Message <> Reply to Message

Personally I don't think the DUI laws are enforced enough, and .08 works for me, but then I have personal experience with DUIs. My wife, my daughter (our only child) and my son-in-law were killed by a drunk driver that only had a couple of beers. His BA was 0.1. He crossed the center line and hit my family head on, and killed them instantly. It was nothing short of a miracle that my grandson survived unhurt, but he is now forced to live without his mother, father and his grandmother (not to mention that he is being raised by me, his grandfather). Te man that killed my family had FOUR DUI CONVICTIONS IN FIVE YEARS yet he never spent more than 30 days in jail. He was driving on a suspended license because he just had to have a way to get back and forth to work (not to mention a way to get his beer). He was convicted of intoxication manslaughter and is currently serving a four year sentence. Whoopie fuck, four whole years. My grandson will be nine when this killer gets out of prison and my grandson will still have to visit his mom and dad at the cemetary and ask his grandfather if mommy and daddy miss him in heaven.I say lock the DUIs up for a first offense before they kill someone (assuming they didn't kill

someone the first time).Let's see the bleeding hearts put a tourniquet on that one.

Subject: Re: DUI Laws
Posted by Wayne Parham on Fri, 23 Jan 2004 22:48:26 GMT
View Forum Message <> Reply to Message

Oh, God, that's the saddest story. No words can express, but my heart goes out to you.My point is that I think that the focus should be placed on this man's performance and not on arbitrary blood alcohol levels. He killed, and his failure to perform well behind the wheel is what caused it. I don't think it was as much an issue of a blood alcohol level of 0.1% as it was that he is a poor and irresponsible driver. Focus on the harm he caused, and not on what he injested, that's my point.

Subject: Re: DUI Laws
Posted by BMoye on Mon, 26 Jan 2004 12:51:52 GMT
View Forum Message <> Reply to Message

Unfortunately judging performance can only occur after the fact (traffic stop or accident), and then it becomes a pissing contest between a high priced attorney hired by the defendent and the arresting officer. By placing an arbitary limit (.08) on the amount of alchol in the blood stream, we all have to abide by the same standard, just like speed limits. I may be able to drive safely and sanely at 95 while driver B should be limited to 55. Limiting everyone to an enforceable (and sane) standard makes everyone safer.Your thought?

Subject: Re: DUI Laws
Posted by Wayne Parham on Mon, 26 Jan 2004 14:18:21 GMT
View Forum Message <> Reply to Message

My thought is that this is a tough problem to solve. I think looking for solutions is good though, because clearly what we are doing now could be improved. No matter what direction we look at this from, improvements would be welcome.My thought is that even having the arbitarty limit means that some after-the-fact incident must occur to trigger the search. If nothing wrong is happening, then there is no probable cause to check the driver. So the performance is still really at issue.It's a tough one, that's for sure.

Subject: Agreed, But I Am Significantly Biased (NT)

Posted by BMoye on Mon, 26 Jan 2004 16:13:43 GMT
View Forum Message <> Reply to Message

.

Subject: Re: DUI Laws
Posted by DickC on Tue, 27 Jan 2004 21:46:11 GMT
View Forum Message <> Reply to Message

You're forgetting something Wayne. Alchohol is a depressant, not a stimulant. Studies have proved time and again, that even after one drink peoples reflexes noticeably slow down. The more drinks an individual has, the more his reflexes and judgement deteriorate. So even if someone has not reached the blood alchohol level of .08, his driving skills and judgement are not what they should be, even if he has only two beers. IMO anyone who drinks two beers and gets behind the wheel, is rolling the dice with his life and the lives of others. Dick

Subject: Re: DUI Laws
Posted by Wayne Parham on Wed, 28 Jan 2004 06:07:12 GMT
View Forum Message <> Reply to Message

I do understand that alcohol is a depressant.I still think that the issue here is performance, and that maybe blood alcohol limits shouldn't be used as an indicator. I think we would both agree that a person will perform better sober than they will under the influence, all other things being equal. But I also think that there are many things that effect performance, and so I wish performance was the focus instead of blood alcohol levels.If someone is an extremely poor driver and has a death-causing accident while sober, they are not treated nearly the same way as someone who is at say 0.8% blood alcohol level. But if they are a very poor driver, I think it is just as bad.Personally, I don't like being around a lot of drinking because I don't drink. When folks get too intoxicated, they irritate the piss out of me. I can't stand liquid courage, false pretense and all the other behaviors that come along with alcoholism and heavy drinking. But I think it's a moral issue, and that it probably shouldn't be illegal, all by itself.I think that the ways a person acts should be what they are judged by, and not their mental state, even if that mental state is caused by the injestion of alcohol. If they assault someone or cause an accident from incompetence, that's the real harm they've caused and that's what I would focus on. That's just my opinion, and my voice. I can sure see the other side too, and maybe I'm wrong. Maybe a performance-based enforcement model worldn't work well at all. But I say watch the behavior and not the blood alcohol level.

Subject: Re: DUI Laws
Posted by Adrian Mack on Thu, 29 Jan 2004 04:55:44 GMT
View Forum Message <> Reply to Message

Blood alcohol content limit is 0.05 here in Australia. You would think that there could not be extremely bad drivers on the road as there is driving tests to pass to obtain license. Then all you need to do is watch one of those "worlds worst drivers" show's and how wrong that is! They have a show called that in australia, where they had a about 10 people or so, each real bad at driving and had various practical and theory tests to do each week. And the worst one at the end of the series gets the priveledge of watching their car get crushed :P One of the women on the show had a habit of knocking everything down in her way because she doesn't like to move, shopping trolley in the way? No problems, just ram it! Whilst others get really nervous and take their hands off the wheel to cover their face. I wonder how they even got a license in the first place. Perhaps when your driving license is renewed there should be a test to do again. Problem is there just isn't facilities to test millions of people every year when they renew their license. Even people applying for their first license sometimes have to wait months to book a test due to the huge amount of people. Then there is the problem of wasting time and money testing drivers which are good, but they cannot know unless they test them. Or just lower maximum speed limits. But that will piss off the good drivers, they discussed this on the radio before and had people call in. I don't want to be driving at 20km/h less just because some idiot doesn't know how to handle the car at the normal limits. So what can you do? Public awareness programs? They have TV advirts over here which try and tell people that speed kills. I dont think any of them work though, although there is one ad on at the moment first time I've ever seen that looks real enough to get through to people. Take a look at holiday road toll's, its amazing how many people die driving their car. And none of them expected to wake up one morning, hop in their car and find themselves dead after. Eh, I think I've rambled on enough :P Whatever laws or programs that are enforced can never be perfect. We live in a non-perfect world.

Subject: Re: DUI Laws
Posted by Wayne Parham on Thu, 29 Jan 2004 09:36:41 GMT
View Forum Message <> Reply to Message

It's a tough problem, that's for sure.One place I'm familar with beside my home town is Odessa, Ukraine. They have pretty strict DUI laws but they aren't enforced. I understand that's the way most Russian (and former Russian) places are. They're like what we Americans would call the "wild west" in that things are more anarchist, not fully, but a little bit more that way. It has a sense of true freedom, but of course with that, you have to take on more personal responsibility.You can't expect Russian (Ukrainian, Moldovan, Belorussian, etc) laws to necessarily protect you, and you need to protect yourself. A guy that's pulled over for DUI might be able to get off by giving the cop a bottle of vodka. Or it may cost fifty bucks. Or if he's known to be rich, it may cost more. If unliked, he may get his butt kicked pretty badly. But the law is determined right then and there, between you and your cop. You two negotiate the consequences, and it is largely a personal matter between you that determines what your fate will be.Another part of this is that if you're on the road, you better make sure that you're alert. If someone plows into you because they're

drunk, you may not have any recourse. Even if you sued, which you probably wouldn't, but if you did and won, there may not be any funds to be awarded. You probably shouldn't expect the guilty party can help, nor wil the government likely be much help. You're really on your own.Something else to consider is that if you ride a motorcycle, no matter where you are or how many laws are in place, you're still very much on your own. No matter who's at fault, if you take a hit on a bike, you're probably dead. So you really need to take matters into your own hands, no matter what laws are in place to protect you and no matter how fairly they are enforced. If you're on a bike, your life is very much in your own hands. And while you're not as vulnerable when you're in a car, this same kind of thinking can be adopted there.When I hear stories from people who have lost someone, I become pretty angry at the drunk that caused the accident. I was friends with a guy in a wheelchair that was crossing the road and was slammed by a drunk in a pickup truck. He and I were in the same college class, and he was a very bright student and very funny. It was shocking to hear the news. He just wasn't there one day. I went by the intersection where he was hit and found myself wanting to run everyone off the road that I thought was driving like idiots because I was so angry.As an aside, that's so bad of me, this kind of reaction and I'm embarrassed of my tendency to react this way. But I was just really sad about the senseless death of my friend. I could visualize him rolling across the crosswalk when the light turned, and seconds later having the truck nail him at 50 miles an hour, knocking him flying 20 meters into the air. My first feeling is that of shock that turns immediately to anger. So I can understand the reactions of the no-alcohol-tolerance guys, and I have more in common with them than I have differences with them.I find myself being more angry with blatant DUI offenders as idiots and piss-poor drivers than I have with them as drunks. Then again, if I spent ten minutes with them in a bar and heard their silly conversations, I'd probably be a lot more focused on their drunkeness than their driving ability. But I think that in each case, it's the behavior I'm focused on. Certainly, there are many people in my life that can drink - some even pretty heavily - and still be wonderfully charming people. Not everyone that drinks heavily acts alcoholically, and I think this is where my focus lies.I guess the thing is that - at least for me - I have to always remember that my input isn't required here. I mean, it's an interesting conversation, but I know that my opinions are so volitile, I don't really need to involve myself. It is best for me to throttle my actions completely and take no side except maybe in casual conversation. Maybe the laws with strict blood alcohol levels are right and work best. I'm glad it's not my call.But my opinion is that the behavior and performance of these guys is what disturbs me, and not their blood alcohol level.I don't go when the light turns green, I always look both ways for these morons. I always expect that some fool is going to fall asleep and careen straight for me. I have a very low expectation level of every driver I meet on the road, and am pleasantly surprised when they manage to stay in their lane. This is an admittedly paranoid and low-expectation outlook, but it keeps me watchin' for 'em.Now I'm the one that rambled on enough. It's an issue that always brings up extremely emotional reactions and I fully respect the strong feelings of both sides.

Subject: Re: DUI Laws
Posted by Adrian Mack on Sat, 31 Jan 2004 03:53:50 GMT
View Forum Message <> Reply to Message

Hey WayneSorry about your friend, can't imagine what that would feel like. I see why you have certain views about other drivers on the road. DUI laws and speeding are really though here in

Australia. They say its to protect people but IMO they do it for money. They earn SOOO much revenue from speeding fines and stuff every year. And they always want to put camera's in places known to be accident free and it stirs up a lot controversy. Scheme's to catch DUI'ers are enforced heavily in Australia with massive booze busses and big campaigns and stuff. Speed camera's are everywhere too. Whatever the reason at least it does protect people, but hey people still die out on the roads and I dont think that having the amount of death's "minimized" is good enough - you want none. So even in places like Aus where the laws are enforced heavily its really up to yourself weather you want to take the extra caution or not. I can see where your coming from.Adrian