

## Blaming Jessica: Drug Use, DUI or Reckless Driving

Posted by **FoM** on **February 25, 2001 at 07:50:55 PT**

By **Leroy H. Pelton**, Special To The Review-Journal

Source: [Las Vegas Review-Journal](#)

Jessica Williams had supposedly not slept for 24 hours before she got behind the wheel and was involved in a tragic accident that left six teen-agers dead. Newspaper accounts have treated this as an afterthought, while her attorney practically regarded such behavior as a virtue, using it as a defense at her recent trial. Apparently, we are to believe that while one is to be held responsible for driving after imbibing alcohol or smoking marijuana, one is not to be held responsible for driving while half asleep. We have made laws to fit these silly premises.



In fact, falling asleep at the wheel is a factor in at least as many vehicular accidents as driving while intoxicated.

Our obsession with alcohol and drugs when it comes to law enforcement and driving is hypocritical as well as ineffective. Las Vegas has thousands of bars open 24 hours a day. Yet every once in awhile, television newscasters report that the police have set up a DUI checkpoint on some street or highway. If we were serious about this, we would set up the checkpoint just outside the exit ramp of a casino parking structure -- or in some bar parking lot. For obvious reasons regarding business interests and the welfare of our local economy, we do not do this.

At the same time, we ignore other factors that may contribute to dangerous driving. We could set up checkpoints to test drivers for drowsiness. But I am not suggesting that we now single out this and countless other factors and create new laws. That would be the road to a police state. Rather, police should focus on dangerous driving, no matter what the cause. If law enforcement were to focus on dangerous performance, no matter the contributors to it, we would be better able to get dangerous drivers off the road.

Dangerous driving was the immediate cause of death in the Jessica Williams case. No matter what other factors may have contributed to the tragic event, at the moment the tragedy took place, both the necessary and sufficient condition for its occurrence was the driver's action. At that point, she was the sole causal agent, not something in her blood. Without her action at that point, no matter how much we might argue that the "stage" had been set, and no matter whether her action can be characterized as deliberate or unintentional, the tragedy would not have happened.

Even if one or another factor -- such as using a cell phone -- is present in a particular incident of reckless driving, and even if a statistical relationship could be found between that factor and driving impairment, we cannot be certain that it caused that particular incident. Ironically, under our system, a successful legal defense based on technicalities related to a breath test can prevent prosecutors from obtaining a conviction for reckless driving. In other words, drivers are often stopped because of the reckless driving itself, yet factors related to that dangerous act in only a statistical sense are the focus of the court's deliberations. Thus drunken driving laws may actually interfere with the prosecution and prevention of dangerous driving.

A similar obsession with presumed contributing factors seems to have been at work in the Williams trial. She was convicted, not on reckless driving charges, but on the grounds that she was driving with a level of marijuana in her system that exceeded the designated limit in a recently instituted law.

For this case and for the future, we should reconsider what we want the goals of the criminal justice system to be. If the individual is found to be a locus of causation in a criminal case -- and the legalities in the Williams case are so convoluted that it can be argued the verdict did not bear on this point -- then we must contemplate taking preventive measures toward the individual. In criminal terms, the goal of prevention might take the form of imprisonment, in that an imprisoned person will not have the opportunity to drive dangerously. But if prevention is the goal, we might just as well bar the person from ever driving a motor vehicle again -- if we could be assured that such a prohibition could be effectively enforced.

I believe prevention should be the main goal of the criminal justice system. In reality, however, this goal of prevention is intertwined with another goal -- that of retribution. Still, we must focus on preventing tragedies from recurring, because we cannot undo the past. Retribution cannot compensate nor restore the victims. However, if a collective desire for retribution is to be addressed, we should recognize that our thoughts about it in a particular case are greatly susceptible to emotion. Thus, we should at least temper our consideration of the extent of retribution to be meted out with thought given to its limited purpose and meaning.

Prevention in the first instance must be pursued primarily outside of the criminal justice system and therefore should involve noncoercive means. It is in this arena -- and not the criminal justice system -- that we should pay attention to the multitude of factors that contribute to dangerous driving. This should be done not only through vigorous educational campaigns that warn of

the dangers of driving while drunk or drowsy, but through programs that provide designated drivers and, perhaps most effectively, through the installation of passive devices such as those that can detect drowsiness and set off an alarm or that can obviate the need to hold a cell phone in one's hand while using it. With these examples, I merely scratch the surface of the possible forms of primary prevention that can be applied noncoercively.

Finally, surely we know that if the youngsters had not been cleaning up the median of the highway they would not have died. Miraculously, we all have perfect 20/20 vision in hindsight. But we do not live in a world free of risk, and this program and these types of programs have been in operation in Las Vegas and other parts of the country for many years without severe incident. It is ironic and sad that in our attempts to deal humanely and wisely with youth in a preventive manner, the consequence in this instance was tragedy.

Certainly, we must learn what we can from the past as well as from research, and adjust our practices accordingly. But to focus our attention on who or what is to "blame" -- as distinct from addressing responsibility for the future -- is unproductive in regard to prevention. We should focus on responsibility for the purpose of prevention, and not "blame" for the purpose of retribution. We must redouble our efforts in terms of prevention -- but to do this, we should rethink our approaches to criminal justice as well as to prevention in a broader context.

Note: Drug use, DUI or reckless driving?

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Comment #3 posted by [Dan B](#) on February 27, 2001 at 04:42:22 PT:

### **Perspective from a Dry City**

I live in a dry city (Lubbock, Texas), and I can tell you from personal experience and observations that restricting the availability of alcohol to only certain areas can have disastrous effects. Alcohol is not available in grocery stores, convenience stores, or liquor stores within the city limits because such sales are illegal. Instead, the liquor stores are all located in what is commonly called "The Strip" (because of its Las Vegas-style light displays--which intrigue and entice children, by the way) outside the city limits.

Do you see the problem? People now have to drive outside the city limits to get their alcohol, then drive home after they have made their purchases. So, what happens when the big party at so-and-so's house runs low on beer? The drunk party-goers head out to "The Strip" for more. The result? People are driving further while drunk, thus increasing the time during which they are endangering people on the road.

The answer to the alcohol problem is not more restrictions on its sale, but more restrictions on its advertising. Everyone went crazy about Joe Camel selling cigarettes to children, yet we let cute talking frogs and lizards, do-be-do penguins, and aliens sell alcohol all the time. It is extremely clear to me (as it should be to everyone) that the alcohol companies are marketing their products to children, yet nobody says a word about it.

While I'm talking about bad alcohol messages to children, I believe that the way we handle alcohol in this society is one of the major reasons why we have such an enormous problem with date rape. Beer commercials, comedians, television shows, movies: all of them promote the idea that it is okay to use alcohol to get a woman into bed. Wrong. I can't tell you how many stories I

have heard of women who passed out drunk, only to wake up later in the middle of sex. That's rape. Period. And it's wrong. And we shouldn't be promoting that kind of behavior, let alone marketing it to our children.

Restrictions on the sale of alcohol will only lead to problems. Hit the advertising. Hit the big companies. Force them to place warnings on all advertisements in print large enough to read, as they have for cigarettes. But don't restrict its sale; that will only lead to more destruction.

Dan B

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Comment #2 posted by [Imprint](#) on February 25, 2001 at 14:31:27 PT:

### **Education is the answer**

Very often drinking or using marijuana is a social activity. To close down bars doesn't make sense. Further, due to many studies done on marijuana and driving we now know that one drives more safely after using marijuana than after drinking and often without doing any drugs at all.

I believe that one of the points of this article is the "driving while tired" view. Many accidents have been caused because someone is tired. People need to be responsible for their own actions, on drugs or not. This particular case is interesting because the state decided to place kids in harms way. Without the chain gang of kids this woman would have just ran off the road and brought harm to her self only.

This article also points out the need to examine the aspects of prevention. I think this is an important issue because no matter how much legislation we enact we can't stop personal choice. We can minimize driving accidents though, through education. This isn't a prefect world and bad things do happen to good people. Education is the answer, more incarcerations and more laws won't change things for the better.

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Comment #1 posted by kathleen wedzik on February 25, 2001 at 09:11:29 PT

### **generations of legal drinking...the aftermath....**

I was taught by society and two generations of my family that drinking not only is fun but that every body needs a bubba to get to sleep at night. I blame the government for legalizing drinking and allowing legal drinking institutions to be up and running and providing alcohol to its patrons, that we now have so much illegal drug use. Although, I am a firm believer in making marijuana legal to the point where if you want to smoke in your house or grow plants for personal consumption on your property, it should be allowed. I would like to see alcohol only being available through grocery stores, liguor stores, etc. and a person must purchase a case at a time or other large quantity in a completely sealed container. I would like to see this also with marijuana. People who take any of these substances anywhere but home and then have to drive are the reason why the government is trying so hard to prevent this wave of illegal drug use. Because of alcohol and its aftermath, they do not want make drug use legal. Also, I do not like that people can buy single beers, wine coolers in convenience stores. This contributes to the convenience of drinking and driving much like going into a bar and then driving home. On the same note, I would never want to see legal pot smoking houses, where a person could go and get intoxicated much like a bar, where a person can go and consume alcoholic beverages and then drive home. Also, this thing of having our police forces being able to see in our houses with certain equipment looking for marijuana plants has got to stop. So called drug raids that allow police to enter one's property without search warrants and pull up single marijuana plants and then arrest a person also have got to stop. This behavior to me represents discrimination along with police brutality. I say discrimination because a person can have a six pack of beer, a package of illegal pills, a bag of marijuana, a wine or beer making still in their house or in their yard for that matter, but not a marijuana plant. It is sad to say that I feel I have "the keys" to unlock the problems that are occurring in our society with all this mess. Maybe the Netherlands does know something that we do not. We do need a President that is not afraid to go out on a limb to change things to make them morally correct. I would also like to talk to this FARC group in Columbia and find out what they really want in order to find a compromise. When we put anyone on the defensive we come across as a bully, and remember violence nevers solves anything. I do pray that our generation will be the one to clean up this mess that we find ourselves in so that my children are not left with an even bigger mess to figure out after I am gone.

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