

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	re: MADD Board of Directors Activites [Personally Identifiable Information] [partial] (1 page)	05/16/1995	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 5873

FOLDER TITLE:

Drunk Driving Miscellany

2016-0931-S

rc2261

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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E X E C U T I V E O F F I C E O F T H E P R E S I D E
E X E C U T I V E O F F I C E O F T H E P R E S I D E

23-May-1995 03:21pm

TO: Jennifer N. Palmieri

FROM: Carol H. Rasco
 Economic and Domestic Policy

CC: Pamela B. Madaris
CC: Anna Winderbaum
CC: Jose Cerda, III

SUBJECT: Memo for Panetta attached; ccBowles, Hale, Cerda; Zero
SUBJECT: tolerance

MEMO TO LEON PANETTA

FROM: Carol H. Rasco

SUBJ: Zero tolerance for young people

DATE: May 23, 1995

Last week after it was decided not to include an announcement of the introduction of legislation by this Administration for a zero tolerance provision for young people, I was asked by Erskine Bowles to "vet" the proposal per the request of the President.

Since I do not know the full genesis of this proposal, nor the depth of feeling of the President about it, I do not feel I am in a position to advise strongly that we proceed OR drop the idea entirely. I will in this memo attempt to summarize what I have learned and why I feel there is at least one critical question that must be seriously discussed in order to reach closure on this issue.

Marcia Hale has talked with National Governors' Association (NGA) officials about potential reactions toward a federally mandated zero tolerance law for young people given that 24 states plus DC already have this law which in turn qualifies those states for a supplemental grant in the alcohol incentive program under the National Highway Traffic Safety Administration.

The NGA officials state that the initial reaction of governors

and in particular the 30 Republican governors will be to cry
"Mandates!" At this time the failure of states to adopt laws in

seat belt usage, helmet usage, speed limits and drinking age is sanctionable (loss of highway construction funds), but current legislation before the Congress takes away the possibility of sanctions for failure to adopt laws in those areas. An addition to sanctionable items (like the zero tolerance provision) in this context will be going against the current political climate among most governors and Congress, particularly the Republicans. (It should be further noted that the news reported last weekend that Wisconsin is even considering taking the "sanction" of losing highway construction funds in regard to the minimum drinking age as the state legislature is considering dropping the minimum age to 20 instead of the federally prescribed 21.)

Jose Cerda reports that among law enforcement officials the support will not be visible for such a "mandate" as they would term it. Many of the law enforcement groups while supporting the work of MADD voted unanimously NOT to support the Mario Malley Walsh Drunk Driving Act which mandates that states adopt zero tolerance and other tough drunk driving laws or spend a small percentage of their highway funds on drunk driving prevention. Jose does report, however, that should we proceed with the introduction of zero tolerance we can state the Byrne Grant monies can be utilized for drunk driving prosecutions as a result of our crime bill adding that provision as well as our community police being available to help with this enforcement.

While my contacts indicate the beer distributors would not more than likely support us in this endeavor, the Century Council which is a not-for-profit organization composed of 17 members of the alcohol beverage industry has worked extensively on the issue of discouraging underage drinking and most specifically the zero tolerance issue within the states. The Council would very possibly not only support this issue but might come and be part of an announcement. I have not talked directly to the Council's director since I was told to keep this quiet so I am not absolutely sure they would go with a federal mandate, but again, they have worked actively in the states to promote passage of this law. The current director of the Council is Jack Lawn, former chief of operations for the New York Yankees and the DEA head for Presidents Reagan and Bush.

SO....the primary question to be asked is:

Are we within the administration willing to actively work and direct the expenditure of time by our personnel toward the passage of this provision as a federal law (instead of leaving it to the states with incentives from the federal government as in current law) without the active support of law enforcement, many governors, many members of Congress?

On policy grounds it makes very good sense to have zero tolerance in place for young people. However, I think there needs to be a

discussion about the above question by a group of various personnel within the White House and/or the President. If you wish, I will be happy to discuss this with the President at my next briefing which I am told is tomorrow although a time has not yet been assigned, but again I think we need a fuller discussion group first.

Please advise.

cc: Erskine Bowles
Marcia Hale
Jose Cerda



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

A MESSAGE FROM

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OFFICE OF ALCOHOL AND STATE PROGRAMS



JAMES C. FELL

Chief, Scientific and Technical Affairs
Office of Alcohol and State Programs (NTS-20)

National Highway Traffic Safety Administration
400 Seventh St. S.W.
Washington, D.C. 20590
(202) 366-6979



FAX (202) 366-2766

DATE: 3/22/95

FROM: JIM FELL 202 366 6979

TO: JOSE CERTA

ORGANIZATION: WHITE HOUSE

NUMBER OF PAGES, INCLUDING COVER SHEET: 9

MESSAGE: INFO YOU REQUESTED
ON NHTA IMPAIRED DRIVING
PROGRAMS



SAFETY BELTS SAVE LIVES

AUTO SAFETY HOTLINE
(800) 424-8288
Wash. D.C. Area 368-0123

IMPAIRED DRIVING PROGRAMS

Background

Alcohol is involved in more than 40% of all fatal traffic crashes. In 1993, alcohol-related crashes killed 17,461 people, injured over 1,200,000 more, and cost society \$46 billion.

We have made substantial progress in reducing alcohol-related traffic fatalities: they have dropped 31%, from 25,170 in 1982 to 17,461 in 1993. The 1993 total was the lowest since 1982, the first year comparable statistics are available. In 1982, 57% of all traffic fatalities involved alcohol, compared to only 44% in 1993.

Program strategies

We use two basic methods to change drinking and driving behavior:

- **Legal** (deterrence): don't drink and drive because you will be caught and punished. This requires:

- Laws** that are easily enforceable;

- Enforcement** that is visible and effective;

- Sanctions** that are swift, sure, and appropriately severe; and

- Publicity** for laws, enforcement, and sanctions.

- **Public health** (education and prevention): promote healthy behavior and reduce the opportunity to drink and drive. Methods include:

- Education** in schools, on the job, and through the media;

- Responsible alcohol service** by alcohol vendors;

- Designated driver** and other alternative transportation programs; and

- Treatment** for alcohol abuse problems.

Priority program areas**• Legal**

Laws: administrative license revocation, .08 illegal per se for adults, zero tolerance (.02 BAC or below) for youth

Enforcement: sobriety checkpoints; police SFST (standardized field sobriety test) training; passive sensors; video cameras; other innovative technologies.

Sanctions: license suspension for first offenders, more severe sanctions (license plate and vehicle actions, ignition interlock, house arrest, jail, etc.) for second and subsequent offenders

Prosecution and Adjudication: training and technical assistance for prosecutors and judges, Traffic Safety Summit II in 1991, National Traffic Law Center.

• Public health

Education and public information: Ad Council campaigns, 3-D month, TEAM, NETS, MMWR, state PI&E assistance

Responsible alcohol service: TEAM, community traffic safety programs

Treatment: alcohol problem screening and referral for all offenders

Youth: community programs, DWI and Age 21 enforcement, graduated licensing (learner's permit, provisional license, full license)

Program delivery

• States: 402, 410 programs; highway safety plans; NHTSA regions

• National organizations: citizen groups (MADD, SADD, RID), private sector (insurance, health care), safety groups (IIHS, Advocates, NSC), associations (IACP, AAMVA, AAA) government (NTSB, CSAP, NIAAA)

Coalitions: 3-D, ALR, NETS, TEAM

IMPAIRED DRIVING

A HIGHWAY SAFETY PROGRAM ADVISORY



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Impaired Driving Advisory

1. Prevention

- A. Public Information and Education**
- B. School Programs**
- C. Employer Programs**
- D. Responsible Alcohol Services**
- E. Transportation Alternatives**



Impaired Driving Advisory

2. Deterrence

- A. Laws**
- B. Public Information and Education**
- C. Enforcement**
- D. Prosecution**
- E. Adjudication**



Impaired Driving Advisory

3. Treatment and Rehabilitation

A. Diagnosis and Screening

B. Treatment and Rehabilitation



Impaired Driving Advisory

4. Program Management

A. State Program Planning

B. Program Control

C. Task Forces

D. Data and Records

E. Evaluation

F. Funding



CRITERIA FOR 410 GRANTS

Basic (5 out of 6)

- ✓ ALR
- ✓ .10 Per Se (first 3 years)
.08 Per Se (last 2 years)
- ✓ Sobriety checkpoints
- ✓ Self-sufficiency
- ✓ Prevention of underage drinking
- ✓ Mandatory sentencing

CRITERIA FOR 410 GRANTS

Supplemental

- ✓ .02 per se for < 21
- ✓ Open container
- ✓ License plate suspension
- ✓ Mandatory BAC testing
- ✓ Drugged driving prevention
- ✓ .08 per se
- ✓ Video equipment for DWI

March 7, 1995

Carol:

The attached was forwarded to us from the POTUS scheduling office (contact: Anne McGuire x65306). The POTUS has asked that you meet with Timothy Walsh and then the three of you drop by the POTUS's office to say hello.

I am in contact with Anne McGuire from Scheduling and Advance in order to coordinate your and the POTUS's schedules.

I assume it is alright with you to move forward with this quickly.

Thanks

Julie

↓
JULIE

DEFINITELY.
AS SOON AS
POSSIBLE

EXECUTIVE OFFICE OF THE PRESIDENT

09-Mar-1995 09:24pm

TO: Nancy V. Hernreich
FROM: Julie E. Demeo
Domestic Policy Council
CC: Anne E. McGuire
CC: Jeremy D. Benami
CC: Carol H. Rasco
SUBJECT: Timothy Walsh

*March
22nd
12:30-4:30
3:30-4:00*

Nancy,

I am Carol Rasco's scheduler. I am red-dotting you a copy of a POTUS scheduling request that was forwarded to Carol. The POTUS has asked that Carol meet with Timothy Walsh and then they drop by the Oval office for a quick hello.

Timothy's mother was killed in a drunk driving accident.

Anne McGuire of Scheduling has asked me to coordinate a meeting time with you. Carol is ready to meet with Timothy as soon as possible.

I have looked at the long-term POTUS calendar for dates when he is not scheduled to travel and cross-listed those with dates that Carol will be in town. Here's some possibilities (Carol's times on these days are fairly flexible):

Thursday, March 16th (?)
Friday, March 17th
Monday, March 20th
Wednesday, March 22
Monday, March 27th (?)

Wednesday, April 5th
Thursday, April 6th
Friday, April 7th

Let me know if there is a good time on any of the above days to schedule a quick drop-by, and I will then schedule Carol's meeting with Timothy to correspond with that time.

If none of these dates work, please let me know and we will try

again.

Thanks.

Julie (x62216).

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

14-Mar-1995 05:49pm

TO: Julie E. Demeo
FROM: Kelly A. Crawford
 Office of the President

SUBJECT: timothy walsh

Julie:

Nancy and I received your e-mail re Timothy Walsh. It is impossible for us to schedule a definite time for a drop by with the POTUS, because his schedule changes so frequently. Talk with Billy about a good time, pick a date and we will try to work him in. Definitely do not promise ANYTHING to Timothy.

Call me if you have further questions!

Kelly
6-6610

THE WHITE HOUSE

WASHINGTON

February 28, 1995

Mr. Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

Dear Timothy:

I was sorry to hear about your mother's death,
and I extend my deepest sympathy.

The number of alcohol-related accidents in
this country is intolerable, and I believe we
must do more to protect our law-abiding citizens.
Should Congress pass the Marion Malley Walsh
Drunk Driving Act of 1995 or other legislation
addressing this important issue, I will certainly
keep your views in mind. I have also forwarded
your request for a meeting to my scheduler for
consideration.

I am grateful you took the time to write and share
your tragic experience. You and your family are
in my thoughts and prayers.

Sincerely,

Bill Clinton

cc
Scheduling
get him in to meet
w/Rasco, let him come
by & say hello

cc
Scheduling
get him in to meet
w/Rasco, let him come
by & say hello -

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

Tel: (703) 255-2604 - Residence
(703) 527-9400 - Office

2 February, 1995

Honorable William J. Clinton
The White House
Washington, DC 20500

Dear Mr. President:

I am writing in an effort to secure your personal assistance to bring national attention to a chronic problem which, each day, destroys families, ruins lives, and causes incalculable grief.

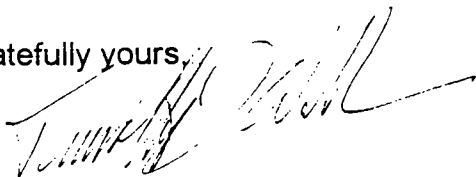
On June 23, 1993, my Aunt Loretta was grievously injured and my Mother was murdered as the result of an attack by a drunk driver. Her killer was indicted for murder, vehicular homicide, manslaughter, vehicular assault, and driving while intoxicated. The killer has since plead guilty to several of the charges and is finally serving his sentence in a New York prison.

In an effort to somehow make our Mother's murder meaningful, our family has asked our Mother's Congressman, Richard Neal (D-MA) to introduce federal drunk driving legislation. Mr. Neal has, in conjunction with our family, MADD, the National Victim Center, and other organizations, crafted and introduced a bill known as "**The Marion Malley Walsh Drunk Driving Act of 1995**" (H.R. 588). This bill is consistent with your challenge for Congress to act in the best interest of the nation.

I respectfully request that you take the lead in supporting this bill.

I thank you for taking time to read this letter and pray that you can help. I would like to schedule a meeting with you to discuss this matter of grave importance. In the event that you need to contact me, or if you should like to meet, please contact me at one of the telephone numbers at the top of this letter. Thank you for your consideration.

Gratefully yours,





Congress of the United States
House of Representatives
Washington, DC 20515
January 19, 1995

The Marion Malley Walsh Drunk Driving Act of 1995

Dear Colleague:

Earlier today I introduced a piece of legislation of significant relevance to all Congressional districts - the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist - a commercial fashion illustrator and successful pastel portrait painter - a mother and grandmother, who lived in Longmeadow, Massachusetts. On June 23, 1993, while driving with her sister Loretta to a family reunion at Lake George in New York, Marion was killed by a drunk driver who was fleeing the scene of a hit and run accident.

Drunk driving is a problem that plagues our nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the United States health care system approximately \$6 billion in 1993, and American businesses and workers approximately \$25 billion in lost wages.

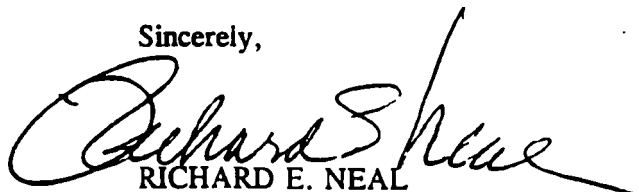
The Marion Malley Walsh Drunk Driving Act follows the lead that was set in Massachusetts and in a few other states - setting a zero-tolerance level for drivers under the age of 21, and lowering the legal alcohol limit to .08 percent. It establishes a graduated licensing program for drivers under the age of 21.

States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive federal highway moneys - only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime - it can be done within our current system.

In the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge you to join me in support of this important legislation. To join as a co-sponsor of this legislation, or if you have any questions, please contact Ann Brozek of my office at 55601.

Sincerely,


RICHARD E. NEAL
Member of Congress

Press Statement
for
Immediate Release
and
Wide Distribution
Regarding

The Marion Malley Walsh Drunk Driving Act of 1995

H.R. 588

Sponsored by Congressman Richard Neal, D-MA

**This statement reflects the personal views of Timothy J. Walsh; no other opinions
are either expressed or implied.**

**"Inspiration, move me brightly,
light the song with sense and color,
hold away despair..."**

From a poem by Mr. Robert Hunter

Washington, DC, 2 February, 1995

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

I would like to express my gratitude and the gratitude of my family and our family's friends for the leadership, dedication and responsive public service demonstrated by my Mother's Congressman, the Honorable Richard Neal for sponsoring the ***Marion Malley Walsh Drunk Driving Act of 1995 (H.R. 588)***.

On June 23, 1993, my Mother, Marion Malley Walsh, was murdered, and my Aunt, Loretta Davignon, was assaulted and grievously wounded by a drunk driver, James Bagley of Fairlee, Vermont. Subsequent to his indictment by a New York Grand Jury for Murder in the Second Degree, the killer pled guilty to numerous lesser charges and 18 months after he committed his heinous crimes he finally went to prison.

My Mother's murder and my Aunt's wounding are senseless, pointless, violent crimes.

By introducing this important anti-crime legislation, Mr. Neal takes a great step to address the most violent crime in America, drunk driving crashes. His leadership and dedication has been a source of inspiration and hope for our family. We hope that this bill will find broad bi-partisan support in Congress. We hope that Senators Moynihan and D'Amato of New York, Kerry and Kennedy of Massachusetts, Robb and Warner of Virginia co-sponsor this bill in the United States Senate. When it passes, we hope that the President will see fit to sign it into law. We hope that our Mother's murder can somehow be made less senseless, less pointless.

The Marion Malley Walsh Drunk Driving Act of 1995 may be the single most important anti-crime legislation considered by Congress this year. Recent

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

legislation touted by the Administration as being tough on crime ignores the most lethal assault weapon at large in America - the drunk driver, careening down our nation's streets and highways, armed with 2000 pounds of hurtling steel. **In fact, drunk drivers kill more Americans in a year than do handguns.¹**

Unfortunately, little or no attention has been paid by Congress to the most lethal weapon on America's streets; the drunk driver, until now.

This legislation would not have been possible without the commitment and dedication of Mr. Neal and his able staff. Additional advice and counsel was freely and expertly provided by Ms. Doris Aikens, of RID, Mr. Bob Charouse and Mr. Tom Howarth of MADD, Mr. David Beatty and Ms. Diane Alexander of the National Victim Center, and Director Mark Spurrier of the National Association of Major Cities Chiefs of Police. Thanks are also extended to Mr. Paul Begala of Carville and Begala, and Ms. Ellen Berlin of the Department of Transportation. To these fine organizations and persons, I extend my family's gratitude.

If you think that stopping drunk driving isn't important, think again. Count the numbers. Add up the costs. Ask the survivors, or the families of the murdered victims. **If you think that drunk driving crashes that take lives are not murder, think again.** Ask the families of the victims. **If you think that drunk driving crashes are not violent crimes, think again.** Read my Mother's autopsy. **If you think you're immune, think again.** Ask everyone you know and you'll begin to see how drunk drivers have affected every layer and area of our country. No ethnic, cultural, socio-economic or regional sector of America is immune. **We are all at risk. The drunk driver is a criminal with a violent predisposition. Drunk drivers must be stopped. The Marion**

¹ In 1992, handguns are blamed for 13,165 homicides, according to the National Coalition to Ban Handguns. In that same year, drunk drivers murdered 17,699 innocent people.

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

Malley Walsh Drunk Driving Act of 1995 is a good first step in stopping them cold.

In closing, if I may digress, I would like to share something with others who find themselves as our family did the night our Mother was murdered. **As a victim or family of a victim, you must fight back. Never quit.** Work with your District Attorney. You will find him or her to be receptive to your needs. Our DA, Mr. Robert Winn, was able to explain many things to us; the legal system is far too Byzantine to try and figure out on your own. Ask lots of questions, keep careful notes.

Seek help from all corners of the community. We were assisted tremendously by Ms. Diane Alexander of the National Victim Center, and Ms. Wendy Hamilton and Ms. Barbara Jones of the New York State Chapter of MADD.

Call your Congressman or Congresswoman. Get involved. Exploit every legitimate avenue at your disposal to fight back.

Do not simply accept the murder of your loved one.

Seek out the advice and counsel of those you know and trust.

Keep faith with your God.

Keep faith with your family and friends. Draw on each other for strength.

Know that what does not destroy you will make you stronger.

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

Grieve.

Cry.

Scream your outrage.

Pray.

Fight.

Demand justice.

"No surrender" has become our family mantra; it worked for us and it will work for you, too. **Never quit.** You will prevail in the end.

Thank you and may God bless the United States of America, the victims and families of drunk driving murders, and our Mother.

VICTIM IMPACT STATEMENT

OF

TIMOTHY J. WALSH

**ELDEST SON OF AND EXECUTOR FOR
THE ESTATE OF MARION WALSH**

**TO THE PRESIDING JUDGE
IN THE MATTER OF**

THE STATE OF NEW YORK, WASHINGTON COUNTY VS. JAMES H. BAGLEY

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

Your Honor, ladies and gentlemen of the jury, it is with great sadness that I stand before you, the eldest son of a victim of a violent crime. I am grateful to the court for this opportunity to speak here today. While this task is difficult to say the least, I pray that I will have the strength to ably discharge my moral duty to our Mother.

It is my intention to attempt to convey to you the traumatic effect of the criminal acts of the killer you will be sentencing on our lives, our family, and our Mother's many friends. I stress that I shall attempt to do this, for while we all continue to endure the unbearable, it seems an almost Herculean effort to explain the grief and loss we suffer and share in mere words.

The criminal who sits before you, James Bagley, would have you believe that he is deserving of leniency. He would have you believe that he is a decent family man, a husband, father, and grandfather. Well, up until the afternoon of June 23, 1993, perhaps he was.

On that afternoon, James Bagley began his wanton spree of armed assault and murder by drinking himself into a stupor. He then attacked several people in Ticonderoga. Luckily, they all survived without injury. As he willfully fled the scene of the crime in an ill fated attempt to evade capture and justice, this fugitive attacked our Mother and our Aunt Loretta.

The results of his assault on these two wonderful ladies are more heinous and grim than can be imagined.

Our Aunt Loretta's left arm was broken so severely that conventional orthopedic treatments did not work. After months in casts and slings, the doctors attending to Aunt Loretta decided that only surgery would finally heal her shattered bone. She continues to suffer from lack of mobility, pain, and lost wages as a result of Bagley's attack.

Our Aunt Loretta survived, with the intercession of God and the assistance of several good Samaritans - local citizens simply passing by - who aided, comforted, and prayed with her until such time as the paramedics could cut her from the wreckage to tend to her wounds. I would like to recognize, and express our gratitude to those good citizens for helping our Aunt. We will forever be grateful to God for sparing her and pray that her recovery, physically, emotionally, and psychologically, will continue.

Bagley's assault was so severe as to partially amputate our Mother's right leg, the flesh and bone ripped and twisted apart.

Bagley's assault was so severe as to cause subdermal bleeding over our Mother's entire body.

Bagley's assault was so severe as to nearly tear our Mother's shattered left arm from her body.

Bagley's assault was so severe as to fracture our Mother's left thigh.

Bagley's assault was so severe as to rip our Mother's left knee from its place.

Bagley's assault was so severe as to severely cut the back of our Mother's left thigh and behind her knee.

Bagley's assault was so severe as to break several of our Mother's ribs and puncture her lungs.

Bagley's assault was so severe as to cut our Mother's heart.

Bagley's assault was so severe as to cut our Mother's spleen.

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

Bagley's assault was so severe as to cut our Mother's head.

Bagley's assault was so severe as to cause massive bruising to the face, especially over the left eye.

Bagley's assault was so severe as to cause our Mother's heart to stop.

Bagley's assault was so severe as to cause a fracture of our Mother's skull, at the back of her head, with internal bleeding into the largest space of our Mother's brain, causing her brain to be "squeezed" by the pressure of the blood against her skull.

Our Mother's flesh and bones were mangled, twisted and torn apart, crushed and shattered by James Bagley. Her horrible and unjust murder was worsened by the carnage and cruelty of her death.

Before you do your sworn duty to American justice and sentence the criminal who sits before you, I feel it is important that you have some idea who our Mother was, and what Bagley has done.

Our Mother was a child of the Depression and grew to womanhood during World War II. After the war, with her new husband, she set out on the road to the American dream. A small house, and eventually, a family.

My brother Joe and I are the luckiest guys on the face of the earth. For whatever reason, our parents were not able to have children of their own. We were adopted as infants by our parents. We have always felt that being adopted was special - that out of all the babies, they wanted US. We were raised by a Father and Mother who firmly believed that their most important responsibility in life was to raise us to be good Americans, with basic values of honesty, loyalty, and faith.

They taught us to cherish the freedom which so many of their friends fought or died for. They taught us to work hard for what we believed in, to keep faith with God and our family and friends. They taught us that we were responsible for our own actions and to know the difference between right and wrong. They taught us a strong sense of family. They taught us not to quit.

Our Mother taught us to read. She taught us to count. She was beaming proudly at the first grade science fair. She cheered when we hit our first Little League homerun. She proudly taped our grade school artwork to the refrigerator. She helped us with our homework. She bandaged our skinned knees and bee stings. Our Mother spanked us when we deserved it, hugged us when we needed it, and loved us always. She brought us to museums to see dinosaurs, Pilgrims, Indians, and the wonders of the world. She sparked our imaginations with the possibilities of what we could be, could do, could learn, could try.

Our Mother was a wonderful woman. Her 40 year marriage to our Father serves as an inspiration and role model to me. Mom was a woman of great love, compassion, and loyalty.

She helped my invalid father in the last years of his life without complaint, her only concern being his well being and comfort. The love they shared was true and unconditional. Her devotion to him when he needed help the most continues to inspire me.

She was a woman who would always answer a call for help from any friend or family member. Her "shoulder-to-cry-on" and sage advice and counsel was a beacon of understanding and compassion for many people. Her love for her family and friends burned in her soul. She loved

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

each one for who they were, and never doubted that we would all somehow manager to master our individual challenges, rising to the top.

Our Mother knew that within each one of us lies a God-given talent and a desire to us it well. On those occasions when we were successful, she was our proudest booster. When we failed, she would help us with words of encouragement, wisdom, and faith.

She was a religious woman, actively participating in the religious activities of her parish, from attending mass, to assisting with charity activities. Her faith in God was central to her life.

She was a superb artist who enjoyed capturing the beauty of our world on canvas or paper, spreading joy through her work. Her paintings were displayed in homes and galleries in Ticonderoga, Springfield, New York City, and Longmeadow, her home. Our Mother's paintings regularly received awards and accolades from some of the most prestigious artistic associations in the country. Her loss has been a terrific shock to the artists of New England and New York who were her friends as well as colleagues.

She was a wonderful Grandmother, for the six short months she had between my daughter's birth and her murder. She knit sweaters, and baby clothing, bought my daughter teddy bears and little toys - all of the joyous and thoughtful things which I'm sure each one of you does or will do for your grandchildren.

She will never be or do these things again, because of James Bagley. James Bagley murdered our Mother.

I will never forget the phone call in the middle of the night, my Uncle Gerry telling me that my Mother was dead and my Godmother severely wounded and being medevaced. I will never forget the compassion and frustration of Investigator Dick Eggleston of the State Police who confirmed the unbelievable.

I will never forget weeping uncontrollably on my wife's shoulder as we struggled to understand what had happened. I will never forget the shock, confusion and anger I shared with my brother when I called to tell him what had happened.

I will never forget the tenderness of Head Nurse Sue Luftik of the Glens Falls Hospital who gently explained that our Mother's injuries were too severe to donate any organs without further upset to us.

I will never forget the agony of the many phone calls to family and friends telling them of the murder. I will never forget the torturous days of funeral arrangements, seeing her shattered body, and burying her on the day before what would have been the family reunion she and my Aunt Loretta were planning.

I will never be able to forget these nightmares because of James Bagley.

James Bagley murdered our Mother.

Our mother was brutally murdered by an intoxicated assailant armed with the most lethal of all weapons in American society - an automobile. The killer sits here today, hoping that this court and the good citizens of Washington County won't care about a number of things.

He hopes you won't care that he is guilty of killing one woman, our Mother, and seriously injuring another woman, my Godmother and Aunt, Loretta Davignon.

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

He hopes you won't care that each one of you, your families, your friends, your fellow citizens, were all at risk of being murdered or maimed on the day he callously drank himself into a stupor and began his murderous spree.

He hopes you won't care that my infant daughter will never know her grandmother.

He hopes you won't care that we have lost the matriarch of our family.

He hopes you won't care that my Mother's friends and fellow artists have lost a good friend and colleague.

He hopes you won't care that my brother and I have lost our Mother, a woman we loved, and still love, respected, and still respect.

He hopes you won't care that we have lost a role model for our lives.

He hopes you won't care that we have lost a woman who was always there for us, to share our happiness and joy, to counsel us in times of sadness with words of encouragement and wisdom, to pray for us when we needed more help than even she could provide.

He hopes you don't care about the American way. About law and order, justice and decency.

He hopes you don't care about personal responsibility.

I hope you do.

Please show this criminal that you do not tolerate his actions. Tell him and the nation that in Washington County, New York, drinking and driving and murder are crimes, not accidents. Tell all who may come here that violent crimes are not acceptable. Tell them that they will be punished swiftly and strongly.

Please show our young people and any others who may be considering similar crimes that their actions will not be tolerated. Perhaps your actions today will save a life tomorrow.

Please help our family to begin the healing process.

Please faithfully execute your duty to your fellow citizens and administer the righteous justice which you are empowered to dispense.

Please send James Bagley to prison for murdering our Mother. Please send him to prison without the possibility of parole, for the longest amount of time you are allowed to under the law.

Please permanently revoke his privilege to drive. Please enroll him in an alcohol and drug treatment program so that, if he does eventually return to civilized society, you will have done all you can to prevent repeat offenses.

The life you save may well be your own.

May God bless this court, the United States of America, and our Mother.

Thank you.

TITLE X-DRUNK DRIVING PROVISIONS

SEC. 100001. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1994".

SEC. 100002. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended-

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine of not more than \$ 1,000, or both, if-

*increased
penalty*

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age."

SEC. 100003. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended-

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles."

*Lyve funds
for prosecution*

THE WHITE HOUSE

WASHINGTON

March 22, 1995

TIMOTHY WALSH MEETING

LOCATION: Oval Office
TIME: 1:45 to 1:50 pm
FROM: Carol H. Rasco *CHR*

I. PURPOSE/BACKGROUND

Express your condolences to him for the loss of his mother in a drunk driving accident less than two years ago. Thank him for his involvement in the fight against drunk driving.

Since his mother's death, Timothy has worked with Congressman Richard Neal (D-MA) to introduce the Marion Malley Walsh Drunk Driving Act of 1995 (H.R. 588).

The Act would: set a zero alcohol tolerance level for drivers under 21; lower the legal blood alcohol limit to .08 percent; and establish a graduated licensing program for drivers under the age of 21. States that do not comply, would still receive federal highway monies, only some of these funds would be earmarked for specific programs related to drunk driving.

Carol Rasco will have met with Timothy for 30 minutes prior to his visit with you. Timothy requested this meeting to make the Administration aware of his proposed legislation and to try and enlist your support.

II. PARTICIPANTS

The President
Carol H. Rasco
Timothy Walsh

III. PRESS PLAN - No press coverage

IV. SEQUENCE OF EVENTS

Timothy will drop by to briefly meet you.

V. REMARKS - None required.

THE WHITE HOUSE
WASHINGTON

February 28, 1995

Mr. Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

Dear Timothy:

I was sorry to hear about your mother's death,
and I extend my deepest sympathy.

The number of alcohol-related accidents in
this country is intolerable, and I believe we
must do more to protect our law-abiding citizens.
Should Congress pass the Marion Malley Walsh
Drunk Driving Act of 1995 or other legislation
addressing this important issue, I will certainly
keep your views in mind. I have also forwarded
your request for a meeting to my scheduler for
consideration.

I am grateful you took the time to write and share
your tragic experience. You and your family are
in my thoughts and prayers.

Sincerely,

Bill Clinton

cc
Scheduling
get him in to meet
w/Rasco, let him come
by & say hello

*cc
Scheduling
get him in to meet
w/Rasco, let him come
by & say hello -*

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

Tel: (703) 255-2604 - Residence
(703) 527-9400 - Office

2 February, 1995

Honorable William J. Clinton
The White House
Washington, DC 20500

Dear Mr. President:

I am writing in an effort to secure your personal assistance to bring national attention to a chronic problem which, each day, destroys families, ruins lives, and causes incalculable grief.

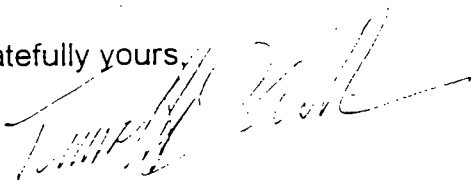
On June 23, 1993, my Aunt Loretta was grievously injured and my Mother was murdered as the result of an attack by a drunk driver. Her killer was indicted for murder, vehicular homicide, manslaughter, vehicular assault, and driving while intoxicated. The killer has since plead guilty to several of the charges and is finally serving his sentence in a New York prison.

In an effort to somehow make our Mother's murder meaningful, our family has asked our Mother's Congressman, Richard Neal (D-MA) to introduce federal drunk driving legislation. Mr. Neal has, in conjunction with our family, MADD, the National Victim Center, and other organizations, crafted and introduced a bill known as "**The Marion Malley Walsh Drunk Driving Act of 1995**" (H.R. 588). This bill is consistent with your challenge for Congress to act in the best interest of the nation.

I respectfully request that you take the lead in supporting this bill.

I thank you for taking time to read this letter and pray that you can help. I would like to schedule a meeting with you to discuss this matter of grave importance. In the event that you need to contact me, or if you should like to meet, please contact me at one of the telephone numbers at the top of this letter. Thank you for your consideration.

Gratefully yours,





Congress of the United States
House of Representatives
Washington, DC 20515
January 19, 1995

The Marion Malley Walsh Drunk Driving Act of 1995

Dear Colleague:

Earlier today I introduced a piece of legislation of significant relevance to all Congressional districts - the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist - a commercial fashion illustrator and successful pastel portrait painter - a mother and grandmother, who lived in Longmeadow, Massachusetts. On June 23, 1993, while driving with her sister Loretta to a family reunion at Lake George in New York, Marion was killed by a drunk driver who was fleeing the scene of a hit and run accident.

Drunk driving is a problem that plagues our nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the United States health care system approximately \$6 billion in 1993, and American businesses and workers approximately \$25 billion in lost wages.

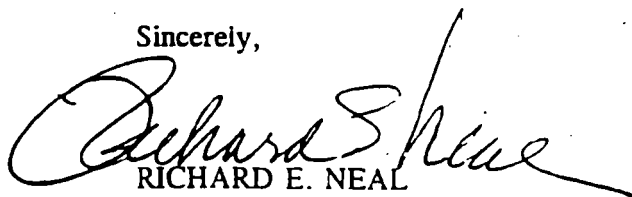
The Marion Malley Walsh Drunk Driving Act follows the lead that was set in Massachusetts and in a few other states - setting a zero-tolerance level for drivers under the age of 21, and lowering the legal alcohol limit to .08 percent. It establishes a graduated licensing program for drivers under the age of 21.

States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive federal highway moneys - only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime - it can be done within our current system.

In the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge you to join me in support of this important legislation. To join as a co-sponsor of this legislation, or if you have any questions, please contact Ann Brozek of my office at 55601.

Sincerely,


RICHARD E. NEAL
Member of Congress

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

Tel: (703) 255-2604 - Residence
(703) 527-9400 - Office

2 February, 1995

Honorable William J. Clinton
The White House
Washington, DC 20500

Dear Mr. President:

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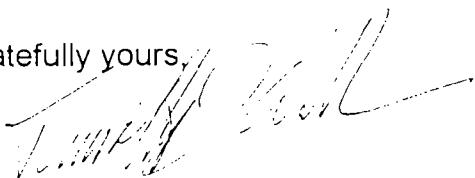
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I respectfully request that you take the lead in supporting this bill.

I thank you for taking time to read this letter and pray that you can help. I would like to schedule a meeting with you to discuss this matter of grave importance. In the event that you need to contact me, or if you should like to meet, please contact me at one of the telephone numbers at the top of this letter. Thank you for your consideration.

Gratefully yours,



Date: 17 March, 1995

To: Ms. Julie Demeo (via facsimile)

From: Timothy J. Walsh



Subject: H.R. 588 Sponsors

1. Thank you for your interest and support of our efforts to combat drunk driving.

2. The current list of Members of Congress who have joined Representative Richard Neal (D-MA) in sponsoring the **Marion Malley Walsh Drunk Driving Act of 1995** are as follows:

- Ackerman, Gary, D-NY
- Dellums, Ronald, D-CA
- English, Phil, R-PA
- Hinchey, Maurice, D-NY
- Johnson, Eddie Bernice, D-TX
- McDermott, Jim, D-WA
- Meehan, Martin, D-MA
- Romero-Barcelo, Carlos, D-PR
- Solomon, Gerald, R-NY

3. I look forward to meeting with you and Ms. Rasco next week.

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To Ms. Julie Demeo	From Tim Walsh	
Co. The White House	Co.	
Dept. Domestic Policy	Phone # 703. 312. 7415	
Fax # 202 456 2878	Fax # 703. 527. 3310	



Congress of the United States
House of Representatives
Washington, DC 20515
January 19, 1995

The Marion Malley Walsh Drunk Driving Act of 1995

Dear Colleague:

Earlier today I introduced a piece of legislation of significant relevance to all Congressional districts - the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist - a commercial fashion illustrator and successful pastel portrait painter - a mother and grandmother, who lived in Longmeadow, Massachusetts. On June 23, 1993, while driving with her sister Loretta to a family reunion at Lake George in New York, Marion was killed by a drunk driver who was fleeing the scene of a hit and run accident.

Drunk driving is a problem that plagues our nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the United States health care system approximately \$6 billion in 1993, and American businesses and workers approximately \$25 billion in lost wages.

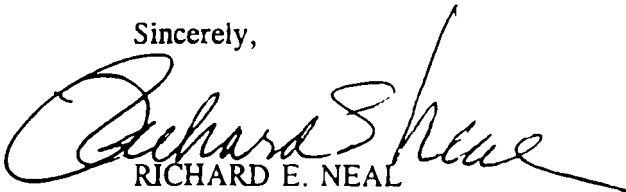
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States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive federal highway moneys - only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime - it can be done within our current system.

In the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge you to join me in support of this important legislation. To join as a co-sponsor of this legislation, or if you have any questions, please contact Ann Brozek of my office at 55601.

Sincerely,


RICHARD E. NEAL
Member of Congress

Press Statement

for

Immediate Release

and

Wide Distribution

Regarding

The Marion Malley Walsh Drunk Driving Act of 1995

H.R. 588

Sponsored by Congressman Richard Neal, D-MA

**This statement reflects the personal views of Timothy J. Walsh; no other opinions
are either expressed or implied.**

**"Inspiration, move me brightly,
light the song with sense and color,
hold away despair..."**

From a poem by Mr. Robert Hunter

Washington, DC, 2 February, 1995

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

I would like to express my gratitude and the gratitude of my family and our family's friends for the leadership, dedication and responsive public service demonstrated by my Mother's Congressman, the Honorable Richard Neal for sponsoring the ***Marion Malley Walsh Drunk Driving Act of 1995 (H.R. 588)***.

On June 23, 1993, my Mother, Marion Malley Walsh, was murdered, and my Aunt, Loretta Davignon, was assaulted and grievously wounded by a drunk driver, James Bagley of Fairlee, Vermont. Subsequent to his indictment by a New York Grand Jury for Murder in the Second Degree, the killer pled guilty to numerous lesser charges and 18 months after he committed his heinous crimes he finally went to prison.

My Mother's murder and my Aunt's wounding are senseless, pointless, violent crimes.

By introducing this important anti-crime legislation, Mr. Neal takes a great step to address the most violent crime in America, drunk driving crashes. His leadership and dedication has been a source of inspiration and hope for our family. We hope that this bill will find broad bi-partisan support in Congress. We hope that Senators Moynihan and D'Amato of New York, Kerry and Kennedy of Massachusetts, Robb and Warner of Virginia co-sponsor this bill in the United States Senate. When it passes, we hope that the President will see fit to sign it into law. We hope that our Mother's murder can somehow be made less senseless, less pointless.

The Marion Malley Walsh Drunk Driving Act of 1995 may be the single most important anti-crime legislation considered by Congress this year. Recent

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

legislation touted by the Administration as being tough on crime ignores the most lethal assault weapon at large in America - the drunk driver, careening down our nation's streets and highways, armed with 2000 pounds of hurtling steel. **In fact, drunk drivers kill more Americans in a year than do handguns.¹**

Unfortunately, little or no attention has been paid by Congress to the most lethal weapon on America's streets; the drunk driver, until now.

This legislation would not have been possible without the commitment and dedication of Mr. Neal and his able staff. Additional advice and counsel was freely and expertly provided by Ms. Doris Aikens, of RID, Mr. Bob Charouse and Mr. Tom Howarth of MADD, Mr. David Beatty and Ms. Diane Alexander of the National Victim Center, and Director Mark Spurrier of the National Association of Major Cities Chiefs of Police. Thanks are also extended to Mr. Paul Begala of Carville and Begala, and Ms. Ellen Berlin of the Department of Transportation. To these fine organizations and persons, I extend my family's gratitude.

If you think that stopping drunk driving isn't important, think again. Count the numbers. Add up the costs. Ask the survivors, or the families of the murdered victims. **If you think that drunk driving crashes that take lives are not murder, think again.** Ask the families of the victims. **If you think that drunk driving crashes are not violent crimes, think again.** Read my Mother's autopsy. **If you think you're immune, think again.** Ask everyone you know and you'll begin to see how drunk drivers have affected every layer and area of our country. No ethnic, cultural, socio-economic or regional sector of America is immune. **We are all at risk. The drunk driver is a criminal with a violent predisposition. Drunk drivers must be stopped. The Marion**

¹ In 1992, handguns are blamed for 13,165 homicides, according to the National Coalition to Ban Handguns. In that same year, drunk drivers murdered 17,699 innocent people.

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

Malley Walsh Drunk Driving Act of 1995 is a good first step in stopping them cold.

In closing, if I may digress, I would like to share something with others who find themselves as our family did the night our Mother was murdered. **As a victim or family of a victim, you must fight back. Never quit.** Work with your District Attorney. You will find him or her to be receptive to your needs. Our DA, Mr. Robert Winn, was able to explain many things to us; the legal system is far too Byzantine to try and figure out on your own. Ask lots of questions, keep careful notes.

Seek help from all corners of the community. We were assisted tremendously by Ms. Diane Alexander of the National Victim Center, and Ms. Wendy Hamilton and Ms. Barbara Jones of the New York State Chapter of MADD.

Call your Congressman or Congresswoman. Get involved. Exploit every legitimate avenue at your disposal to fight back.

Do not simply accept the murder of your loved one.

Seek out the advice and counsel of those you know and trust.

Keep faith with your God.

Keep faith with your family and friends. Draw on each other for strength.

Know that what does not destroy you will make you stronger.

The Marion Malley Walsh Drunk Driving Act of 1995

A Statement by the Victim's Son

Grieve.

Cry.

Scream your outrage.

Pray.

Fight.

Demand justice.

"No surrender" has become our family mantra; it worked for us and it will work for you, too. **Never quit.** You will prevail in the end.

Thank you and may God bless the United States of America, the victims and families of drunk driving murders, and our Mother.

VICTIM IMPACT STATEMENT

OF

TIMOTHY J. WALSH

**ELDEST SON OF AND EXECUTOR FOR
THE ESTATE OF MARION WALSH**

**TO THE PRESIDING JUDGE
IN THE MATTER OF**

THE STATE OF NEW YORK, WASHINGTON COUNTY VS. JAMES H. BAGLEY

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

Your Honor, ladies and gentlemen of the jury, it is with great sadness that I stand before you, the eldest son of a victim of a violent crime. I am grateful to the court for this opportunity to speak here today. While this task is difficult to say the least, I pray that I will have the strength to ably discharge my moral duty to our Mother.

It is my intention to attempt to convey to you the traumatic effect of the criminal acts of the killer you will be sentencing on our lives, our family, and our Mother's many friends. I stress that I shall attempt to do this, for while we all continue to endure the unbearable, it seems an almost Herculean effort to explain the grief and loss we suffer and share in mere words.

The criminal who sits before you, James Bagley, would have you believe that he is deserving of leniency. He would have you believe that he is a decent family man, a husband, father, and grandfather. Well, up until the afternoon of June 23, 1993, perhaps he was.

On that afternoon, James Bagley began his wanton spree of armed assault and murder by drinking himself into a stupor. He then attacked several people in Ticonderoga. Luckily, they all survived without injury. As he willfully fled the scene of the crime in an ill fated attempt to evade capture and justice, this fugitive attacked our Mother and our Aunt Loretta.

The results of his assault on these two wonderful ladies are more heinous and grim than can be imagined.

Our Aunt Loretta's left arm was broken so severely that conventional orthopedic treatments did not work. After months in casts and slings, the doctors attending to Aunt Loretta decided that only surgery would finally heal her shattered bone. She continues to suffer from lack of mobility, pain, and lost wages as a result of Bagley's attack.

Our Aunt Loretta survived, with the intercession of God and the assistance of several good Samaritans - local citizens simply passing by - who aided, comforted, and prayed with her until such time as the paramedics could cut her from the wreckage to tend to her wounds. I would like to recognize, and express our gratitude to those good citizens for helping our Aunt. We will forever be grateful to God for sparing her and pray that her recovery, physically, emotionally, and psychologically, will continue.

Bagley's assault was so severe as to partially amputate our Mother's right leg, the flesh and bone ripped and twisted apart.

Bagley's assault was so severe as to cause subdermal bleeding over our Mother's entire body.

Bagley's assault was so severe as to nearly tear our Mother's shattered left arm from her body.

Bagley's assault was so severe as to fracture our Mother's left thigh.

Bagley's assault was so severe as to rip our Mother's left knee from its place.

Bagley's assault was so severe as to severely cut the back of our Mother's left thigh and behind her knee.

Bagley's assault was so severe as to break several of our Mother's ribs and puncture her lungs.

Bagley's assault was so severe as to cut our Mother's heart.

Bagley's assault was so severe as to cut our Mother's spleen.

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

Bagley's assault was so severe as to cut our Mother's head.

Bagley's assault was so severe as to cause massive bruising to the face, especially over the left eye.

Bagley's assault was so severe as to cause our Mother's heart to stop.

Bagley's assault was so severe as to cause a fracture of our Mother's skull, at the back of her head, with internal bleeding into the largest space of our Mother's brain, causing her brain to be "squeezed" by the pressure of the blood against her skull.

Our Mother's flesh and bones were mangled, twisted and torn apart, crushed and shattered by James Bagley. Her horrible and unjust murder was worsened by the carnage and cruelty of her death.

Before you do your sworn duty to American justice and sentence the criminal who sits before you, I feel it is important that you have some idea who our Mother was, and what Bagley has done.

Our Mother was a child of the Depression and grew to womanhood during World War II. After the war, with her new husband, she set out on the road to the American dream. A small house, and eventually, a family.

My brother Joe and I are the luckiest guys on the face of the earth. For whatever reason, our parents were not able to have children of their own. We were adopted as infants by our parents. We have always felt that being adopted was special - that out of all the babies, they wanted US. We were raised by a Father and Mother who firmly believed that their most important responsibility in life was to raise us to be good Americans, with basic values of honesty, loyalty, and faith.

They taught us to cherish the freedom which so many of their friends fought or died for. They taught us to work hard for what we believed in, to keep faith with God and our family and friends. They taught us that we were responsible for our own actions and to know the difference between right and wrong. They taught us a strong sense of family. They taught us not to quit.

Our Mother taught us to read. She taught us to count. She was beaming proudly at the first grade science fair. She cheered when we hit our first Little League homerun. She proudly taped our grade school artwork to the refrigerator. She helped us with our homework. She bandaged our skinned knees and bee stings. Our Mother spanked us when we deserved it, hugged us when we needed it, and loved us always. She brought us to museums to see dinosaurs, Pilgrims, Indians, and the wonders of the world. She sparked our imaginations with the possibilities of what we could be, could do, could learn, could try.

Our Mother was a wonderful woman. Her 40 year marriage to our Father serves as an inspiration and role model to me. Mom was a woman of great love, compassion, and loyalty.

She helped my invalid father in the last years of his life without complaint, her only concern being his well being and comfort. The love they shared was true and unconditional. Her devotion to him when he needed help the most continues to inspire me.

She was a woman who would always answer a call for help from any friend or family member. Her "shoulder-to-cry-on" and sage advice and counsel was a beacon of understanding and compassion for many people. Her love for her family and friends burned in her soul. She loved

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

each one for who they were, and never doubted that we would all somehow manage to master our individual challenges, rising to the top.

Our Mother knew that within each one of us lies a God-given talent and a desire to use it well. On those occasions when we were successful, she was our proudest booster. When we failed, she would help us with words of encouragement, wisdom, and faith.

She was a religious woman, actively participating in the religious activities of her parish, from attending mass, to assisting with charity activities. Her faith in God was central to her life.

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She was a wonderful Grandmother, for the six short months she had between my daughter's birth and her murder. She knit sweaters, and baby clothing, bought my daughter teddy bears and little toys - all of the joyous and thoughtful things which I'm sure each one of you does or will do for your grandchildren.

She will never be or do these things again, because of James Bagley. James Bagley murdered our Mother.

I will never forget the phone call in the middle of the night, my Uncle Gerry telling me that my Mother was dead and my Godmother severely wounded and being medicated. I will never forget the compassion and frustration of Investigator Dick Eggleston of the State Police who confirmed the unbelievable.

I will never forget weeping uncontrollably on my wife's shoulder as we struggled to understand what had happened. I will never forget the shock, confusion and anger I shared with my brother when I called to tell him what had happened.

I will never forget the tenderness of Head Nurse Sue Luftik of the Glens Falls Hospital who gently explained that our Mother's injuries were too severe to donate any organs without further upset to us.

I will never forget the agony of the many phone calls to family and friends telling them of the murder. I will never forget the torturous days of funeral arrangements, seeing her shattered body, and burying her on the day before what would have been the family reunion she and my Aunt Loretta were planning.

I will never be able to forget these nightmares because of James Bagley.

James Bagley murdered our Mother.

Our mother was brutally murdered by an intoxicated assailant armed with the most lethal of all weapons in American society - an automobile. The killer sits here today, hoping that this court and the good citizens of Washington County won't care about a number of things.

He hopes you won't care that he is guilty of killing one woman, our Mother, and seriously injuring another woman, my Godmother and Aunt, Loretta Davignon.

VICTIM IMPACT STATEMENT OF TIMOTHY J. WALSH

He hopes you won't care that each one of you, your families, your friends, your fellow citizens, were all at risk of being murdered or maimed on the day he callously drank himself into a stupor and began his murderous spree.

He hopes you won't care that my infant daughter will never know her Grandmother.

He hopes you won't care that we have lost the matriarch of our family.

He hopes you won't care that my Mother's friends and fellow artists have lost a good friend and colleague.

He hopes you won't care that my brother and I have lost our Mother, a woman we loved, and still love, respected, and still respect.

He hopes you won't care that we have lost a role model for our lives.

He hopes you won't care that we have lost a woman who was always there for us, to share our happiness and joy, to counsel us in times of sadness with words of encouragement and wisdom, to pray for us when we needed more help than even she could provide.

He hopes you don't care about the American way. About law and order, justice and decency.

He hopes you don't care about personal responsibility.

I hope you do.

Please show this criminal that you do not tolerate his actions. Tell him and the nation that in Washington County, New York, drinking and driving and murder are crimes, not accidents. Tell all who may come here that violent crimes are not acceptable. Tell them that they will be punished swiftly and strongly.

Please show our young people and any others who may be considering similar crimes that their actions will not be tolerated. Perhaps your actions today will save a life tomorrow.

Please help our family to begin the healing process.

Please faithfully execute your duty to your fellow citizens and administer the righteous justice which you are empowered to dispense.

Please send James Bagley to prison for murdering our Mother. Please send him to prison without the possibility of parole, for the longest amount of time you are allowed to under the law.

Please permanently revoke his privilege to drive. Please enroll him in an alcohol and drug treatment program so that, if he does eventually return to civilized society, you will have done all you can to prevent repeat offenses.

The life you save may well be your own.

May God bless this court, the United States of America, and our Mother.

Thank you.

Notes for Walsh Drunk Driving Meeting

What Mr. Walsh Wants...

- In June of 1993, Mr. Walsh's mother and aunt were struck by a drunk driver fleeing the scene of a crime. Walsh's mother was killed, and his aunt disabled. Since the accident, Mr. Walsh has led a crusade to toughen up state drunk driving laws.
- Walsh's cause has been taken up by his Congressman, Rep. Neal (D-MA). And Neal has introduced legislation, H.R. 588 -- The Marion Malley Walsh Drunk Driving Act. H.R. 588 mandates that states who do not enforce 4 or more of the following requirements spend 1.5% of their Federal highway funds on drunk driving prevention (3% after the first year of enactment): (1) .08 percent per se blood alcohol standard; .02 percent per se blood alcohol standard for minors; (3) impoundment of cars for drivers caught driving with licenses suspended for alcohol-related reasons; establishment of a license revocation or suspension system for drunk drivers; and (5) establishment of graduated licensing programs for drivers under age 21.

What We're Already Doing...

(was HR 5076) w/ Rep. Leslie Byrne

- Much of what Mr. Walsh is looking to accomplish is already being implemented in some fashion by the Dept. of Transportation's Office of Alcohol and State Programs (part of NHTSA). For instance, DOT administers a 5-year old program that offers incentives (\$25 million in grants) to states who pursue the following:
 - automatic license revocation for drunk drivers;
 - transition to the .08 per se blood alcohol standard;
 - sobriety check points;
 - prevention of underage drinking
 - mandatory sentencing;
 - and more, such as the .02 per se blood alcohol standard for minors, open container laws, mandatory blood alcohol testing and video equipment for DWI.
- Additionally, the Crime Bill authorized the use of Byrne grant monies (nearly \$500 million) for drunk driving prosecutions. The Crime Bill also increased penalties for drunk driver with minors in the car, but this applies solely in areas of Federal jurisdiction.

Congressman Richard E. Neal
2431 Rayburn House Office Building
Washington, D.C. 20515
Telephone # (202) 225-5601
Fax (202) 225-8112

FAX COVER SHEET

Date: 3/22/95
To: Jose Cerda
From: Ann Brozke
Number of Pages: 11 + cover

*Enclosed is a copy of the bill and the
breakdown of the new co-sponsors.*

Call me if you have questions.

NOTICE OF CONFIDENTIALITY

This message is intended for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited.

1 OF 1 3 PAGES

DS ***** 104TH CONG. STATUS PROFILE FOR H.R.588

BRIEF TITLE..... Marion Malley Walsh Drunk Driving Act of 1995

SPONSOR..... Neal

DATE INTRODUCED... January 19, 1995

HOUSE COMMITTEE... Transportation and Infrastructure

OFFICIAL TITLE.... A bill to amend title 23, United States Code, relating to drunk driving.

CO-SPONSORS..... 10 CURRENT COSPONSORS

Jan 19, 95 Referred to House Committee on Transportation and Infrastructure.

Feb 2, 95 Referred to Subcommittee on Surface Transportation.

COS CO-SPONSORS..... 10 CURRENT COSPONSORS

Jan 24, 95 Meehan, McDermott, English.

Jan 26, 95 Ackerman, Hinchey.

Feb 1, 95 E. B. Johnson.

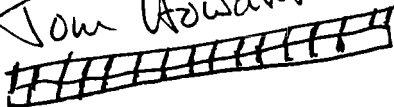
Feb 23, 95 Romero-Barcelo.

Mar 15, 95 Dellums, Solomon, Torkildsen.

BD BILL DIGEST..... Jan 19, 95.

Marion Malley Walsh Drunk Driving Act of 1995 - Provides for the transfer of apportionments of Federal highway funds to highway safety programs for noncompliance with this Act.

Specifies that a State meets the requirements of this Act if it has enacted and is enforcing a law that provides for four or more of the following: (1) any individual with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shall be deemed to be driving while under the influence of alcohol; (2) any individual under age 21, driving with a blood alcohol concentration of .02 percent or greater, shall be deemed to be driving while under the influence of alcohol, and a blood alcohol content of at least .02 percent, but less than .08 percent, will be punishable by a fine of up to \$500 and a six-month driver's license suspension; (3) if an individual's license has been suspended or revoked for an alcohol-related offense and the individual is thereafter caught driving, the vehicle the individual is driving will be immediately impounded or immobilized for 30 days; (4) establishment of an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol; and (5) establishment and maintenance of a graduated licensing program for drivers under age 21.

Tom Howarth


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H.L.C.

104TH CONGRESS
1ST SESSION**H. R.** _____

IN THE HOUSE OF REPRESENTATIVES

Mr. NEAL introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 23, United States Code, relating to drunk
driving.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Marion Malley Walsh
5 Drunk Driving Act of 1995".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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1 (1) Drunk driving crashes cost the United
2 States health care system approximately
3 \$6,000,000,000 in 1993.

4 (2) Drunk driving crashes cost American busi-
5 nesses and workers approximately \$25,000,000,000
6 in lost wages in 1993.

7 (3) It is estimated that alcohol was involved in
8 45 percent of fatal motor vehicle crashes and in 7
9 percent of all motor vehicle crashes in 1992.

10 (4) The 17,699 fatalities in alcohol-related
11 motor vehicle crashes during 1992 represent an av-
12 erage of 1 alcohol-related fatality every 30 minutes.

13 (5) About 355,000 persons were injured in
14 motor vehicle crashes where police reported that al-
15 cohool was present—an average of 1 person injured
16 every 1½ minutes.

17 (6) More than 1,800,000 drivers were arrested
18 in 1991 for driving under the influence of alcohol or
19 narcotics—an arrest rate of 1 for every 92 licensed
20 drivers in the United States.

21 (7) In 1992, an average of 35.2 percent of all
22 fatal motor vehicle crashes during a week were alco-
23 hol-related, compared to 58.2 percent on weekends.

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1 SEC. 3. DRUNK DRIVING.

2 Chapter 1 of title 23, United States Code, is amended
3 by adding at the end the following:

4 "§ 161. Drunk driving

5 "(a) TRANSFER OF APPORTIONMENTS FOR NON-
6 COMPLIANCE.—

7 "(1) FIRST FISCAL YEAR.—On the first day of
8 the first fiscal year succeeding the first fiscal year
9 beginning after September 30, 1996, throughout
10 which a State does not meet the requirements of
11 subsection (b), the Secretary shall transfer 1½ per-
12 cent of the funds apportioned to the State under
13 each of paragraphs (1), (2), and (3) of section
14 104(b) for such fiscal year to the apportionment of
15 the State under section 402 of this title.

16 "(2) AFTER FIRST FISCAL YEAR.—On the first
17 day of each fiscal year after the second fiscal year
18 beginning after September 30, 1996, throughout
19 which a State does not meet the requirements of
20 subsection (b), the Secretary shall transfer 3 percent
21 of the funds apportioned to the State under each of
22 paragraphs (1), (2), and (3) of section 104(b) for
23 such fiscal year to the apportionment of the State
24 under section 402 of this title.

25 "(b) REQUIREMENTS.—A State meets the require-
26 ments of this paragraph if the State has enacted and is

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1 enforcing a law that provides for 4 or more of the follow-
2 ing:

3 “(1) Any individual with a blood alcohol con-
4 (1) centration of 0.08 percent or greater when driving a
5 motor vehicle shall be deemed to be driving while
6 under the influence of alcohol.

7 “(2) Any individual under age 21, driving with
8 a blood alcohol concentration of 0.02 percent or
9 greater, shall be deemed to be driving while under
10 the influence of alcohol, and a blood alcohol content
11 of at least 0.02 percent, but less than 0.08 percent,
12 will be punishable by a fine of up to \$500 and a 6-
13 month driver's license suspension.

14 “(3) With respect to the impoundment of motor
15 vehicles, the State law provides the following:

16 “(A) If an individual's license has been
17 suspended or revoked for an alcohol-related of- (3)
18 fense and the individual is thereafter caught
19 driving, the vehicle the individual is driving will
20 be immediately impounded or immobilized for
21 30 days. The court can impound the vehicle for
22 an additional 90 days following conviction.

23 “(B) The owner of the vehicle (other than
24 the driver) may petition the court for release of
25 the vehicle.

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1 “(C) Any individual who knowingly permits
2 operation of their motor vehicle by a person
3 known to have a revoked or suspended driver's
4 license for an alcohol-related offense can be
5 charged with a Class 1 misdemeanor.

6 “(4) Establishment of an expedited driver's li-
7 cense suspension or revocation system for persons
8 who operate motor vehicles while under the influence
9 of alcohol which requires that—

10 “(A) when a law enforcement officer has
11 probable cause under State law to believe a per-
12 son has committed an alcohol-related traffic of-
13 fense and such person is determined, on the
14 basis of a chemical test, to have been under the
15 influence of alcohol while operating the motor
16 vehicle or refuses to submit to such a test as
17 proposed by the officer, the officer shall serve
18 such person with a written notice of suspension
19 or revocation of the driver's license of such per-
20 son and take possession of such driver's license;

21 “(B) the notice of suspension or revocation
22 referred to in subparagraph (A) shall provide
23 information on the administrative procedures
24 under which the State may suspend or revoke
25 in accordance with the objectives of this section

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1 a driver's license of a person for operating a
2 motor vehicle while under the influence of alco-
3 hol and shall specify any rights of the operator
4 under such procedures;

5 "(C) the State shall provide, in the admin-
6 istrative procedures referred to in subparagraph
7 (B), for due process of law, including the right
8 to an administrative review of a driver's license
9 suspension or revocation within the time period
10 specified in subparagraph (F);

due process

11 "(D) after serving notice and taking pos-
12 session of a driver's license in accordance with
13 subparagraph (A), the law enforcement officer
14 immediately shall report to the State entity re-
15 sponsible for administering drivers' licenses all
16 information relevant to the action taken in ac-
17 cordance with this subparagraph;

(7)

18 "(E) in the case of a person who, in any
19 5-year period beginning after the date of enact-
20 ment of this section, is determined on the basis
21 of a chemical test to have been operating a
22 motor vehicle under the influence of alcohol or
23 is determined to have refused to submit to such
24 a test as proposed by the law enforcement offi-
25 cer, the State entity responsible for administer-

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1 ing drivers' licenses, upon receipt of the report
2 of the law enforcement officer—

3 “(i) shall suspend the driver's license
4 of such person for a period of not less than
5 90 days if such person is a first offender
6 in such 5-year period; and

7 “(ii) shall suspend the driver's license
8 of such person for a period of not less than
9 1 year, or revoke such license, if such per-
10 son is a repeat offender in such 5-year pe-
11 riod; and

12 “(F) the suspension and revocation re-
13 ferred to under subparagraph (D) shall take ef-
14 fect not later than 30 days after the day on
15 which the person first received notice of the
16 suspension or revocation in accordance with
17 subparagraph (B).

18 “(5)(A) Establishment and maintenance of a
19 graduated licensing program consisting of the follow-
20 ing licensing stages for any driver under age 21
21 years:

22 “(i) An instructional license, valid for a
23 minimum period determined by the Secretary,
24 under which the licensee shall not operate a
25 motor vehicle unless accompanied in the front

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1 passenger seat by the holder of a full driver's
2 license.

3 “(ii) A provisional driver's license which
4 shall not be issued unless the driver has passed
5 a written examination on traffic safety and has
6 passed a roadtest administered by the driver li-
7 censing agency of the State.

8 “(iii) A full driver's license which shall not
9 be issued until the driver has held a provisional
10 license for at least 6 months with a clean driv-
11 ing record.

12 “(B) For purposes of subparagraph (A)(iii), a
13 provisional licensee has a clean driving record if the
14 licensee—

15 “(i) has not been found, by civil or crimi-
16 nal process, to have committed a moving traffic
17 violation during the applicable period;

18 “(ii) has not been assessed points against
19 the license because of safety violations during
20 such period; and

21 “(iii) has satisfied such other requirements
22 as the Secretary may prescribe by regulation.

23 “(C) The Secretary shall determine the condi-
24 tions under which a State shall suspend provisional
25 driver's licenses in order not to have funds trans-

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1 ferred under subsection (a). At a minimum, the
2 holder of a provisional license shall be subject to
3 driver control actions that are stricter than those ap-
4 plicable to the holder of a full driver's license, in-
5 cluding warning letters and suspension at a lower
6 point threshold.

7 If the Secretary determines that a State law is substan-
8 tially the same as what is required under paragraph (3)
9 or (4), such law shall be treated as meeting such require-
10 ment.

11 “(c) FEDERAL SHARE.—The Federal share of the
12 cost of any project carried out under section 402 with
13 funds transferred to the apportionment of section 402
14 under this section shall be 100 percent.

15 “(d) TRANSFER OF OBLIGATION AUTHORITY.—If the
16 Secretary transfers under this section any funds to the
17 apportionment of a State under section 402 for a fiscal
18 year, the Secretary shall allocate an amount of obligation
19 authority distributed for such fiscal year to the State for
20 Federal-aid highways and highway safety construction
21 programs for carrying out only projects under section 402
22 which is determined by multiplying—

23 “(1) the amount of funds transferred under this
24 section to the apportionment of section 402 of the
25 State of such fiscal year; by

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1 “(2) the ratio of the amount of obligation au-
2 thority distributed for such fiscal year to the State
3 for Federal-aid highways and highway safety con-
4 struction programs to the total of the sums appor-
5 tioned to the State for Federal-aid highways and
6 highway safety construction (excluding sums not
7 subject to any obligation limitation) for such fiscal
8 year.

9 “(e) LIMITATION ON APPLICABILITY OF HIGHWAY
10 SAFETY OBLIGATIONS.—Notwithstanding any other pro-
11 vision of law, no limitation on the total of obligations for
12 highway safety programs carried out by the Federal High-
13 way Administration under section 402 shall apply to funds
14 transferred under this section to the apportionment of sec-
15 tion 402.”.

16 SEC. 4. CONFORMING AMENDMENT.

17 The analysis for chapter 1 of title 23, United States
18 Code, is amended by adding at the end the following:

 “161. Drunk driving.”.

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

23 March, 1995

Mr. Jose Cerda
Assistant to the President
The White House
Washington, DC 20500

Dear Mr. Cerda:

Thank you very much for taking time out of your busy schedule to meet with me yesterday. I am very grateful for your interest in stopping drunk driving and for your candid assessment of the long road we face in moving the ***Marion Malley Walsh Drunk Driving Act of 1995*** forward.

Your advice and counsel is very helpful; our family will continue our efforts to stimulate additional grassroots support for this legislation to the extent which is possible for us to do.

I remain convinced, however, that critical political issues slated to be tackled after the "100 days" conclude can be helped if Congress and the President can find legislative opportunities which are mutually agreeable. ***H.R. 588*** might be such an issue and the bi-partisan teamwork, rapport and spirit of cooperation, working in the best interest of the nation, are sure to have a positive impact on the more difficult and controversial issues facing our great country.

We will continue our efforts with deliberate haste and in conjunction with Representative Richard Neal and Ms. Carol Rasco. I will apprise you of our progress from time to time so that you can be kept aware of any significant developments regarding this important legislation.

Again, please accept my heartfelt thanks for the courtesy which you extended to me and my family, and, indirectly, to the families and victims of drunk drivers across America.

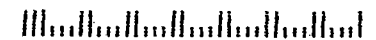
Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Walsh", written over the word "Sincerely,".

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181



Mr. Jose Cerda
Assistant to the President
The White House
Washington, DC 20500



Notes for Walsh Drunk Driving Meeting

What Mr. Walsh Wants...

- In June of 1993, Mr. Walsh's mother and aunt were struck by a drunk driver fleeing the scene of a crime. Walsh's mother was killed, and his aunt disabled. Since the accident, Mr. Walsh has led a crusade to toughen up state drunk driving laws.
- Walsh's cause has been taken up by his Congressman, Rep. Neal (D-MA). And Neal has introduced legislation, H.R. 588 -- The Marion Malley Walsh Drunk Driving Act. H.R. 588 mandates that states who do not enforce 4 or more of the following requirements spend 1.5% of their Federal highway funds on drunk driving prevention (3% after the first year of enactment): (1) .08 percent per se blood alcohol standard; .02 percent per se blood alcohol standard for minors; (3) impoundment of cars for drivers caught driving with licenses suspended for alcohol-related reasons; establishment of a license revocation or suspension system for drunk drivers; and (5) establishment of graduated licensing programs for drivers under age 21.

What We're Already Doing...

- Much of what Mr. Walsh is looking to accomplish is already being implemented in some fashion by the Dept. of Transportation's Office of Alcohol and State Programs (part of NHTSA). For instance, DOT administers a 5-year old program that offers incentives (\$25 million in grants) to states who pursue the following:
 - automatic license revocation for drunk drivers;
 - transition to the .08 per se blood alcohol standard;
 - sobriety check points;
 - prevention of underage drinking
 - mandatory sentencing;
 - and more, such as the .02 per se blood alcohol standard for minors, open container laws, mandatory blood alcohol testing and video equipment for DWI.
- Additionally, the Crime Bill authorized the use of Byrne grant monies (nearly \$500 million) for drunk driving prosecutions. The Crime Bill also increased penalties for drunk driver with minors in the car, but this applies solely in areas of Federal jurisdiction.

TO: JONATHAN
PRINCE

fax # 62878

THE WHITE HOUSE
WASHINGTON

November 22, 1994

MEMORANDUM FOR:

FIRST LADY'S STAFF (MELANNE VERVEER)
JOHN PODESTA (TODD STERN)
ABNER MIKVA (CLARISSA CERDA)
STEVE SILVERMAN
PAT GRIFFIN
✓ CAROL RASCO
ALEXIS HERMAN (DAN WEXLER)
JODIE TORKELSON
BILLY WEBSTER - FYI

FROM:

Lana Dickey/Debbie Hardin
for JIM DORSKIND

SUBJECT:

(Draft Proclamation)
National Drunk and Drugged Driving
Prevention Month, 1994

Attached for your review is the above-mentioned proclamation designating the month of December 1994, as "National Drunk and Drugged Driving Prevention Month."

It was submitted by the Department of Transportation, through the Office of Cabinet Affairs, and edited/revised by the Presidential Letters and Messages Office.

IMMEDIATE ATTENTION REQUIRED. Written or oral response required by no later than Noon, Monday, November 28, 1994. IF WE HAVE NOT HEARD FROM YOU BY 12:00 p.m., WE WILL ASSUME THAT THE DRAFT IS ACCEPTABLE TO YOU.

For questions, discussion, or routine clearance, contact Lana Dickey, extension 67487, or Debbie Hardin, extension 65490, via phone or interoffice mail, in room 91. Thank you.

cc: Tim Saunders

*NOTE:
Another new development: an
adolescent substance abuse
ad may be released w/in the next
few weeks.*

November 21, 1994

MEMORANDUM FOR DON BAER

FROM: CAROL H. RASCO

SUBJECT: RADIO ADDRESS TOPIC SUGGESTION

As you may know, the month of December is nationally recognized as "Drunk and Drugged Driving Awareness" month. I wanted to suggest that it might be appropriate for the President to dedicate a portion of a December radio address to this topic.

The President could incorporate the following issues in a radio address:

- **Drunk and Drugged Driving Awareness:**
Speak out against driving under the influence of drugs and alcohol, especially this holiday season. Recognize the importance of groups such as Mothers Against Drunk Driving (MADD).
- **Adolescent substance use and abuse:**
The Department of Health and Human Services is expected to come out with a study in January, showing increased usage rates for drugs and alcohol among teenagers. [NOTE: The President has been criticized in the past for not speaking out against adolescent use of drugs and/or alcohol].
- **Crime:**
The President's fight against violence led to the successful passage of a crime bill with strong child endangerment provisions. These provisions mean tougher penalties for those who drive drunk with children in the car and authorize states to use anti-drug monies for drunk driving prosecutions.

My office recently met with representatives from Mothers Against Drunk Driving (MADD). They are eager to work with the Administration and would greatly appreciate any efforts we make to bring attention to this issue.

Jose Cerda of my staff would be glad to assist in drafting the President's remarks. He can be reached at x65568.

Please let me know what you think. Thank you.

NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH, 1994

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

In 1980, a mother in Sacramento, California, decided that enough children had been sacrificed to drunk driving. With the horror of her own daughter's death in her mind, Candy Lightner founded Mothers Against Drunk Driving (MADD) and joined an ever-expanding chorus of voices demanding an end to drunk and drugged driving.

Today, our Nation is fortunate to have numerous grass-roots organizations dedicated to ending this national tragedy. In big cities and small towns across the country, students, parents, and concerned citizens recognize that education and prevention are the keys to saving lives. Naming a designated driver is an idea embraced by millions of Americans, and many schools now include drunk driving awareness programs as part of the curricula.

Despite the tremendous efforts of both private and public sectors, drunk driving remains America's number one danger on the highways. We must redouble our efforts to teach all Americans that alcohol and drugs -- used alone or in combination -- cause loss of control and loss of judgment, and that under these circumstances it is irresponsible and dangerous to attempt to navigate a vehicle.

Candy Lightner took on the daunting challenge of changing

the way Americans think about alcohol, drugs, and driving. She moved forward with an energy born of deep personal grief and steadfast commitment to serving the common good. Thanks in great part to her devotion and hard work, and to the involvement of countless caring people like her across the country, parents can tuck in their children at night and feel a little safer, a little more secure about the future that awaits them. This month, I ask each citizen to work actively to make our roads and highways safer -- for the good of our children and for our nation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1994 as "National Drunk and Drugged Driving Prevention Month." I ask all Americans to reaffirm their commitment to make drunk and drugged driving unacceptable and to take steps to intervene in stopping anyone impaired by drugs or alcohol from getting behind the wheel. I call upon public officials at all levels, as well as interested citizens and groups, to observe this month with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of , in the year of our
Lord nineteen hundred and ninety-four, and of the Independence
of the United States of America the two hundred and nineteenth.

PeyserAssociates
INCORPORATEDPETER A. PEYSER, JR.
THOMAS J. HOWARTH
DEIRDRE PAPPALARDO
GAYLE COLES**FAX COVER SHEET****DATE:**Dec. 1, 1994**PLEASE DELIVER TO:**Jose Corda**COMPANY:**Domestic Policy**FAX NUMBER:**456-7028**FROM:**Tom Howarth

PEYSER ASSOCIATES, INC. • TELEPHONE #: 202/638-3730 • FAX #: 202/638-3516

Number of Pages including cover sheet 5**COMMENTS:**

Jose: This might help make the health care point, a
point Sen. Poma always makes. Also, you might want
to be aware that MADD is holding its Candlelight Vigil,
an annual emotional event in Pittsburgh on Dec. 3.

Thanks.Tom

THE WHITE HOUSE

Office of the Press Secretary
(Framingham, Massachusetts)

For Immediate Release

October 20, 1994

REMARKS BY THE PRESIDENT
AT THE SIGNING OF
THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1994

Framingham High School
Framingham, Massachusetts

11:25 A.M. EDT

And now I'm going to ask you young people to do one more thing. There is a lot of evidence, and there is a new survey that's been put out today, saying that in a modest but very clear way, drug use is going up again among young people in America. (Applause.) I hope you're clapping because you agree with what I said, not because you agree that it's a good thing. That more and more young people simply don't believe it's dangerous to use marijuana, for example, and that it's okay to do.

Let me tell you something: Every single scientific study that has been done in the last several years shows alarming increases in the toxicity and the danger of using marijuana, especially to young women, and what might happen to their child-bearing capacity in the future.

All illegal drugs are dangerous. We have to drive down usage again. It has got to be not a good thing to do, not a cool thing to do. It is a stupid thing to do, as well as an illegal thing to do, and I want you to help bring it back down. (Applause.)

So this bill is about you; it's not about all of us politicians up here; it's about you. It's about your future. The age in which you are growing and the world toward which you are going can be the best time America ever had. It will be exciting. And our diversity in America is a gold mine of opportunity. No other country is so well-positioned to move into the 21st century, to live in a global society that is more peaceful and more secure -- no one. But it all depends upon whether we develop the God-given capacity of every boy and girl in this country, no matter where they live, no matter what their racial or ethnic or religious background is.

That is your challenge. Let's do it together. Thank you, and God bless you all. (Applause.)

(The bill is signed.)

PeyserAssociates

INCORPORATED

PETER A. PEYSER, JR.
THOMAS J. HOWARTH
DEIRDRE PAPPALARDO
GAYLE COLES

FAX COVER SHEET

DATE:Dec. 1, 1994**PLEASE DELIVER TO:**Jose Cerdas**COMPANY:**Domestic Policy**FAX NUMBER:**456-7028**FROM:**Tom Howarth

PEYSER ASSOCIATES, INC. • TELEPHONE #: 202/638-3730 • FAX #: 202/638-3516

Number of Pages including cover sheet 4**COMMENTS:**Jose: a tip: Do not refer to Drunk Driving "crashes"as accidents - very touchy subject.Thanks very much.T

A 1994 SUMMARY OF STATISTICS:
THE IMPAIRED DRIVING PROBLEM

*** In 1993:**

An estimated 17,461 persons died in alcohol-related traffic crashes--an average of one every 30 minutes. These deaths constituted 43.5% of the 40,115 total traffic fatalities.

Although about 289,000 persons suffered injuries in crashes where police reported alcohol was present (NHTSA, 1994), it is estimated that 1.2 million persons were injured in alcohol-related crashes--an average of one person every 26 seconds, (NHTSA, pg. IV-37, 1992). About 47,000 people a year will suffer permanent work-related disabilities (Miller & Blincoe, pg. 15, 1993).

- * The number of alcohol-related traffic fatalities declined 2% from 1992 to 1993.
- * The proportion of traffic fatalities which were alcohol-related declined from 45.5% in 1992 to 43.5% in 1993.
- * About two in every five Americans will be involved in an alcohol-related crash at some time in their lives.
- * Direct costs of alcohol-related crashes are estimated to be \$46 billion yearly. (NHTSA 1992) An additional \$102 billion is lost in quality of life due to these crashes. (Miller & Blincoe, 1993)

1993 HOLIDAY STATISTICS

Approximately 111 (71.5%) of the 155 New Year's Day traffic fatalities were alcohol-related.

During the Memorial Day holiday, 234 (51.5%) of 454 persons were killed in alcohol-related crashes.

About 289 (55.0%) of the total 524 July 4th traffic fatalities were alcohol-related.

During the Labor Day holiday, 304 (58.2%) of 523 persons were killed in alcohol-related traffic crashes.

During Thanksgiving, 271 (47.8%) of a total 567 traffic fatalities were alcohol-related.

Between Thanksgiving and New Year's Eve, 1,746 (42.6%) of a total 4,092 traffic fatalities were alcohol-related.

During Christmas, 401 people died in traffic crashes, with 219 (54.6%) alcohol-related.

Approximately 28 (69.8%) of the 39 St. Patrick's Day traffic fatalities were alcohol-related. September, 1994

ALCOHOL-RELATED TRAFFIC FATALITIES

Number Alcohol Related:

Age	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
0-14	949	887	826	773	813	850	841	795	709	667	624	638
15-19	4,133	3,575	3,518	3,176	3,536	3,261	3,169	2,782	2,660	2,287	1,854	1,782
20-24	5,841	5,503	5,598	5,190	5,412	4,887	4,953	4,220	4,196	3,958	3,278	3,182
25-64	2,748	12,320	12,383	12,152	12,871	13,256	13,234	13,223	13,209	11,701	10,902	10,695
65-	1,345	1,256	1,292	1,248	1,257	1,307	1,337	1,348	1,240	1,208	1,142	1,072
Unknown	149	106	142	177	156	80	92	69	70	68	57	93
Totals*	25,165	23,646	23,758	22,716	24,045	23,641	23,626	22,436	22,084	19,887	17,859	17,461
Total Traffic Fatalities	43,945	42,589	44,257	43,825	46,056	46,390	47,087	45,582	44,599	41,508	39,250	40,115
Percentage Alcohol-Related	57.2%	55.5%	53.7%	51.8%	52.2%	50.9%	50.1%	49.2%	49.5%	47.9%	45.5%	43.5%

COMPARISONS

<u>82-93</u>	<u>85-86</u>	<u>86-87</u>	<u>87-88</u>	<u>88-89</u>	<u>89-90</u>	<u>90-91</u>	<u>91-92</u>	<u>92-93</u>
-32.8%	+ 5%	+ 5%	- 1%	- 5%	-11%	- 6%	- 6%	+ 2%
-56.9%	+11%	- 8%	- 3%	-12%	- 4%	-14%	-19%	- 4%
-45.5%	+ 4%	-10%	+ 1%	-15%	- 1%	- 6%	-17%	- 3%
-16.1%	+ 6%	+ 3%	-	-	-	-11%	- 7%	- 2%
-20.3%	+ 1%	+ 4%	+ 2%	+ 1%	- 8%	- 3%	- 5%	- 6%
-37.6%	-12%	-49%	+15%	-25%	+ 1%	- 3%	-16%	+63%
Totals								
-30.6%	+ 6%	- 2%	-	- 5%	- 2%	-10%	-10%	- 2%
Total Traffic Fatalities								
- 8.7%	+ 5%	+ 1%	+ 2%	- 3%	- 2%	- 7%	- 5%	+ 2%

* Some figures above differ from those MADD previously reported because of adjustments made in NHTSA's F.A.R.S data.

Source: National Highway Traffic Safety Administration, Fatal Accident Reporting System, 1994.

GENERAL STATISTICS

- * During the period 1982 through 1993, approximately 266,000 persons lost their lives in alcohol-related traffic crashes. (NHTSA, 1994)
- * Traffic crashes are the greatest single cause of death for every age between the ages of six and 32. Almost half of these crashes are alcohol-related. (NHTSA, 1994)
- * Of the 40,115 estimated traffic fatalities in 1993, 13,982 or 34.9% were killed in crashes in which at least one driver or pedestrian was intoxicated. (NHTSA, 1994)
- * Approximately 21.0% of all drivers involved in fatal crashes in 1993 were intoxicated at the time of their crash (22.1% in 1992). (NHTSA, 1994)
- * In single-vehicle fatal crashes occurring on weekend nights in 1993, 72.1% of the fatally injured drivers 25 years old or older were intoxicated, as compared with 59.3% of drivers under the age of 25. (NHTSA, 1994)
- * It is estimated that 2.75 million drunk driving crashes each year victimize 1.64 million innocent people who are injured or have their vehicles damaged. (Miller, 1992)
- * In 1990, one in 100 drivers had a BAC of .10 or greater. About 21 billion miles were driven drunk. (Miller, 1993)
- * The proportion of fatal crashes that are alcohol-related is about three times greater at night than during the day. (NHTSA, 1994)
- * More than half of all alcohol-related fatalities occur in single vehicle crashes. (NHTSA, 1994)
- * In fatal crashes, the proportion of drivers who were intoxicated (blood alcohol content of .10 or greater) decreased from 29% in 1983 to 21% in 1993, a 28% decrease in that proportion. (NHTSA, 1994)
- * The number of intoxicated drivers killed in traffic crashes decreased from 13,110 in 1980 to 7,578 in 1993, a reduction of 42%. (NHTSA, 1994)
- * Male drivers involved in fatal crashes were nearly twice as likely to have been intoxicated (23.7%) than were females (12.1%). (NHTSA, 1994)
- * In 1993, there were 11,152 fatally injured drivers in single vehicle crashes. About 48.9% were intoxicated. (NHTSA, 1994)
- * In the past decade, four times as many Americans died in drunk driving crashes as were killed in the Vietnam War. (NHTSA, 1994)

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E X E C U T I V E O F F I C E O F T H E P R E S I D E
E X E C U T I V E O F F I C E O F T H E P R E S I D E

01-Dec-1994 03:55pm

TO: Jose Cerda, III
TO: Bruce N. Reed

FROM: Jonathan M. Prince
 Office of Communications

SUBJECT: Thoughts?

President William J. Clinton
Radio Address to the Nation
December 3, 1994

December -- and the holiday season it ushers in -- is a wonderful time of year. The pace slows and moods brighten as the holiday spirit weaves its seasonal spell around us, lifting us up and bringing us closer together. We have a chance to visit with family and friends, to celebrate, to reminisce, and to think about the year ahead.

Unfortunately, too often the holiday spell is abruptly shattered by senseless tragedy brought on by drunk and drugged driving. And nothing is more tragic than traffic crashes caused by this behavior -- because they could have been so easily prevented.

Nevertheless, some 18,000 people will die this year in alcohol-related crashes -- about one every 30 minutes. Well over a million people will be injured -- one person every 26 seconds. These preventable crashes happen so frequently and are so pervasive that almost half of all Americans will be involved in an alcohol-related crash at some time in their lives.

Because of the determined work by organizations like Mothers Against Drunk Driving, the number of alcohol-related traffic deaths has dropped about 30% in the last ten years. But the numbers I just discussed make it very clear that we have a long, long way to go.

Of all the tragedies caused each year by people abusing alcohol or using drugs, none are as terrible as those that occur when an adult under the influence gets behind the steering wheel with a child in the car. For any adult to recklessly endanger the life of a child in this way is beyond disgraceful. It is an atrocity.

as much as if you were behind the wheel yourself.

Preventing these crashes is simple: stay away from drugs, period. If you're going to drink, be responsible. Drink in moderation -- and choose a designated driver who doesn't drink at all.

And if you see a friend about to get behind the wheel when you know it isn't a good idea, take the keys away. It may not seem easy at the moment, but it will be the greatest favor you may ever do for them.

This month is National Drunk and Drugged Driving Prevention Month. December's a good month for that -- not only because of the increased celebrating that goes on at holiday parties -- but because the holiday season helps to bring out the best in all of us. It makes us think about each other a little more, and reminds us of the obligation we all share to improve our communities and keep them safe and sound for our children and grandchildren.

In that spirit, the best gift you can give anyone this year is a simple promise to yourself: If you're going to drink --don't get behind the wheel; if you see a friend about to, don't let him. Make it a New Year's Resolution, start to observe it today, and keep it for the rest of your life.

Thanks for listening.

DRUGS ARE NOT ONLY ILLEGAL, THEY ARE
DANGEROUS - AND A VERY DUMB THING
TO DO.

The Crime Bill I signed in September makes it clear that we cannot tolerate this kind of behavior -- it puts tough new penalties on the books for people who drive drunk with children in the car. AND ALLOWS ~~THESE PEOPLE TO USE SOME OF THEIR ANTI-DRUG MONIES TO~~ STATES TO USE ~~THESE~~ SOME OF THEIR ANTI-DRUG MONIES TO

But the fact of the matter is that no matter how many laws we put on the books, no matter how many hours dedicated volunteers put into public education campaigns, no matter how many times we talk about this problem -- the fact of the matter is these terrible deaths will only be prevented if each and every one of us takes the responsibility to do something about it ourselves.

The sad truth is these crashes are caused by people who know better but drink and drive anyway, hurting themselves and hurting others. And don't fool yourself: if you let a friend drive while under the influence of drugs or alcohol, you are their accomplice

PROSECUTE
DRUNK +
DRUGGED DRIVERS.

JONATHAN

TITLE X-DRUNK DRIVING PROVISIONS

SEC. 100001. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1994".

SEC. 100002. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended-

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine of not more than \$ 1,000, or both, if-

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age."

SEC. 100003. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

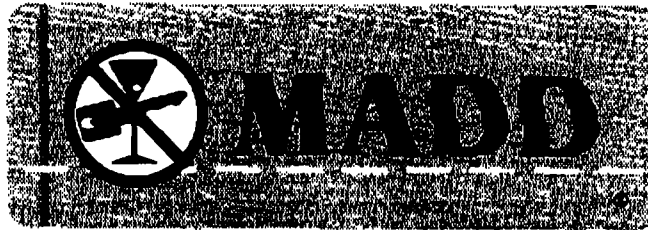
Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended-

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles."



Mothers Against Drunk Driving

511 E. John Carpenter Frwy., Suite 700 • Irving, Texas 75062-8187 • Telephone (214) 744-MADD • FAX (214) 869-2206/2207

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MOTHERS AGAINST DRUNK DRIVING POSITION ON IMPAIRED DRIVING AND HEALTH CARE PLANNING

Combating Drunk Driving and Controlling Health Care Costs

Mothers Against Drunk Driving, which represents the interest and concern of 3.2 million members and supporters across the country, believes that a fundamental change in public attitudes toward drinking and driving has occurred since the organization's birth in 1980. MADD takes pride in our organization's contribution to this change. But for MADD there is no acceptable minimum or irreducible number of victims. Our vigil must be constant, our continued efforts relentless, to save every life and prevent every needless injury.

The American public agrees with us that drunk driving is the #1 highway safety problem facing our nation.¹ More individuals have died in traffic crashes in the past 80 years than have died in all the wars in U.S. history.² But drunk driving is not merely a highway safety problem. It is one of the leading public health problems facing this country, threatening every state and community--no one is immune. Ridding our nation of the senseless deaths and injuries caused by drunk driving will therefore also reduce the enormous societal and health care costs associated with alcohol-related crashes.

Human and Economic Costs of Alcohol-Related Traffic Crashes

In 1992 alone, approximately 40,000 people were killed in highway crashes. Five million more individuals were injured, with 500,000 of these injuries severe enough to require hospitalization. These crashes, injuries and fatalities cost society more than \$137 billion in direct costs: lost productivity, medical costs, property damage and other direct expenditures.³ The National Highway Traffic Safety Administration estimates that each fatality costs individuals, employers, insurance companies and the government more than \$700,000, including medical and emergency costs, lost productivity, insurance administration and legal and court costs.⁴

In 1992 alcohol was involved in 18,000, or 46 percent, of the deaths. As many as 1.2 million injuries each year involve alcohol. Alcohol-related fatal injuries accounted for 53 percent of all fatal injury costs; 37 percent of the nonfatal injury costs were alcohol-related.⁶ Based on NHTSA's estimate, alcohol-related crashes cost society a total of \$46 billion.

Yet this conservative estimate does not include pain, suffering and lost quality of life. Estimating these indirect costs based on U.S. Office of Management & Budget methods⁶ raises total costs to society for crashes, deaths and injuries to \$372 billion.⁷ On this basis, each fatality actually cost society \$2.75 million. At this rate, alcohol-related deaths cost the U.S. a staggering \$148 billion in 1992.

Medical Costs of Alcohol-Related Crashes

Present and future medical costs for 1990 traffic crash injuries were approximately \$14 billion,⁸ and the alcohol-related portion is estimated to have been \$5.5 billion. Overall, the cost for each injured victim of an alcohol-related crash averaged \$68,000, of which \$14,000 represented health care costs and lost productivity.⁹

The victim pays often immeasurable costs for these crashes. Young families and young children, often with few financial resources to fall back on, are hit especially hard. Many surviving victims become medically indigent as the result of enormous medical costs associated with their injuries. This is particularly true for head-injured victims, who often require long-term treatment and rehabilitation which can easily run into the millions of dollars.¹⁰ However, the public also pays. An estimated one-third to one-half of medical costs for hospitalization as a result of a crash are borne by federal, state and local governments.¹¹ Nearly 30 percent of first-year medical costs are paid for by tax dollars, two-thirds through Medicaid and one-third through Medicare.¹²

Thus there is a direct relationship between drunk driving and health care costs. Reducing drunk driving will reduce health care costs. Drunk driving is not an accident--it is an irresponsible, intentional criminal act. Drunk driving is preventable and its costs, both human and economic, are also preventable.

What Do We Need to Do?

We know how to reduce drunk driving. Experience and research have demonstrated that these measures are effective in reducing the toll of impaired driving:

- * Raising the drinking age to 21;
- * Administrative license revocation for DUI offenses;

- * Lower BAC limits for drivers (zero BAC for youth, .08 for others); and
- * Sobriety checkpoints, among others.

Laws are not enough--tough enforcement combined with strong public information/publicity efforts are critical. Unfortunately, budget pressures in many states and communities have forced severe cutbacks in DWI enforcement.

States Need Help...

Among the most critical federal resources is the Department of Transportation's Section 402 and 410 programs, which provide financial incentives to states to increase DWI programs and add needed legislation. To increase effectiveness of these programs, we want:

1. Increased funding for the NHTSA Section 410 program, which provides incentives to states to adopt key anti-impaired driving measures; and, in addition,
2. Increased funding for Section 402, which provides base support for comprehensive state and community highway safety programs in all 50 states and DC.

In the 1980s, the use of funding sanctions to encourage states to adopt Age 21 as the drinking age limit led to the savings of as many as 1,000 young lives each year. We need now to "fine-tune" incentive grant programs by:

3. Setting a deadline after which states that fail to take advantage of them would face withholding or diversion of funds to DWI programs.

Opinion polls and research evidence indicate strong public support for raising the level of excise taxes on alcoholic beverages. Should the Administration's Health Care Task Force consider an increase in alcohol beverage taxes, MADD would strongly advocate:

4. Dedication of a portion of any tax increase to combat alcohol-related traffic deaths and injuries.

Anticipated Benefits

Our programs work! Investment in highway safety programs during the last decade aimed at reducing impaired driving resulted in a substantial return in lives saved. Highway fatalities in 1992 fell to their lowest level in 30 years. The percentage of alcohol involvement in fatalities dropped from 57 percent in 1982 to 46 percent in 1992. It is estimated that for every percentage point of reduction in alcohol-related traffic fatalities, as many as

1,000 lives are saved. At an estimated \$2.75 million cost per fatality, this 11 percentage point difference means a savings to society of at least \$3.2 billion per year.

Yet, the commitment of federal resources devoted to combating drunk driving in no way reflects the priority assigned this issue by the the public. In the words of Robert Frost, we have "promises to keep and miles to go before we sleep". MADD shares Jocelyn Elder's view that prevention is a crucial component of health care. Increasing resources devoted to adoption, implementation and enforcement of key laws and countermeasures can drastically reduce drunk driving, related health care costs and human tragedies which result from this senseless violent crime.

ENDNOTES

1. Opinion Poll for Mothers Against Drunk Driving, The Gallup Organization, September 1991, Princeton, New Jersey.
2. National Highway Traffic Safety Administration, 1987.
3. "The Economic Cost of Motor Vehicle Crashes, 1990." NHTSA, 1992.
4. NHTSA, op cit., 1992.
5. "Incidence and Cost of Alcohol-Involved Crashes," Miller, Ted R. & Lawrence J. Blincoe, NHTSA, 1993, table 5.
6. Regulatory Program of the United States, U.S. Office of Management & Budget, Washington, DC: U.S. Government Printing Office, 1989.
5. Miller & Blincoe, op. cit., p.22, table 6.
8. "The Economic Cost of Motor Vehicle Crashes, 1990," NHTSA, 1992.
9. Miller & Blincoe, op. cit., pg. 21, table 4, & Pg. 22, table 5. NHTSA, 1993.
10. NHTSA, 1993.
11. "Source of Payment for the Medical Costs of Motor Vehicle Injuries in the United States," Joan Harris Associates, NHTSA, January 1992.
12. "Highway Traffic Safety Programs: Effectiveness and Impact on Taxes and Health Care," NHTSA, February 1993.

In this season of Peace on Earth, we can congratulate ourselves on our successful combined efforts to prevent driving after using alcohol or other drugs. Through our awareness and purposeful efforts over the last decade, we have saved thousands of lives and prevented thousands more injuries and family traumas on our nation's highways. Still, impaired driving is the nation's #1 violent crime and takes too many Americans from their families during the holidays and all year long.

The link between alcohol, other drugs and violence is found inside our homes during the holidays too. Drinking plays a part in domestic violence, child abuse and homicide. Reducing the incidence of alcohol-related violence must be a top priority on our highways and in our homes. If you drink alcohol, U.S. Dietary guidelines suggest that you limit your consumption to one drink a day if you are a woman and two if you are a man. Let's fight alcohol abuse this season and not each other. A truly peaceful holiday season is within our reach.

To Jose Ceada
From Fred Garcia

November 21, 1994

MEMORANDUM FOR DON BAER

FROM: CAROL H. RASCO

SUBJECT: RADIO ADDRESS TOPIC SUGGESTION

As you may know, the month of December is nationally recognized as "Drunk and Drugged Driving Awareness" month. I wanted to suggest that it might be appropriate for the President to dedicate a portion of a December radio address to this topic.

The President could incorporate the following issues in a radio address:

- **Drunk and Drugged Driving Awareness:**
Speak out against driving under the influence of drugs and alcohol, especially this holiday season. Recognize the importance of groups such as Mothers Against Drunk Driving (MADD).
- **Adolescent substance use and abuse:**
The Department of Health and Human Services is expected to come out with a study in January, showing increased usage rates for drugs and alcohol among teenagers. [NOTE: The President has been criticized in the past for not speaking out against adolescent use of drugs and/or alcohol].
- **Crime:**
The President's fight against violence led to the successful passage of a crime bill with strong child endangerment provisions. These provisions mean tougher penalties for those who drive drunk with children in the car and authorize states to use anti-drug monies for drunk driving prosecutions.

My office recently met with representatives from Mothers Against Drunk Driving (MADD). They are eager to work with the Administration and would greatly appreciate any efforts we make to bring attention to this issue.

Jose Cerda of my staff would be glad to assist in drafting the President's remarks. He can be reached at x65568.

Please let me know what you think. Thank you.

TO: JOSE CERDA
JEREMY BEN-AMI

FROM: DOROTHY, 65571
SUBJECT: MADD BRIEFING
DATE: MAY 17, 1995

Attached:

- . MADD schedule and speakers.
- . Talking points for MADD Hill visits.
(Should help us get idea of top concerns.)
- . Brief summary of what speakers were asked to address.
*Below

I asked Tom Howarth, MADD Federal Government Liaison, what other speakers will address so DPC could avoid repetition. He asks that we share what DPC does and our position on issues related to drinking and driving.

Tom asked other speakers to address the following:
THIS MAY HELP US GET AN IDEA OF WHAT WE MIGHT BE ASKED.

Office of Victims of Crime

What is OVC, what does office do, how they've worked with MADD, etc. Board members may ask questions - sure they'll ask us how we've worked with MADD.

HHS

Speak to administration's approach to drugs/alcohol, administration's opinion on alcohol advertising, etc.

DOT

May speak about Drunk Driving Summit last March and hear Secretary P.'s view on what the administration should do about drunk driving and what DOT has done with MADD in past.
(MADD is pretty hip to the Secretary.)

NOTE:

Jose, an issue that may surface is minimum drinking age connected with the fear that power to states translates into lower drinking ages.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	re: MADD Board of Directors Activites [Personally Identifiable Information] [partial] (1 page)	05/16/1995	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 5873

FOLDER TITLE:

Drunk Driving Miscellany

2016-0931-S
rc2261

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

MADD Board of Directors Activities**May 19, 1995**

10:00 am Depart Alexandria by Bus for Old Executive Office Building

10:30 am Arrive at Old Executive Office Building 17th Street and Pennsylvania Ave.

10:45 am Depart Room 472 OEOB for the Oval Office

11:00 am Photo in the Oval Office with President Clinton
(Attending: MADD Board and Selected Staff, no more than 25 persons)

11:30 am Depart the White House for Alexandria

Noon Lunch

12:45 pm Depart Alexandria for OEOB

1:30 pm Briefing for MADD Staff in Room 472 OEOB

Welcome and Introduction**Jeremy Ben-Ami and Jose Certa, Domestic Policy Council, White House**

2:00 pm Aileen Adams (b)(6) [001}
Director
Office of Victims of Crime
U.S. Department of Justice

2:30 pm Sarah Vogelsberg (b)(6)
Drug Policy Advisor
U.S. Department of Health and Human Services

3:00 pm Dr. Ricardo Martinez (b)(6)
Administrator
National Highway Traffic Safety Administration
(Accompanied by: Philip Recht (b)(6) , Michael Brownlee (b)(6) ;
Jim Hedlund (b)(6)

3:30 pm Barry Sweedler (b)(6)
Director, Office of Safety Recommendations
National Transportation Safety Board

MSL

BRIEFING FOR PHOTO WITH MADD BOARD MEMBERS

DATE: MAY 19, 1995
LOCATION: OVAL OFFICE
TIME: 11:00-11:15 AM
FROM: JEREMY BEN-AMI

I. PURPOSE

You will be participating in a photo opportunity with the Board of Directors of Mothers Against Drunk Driving (MADD).

II. BACKGROUND

Later today the Domestic Policy Council is hosting a briefing for MADD's Board and staff to discuss issues important to MADD, particularly highway safety, crime prevention and victims rights. Members of the administration from various agencies will be participating.

The MADD Board has had photos taken with both President Reagan and President Bush.

III. PARTICIPANTS

25 members of MADD's national board (List attached).

IV. PRESS PLAN

White House photo.

V. SEQUENCE OF EVENTS

- . Briefly greet MADD representatives.
- . Move behind desk to pose for group photo.
- . Group will be thanked and escorted out.

VI. REMARKS

None.

Talking Points for MADD Board Congressional Visits

Since the creation of MADD in 1980, the Congress has changed substantially. Not only is the Congress controlled by the Republican Party for the first time in 40 years, but many members who were there in 1980, or in 1984 when the "21" bill was passed, simply are not there anymore. There are 54 members of the Senate who were not in the Senate in 1984. The turnover in the House has been even more dramatic.

The purpose of your making Congressional visits is to reestablish ties to old friends, make ties to new friends and generally inform members about who and what MADD stands for in their state or district. So, in your visits you should stress the following:

- * Tell the Senators/Representatives about MADD and what you do in your state and national role.

- * Stress MADD's support for the "21" bill which has saved some 14,000 lives since its enactment in 1984 during the Reagan Administration. Stress that "21" was passed in a Republican-controlled Senate and signed into law by a Republican President.

(Note: One tenet of the current political situation in Washington is the move toward "devolution", turning decision-making back to states and localities. While you might agree or disagree generally with this trend, it has a negative impact on initiatives like 21 which employs strong federal power to induce the states' compliance i.e. states with a drinking age below 21 lose millions of dollars in highway funding. Our message is direct: 21 works; it saves lives and we don't want to go back to a patchwork of state laws which create blood borders.)

STATUS: The National Highway System (NHS) Bill which has been approved by the Senate Environment and Public Works Committee and is ready for floor action does not contain a repeal of 21. A floor amendment is possible, although no Senator has announced plans to try to repeal 21. The House Transportation and Infrastructure Committee has held hearings, but is not likely to act on the NHS bill until June or July.

- * Support an increase in the authorized level of funding for the Section 410 anti-drunk driving incentive grant program. MADD has requested that the current \$25 million authorization be increased to \$50 million. The states which now qualify for funding under the 410 program are receiving a fraction of what they should be getting because the authorization is too low.

STATUS: We have discussed adding an increase to the Section 410 program as an amendment on the Senate floor. The Senate Commerce, Science and Transportation Committee would have to offer this. We have also discussed this initiative with the House Transportation and Infrastructure Committee.

* Express concern that product liability legislation at the federal level not undermine state dram shop laws or place caps on civil litigation like that involving drunk driving and their victims.

STATUS: A bill placing caps on all civil actions, not to MADD's liking, has passed the House. A bill more to MADD's liking with only caps on product liability cases has passed the Senate. MADD favors only the Senate version which now must be resolved by a conference committee.

* Express MADD's support for federal initiatives which save lives and lower insurance and health care costs like the speed limit and the Section 153 requirements for motorcycle helmets and seatbelt use.

STATUS: The NHS bill approved by the Senate Environment and Public Committee repeals the federal role in setting speed limits. An amendment to repeal the Section 153 program is expected on the Senate floor.

Deaths, Injuries and Costs Prevented By Various Traffic Safety Activities

Annual Savings	Deaths	Injuries	Costs
Safety Belts	8,800	161,000	\$16 Billion
Child Restraints	300	3,300	\$.5 Billion
MC Helmets	600	2,200	\$.6 Billion
MDA 21 Laws	800	10,900	\$1.7 Billion
Total	10,500	177,400	\$18.8 Billion

Past 10 years	Deaths	Injuries	Costs
Safety Belts	55,600	1,276,300	\$105.2 Billion
Child Seats	2,000	27,000	\$4.4 Billion
MC Helmets	6,400	25,400	\$6.4 Billion
MDA 21 Laws	9,000	120,600	\$19.8 Billion
Total	73,000	1,449,300	\$135.8 Billion

Note: These are estimates. For safety belts, child seats, and motorcycle helmets, these estimates refer to the use of these devices. In all three cases, the single greatest contributor to increased rates was the enactment of mandatory use laws.

Source: National Highway Traffic Safety Administration, March 1995

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Jose

Draft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ☒ _____

Reply using form code: _____

File: _____

Send copy to (original to CHR): _____

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend: _____

Remarks: ✓ My reaction was no response

necessary. What's yours? Agree

Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181

MAY 10 1995

9 May, 1995

Ms. Carol Rasco
Assistant to the President for Domestic Policy
The White House
Washington, DC 20500

Dear Ms. Rasco:

I am writing to update you on recent developments regarding the **"The Marion Malley Walsh Drunk Driving Act of 1995" (H.R. 588)**.

This bill continues to garner broad-based support in the House of Representatives. Since Congress returned from their recent recess, two additional Members of Congress have joined the growing ranks of supporters of this important legislation. They are:

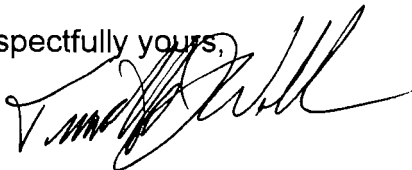
- Nydia M. Velazquez (D-NY) and
- Lynn C. Woolsey (D-CA).

The terror wrought by drunk drivers must be stopped and together we are making significant strides to address this vital national issue. The President's leadership will be key to the success of this legislation and serves the tens of thousands of victims and survivors of drunk driving crashes as a beacon of hope that their government cares.

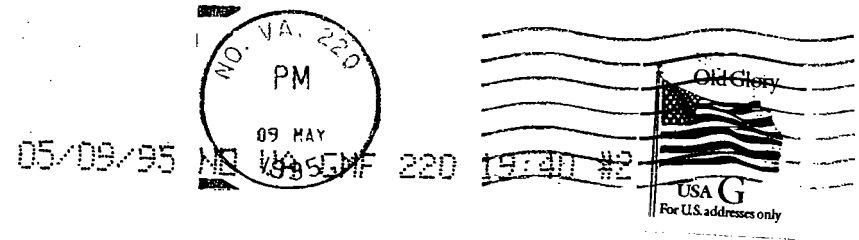
I am eternally thankful that, as an American, I am able to work within our system of representative government to affect change and redress grievances. President Clinton's personal support and the support of Mr. Neal and the other congressional co-sponsors of this legislation validates all that my parents believed in. Our government can and does work when individual citizens get involved with their elected officials. Our "Founding Fathers" would be pleased.

I shall keep you advised of other significant developments as they occur and remain grateful for your continued interest and support.

Respectfully yours,



Timothy J. Walsh
9932 Woodrow Street
Vienna, Virginia 22181



Ms. Carol Rasco
Assistant to the President for Domestic Policy
The White House
Washington, DC 20500

