Council divided on open-container law

By MIKE DUNNE
Advocate staff writer

The Metro Council appears to be almost evenly divided on a tough open-container law proposal banning anyone from drinking alcohol in a vehicle.

The council will vote on the proposal Wednesday afternoon.

Opponents of the law say there must be a compromise — such as applying the law only to the driver of a vehicle — in order to get passage.

But such a compromise will water down an open-container law because if a police officer stops someone he can just hand his drink to a passenger and avoid being caught, said Councilman Ben Peabody, who is pushing the law with the backing of Mayor Screen.

Questions of how to handle mobile homes and vans must also be clarified in order to cut opposition.

The measure was to have come up two weeks ago but proponents didn't have sufficient votes to ensure passage because three of the 12 council members were out of town and a fourth was sick, giving opponents the upper hand.

Peabody said several weeks ago he was positive of passage but earlier this week he said the vote would be very close although he thought he could muster the seven necessary votes.

Due to parliamentary procedure, those who want a compromise will have the upper hand by being able to force a vote on a compromise before the stiffer version would come to a vote.

Peabody said if the council wants to accept the compromise he may just move to kill the proposal because it wouldn't be effective.

Despite opposition from the head of the local beer league, Screen issued a challenge to council members to "put their reputation where their rhetoric has been" and vote in favor of the open-container law.

The mayor made the comments in response to the director of the Beer Industry League of Louisiana who has come out against the proposal.

"I guess we'll see who is going to be responsive to the safety of our city and who is going to be responsive to the beer industry league," Screen said prior to the council's deferral of the matter.

That comment by Screen was being used by those wanting a compromise as lobbying continued at Tuesday night's council zoning meeting.

The law is being pushed by Peabody and the Mothers Against Drunk Drivers.

Several council members have said they have problems with the ordinance, and (See CONTAINER, 7B)

Container

(Continued from 1B)

they questioned whether it could be enforced.

Councilman Larry Bankston was busy pushing a compromise Tuesday night, which would affect only the driver.

While Peabody was confident of mustering the needed seven votes, Bankston was also confident of having the necessary support for a compromise.

"But I never knew if I've got the votes until I see the green lights," he said.

"I believe that what I have suggested alleviates some of the problems... and is a fair and equitable solution to get people who are drinking and driving as an offense.

"I think the council in the past has spoken out very clearly about its concerns with DWI," he said, adding it had voted to stiffen penalties and increase funding for enhanced enforcement.

He said he would offer the compromise as a substitute motion to Peabody's proposal when the matter came up on the floor, allowing those wavering on the matter to go with a compromise rather than the stiffer version.

Favoring the compromise over the stiffer version were Gary Bergeron, Pearl George, John Marshall and Gordon Curry.

"I'm against it, period," V.M. "Lank" Consentino said.

Councilman Doug Welborn is backing Peabody's version, which would include not only the driver but passengers as well. Peabody said he is also counting on support from Mike Roubique, Jewel Newman and Don Ayres. Ayres was ill Tuesday and unavailable for comment and he could possibly be missing Wednesday.

Councilman Tom Ed McGuff said he sees merit in both proposals and will listen to debate before making up his mind.

The Mayor's Task Force on the Drinking Driver met Tuesday afternoon and members reiterated their support of the Peabody version of the open-container law.

"I'm against it, period," V.M. "Lank" Consentino said.

The task force includes Peabody, at left, and Councilman John Marshall.

Dr. Harold Brandt, president of MADD and a task force member, said that in Lafayette a similar open-container law is used effectively.

He said police there have said 65 percent of those stopped for open-container violations have resulted in charges and convictions for DWI.

He said of those pulled over for open-container violations and later arrested for DWI, their average blood alcohol content was 0.16. Legally drunk is considered 0.10.

Brandt said he opposed Bankston's compromise because he said it would "look good on the books but not have any meaning."

During the task force meeting, Central High School student Doug Lovett III was named the winner of a billboard/bumper sticker design contest with a slogan that "Drunk Driving is a Dead End."