



ROAD SAFETY WARRIORS FIGHT LEGISLATIVE MORASS

By Renee Barchitta



Maureen McCormick

ADA Maureen McCormick, Special Assistant for Legislative Initiatives, Office of the DA, Suffolk County **DAASNY Co-Chair, Vehicular Crimes Subcommittee**, “The Deadly Driving bill would allow law enforcement to arrest a driver who is obviously impaired by drugs without being able to name the drug the driver was using. To arrest a drugged driver, the drug must be listed on the controlled substance schedules NYS Public Health Law. “The list can never keep up with emerging synthetic substances....”

Fatal drug-involved driver crashes have increased 87% in the decade ending in 2022.

NY is one of the last 4 states to limit drugged driving to a list, if a driver is observably impaired by alcohol and refuses all tests.

“There is movement on the bill but there remain powerful legislators that continue to believe the bill expands car stops or will impede cannabis legalization and neither of those things is true. “Actual impairment must be observed. NY has legalized cannabis. It is the law. “ “The Deadly Driving Bill is written to hold impaired drivers accountable for the danger they pose - regardless of the substance they used.” This bill must be passed to protect the public.

ADA Maureen McCormick -Special Assistant for Legislative Initiatives office of the DA’s office Suffolk County.

“I always remain hopeful that the Legislature will do the right thing and protect their citizens by passing this desperately needed Bill. The Deadly Driving Bill is NOT an attempt to roll back the Cannabis legalization and it is NOT an opportunity for law enforcement to make more traffic stops. The SOLE purpose of this Bill is to allow law enforcement to arrest clearly impaired drivers and to allow prosecutors to hold those same people accountable for endangering our roadway users. Impairment is impairment.”

“We do not have to name the type of alcohol a person has ingested to prosecute them for DWI, why should we have to name the substance to prosecute the drug impaired driver?” *Mary Tanner- Richter, Bureau Chief Vehicular Crimes Unit, Albany County DA’s Office*



Mary Tanner-Richter

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NOTICE:

RID’s newsletter is now online! Those who don’t have access to a computer call (518) 729-8187 and we will send the newsletter via snail mail. If you want to support the work RID does, please send a donations by visiting RID’s Paypal account at www.rid-usa.org OR write to: RID-USA, PO Box 520 Schenectady, NY 12301

THE PRESIDENT'S LETTER: VOTE ON IMMIGRATION POLICY SHOULDN'T IMPEDE DWI ENFORCEMENT

By William Aiken Jr.



*Melissa Powel, 1977-2023
Another Family Shattered by
an Illegal Driving Drunk*



*Rep. Paul Tonko
Controversial Vote Cast
Dismisses Danger of DWI*



Well Hello everyone! Spring has arrived and with it, comes news both good and bad. First, the good news, On January 25th, 59 House Democrats joined 214 Republicans to pass HR 6976, The Protect our Communities from DUI Act. The bill strengthens our DWI laws to discourage illegal immigrants from drinking & driving. Before I get to the bad news let me offer some context.

During the 2020 campaign, then candidate Joe Biden came out with a perplexing statement, saying illegal immigrants convicted of DWI shouldn't be deported. His comment was nonsensical. MADD was correct in their quick condemnation of the future President's words. What's the logic, here? This implied policy has no political capital, especially during a Presidential campaign.

The Protect our Communities from DUI Act would make anyone convicted of DUI and are in the U.S. illegally automatically eligible for deportation and permanently prevent them from ever returning to the US.

The bad news is my own Congressman, Paul Tonko voted against HR 6976. So I called his office, seeking answers. His vote makes it harder to enforce DWI laws. Tonko has a positive history with RID. His office helped RID navigate the maze of red tape involved with obtaining federal grants. His track record of being an ally of RID left me wondering; how he could vote this way? Here's some background on the issue:

The Cato Institute studied DWI among illegal immigrants and concluded that neither the occasional death caused by a drunk driving illegal immigrant nor statements by law enforcement officials show that illegal immigrants significantly contribute to drunk driving deaths. But here's the thing in this situation one death, is one too many.

The dismissive sentiment of the Cato Institute is no comfort to a Boulder, Colorado family, who lost two of its members on January 7, 2024, when an undocumented migrant from El Salvador, who had been deported four times, was accused of killing a mother, Melissa Powell, 46 and her 16 year old son, Riordan in a car crash that police said involved alcohol.

Allowing those who are in the country illegally to be permitted to remain in the US after they've driven drunk is a moronic policy, putting everyone at risk.

After calling Tonko's office several times without getting an answer, a staffer eventually said that when the Congressman's constituents have questions regarding a particular vote; a written explanation is sent out via snail mail. Three weeks passed since that exchange. Then I followed up with another call. All they could tell me, I was in their system. Yet, they couldn't say when I could expect an answer.

Three weeks later on April 1st, I finally got a response from my congressman. I thought it had to be an April Fools joke. For Tonko's response never mentioned DWI or the dangers posed by illegals, engaging in that crime. I was very specific that my concern was about his vote on HR 6976, nothing else. Instead, Tonko replied by morphing into a long tirade on the big picture of immigration. He put the blame on the GOP, Donald Trump and a broken system for not passing comprehensive immigration.

Rep. Tonko completely sidestepped the issue of how we should deal with illegals charged with DWI. Deporting them would serve as a deterrent to others from driving drunk. He never explained his voting against HR6976. While it shouldn't take this much effort to get a response, Rep. Tonko does deserve credit though, in that his reply wasn't a form letter.

Here's the official text of HR 6976.

H.R.6976 "(G) DRIVING WHILE INTOXICATED OR IMPAIRED.— Any alien who has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, is deportable."

William Aiken
William Aiken, Jr., President
Remove Intoxicated Drivers

Your donation helps RID save lives.

LOOKING DOWN THE ROAD: CARRYING THE TORCH FORWARD

By William Aiken Jr.



Assemblywoman Joanne Simon
District 52 Brooklyn, NY

The bill to lower the BAC in New York State was first introduced by Assemblyman Felix Ortiz in 2013. The bill was later re-indexed from .06 to .05 to align with all the studies done on lower BACs. Ortiz was an effective advocate on .05 as his family worked in the restaurant business. So he understood the argument by the alcohol industry.

On July 16, 2020, Ortiz conceded defeat against Democratic Socialist political newcomer Marcela Mitaynes after absentee ballots from the June 23 Democratic primary had been counted. Once the votes were certified, Ortiz had lost by 280 votes in a 4-way primary.[1]

Ortiz's defeat left a huge void in the .05 leadership. Fortunately, Assembly member Jo Anne Simon stepped up to the plate to assume the role of Assembly sponsor for the bill. I appreciate Assembly member Simon taking some time amid her full schedule to share her thoughts on the challenges the bill faces in the legislative process and how .05 can pass.

On March 5th, Assembly member Simon spoke at a press conference promoting the .05 bills (S.776/A.2716) at the Capital. The atmosphere was electrifying. The backdrop of the Million Dollar Staircase was jam packed with survivors, holding up posters of loved ones lost to DWI. I've attended press conferences over the years. This one struck a different tone. There was a sense of urgency to get law makers to act that I hadn't seen before.

1). How did you feel about the press conference on March 5th? It's often the case that press conferences are only as good as the media coverage they generate. Were you satisfied with the way the presser was reported by the media?

It is always powerful to hear the stories of people impacted by drunk driving. We need to remember that not only is the immediate family impacted, but also the friends and loved ones of the victims. We had local news coverage of the event that reported about lowering the BAC in depth. I am pleased to see we are changing hearts and minds. We need to continue to educate the public on the importance of lowering the BAC from 0.08 to 0.05.

2). What was your background before you were elected to serve in the Assembly?

I am a disability civil rights lawyer, a former teacher of deaf students, and a community activist. Before joining the Assembly, I was president of my neighborhood block association. During my tenure, I fought for safer streets, including pushing for New York City's first-ever traffic calming study. Being the co-sponsor of A1627 was a natural outgrowth of my original activism.

3). There is a .05 bill in both the Senate and the Assembly. Are the challenges to move the bills forward any different in those two separate governing bodies? And if there are differences, can you explain them?

The legislation in the Senate and Assembly are complementary bills and must be passed in both houses. We are working with a remarkable group of advocates and a great Senate sponsor, Senator Liu, to educate our colleagues, the public, and legislative leaders about the importance of this legislation and why we need to lower the BAC. We are hopeful that this will be the year this bill is signed into law.



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ROAD SAFETY WARRIORS

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WHAT YOU CAN DO TO SUPPORT THE DEADLY DRIVING BILL (S.3135/A.174)

- Call and Write Your Senator
- Attend the Rally May 9th
- Sign the Petition

Dear Senator -

The Deadly Driving Bill (S.3135/A.174) would finally allow police to arrest obviously impaired drugged drivers regardless of whether the impairing substance is named or on a list. The type of alcohol doesn't have to be named for drunken driving arrests and can be based on observations without a test. The same should be true for drugged driving.

RALLY

A rally in NYC is expected to be held on May 9. Check deadlydrivingny.org website for details.

PETITION

<https://www.ipetitions.com/petition/deadlydrivingny>

The Huntley Family Members



Patrice 60

Hannah 13

Jeremiah 10

Chantel 6

Killed by an allegedly drugged driver August 6, 2023

By Renee' Barchitta MPA. Renee' was a former DWI Coordinator for Delaware County NY, was a Highway Safety Representative for the NYS Governor's Traffic Safety Committee, and a long time RID member.

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LOOKING DOWN THE ROAD

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There are different challenges to moving bills in each house for a variety of reasons, and sometimes we pass a bill in one house and not the other, and we have to start the process over again the following year.

4). What is the most important point that should be emphasized in order to persuade law makers to get behind the bill?

Lowering the BAC is necessary to save lives. Many studies indicate that impairment in critical driving functions begins at a lower BAC than the current 0.08 legal limit. At 0.05, a typical person experiences loss of small-muscle control (including eye focus) impaired judgment, and reduced alertness and inhibition.

Since 2019, there has been a 30% increase in deaths from alcohol-related traffic crashes. Too many of these deaths are preventable tragedies and we must use evidence-based policies like lowering the BAC to prevent to save lives.

Over 100 countries have legal BAC limits of 0.05 or less, including countries with higher alcohol consumption. New York was once a leader in drunk driving policies, but we have fallen behind and it's time to modernize our laws. The National Transportation Safety Board has long recommended that every state lower its BAC to .05 based on extensive evidence that it is a proven countermeasure that saves lives, and thus far only Utah has adopted the measure.

5). Thank you for taking the time to share your insight, expertise on this life saving legislation. My late mother, Doris Aiken started the first anti-DWI organization in 1978. She began advocating the lowering of the BAC in 1984. It's really a tough road to hoe. It's admirable how you are fighting to save lives in New York State. Is there anything we haven't addressed in this interview, which our readers should know?

One of the biggest barriers we are facing is that New York State has both a DUI and DWAI. A DWAI is given to drivers whose blood alcohol is above a .05 but below a 0.07 BAC. Most states don't have a DWAI, and as such, some people believe New York State doesn't need to lower the BAC since a law is already in place.

The problem with DWAI is that people who are issued DUI plead down to a DWAI and have a lesser offense. I know we can prevent drunk driving by lowering New York State's blood alcohol content from 0.08 to 0.05. If you agree, consider writing or calling your state representative to ask them for their support.

3 Ways RID Saves Lives:

1.) LEGISLATION: RID educates Lawmakers from both sides of the aisle on life saving bills.

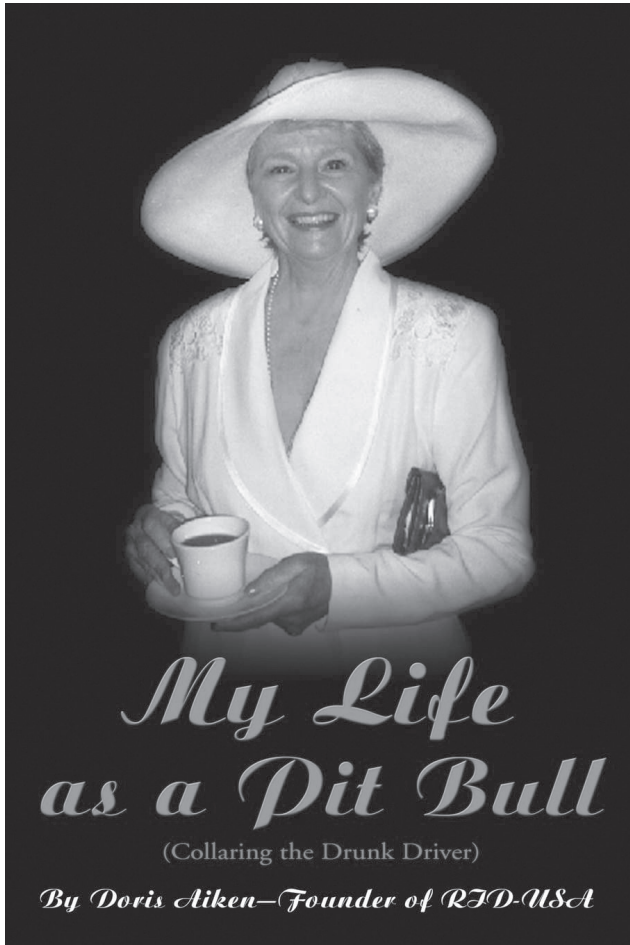
2.) PUBLIC AWARENESS: RID uses its platform (newsletter, website rid-usa.org & media interviews) to inform the public on the importance of driving sober.

3.) RESEARCH: RID utilizes the latest DWI data and studies to highlight the necessity to take a proactive approach to drunken driving that is saving lives.

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A TRIBUTE TO DORIS

By William Aiken Jr.



Doris C. Aiken

July 31, 1926 – March 15, 2017

Gone Yet Certainly Not Forgotten

March 15th marked a sad anniversary; the passing of RID founder and pioneer of the anti-drunken driving movement, Doris Aiken. At the time of her death, I knew I'd honor her legacy by continuing RID. I knew I didn't have her talents as a dynamic speaker or fierce passion. For years, DWI had been accepted in our culture. Doris Aiken changed a stubborn culture.

Doris had done the heavy lifting. It was my job to build on what she had accomplished, not to try to replace her. I feel as though I've been successful in running RID by working on areas that weren't Doris's strong suit. I focused on writing a better newsletter, engaging with chapter heads in other states and utilizing social media.

There's an interesting, revealing back-story to Doris's decision to form RID. At the time, she was enjoying a successful stint producing a monthly show for Channel 6. Her ratings were strong enough to secure an offer to audition as a national TV talk show host.

If Doris had won the audition, our family would've had to move to Pittsburgh, PA. On December of 1977, siblings Karen and Timothy Morris were mowed down by a drunken driver in Scotia, NY. This tragedy hit Doris particularly hard as this brother and sister had appeared as guests on one of her TV shows. So there was personal connection. On top that, Bonnie the mother of the Morris children contacted Doris since the DA at the time, John Poersch wasn't returning Bonnie's call.

So the Morris family asked Doris to call on their behalf. The follow up call lit a fire in Doris's belly. DA Poersch's dismissive attitude toward this tragedy shocked her. He told her, "Mind your own business and oh by the way tell the Morris family to stop calling me."

I know Doris was seriously considering traveling to Pittsburgh for the audition. But in lieu of her conversation with DA Poersch, her plans changed. She was determined to do something about a justice system that was flawed in its treatment of drunken driving. So she passed on the audition, which turned out to be a wise move. Sally Jesse Raphael ended up getting the job. The rest is history.

As amazing as Doris was, her thousands of supporters can't be overlooked. If not for that support, RID never would have gotten off the ground. Doris got a \$50 donation from the Unitarian church where she placed a small ad in the local newspaper. The church let her use their build to hold RID's first meeting. Hundreds of civic minded people fed up with the injustices of DWI turned out on a freezing January night. Doris had struck a chord on an issue that had long been ignored.

Doris was the perfect leader at that point in time. She was wise enough to realize her success was due to those who supported her cause. She showed grace and humility by often praising her members. Her message was simple, yet prophetic; you can make a difference. I'm grateful so many of you have been inspired by her.

William Aiken
William Aiken, Jr., President
Remove Intoxicated Drivers

Your donation helps RID save lives.

STOLEN DREAMS, STOLEN MEMORIES, STOLEN LIVES

By Betty Martin



Betty Martin's daughter, Michelle was killed by drunken driver in 1982. Ever since then Betty has been a fierce advocate for tougher DWI laws.

In early March the news media once again brought forth the story of what the impaired driver steals from us; our loved ones, our families, our communities. Hundreds of friends and families stood on the million dollar staircase to call for action on a bill to lower the BAC threshold to .05. They spoke of the pain and chaos of losing a loved one, waved signs and stood with Senator John Lui and Assemblywoman Jo Anne Simon, the sponsors of the .05 bills (S.776/A1627).

It was 1982 when I stood with a small gathering of families and we released balloons to honor the victims of DWI and asked for legislation to lower the BAC TO .08 and to increase penalties for driving while intoxicated. A few years later a group of victim rights advocates laid roses on the steps of the capital. Throughout the state there are memorials erected to remember and honor DWI and all victims of crime. There have been walks, memorial services and legislative appeals and here we are on March 5, 2024 again asking our legislators to do what must be done.

NHTSA reports that legislation requiring seat belts saved 404,000 lives preventing 178 trillion dollars in societal harm from 1975 to 2020. Alcohol involved crashes resulted in 14,219 fatalities and 447,000 injuries resulting in 68.9 billion dollars in economic cost. In 2021, 13,387 people died in alcohol related crashes- a 14% increase from 2020.

How many lives could be saved if New York passed the .05 bill? What would be the economic impact? NHTSA found that Utah's fatal crash rate dropped by 19.9% the first year under their .05 legislation. Studies show, changing the law saved lives and motivated drivers to take steps to avoid driving impaired.

Alcohol Rep Scott Wexler states that the majority of crashes occur when a drivers BAC is above 1.0 to 1.5 yet in 2021, there were 2,256 people killed where a driver had a BAC of .01 to .07. This number does not include injuries.

Reporting by ABC's Dan Levy debunked all of Wexler's claims: Lowering the BAC TO .05 does not lead to increased arrests. Or a burden on law enforcement or undo harm to the alcohol industry. A DWI offense can cost upwards of \$10,000 in legal defense. Court fines can range from a few hundred dollars to a few thousand if you're a repeat offender. On probation you may have to take drug tests, install an ignition interlock device or an ankle monitor. Then there are insurance premiums, transportation needs etc, etc.

According to the Centers for Disease Control, crashes caused by impaired driving overall cost more than \$59 billion. Given all the misery caused by drunken driving, why are our legislators so reluctant to pass life saving bills? How many stolen lives will it take?

Your donation helps RID save lives.

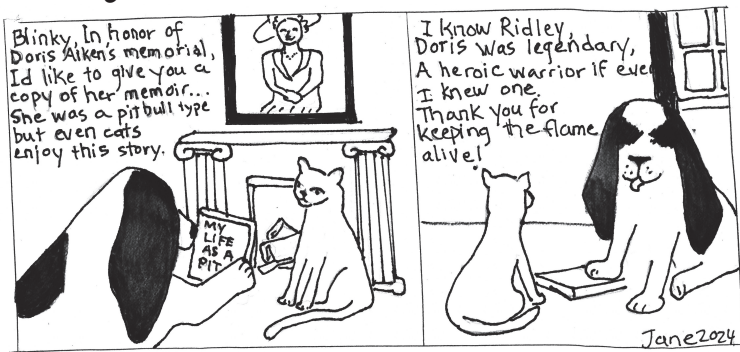
A CITIZEN'S PROJECT TO REMOVE INTOXICATED DRIVERS

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

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RIDley to the Rescue



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