



## MADD dad: Sobriety checks will save lives

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Troy resident David Easterbrook will be far more than an interested observer in what may be the latest battle over the legality of sobriety checkpoints in Michigan.

"It would be a long shot, but on the off chance that a sobriety checkpoint had been set up on Crooks Road, my daughter might be alive today," said Easterbrook, whose daughter, Ashley, 18, died June 3, 1997, when a drunken driver ran a red light at Long Lake and Crooks roads in Troy.

Two of Ashley's friends, Andrew Stindt, 19, and Michael Jamieson, 19, also were killed in the crash, as was the drunken driver.

"Sobriety checkpoints would just give police another tool in the bag when combating drinking and driving," said Easterbrook, who has become a national spokesman in the battle against drunken driving since his daughter's death. "I'm convinced they would save lives."

Easterbrook is an active member of MADD and founder of the Ashley Marie Easterbrook Foundation, which has raised funds to purchase billboard space for messages against drunken driving, awarded college scholarships and helped cover overtime costs of additional police patrols targeting drunken drivers.

It's been about 12 years since the legality of sobriety checkpoints in Oakland County and the rest of the state was bitterly contested before the Michigan and U.S. Supreme courts.

But the American Beverage Institute, a Washington, D.C.-based restaurant trade association, is now gearing up to battle Mothers Against Drunk Driving in what the institute says will be an all-out lobbying effort by MADD to legalize checkpoints in Michigan and other states.

However, in an ironic twist, MADD officials in Oakland County and Michigan wonder what all-out lobbying effort the beverage institute officials are talking about because legalizing checkpoints is not a priority here. Still, the political rhetoric is hot and heavy.

"By calling for increased roadblocks and PR campaigns, MADD is studiously ignoring the root cause of today's drunk driving problem - hard-core product abusers," said John Doyle, executive director of the beverage institute, which represents such major restaurant chains as Olive Garden, Outback Steakhouse, T.G.I. Friday's and Chili's Grill & Bar, which serve alcoholic beverages.

Doyle said MADD is pursuing tactics that target responsible adults, not drunken drivers.

"The experience shows that these measures (checkpoints) serve only to intimidate responsible adults and do little to save lives," he said.

However, there is no effort by MADD here to get sobriety checkpoints legalized in Michigan, said Homer Smith, executive director of MADD of Michigan, and Michele Compton, administrator of the Oakland County Chapter of MADD: "That's not one of our priorities.

"Getting sobriety checkpoints legalized in Michigan would require either a constitutional amendment or the Michigan Supreme Court changing its earlier ruling. That would be very hard for anyone to do."

Smith did say MADD, nationally, has made the legalization of sobriety checkpoints a goal. In fact, the national MADD Web site has a link where supporters can e-mail their state legislators and tell them they want the checkpoints.

MADD officials said that, if legalized, checkpoints would reduce alcohol-related traffic fatalities in Michigan.

"There's no doubt in my mind that sobriety checkpoints would be effective," Compton said.

Easterbrook was particularly interested in the effort by a trade group that represents T.G.I. Friday's to fight sobriety checkpoints since the driver who killed his daughter had been drinking at one of the restaurants before the fatal crash.

"I think I know why restaurant chains like Friday's are against sobriety checkpoints," said Easterbrook, whose family won a major settlement in a lawsuit against the restaurant chain. "A sobriety checkpoint would make their bartenders think about how much they are serving someone."

The debate over checkpoints goes back to the 1980s and 1990s, when Michigan was a battleground state in the fight to legalize them.

The prolonged legal battle, waged from 1986 to 1993, stemmed from the Michigan State Police operating a checkpoint for one night near Bridgeport in Saginaw County.

Arrests were then challenged in a lawsuit filed by the American Civil Liberties Union.

After the case bounced between the Wayne County Circuit Court, Michigan Supreme Court and U.S. Supreme Court, the U.S. Supreme Court in a landmark 6-3 decision in June 1990 ruled in favor of sobriety checkpoints.

The court ruled that the privacy rights of motorists are not violated when police try to curb drunken driving by stopping them at sobriety checkpoints.

At the time, ACLU spokesman Howard Simon called the ruling a move "toward a police state."

The case was then sent back to the Michigan Supreme Court to change its decision, but the Michigan Supreme Court held, in 1993, that these checkpoints, if permissible under the U.S. Constitution, were not permissible under the Michigan State Constitution.

That's where the situation has remained.

In fact, beverage institute officials have already launched an effort to stop sobriety checkpoints in Texas, which, like Michigan, is one of 11 states that do not currently allow sobriety checkpoints. The other states are Alaska, Idaho, Iowa, Minnesota, Oregon, Rhode Island, Washington, Wisconsin and Wyoming.

In an extensive public relations blitz, the institute cites a National Highway Traffic Safety Administration study that found:

"For chronic drunk drivers, checkpoints may not be very effective since these drivers ... have learned to alter their driving behavior to avoid detection."

The same study found targeted patrol programs, such as the "You Drink & Drive. You Lose" campaigns conducted both in Oakland County and throughout Michigan, in which federal grants are used to pay for overtime costs of police patrols targeting drunken drivers for arrest, are much more effective.

The study found such patrols result in three times the number of arrests made at checkpoints.

In response, MADD officials cite a 2001 study by The Centers for Disease Control that found that sobriety checkpoints can reduce alcohol-related crashes and fatalities by 20 percent.

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