

## **Drunk Driving Is Finally In Context**

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**By Stephen Zavislak**

Recently noted drunk driving attorney Robert Larin lashed out at anti-drunk driving groups for their so-called influence on legislators and judges. He indicated these groups are exerting undue influence by “controlling and scaring legislators and judges while taking the alcohol issue out of proper context.”

The issue of drunk driving was for many years relegated almost to a nuisance offense status by legislators and the justice system. Pressure from special interest groups caused lawmakers to shun any legislation that would “harm their business.” Ordinary citizens, whose lives were altered forever by the actions of drunk drivers, finally told our legislators and courts that enough is enough.

These citizens formed coalitions such as MADD or the Ashley Easterbrook Foundation that not only advocated changes in the laws, but also worked to change the public’s perception about drinking and driving. They advocated victims’ rights and became involved in education programs to raise social consciousness and change norms regarding the issue of drinking and driving. Contrary to popular belief, these groups are not prohibitionist. They believe there is a solution to the problem. That solution is, if you drink, don’t drive.

Many in society continue to have this notion that driving is a right and not a privilege. It is a privilege that confers upon the individual certain responsibilities inherent in operating a vehicle, such as stopping for a red light, obeying the speed limit and not driving when you are drunk. It is reasonable for society to expect that with that privilege come restriction on behavior that can be detrimental (dangerous) to others.

A drunk driver may ultimately deprive me and others of our rights under the Constitution (i.e., the right to life, liberty and the pursuit of happiness). Restricting the freedom of drunk drivers to continue to violate the law is not taking the “alcohol issue out of proper context” as Lain would suggest.

Jurists and society as a whole have come to recognize that alcoholism is a medical issue. Drinking and driving is not. Driving after consuming intoxicants is a conscious choice made by an individual who believes their right to do so trumps everyone else’s right to a reasonable expectation of safety while driving on a public road.

Ask people whose lives have forever been changed by a drunk driver, such as Michael Jamison’s parents, or the Stindts or Easterbrooks, if the alcohol issue has been taken out of proper context. Michael Jamison, Andrew Stindt and Ashley Easterbrook were young adults in the prime of their lives who were killed by a drunk driver in Troy. I was a police officer who responded to that crash. The memory of that fateful June night in 1997 will forever be indelibly imprinted in my mind.

For far too long, before the existence of groups such as MADD, our society did look at the issue of drunk driving in the wrong context. Our society perceived drinking and driving as a nuisance offense, or social issue, as opposed to a dangerous and deadly crime.

I am glad for groups such as MADD, they have not only raised the level of consciousness about the seriousness of drinking and driving, they have become advocates for victims' rights and, more importantly, educators of our young people about the dangers associated with this type of behavior.

Rather than castigating lawmakers and judges for, according to Larin, "being controlled and scared" by these anti-drunk driving groups, all law-abiding citizens and drivers should applaud our legislators and jurists for having the courage to say enough is enough.

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