

March 11, 1982

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practical to jam 900,000 youths into already overcrowded jails. They recognize that there is overcrowding in the jails of this country. Now when the World Herald can recognize something like that, and I am sure it was a very difficult thing for them to do, I am sure that the individual who had to type this had fingers that almost atrophied before they came in contact with the keys that would type such a heresy, but nevertheless the situation is so serious that they had to do it. Now I have a couple more things to say that are more directly on the bill itself. This bill is dealing really with the philosophy of punishment. What is to be achieved by punishment, what is the goal? If it is merely to put somebody in pain or discomfort or inconvenience them, then I would say pass a bill like this only increase the punishment. If the idea is to try to take a step in the direction of dealing with the problem of drunk driving, this bill misses the mark completely and it ought to be indefinitely postponed. That is why I am offering the motion that I have. But I have something to mention to you about this California experience. If you will notice on the very front page of that handout, you will see that a judge in San Diego, California, was convicted for the second time in nine months of drunken driving. Now that judge in his drunken state, I hope not, but nevertheless maybe is still on the job. As Senator Stoney said, this guy will probably be sentencing other people to jail for drunk driving. But here is the question that needs to be asked about the California experience, but before asking it, consider this. They all talk about a few days into the new year and a drop in the number of whatever they talk about, I don't know if it is the number of arrests, convictions, accidents involving drunk drivers or just what, but what you have to do is look at the accident rate caused by any reason during that period which nobody does. So maybe there has been a noticeable drop in all types of accidents, but they do not make their statistics have validity by having a point of reference or comparison. In addition to that, I think it takes more than a few days to determine the actual effect of a law such as the one that supposedly exists in California. But because this bill that Senator Stoney has offered has so many defects from where I judge it, I think it needs to be killed. Two other points and I am through. I did make the remark that the people in their ignorance are asking for a bill like this with the mandatory sentences and so forth. Senator Stoney correctly stated that our job even if those people are ignorant is to represent them, and my rejoinder is that our job is to represent them but not to reflect their ignorance. We are to get information and do

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