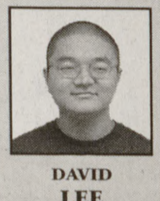


## Are drowsy drivers delinquents?

### Drowsy driving should be prosecuted like drunken driving

# YES NO

### Driving tired not criminal, should not provoke legal charges



DAVID LEE

In the wake of tragedy one always hopes a lesson can be learned so the tragedy will not be repeated. Thankfully, the students of Texas A&M have responded to fatigue-related traffic accidents with honor.

The outpouring of support and compassion in the wake of multiple fatigue-related fatalities involving students in the past year has aided the healing process.

The Student Senate's Lupe Medina Bill has succeeded in promoting awareness of fatigue-related traffic accidents among college students across the state.

However, these actions are not enough to completely deter drowsy drivers from taking responsibility for their actions.

Despite ongoing awareness efforts, the U.S. Department of Transportation reports that Texas leads the nation in fatigue-related accidents. More disturbingly, the National Sleep Foundation indicates 72 percent of drivers between the ages of 18 and 24 have admitted to driving drowsy at least once.

Obviously, this is a serious problem, a problem with a scope mirroring that of drunken driving. In a Department of Transportation study, only drunken driving accidents outnumbered drowsy-driving accidents in 1998. But for some strange reason, criminal law views drunken driving and drowsy driving very differently.

From a strictly legal perspective, there should be little distinction between driving drowsy and driving drunk.

In both cases, there is a clear display of gross negligence. A drunken driver has a choice beforehand not to drink excessively, to have a designated driver or to not drive at all. A drowsy driver has a choice beforehand to sleep

more, to have another driver in the car or to pull over when he or she becomes drowsy.

But when drunken drivers kill on the road, they are charged with vehicular manslaughter and subject to fines and prison terms. Drowsy drivers, on the other hand, are let off the hook.

Why? The current defense is that there is no intent by a drowsy driver to injure anyone, therefore clearing them from any criminal wrongdoing. But the same argument can be used to defend drunk drivers, and yet they are subject to criminal charges. This complex set of legal contradictions makes very little sense.

Naturally, this legal paradox has caused a great deal of frustration and confusion within the law-enforcement community.

During one episode of the television program "COPS," patrol officers are shown pulling over an extremely disoriented and dangerous driver from the highway.

At first, they thought he was drunk but soon found out he was sleepy and exhausted. The driver was incoherent and dipped in and out of consciousness during their interview.

The shocking thing was that since he was sober, there was no legal reason the officers could detain the driver.

The officers grudgingly released him from custody, and the driver continued to swerve down the road, endangering himself and others. As they drove off, the police officers made clear their dissatisfaction with how the law essentially tied their hands in this matter.

Luckily, these police officers were able to identify the driver's fatigue easily. The New York Department of Motor Vehicles Website states that "police reported crash data underestimates the scope of the problem because the involvement of fatigue is difficult to detect." This shows existing numbers about drowsy driving are

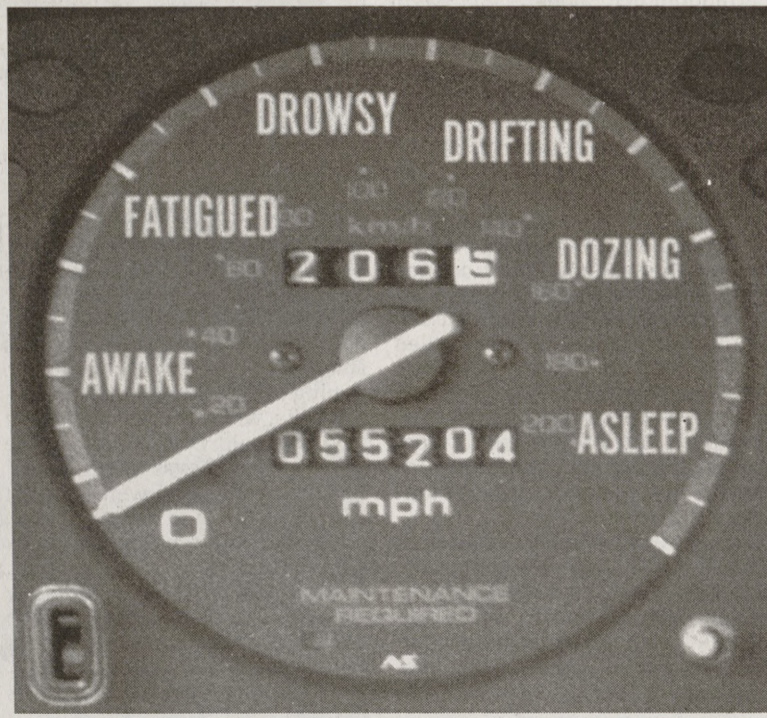
lower than they really are, meaning it could possibly be a much larger problem. The Website further asserts that in 1994, New York law-enforcement officials reported 25 percent of drivers had fallen asleep at the wheel, with 55 percent having driven drowsy.

To effectively prevent the tragedies of the past year from happening again, drowsy driving must be made a crime along the lines of drunken driving.

Concerns regarding drowsy driving have been brought to the foreground since a Texas A&M University freshman fell asleep at the wheel on FM 60, resulting in the death of six people and the injury of two.



JESSICA CRUTCHER



ROBERT HYNCEK/THE BATTALION

There is a clear obligation, since the legal parallels with drunken driving are undeniable. Most importantly, it will give drivers something to think about once they start nodding off at the wheel. Only then will something truly be learned from tragedy.

David Lee is a junior economics major.

The accident occurred when the driver fell asleep while heading home after dropping off his girlfriend. His Ford Ranger veered onto the shoulder and struck eight pedestrians who were walking to a Tau Kappa Epsilon party. The students had parked on the shoulder of the road and were preparing to cross the highway to reach the fraternity house.

The accident has raised the question of whether people who engage in drowsy driving should be charged with a crime. Some argue they should be because driving while extremely tired has been paralleled to driving drunk.

However, enforcing this sort of legislation is both impractical and unfair. Instead of wasting energy punishing someone who was unfortunate enough to fall asleep at the wheel, thereby injuring themselves or others, more practical solutions to the problem should be found.

There already have been efforts to help prevent drowsy-driving accidents. For example, some motels have agreed to offer discounted rates to sleepy college students driving long distances.

However, this only applies to those sleepy drivers who still have a long drive ahead of them.

Drivers such as the one in the Tau Kappa Epsilon accident do not fit into this category — he was less than 15 minutes from his dorm when the accident occurred.

According to the National Sleep Foundation, 80 percent of people working rotating shifts or regular evenings admit having driven drowsy within the past year.

These people are not exhibiting the negligence of a person choosing to continue an eight hour drive despite overwhelming exhaustion. They simply need a way to get home safely, without having to worry about getting into an accident.

The best solution would be the addition of rumble strips on highway shoulders. The noise made when a vehicle drives over these strips would be sufficient to awaken most, startling them enough to keep them alert for the rest of a short drive.

Admittedly, it is impractical to put rumble strips along every stretch of highway in the nation.

It would be most logical to place them in areas where

pedestrians are most likely to be, as well as along the populated areas of highway.

If there had been rumble strips along FM 60, they would have probably awakened the driver in time to lessen the seriousness of, if not prevent, the accident. The noise would also have quickly alerted the pedestrians of the oncoming vehicle.

Prevention is the only practical way to avoid drowsy driving accidents. Drowsy driving legislation would be nearly impossible to enforce. There is a legal method to prove levels of drunkenness. In the state of Texas, the blood alcohol content limit is .08. In contrast, there is no way to legally prove someone is too sleepy to drive.

In addition, sleepy drivers are not guilty of the same "malicious intent" as drunken drivers. Most people realize that after drinking a case of beer they should not try to drive. Doing so is a conscious decision.

However, it is much more difficult to know when one is too exhausted to make the 10 minute drive home.

Leaving the judgment call to the police is just as impossible. The police cannot be given the power to say for sure whether a person is unfit to drive due to lack of sleep. By this policy, a person could be pulled over for swerving and ticketed for drowsy driving when in fact they were simply sneezing or avoiding a pothole.

Although drunken driving and drowsy driving are comparable, they cannot be assigned the same set of rules. Drowsy drivers are not guilty of the same negligence or reckless intent as drunk drivers. Although in theory prosecuting drowsy driving sounds like a good idea, in practice it would be a disaster.

Jessica Crutcher is a sophomore journalism major.

### MAIL CALL

#### Students should go to Silver Taps

As I stood at Silver Taps Tuesday night remembering a fellow Aggie, I became disheartened when I realized that only a dwindling number of Aggies stood alongside me.

I did not know the Aggies who were being honored, but without regard to that was not required. To stand at Taps is to honor a friend and a member of your Aggie family.

It occurs to me many people matter if they attend or not, but to look into the eyes of a parent who is remembering his or her child, while other students are standing there to honor the parent's son or daughter, helps to explain the true meaning of Aggie spirit.

Please let this be an encouragement to all of you to set aside excuses and to take 30 minutes out of a Tuesday night to honor a fellow Aggie.

Melissa Lebo  
Class of '01

#### Trimesters harm BISD students

Response to Caleb McDaniel's Nov. 3 column.

As a former teacher in Bryan Independent School District, I feel qualified to comment on McDaniel's column about the trimester system. While I agree that not having a statistical data about the effects of the trimester is cause for some concern, it is widely known that statistics

Susan Whisenant  
Graduate student

#### Atheist reacts to intolerance

In response to Peter Chalfant's Nov. 4 mail call.

In today's politically correct society, there are some things one should not do.

Would you tell a black man the virtues of being white? Would you tell a woman men are better? Would you brag about how great it is to run to a person confined to a wheelchair? No, of course you wouldn't. So why would you tell a Jew (or anyone at all) it is better to be a Christian?

I am well aware the Christian doctrine encourages Christians to "spread the faith," but I don't think that requires demeaning other belief systems as flawed, corrupt or wrong. Such a thing is highly judgmental.

As an atheist, I have received more than my share of religious intolerance. I've been told I must "open my eyes" so I can "see the light."

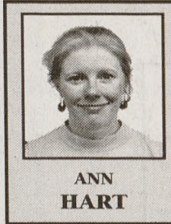
Well, my eyes are open, and all I see is people stereotyping each other. If that is what "seeing the light" brings, I'd rather stay in the dark.

Leigh Berggren  
Class of '03

The Battalion encourages letters to the editor. Letters must be 300 words or less and include the author's name, class and phone number. The opinion editor reserves the right to edit letters for length, style, and accuracy. Letters may be submitted in person at 013 Reed McDonald with a valid student ID. Letters may also be mailed to: The Battalion - Mail Call 013 Reed McDonald Texas A&M University College Station, TX 77843-1111 Campus Mail: 1111 Fax: (409) 845-2647 E-mail: battletters@hotmail.com

## Women serve long prison sentences for self-defense, while assailants go free

Time for a quick quiz: 1.) A woman has just been murdered. Is her assailant most likely to be (a) a stranger, (b) someone she has known a short time, or (c) her male significant other?



ANN HART

2.) Jane Doe is in prison for murder. Is she most likely to have killed (a) a stranger, (b) a friend or acquaintance, or (c) her male significant other?

Unfortunately, the answer to both questions is (c).

Female murder victims are most likely to be killed by their significant others, and female murderers are most likely to kill their significant others. For instance, over half the women imprisoned in Georgia for murder in 1992 killed their significant others.

Seventy-five percent of these women had been abused by the person they murdered, while two out of five killed their victim in self-defense. But here is the kicker.

According to Safety Net's Website, of the men who killed their significant other, most serve prison sentences averaging two to six years, while women who kill, even after suffering years of abuse, spend an average of 15 years in prison.

There is something seriously wrong here.

Given the same circumstances, it seems reasonable to expect two people convicted of the same crime to receive similar punishments.

There is supposed to be equal justice under the law.

If one criminal receives a harsher penalty, one would think that there were extenuating circumstances that made the crime somehow more deserving of punishment.

But there is an entire group of female offenders with the small criminal records who routinely receive and serve harsher sentences than men who commit the same crime, often for less understandable reasons.

Why the big difference?

One reason could be that men control the criminal justice system. This fact may also explain why the situation has not changed in the last 10 years, but it hardly seems likely it is intentional.

On the other hand, it might be an easy problem to ignore, especially if no one pushes the issue, and the party with control is not hurt by the injustice.

But identifying who controls the criminal justice system does little to explain the fact that women who kill in self-defense spend a longer time in jail than men who kill while battering — much longer. If logic held, the situation would be reversed.

It is important to understand that there are essentially two systems — one for men and one for women. Because there are more male offenders than female, the men's system suffers from chronic overcrowding.

When prisons fill to capacity, the favored immediate solution seems to be early release programs.

The result is murderers are being released early to make room for the

steady influx of drug dealers and other criminals. Meanwhile, women serve longer sentences because there is room for them in the system.

Females who acted violently against abusive boyfriends and husbands spend years in prison while their male assailants are released on early parole.

Should anyone with good sense should be frightened by this idea. What about the issue of justice? Should women continue to serve longer sentences?

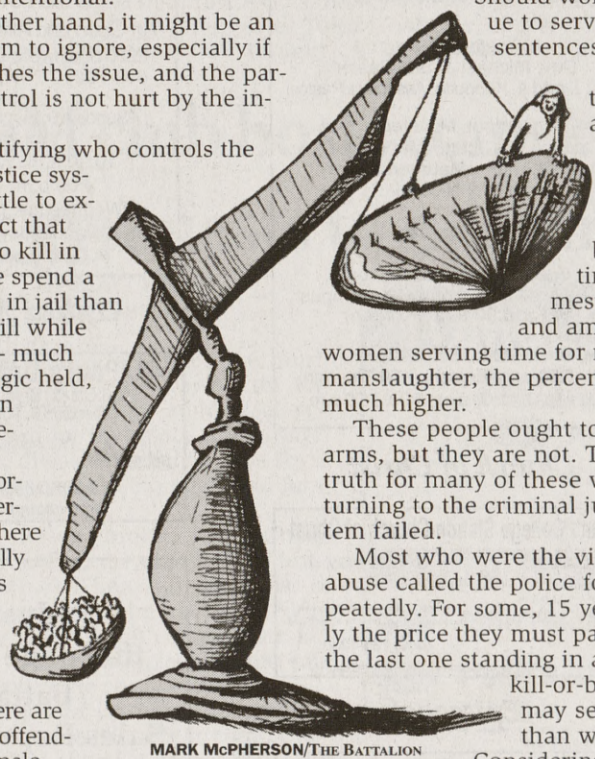
Consider that as many as one in three women in the United States will be the victims of domestic violence and among the women serving time for murder and manslaughter, the percentage is much higher.

These people ought to be up in arms, but they are not. The simple truth for many of these women is turning to the criminal justice system failed.

Most who were the victims of abuse called the police for help repeatedly. For some, 15 years is merely the price they must pay for being the last one standing in a game of kill-or-be-killed. It may seem better than what they left.

Considering who is getting out of the men's system, they may be smart. At least behind bars they are safe.

Ann Hart is a senior English major.



MARK MCPHERSON/THE BATTALION