



A CITIZEN'S PROJECT TO REMOVE INTOXICATED DRIVERS

P.O. Box 520, Schenectady, New York 12301

Inside this issue:

President's Letter	1
Drunk Driving's Biggest Foe: Doris Aiken at 90	2-3
Uber Fails in Upstate New York	3
Log Bay Day Tragedy	4-5
For Profit DWI Attorneys: What We Can Do?	5-6
The Creation of the NYS Stop DWI Program	7

RIDlev to the Rescue



Ridley Takes on Boating While Intoxicated

By Jane Aiken

RID

Victim's Hotline
(518) 372-0034
or
518 393-HELP
(518) 393-4357
Fax **(518) 370-4917**
ridusa@verizon.net



Join or Renew

...and Help RIDley curb DUI/DWI.

\$35.00 Join as a National Member and enjoy a book, *My Life As A Pitbull* or *Without Warning*. (Fill out coupon or write information).

\$25.00 Newsletter only.

\$75.00 "Without Warning" Video on Binge Drinking.

\$ _____ Tax-deductible donation.

\$ _____ Memorial for: _____

Total \$ _____ check enclosed.

Name: _____

Street: _____

City: _____ State: _____ Zip: _____

Telephone: () _____ - _____ E-mail: _____

THE PRESIDENT'S LETTER

FOLLOWING YOUR HEART PASSING ON THE TORCH

I was 51 when I started RID. I didn't realize it at the time that this modest action would be the genesis of the calling in my life. I was just following my heart in drawing attention to a system that was routinely failing the victims of drunken drivers.

In 1978, there was no blue print on how to go about changing a culture where drunken driving crashes were viewed as an accident, not a crime. The public's attitude was so heavily ingrained in its ethos; drunken driving was not considered a big deal. Also, there was a well-kept secret as to why public safety remained at such risk. Decades of carnage inflicted by drunken drivers on so many victims, yet these offenders were always protected by lawmakers, many of whom were lawyers that benefited financially by retaining the status quo of allowing drunken drivers to plea bargain out of alcohol offenses and retain their driver's license.

Changing this apathetic, crony, corrupt system seemed to be an impossible task.

Four years before I started RID, I was involved in Democratic politics on the local level in Schenectady, NY. The party leader asked me to run for the Assembly seat in my district against a popular Republican incumbent, who had held that seat for many years. The main thing I had going in my favor was the Watergate scandal had just forced President Richard Nixon to resign which tainted Republicans going into the Fall elections.

But the bigger issue in my case was that the leader of the Democratic Committee who suggested I throw my hat in the ring, knew that it would be impossible for me to represent my district even if I got more votes than my Republican opponent.

The reason unbeknownst to me at the time was that I had only lived in the area for two years. To be eligible to run for office, you had to live in the district for at least four years. Of course, he failed to disclose this requirement. He just saw me as someone to fill their need of having a challenger run in the general election, even though he knew there was absolutely no chance of me winning. Despite all that, I made the most of this opportunity.

Running for office was a great experience. I don't regret doing it. I have great memories from campaigning in that election. Being the sacrificial lamb turned out to be a valuable and worth-while experience. It was great preparation for running RID. I threw myself into a hurricane and rolled with the punches. I learned how to craft my message, how to handle the media and interact with the public. I was following my heart, doing something that I believed would make a difference in people's lives.

Doing well and doing good aren't the same thing. Doing well is more related to achieving financial success in your area of work. Doing good is about making a difference in people's lives, especially when that path



William Aiken and Doris Aiken Photo Courtesy of Jess Petrequin

requires taking on powerful opponents whose goal is to do everything they can to ensure your failure.

I hope that Millennials and the preceding generation take note of the difference between doing good and doing well. One of the things I am most proud of was my decision not to accept any funding from the alcohol industry. By doing so, this choice led to my being banished by the national media for many years. RID paid a hefty price but I felt this issue was about having integrity and taking a stand on principle. Over the years, RID has attracted a lot of new members, who viewed RID's policy on alcohol as an example of putting a high premium on doing good.

In May, the RID board voted to promote my son, William as Vice President. I will continue to pen the President's letter for the newsletter and remain on the RID board. But my new role will be more of an advisory one in the business of RID matters. The day-to-day operations will be handled by William and my daughter, Jane, who will continue editing the newsletter, managing the accounting, and mailing list for RID. William will continue to oversee the website as well as contributing articles for the newsletters, conducting interviews with the media, monitoring court cases and applying for grants.

I feel confident that the years my children have spent working with me will provide them with a solid foundation for RID to continue its success moving forward. They have absorbed the necessary experience needed to continue RID's mission in a manner that remains true to our goal of making a difference in keeping our roads and highways safer for everyone.

I would like to extend a heartfelt thanks to all of those whose generosity and support over the years have helped to lead changes in the way we treat drunken driving. I just celebrated my 90th birthday, so its time to pass the torch to a younger generation. Following my heart has been the catalyst for many of RID's victories along the way. I hope my legacy may inspire others to appreciate the value and importance of doing good.

all best, Doris

Doris Aiken, RID President

Drunk Driving's Biggest Foe: Doris Aiken At 90

Doris Aiken, with then Secretary of Transportation Elizabeth Dole. Courtesy of William Aiken.

By Dr. Barron Lerner for Forbes.com

When someone dies a preventable death, there is no obligation for loved ones to become activists, aiming to stop similar deaths. It is enough to merely grieve for a tragic loss.

But some people turn their grief into action, devoting countless hours to educating the public and creating change. One such person is Doris Aiken, who turned 90 on July 31, 2016 and is now in her 39th year of activism to prevent drunk driving. Most amazingly, perhaps, is that Aiken barely knew the two teenagers whose deaths would change her life. I am honored to have met her when researching my book on the history of drunk driving, *One for the Road*.

Aiken was making dinner for her family on December 5, 1977 when she noticed a headline in the local Schenectady, New York newspaper. A drunk driver, with a blood alcohol level more than twice the legal limit and an open can of beer between his knees, had killed two local teenagers that Aiken knew distantly.

As a journalist who hosted a television program that addressed pressing social issues, Aiken knew a good story. But when she began digging, what she discovered astounded her. The local district attorney chuckled when she asked him whether the driver would receive severe punishment. "No, we don't take away licenses or put people in jail," he said. "This is an accident," the D.A. added. "He didn't mean to do it and probably feels very bad about it." He advised Aiken not to get involved.

By even reaching the D.A., Aiken had done better than the mother of the two victims. He would not, Aiken later wrote, even return the bereaved woman's phone calls.

What followed over the next months and years was pure grassroots activism. With the backing of her Unitarian church, Aiken organized a small meeting of interested citizens. This group would eventually become Remove Intoxicated Drivers (RID), America's first anti-drunk driving organization, in 1978.

Once the word started getting out about RID, stories similar to the Schenectady crash came pouring in. A North Carolina couple wrote that their son had been killed by a drunk driver, who had been allowed to plead down to only one month of a suspended license. "This does prove," they wrote, "that death by motor vehicle is excusable."

Other activists across the country were also becoming furious at the lack of justice for the victims of drunk driving. In Maryland, Cindy Lamb's car was hit by a drunk driver with three previous driving-while-intoxicated (DWI) arrests who had just imbibed two pints of whiskey. Lamb's five month-old daughter Laura was permanently paralyzed. In California, a police officer told Candy Lightner, whose 13-year-old daughter Cari had been killed by a drunk driver with four previous DWI arrests, that the man would surely not go to prison. "That's the way the system works," he explained. Lamb and Lightner would go on to become prominent figures with Mothers Against Drunk Driving (MADD), which became the largest and best-known anti-drunk driving organization.

By 1983, RID had 130 chapters in 30 states. But it was in New York that it had its major impact. Thanks to persistent lobbying and a series of vigils in memory of the dead, RID got the state legislature to pass new laws that prevented plea bargaining, immediately revoked the licenses of second-time offenders and earmarked fees collected from drunk driving cases for better enforcement measures. RID also helped to oust judges who were repeatedly lenient to drunk drivers.

Aiken and her colleagues also paid close attention to the issue of victims' rights, an important theme during the Reagan-era 1980s, and one that underscored the emotional concerns of survivors. RID informed victims and family members involved in drunk driving crashes how to obtain the accident report, hire a lawyer, obtain the record of the offending driver and, if interested, to make "impact" statements at trial.

Continued on Page 3

The Creation of the NYS STOP-DWI Program

By Rene Barchitta

In 1973, New York State Senator William T. Smith's Daughter Judith, was hit head on and killed by a repeat DWI offender. The belief at that time, that impaired/intoxicated driving crashes were an "accident" rather than irresponsible behavior and a criminal act. The intoxicated driver who ended the life of Judith received five years probation. Senator Smith's wife Dorthy said to him "Bill, you are a State Senator you've got to do something to stop DWI".

The New York State Senate Task Force appointed by Warren Anderson, helped Senator Smith along with Senator Finkle to develop an important bill to stop DWI. Doris Aiken, Founder and President of RID, was instrumental in advocating, pressuring, and convincing New York State Legislators to support the bill to stop DWI. In Tompkins County Fran Helmstader of PARKIT, one of the first of four NYS RID chapters (the County where Judith was killed) was also helpful to Senator Smith.

In 1981, The STOP (Special Traffic Options Program) - DWI Program became law. The STOP-DWI Program was and continues to be funded by the fines of convicted impaired/intoxicated drivers from the county of origin where the arrest took place. Over \$2 million each year is collected in New York State annually from this program. Every County in NYS participates in this program by sponsoring a STOP-DWI Program in their County. The STOP Program develops an individual plan and works with (and can help to fund) Impaired Driving Enforcement, Prosecution, Education/Public Information, and Rehabilitation. Because the Program is totally funded by the fines it is not dependent on limited tax dollars. Only solving the DWI/DWAI problem, would reduce or eliminate the need for the Program.

DWI Conviction on the Original Charge Ranking

The former Ontario County STOP-DWI Coordinator Drew Malevase, developed and produced an annual report comparing each County's DWI conviction rate on the original charge.

Based on the 2013 statistics from then NYS DMV's Division of Research and Development. Ontario County DA's office, under the direction of DA Micheal Tantillo once again ranks number one in DWI convictions on the original charge in NYS. Nearly 96% of all DWIs in Ontario County resulted in a conviction on the original charge. Broome County is number 2 (81%) and Wayne County 3rd with (76%) on the original charge. Of the 62 NYS counties the Counties with the lowest conviction rates are as follows: Queens is 62 with (22%), Delaware is 61 with (26%), and Kings is 60 with (27)%

In 2013 in NYS, DWIs (1192.2 and 1192.3) totaled 20,595 and drugs(1192) 1,678.

Questions to ask? Why is there such a disparity of DWI conviction rates on the original charge?

- Is the DA's office doing their job?
- Does the DA have enough resources?
- Is there a political agenda not to take DWI seriously?

Why is conviction on the original charge important?

- Sets the tone for plea bargaining
- Helps set up a perception of the likelihood of conviction and thereby the level of deterrence
- Either supports Police Officer's efforts, or promotes the belief that making an impaired driving arrest is a waste of time
- Does not help deter impaired driving related injuries and fatalities

If you do not live in NYS, to find out what your County's conviction rate is: ask your DA, check with your local Traffic Safety Office (contact NHTSA for the number), and check with your Police.

Rene Barchitta is a RID Board member, and a member of RID for over 35 years, a former NYS STOP-DWI Coordinator/Educator, a former NYS Governor's Traffic Safety Rep, and a niece who lost her uncle because of an impaired driver who had consumed alcohol and barbiturates.



Photo Courtesy of Jess Petrequin

Possible Topics

- Explain who you are/why you are writing this letter
- What bothered you about their ad (in my case, it was making their potential client into a victim having no responsibility for their actions)
- Suggest how the commercial can be changed to promote personal responsibility and deterrence
- Instill that drinking and driving (or other drugging) is a choice
- Provide facts or statistics about the frequency or consequence of impaired driving
- Address public safety
- Address that the attorney is not helping his or her client because:
 - a. future vehicular crash injury or death to the offender or others is more likely
 - b. Preventing treatment for the client/offender for alcoholism and or other drug addiction
 - c. Addiction from alcohol or other drugs often lead to problems with employment, family, the law, and health consequences

Other Venues

If you are careful about the name of the attorney you can send a Letter to the Editor. Or use your loved one's Anniversary crash date and send a media packet suggesting how the media, attorneys and the public can increase DWI awareness and reduce senseless injuries and deaths. This can include:

- Request that the media stop uses the word "accident" (an accident is something that can't be prevented) but rather use words like alcohol- related crash or other drug-related crash or incident. Would a reporter advise the audience that there was a jet plane accident, or jet plane crash? Words have meaning.
- DWI attorneys should address the responsibility of not drinking or other drugging and driving.
- Share facts (reporters often do not have the time to research) and remind the reporter, the attorney, and the public that impaired driving crashes are totally preventable.

Special Thanks to Doris Aiken

Thanks to Doris and Bill, for standing up, raising the consciousness of American's and saving the lives of those families that will never have to go through the pain. Thanks to Doris Aiken, who taught us how to be advocates.

The following is the letter that I sent to "the DWI Guy".

I am writing to share my experience, knowledge, and awareness regarding DWI. After hearing a few of your commercials on WGY, I believe, as a former STOP-DWI Coordinator and someone whose uncle died in a DWI crash I have a knowledge base and an increased awareness.

Your commercial that includes that your would-be client didn't know how they got there (arrested and in jail) can give the drinking driver a pass on his/her responsibility and make them victims of society. They got there by their behavior. If they did not drink and drive they would not be arrested and in jail. If you had spoken about making a mistake or a bad choice, which would be acknowledging that drinking and driving is a choice and they can refrain from doing both together.

I believe that this is a very important distinction. I believe that you are not doing anything for public safety, as well as for the drinking driver. In 2012, the NYS recidivism rate is 20.7%. Whether someone gets arrested for impaired driving numbers, are cited from driving 80 times impaired before being arrested to driving 27,000 miles before getting arrested. Most people who are arrested for DWI it is not the first time drinking and driving. Although your would-be client did not hurt himself/herself or anyone else this time, what if he/she does it next time? If the drinking driver has a problem with alcohol, if he/she is made to feel responsible for their choices, they may get counseling, long term treatment, or become a regular at AA meetings. This could prevent injury or death and future serious consequences for all involved.

Recidivists often have health related issues eventually, have job related issues, and or family problems. I believe by acknowledging their behavior as a choice and not making them a "victim" of the system, they have a better chance to get treatment if they need it, and or change their choices. Thereby giving them a better quality of life and well as improving public safety.

Thank you in advance for considering my thoughts

Renee Barchita' is a RID Board member, and a member of RID for over 35 years, a former NYS STOP-DWI Coordinator/Educator, a former NYS Governor's Traffic Safety Rep, and a niece who lost her uncle because of an impaired driver who had consumed alcohol and barbiturates.

So what successes have RID, MADD and government agencies such as the National Traffic Highway Safety Administration achieved? Many. Over the past 30 years, the legal blood alcohol level was lowered to 0.08%, the drinking age was raised to 21 and the public has been deluged with educational messages about designated drivers and how "friends don't let friends drive drunk." Deaths from drunk driving-related crashes, over 25,000 in 1968, now total roughly 10,000 annually.

So why is Doris Aiken still fighting the good fight? These days, she is primarily a consultant. Her children, Jane and William Aiken, run RID, which has about 1,200 active members, spanning all 50 states. The three meet in the same kitchen in which Doris Aiken first read the headline about the two Schenectady teenagers killed in 1977. There they hash out which topics to discuss in the RID newsletter, such as the use of ignition interlocks for drivers convicted of DWI, the pros and cons of various public information campaigns and how defense lawyers (still) try to get their DWI clients off the hook. The Aikens are particularly proud that RID has never accepted any money from the alcohol industry.

Fittingly, Doris' "President's Letter" in the spring 2016 newsletter tells the story of Cody Veverka and Alicia Tamboia, two recent victims of a drunk driver, and how RID is trying to get them justice.

When Doris Aiken published her autobiography in 2002, she called it My Life As A Pit Bull. It's great that she still is one.

UBER FAILS IN UPSTATE NEW YORK, SPURS NEEDED REGULATION

By William Aiken Jr.

Remove Intoxicated Drivers has been supportive of Uber (an app driven car ride service) since 2012. Uber and another app car ride service, Lyft, had legislation in the New York State Assembly and Senate to permit these two companies to operate in Upstate New York. Unfortunately, the bills didn't pass. However, another bill to have the Capital District Transportation Authority regulate the taxi industry did pass and was signed by Governor Andrew Cuomo into law.

RID has long encouraged additional options for those who want to go and have a few drinks. Many people don't plan ahead for this kind of celebrating. By the time they realize they are too intoxicated to drive, the alcohol impairs their judgment and often they make the wrong decision. With Uber and Lyft, the passenger can easily make arrangements to be picked up later at a certain time that evening.

The opposition to Uber and Lyft was formidable. Although Uber and Lyft legally operate in New York City, they have been shut out of doing business in the Capital District. Insurance was a central issue in the failure of the bill's passage.

The Assembly version of the legislation would require ride-hailing service drivers to carry a \$1.5 million insurance policy whenever riders are in the car. When the car was not being used by the service, the driver must be covered up to \$100,000 per person for injury or death and \$300,000 per incident. The Senate version of the bill, which was moved out of committee Wednesday, requires a \$1 million policy for when the car is transporting passengers and coverage of \$50,000 per person and \$100,000 per incident when not in service.(1)

Having the CDTA regulate the taxi industry in the Capital Region is long overdue as there is little recourse for passengers who have received poor service. Regulation will provide a framework to improve taxi service while holding companies accountable to a standard that would lay out the guidelines for operation.

The CDTA could also offer their own app for customers to download. Uber and Lyft brought attention to the issue and the CDTA bill never would have come to fruition without their attempt to crack the Capital District market. The free market should decide whether Uber and Lyft succeed here. Their product has been well-tested and it will take time to work out the kinks of the CDTA's regulations.

It's hard to believe that taxi companies have been able to operate without any oversight. Just read some of the online reviews of passengers to understand the depth of their frustrations. Other guidelines would include: a formal system to lodge complaints, a follow up survey for the passenger to evaluate the service provided and what attire would be required of the driver.

Boaters celebrate Log Bay Day (Times Union)

(Lori Van Buren/Times Union July 27, 2016)



Tragedy sparks demand to shut down Log Bay Day Event

By William S. Aiken Jr.

The Log Bay Day where boaters and their friends celebrate with heavy drinking in Lake George has drawn scrutiny and outrage after an 8 year old girl was killed and her mother injured in a boating accident after the event. An on-line petition to shut down Log Bay Day quickly exceeded its 1,000 goal.

Log Bay Day started in 1998 on the last day of July and has grown over the years to attract thousands of participants who enjoy a day of swimming and drinking. In addition to the tragedy suffered by a family visiting from California, 26 arrests were made at the event, including 5 people who were involved in the boating tragedy that killed 8 old year Charlotte McCue.

A powerboat operated by Alexander West, who is believed to have attended the annual Log Bay Day boat party earlier in the day, drove clear over a boat carrying Charlotte McCue, according to the Warren County Sheriff's Office. McCue, who was visiting her grandparents with her family, was pronounced dead after the 9:30 p.m. crash. Her mother suffered injuries, but five other family members escaped harm.



Charlotte McCue

Investigators said West, 24, and four other people on his boat didn't even stop and continued driving the boat to dock it at a nearby motel. The group of two men and three women then went home without reporting the incident, according to the sheriff's office.

"All five of them, in concert, decided to run and decided to lie about it," Warren County Sheriff Bud York said at a news conference. "There were lots of excuses but to me, none of them were plausible or honest."

The Sheriff's office arrested West, Christine Tiger, Matthew Marry, Morland Keyes and Cara Mia Canale on Friday, WTEN-TV reported. The group could be seen in court at their arraignment Friday holding their heads down to try to avoid pictures.

Continued on Page 5

Continued from Page 4

Tragedy sparks demand to shut down Log Bay Day Event



West faces two felony counts of leaving the scene of an accident without reporting it. He pleaded not guilty and left the courtroom with his parents after posting \$50,000 bail, one of the TV station's reporters tweeted. (Daily News July 29, 2016).

After Alexander West's arraignment, his attorney Steve Coffey stated that his client didn't know he had injured anyone and had no legal obligation to stop and investigate. Law Enforcement officials at the arraignment begged to differ.

"I don't know where he got his law license," The Sheriff exclaimed, "But if you're in an accident on the water or on the road, you most certainly are obligated to see if the other party is okay."

The Sheriff also indicated that he's seen a lot of video captured by people who were at the scene of the accident, which led to the charges filed against the five defendants.

State Sen. Elizabeth Little, R-Queensbury, who is a friend of the grandparents of the girl who died, said she hoped the Lake George Park Commission, which oversees the lake, would take action on an event "that has gotten out of hand' and too large.

"It's good that people have gotten behind the petitions," Little stated, "But I don't need to see them to know that Log Bay Day is putting the public safety at risk and something has to be done about that."

For-Profit DWI Attorneys: What We Can Do?

By Rene Barchitta

One of my pet peeves is listening to one of those "high powered" attorneys on a radio commercial advertising their services. Their message seems to imply, that if you have been arrested for Intoxicated/Impaired driving, they are the expert attorney to help you "beat" the unfair system. Often the attorney uses phrases like "if you ever find yourself arrested for DWI", as if you were in bed dreaming and in the dream a police officer that had nothing better to do, carts you off to a jail, where you wake up and find yourself. The attorney then proceeds to warn you that without his great knowledge and expertise your life will be ruined. These are the legal counselors who charge huge fees for getting impaired/intoxicated driving cases thrown out or reduced, often by inundating the overburdened ADA with so much paperwork, making it difficult not to plea bargain rather than taking the case to trial.

After yelling out loud at an ad on my car radio, paid for by a DWI Attorney who calls himself "The DWI Guy", I decided that I had to write the attorney a letter. I decided that the best way, I would no longer feel victimized, angry, annoyed, or hold onto the belief that I am unable to do anything about the commercial (or the attorney) is to write the DWI Attorney a letter regarding my concerns.

A short time after writing and mailing my letter, I heard a new radio ad by "The DWI Guy". The ad's tone was different. The words indicating the mystery of not knowing why you were arrested was eliminated. His commercial was more responsible than before. My version of the ad would still be different, but it was a better ad than before.

Suggestions on Writing to a DWI Attorney

When I write to these attorneys, I try to keep the letter factual, avoid anger and seem reasonable. My goal is to be so knowledgeable and even address the importance and benefits of prosecution for his client, in the belief that by doing so, it would be hard to blow off the letter as "just an angry or grieving DWI Victim" and to be taken seriously. By providing all sides of the reasons to change their ads my goal is to promote better results, even though I often feel like asking the attorney how would they feel if their loved one was injured or killed by the same impaired driver they had by getting the case plea bargained?

Continued on Page 6