

Lawmakers cool to drunk-driver check lanes

By Tim Richard
staff writer

Suburban state representatives are visibly cool to Gov. James J. Blanchard's plan to set up drunk driver check lanes in April or May.

They agreed with state Rep. David Honigman, R-West Bloomfield, who said, "On balance, I'm against — but I'm keeping an open mind. It seems there should be a less drastic and intrusive means of reducing drunk driving."

The House Judiciary Committee, chaired by civil libertarian Perry Bulard, D-Ann Arbor, Tuesday listened to 2½ hours of testimony, challenging State Police over drunk-driving statistics and questioning how effective check lanes would be.

REP. RICK SITZ, D-Taylor, has been joined by 46 other representatives in sponsoring HB 5409, which would allow police check lanes but not for drunk drivers.

Area co-sponsors include Mat Dunaskiss, R-Lake Orion; Gordon

Sparks, R-Troy; and Gerald Law, R-Plymouth.

Bulard said further hearings would be held the week of April 10, following the Legislature's Easter break.

Sitz also is seeking, through the appropriations process, to cut off funding for check lanes effective Oct. 1.

The Judiciary panel listened intently when Howard Simon, executive director of the American Civil Liberties Union in Michigan, promised a court challenge to the constitutionality of check lanes. Bulard asked Blanchard's legal advisor to consider holding up the experimental program until the constitutional question is cleared up, but got no agreement.

COL. GERALD HOUGH, State Police director, said 800 of the nearly 1,600 traffic deaths in Michigan each year are "alcohol related," adding, "We have a problem."

He was backed up by witnesses from Maryland and Delaware who said check lanes, while not the "total answer," did reduce traffic deaths in counties where they were used.

Bulard replied, "Michigan's had-

'It seems there should be a less drastic and intrusive means of reducing drunk driving.'

— state Rep. David Honigman
R-West Bloomfield

been-drinking' fatal statistics are down 29 percent since 1980. Whatever we've been doing, we've had more success than Delaware with its check points."

Rep. David Gubow, D-Oak Park, challenged the effectiveness of check lanes, where a trooper would visually observe the driver, compared to watching a driver perform on the road.

"Drinking is not the issue. Impairment is the issue," Gubow said.

HONIGMAN ASKED, "How many

officers would it take to create a one in 100 chance of being stopped in a year?" "I don't know," answered Hough, who said the program would be used in only one county at a time with substantial advance publicity.

"I find it intrusive to stop everybody," objected Rep. Bill Runco, R-Deerborn.

"What if they (car occupants) approaching a check point) change drivers?" asked Rep. Joseph Palamara, D-Wyandotte.

Replied Hough: "If they (officers) observe it happening and determine who the first driver is, then that's the person they'll check."

LAWMAKERS BORED in on State Police numbers saying 50 percent of traffic deaths were "alcohol related."

"How did you decide that the half who die in alcohol-related accidents are more important than the non-alcohol-related deaths?" challenged Rep. Ernest Nash, R-Dimondale.

When Rep. H. Lynn Jondahl, D-East Lansing, asked the definition of "alcohol related," Hough replied, "Alcohol was involved to some degree."

"It may have been someone who was drunk who stepped off a curb and was hit," said Nash.

Bulard followed up: "It's a little confusing when you have drunk pedestrians showing up in your 'drinking-re-

lated' statistics."

Nash jumped in again: "How many (of the 800) were killed by drinking drivers who caused the accident? Can you tell from the statistics?"

Hough turned for help to a uniformed aide who answered, "No."

HOWARD SIMON, executive director of the American Civil Liberties Union of Michigan, had an easier time.

Simon called for "old-fashioned police intrusion based on observable, suspicious behavior" rather than "statistical likelihood" that a certain number of drivers on a certain road are impaired by alcohol.

Asking lawmakers to halt the check-point program, Simon cautioned against a "tendency to say, 'I'm clean, so it's OK.'"

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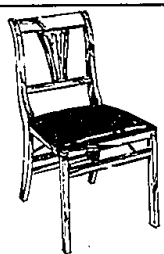
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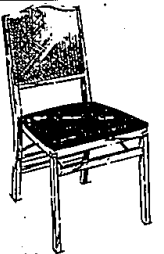
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