

from The New Yorker

March 8, 1999
TALK OF THE TOWN

Drunk Drivers

Drunk Drivers and Other Dangers

by Malcolm Gladwell

Last week, New York City began confiscating the automobiles of people caught drinking and driving. On the first day of the crackdown, the police seized three cars, including one from a man who had been arrested for drunk driving on eight previous occasions. The tabloids cheered. Mothers Against Drunk Driving nodded in approval. After a recent series of brutal incidents involving the police tarnished the Giuliani administration, the Mayor's anti-crime crusade appeared to right itself. The city now has the toughest anti-drunk-driving policy in the country, and the public was given a welcome reminder that the vast majority of the city's thirty-eight thousand cops are neither racist nor reckless and that the justice they mete out is largely deserved. "There's a very simple way to stay out of this problem, for you, your family, and anyone else," a triumphant Giuliani said. "Do not drink

and get behind the wheel of a car."

Let's leave aside, for a moment, the question of whether the new policy is constitutional. That is a matter for the courts. A more interesting issue is what the willing acceptance of such a hard-line stance on drunk driving says about the sometimes contradictory way we discuss traffic safety. Suppose, for example, that I was stopped by the police for running a red light on Madison Avenue. I would get points on my license and receive a fine. If I did the same thing while my blood-alcohol level was above the prescribed limit, however, I would be charged with drunk driving and lose my car. The behavior is the same in both cases, but the consequences are very different. We believe, as a society, that the combination of alcohol and driving deserves particular punishment. And that punishment isn't necessarily based on what you have

actually done. It's often based on what you could do—or, to be more precise, on the extra potential for harm that your drinking poses.

There is nothing wrong with this approach. We have laws against threatening people with guns for the same reason. It hardly makes sense to wait for drunks or people waving guns to kill someone before we arrest them. But if merely posing a threat to others on the road is the threshold for something as drastic as civil forfeiture, then why are we stopping with drunks? Fifty per cent of all car accidents in the United States are attributed to driver inattention, for example. Some of that inattention is caused by inebriation, but there are other common and obvious distractions. Two studies made in the past three years--the first conducted at the Rochester Institute of Technology and the second published in the *New England Journal of*

Medicine-- suggest that the use of car phones is associated with a four-to-fivefold increase in the risk of accidents, and that hands-free phones may not be any safer than conventional ones. The driver on the phone is a potential risk to others, just as the driver who has been drinking is. It is also now abundantly clear that sport-utility vehicles and pickup trucks can--by virtue of their weight, high clearance, and structural rigidity--do far more damage in an accident than conventional automobiles can. S.U.V.s and light trucks account for about a third of the vehicles on the road. But a disproportionate number of the fatalities in two-vehicle crashes are caused by collisions between those bigger vehicles and conventional automobiles, and the people riding in the cars make up a stunning eighty-one per cent of those killed.

The reason we don't like drunk drivers is that by making the decision to drink and drive an individual deliberately increases his or her chance of killing someone else with a vehicle. But how is the moral culpability of the countless Americans who have walked into a dealership and made a decision to buy a fifty-six-hundred-pound sport utility any different? Of course,

there are careful S.U.V. drivers and careful car-phone users. Careful people can get drunk, too, and overcompensate for their impairment by creeping along at twenty-five miles an hour, and in New York City we won't hesitate to take away their vehicles. Obviously, Giuliani, even in his most crusading moments, isn't about to confiscate all the car phones and S.U.V.s on the streets of New York. States should, however, stop drivers from using car phones while the car is in motion, as some countries, including England, do. And a prohibitive weight tax on sport utilities would probably be a good idea. The moneys collected could be used to pay the medical bills and compensate the family of anyone hit by some cell-phone-wielding yuppie in a four-wheeled behemoth.

© 1999 Malcolm Gladwell