

PUBLIC HEARING

before

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

S-1126

(To change the legal drinking age from 18 to 19)

Held:

February 5, 1979

Assembly Chamber

State House

Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Martin A. Herman, Chairman

Assemblyman William J. Bate

Assemblyman William E. Flynn

Assemblyman William F. Dowd.

Assemblyman Charles Mays

Assemblyman Eugene H. Thompson

Assemblyman Walter D. Kern

ALSO:

Gayl R. Mazuco, Research Associate

Office of Legislative Services

Aide, Assembly Judiciary, Law, Public Safety and Defense Committee

* * *

THE UNIVERSITY OF CHICAGO

1954

OFFICE OF THE DEAN OF THE FACULTY

CHICAGO

Dear Mr. [Name]:

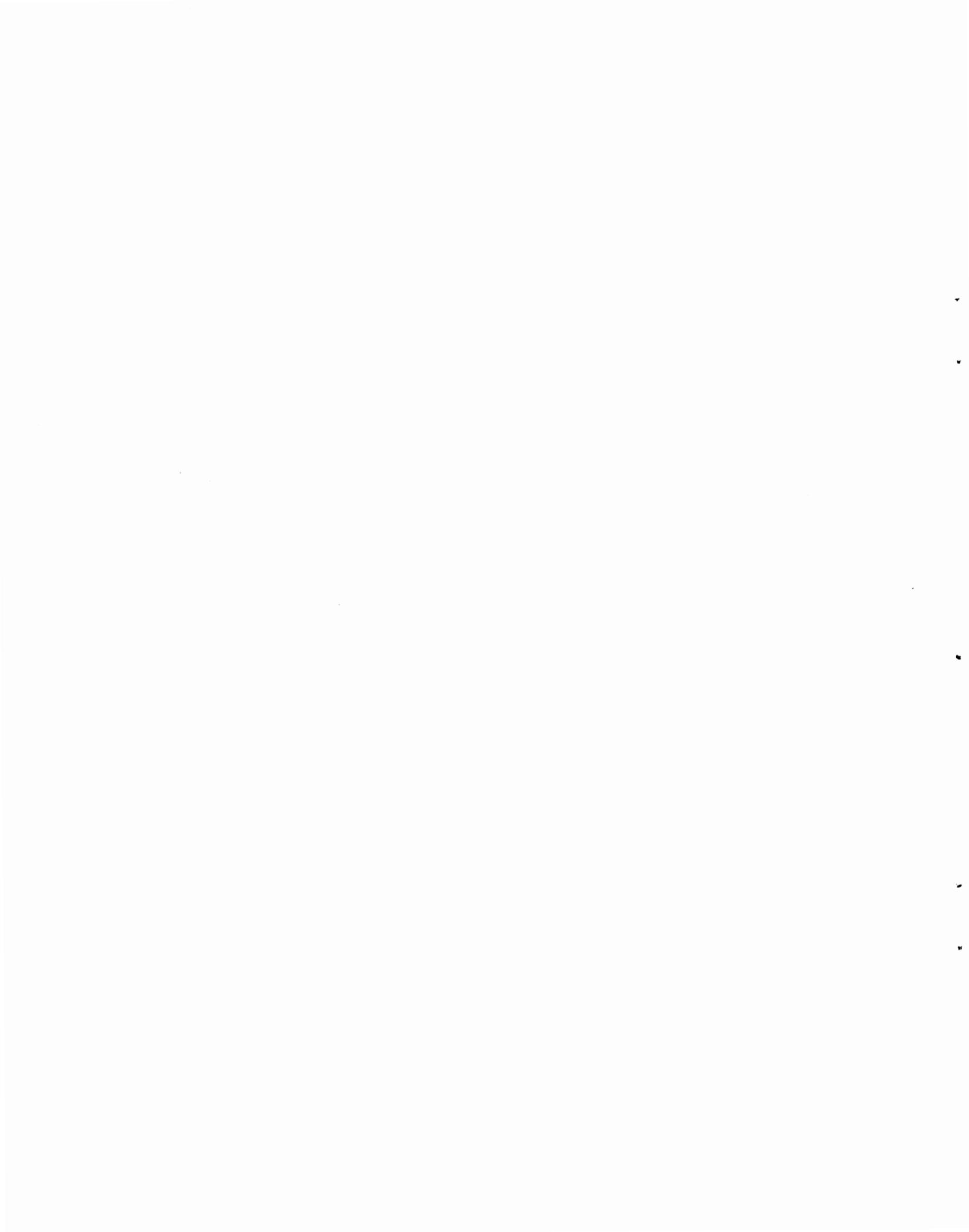
I am pleased to hear that you are planning to visit Chicago in the near future. We would be glad to have you here and to discuss with you the various matters that you mentioned in your letter of [Date].

Very truly yours,
[Signature]

[Name]
[Title]

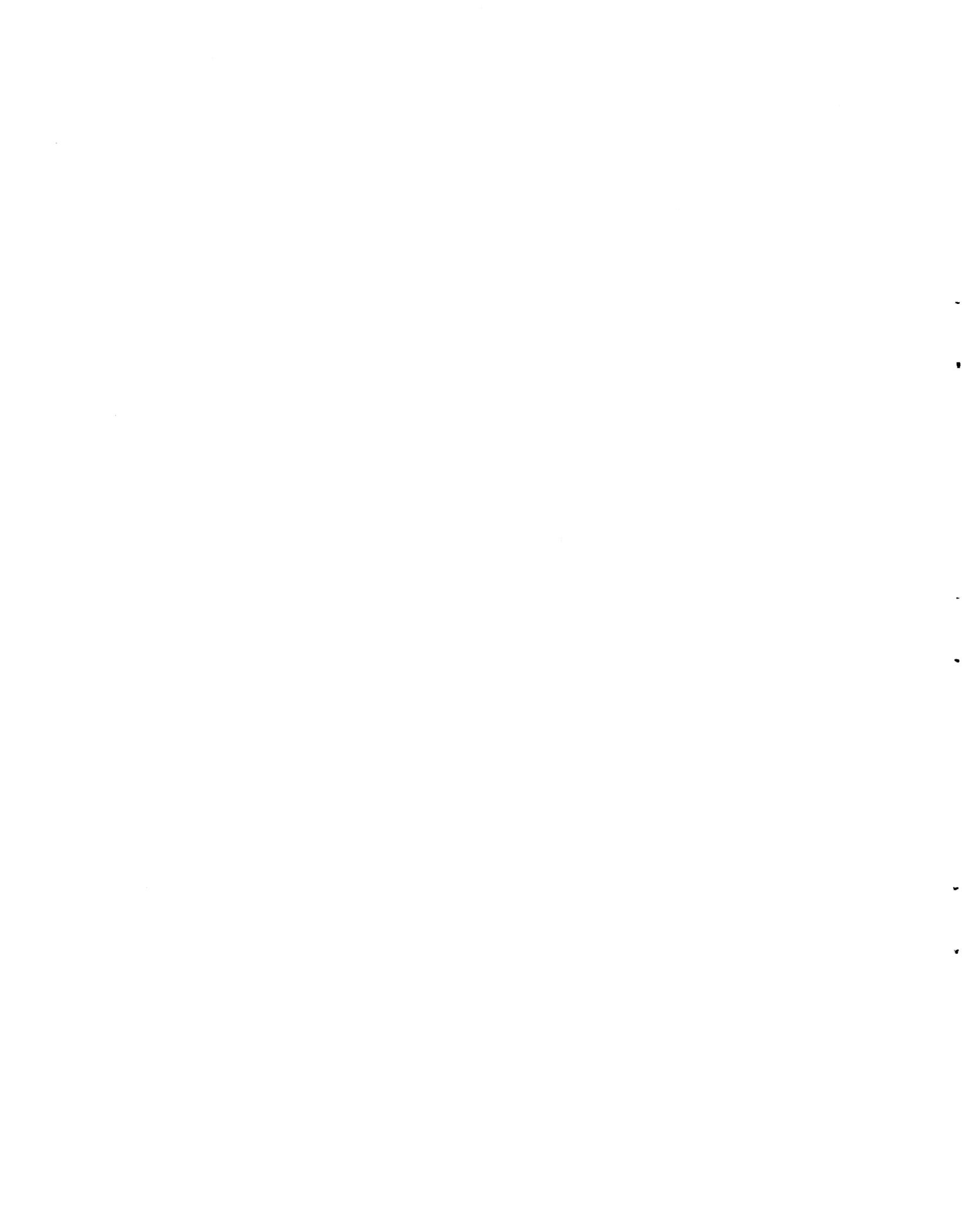
I N D E X

	<u>Page</u>
Manya Unger Legislative Activities Chairman New Jersey P.T.A.	1
Howard Shaw, Detective Denville Police Department	6
David Schwartz Assemblyman, 17th District New Jersey State Assembly	12
Dr. Gail Gleason Milgram Director of Education Center of Alcohol Studies Rutgers University	15
Fred G. Burke Commissioner New Jersey State Department of Education	21
Dr. Arthur Yeager Physicians for Automotive Safety	27
Richard Van Wagner Assemblyman, 12th District New Jersey State Assembly	42
Joseph Katz representing New Jersey Hotel-Motel Association and New Jersey Restaurant Association	48
James Hughes Director of General Education Division New Jersey State Safety Council	49
Walter W. Chesner New Jersey Association of Secondary School Principals and Supervisors	52 & lx
Dr. Bernard Shapiro Cherry Hill East High School	53
Linda Albert President New Jersey School Boards Association	63



I N D E X - Continued

Dr. Lloyd Newbaker Executive Director New Jersey School Boards Association	68
William L. Gormley Assemblyman, 2nd District New Jersey State Assembly	72
Robert H. Fust Executive Director New Jersey State League of Municipalities	73 & 2x
Robert Fastiggi New Jersey Police Traffic Officers Association	81
Phyllis Scheps Coalition for 21	83
Alan Marcus New Jersey Package Stores Association	94
Walter Trommelen New Jersey Health Officers Association	102
Arlene Rothenberg Essex County P.T.A.	103
John O'Connor New Jersey Restaurant Association	105
John Stobierski Student Drew University	109
<u>ALSO SUBMITTED</u>	
Statement from Michael Gartenlaub, President Probation Association of New Jersey	3x
Statement from Samuel A. Spina, Councilman Mayor-Elect Town of West Orange, New Jersey	4x
Press Release from New Jersey State Safety Council	6x
Study by National Institute on Alcohol Abuse and Alcoholism	8x



I N D E X - Continued

Article from Journal of Studies
on Alcohol,

Page
12x

* * * * *



SENATE, No. 1126

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1978

By Senators GRAVES, ORECHIO and FRIEDLAND

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the lawful age for selling, purchasing and consuming alcoholic beverages, amending P. L. 1972, c. 81.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1972, c. 81 (C. 9:17B-1) is amended to
2 read as follows:

3 1. The Legislature finds and declares and by this act intends,
4 pending the revision and amendment of the many statutory pro-
5 visions involved, to:

6 a. Extend to persons 18 years of age and older the basic civil
7 and contractual rights and obligations heretofore applicable only to
8 persons 21 years of age or older, including the right to contract,
9 sue, be sued and defend civil actions, apply for and be appointed
10 to public employment, apply for and be granted a license or au-
11 thority to engage in a business or profession subject to State regu-
12 lation, serve on juries, marry, adopt children, attend and partici-
13 pate in horse race meetings and parimutuel betting and other
14 legalized games and gaming, [sell, purchase and consume alcoholic
15 beverages,] act as an incorporator, registered agent or director of
16 a corporation, consent to medical and surgical treatment, execute a
17 will, and to inherit, purchase, mortgage or otherwise encumber and
18 convey real and personal property.

19 b. *Extend to persons 19 years of age and older, heretofore appli-*
20 *cable only to persons 18 years of age and older, the right to sell,*
21 *purchase and consume alcoholic beverages.*

22 [b.] c. Abolish the right of a person between the ages of 18 and
23 21 years to disaffirm and be relieved of contractual obligations by
24 reason of age.

1 2. This act shall take effect immediately.

EXPLANATION.—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.



MARTIN A. HERMAN (Chairman): For the purpose of the record, this is the second public hearing on Senate Bill S-1126. Also, for the purpose of the record, a public hearing can be conducted by one or more members of any standing committee.

Mrs. Unger, will be our first witness.

M A N Y A U N G E R: My name is Manya Unger and I am the Legislative Activities Chairman for the New Jersey P.T.A., an organization of 300,000 parent, teacher, administrator, and citizen members.

First, I would like to thank the Committee for affording me the opportunity to speak in the name of P.T.A., and as a participant in and founder of the Coalition for 21. As you are no doubt aware from the statements that we made available to every Assemblyman last week, and before that to every Senator, delegates to our annual convention in 1977 addressed themselves to the growing problem of alcohol use and misuse by the young and came to the conclusion that in addition to a massive education program for students and, indeed, for those who deal with them, we also needed a raise in the legal drinking age.

Numbers games can be played and sociological studies could be cited and rationale can be presented on every side of the question. But, when it came right down to it, we the parents, teachers, administrators, and the public were witnessing a growing number of instances in which alcohol played a part in the breakdown of respect for property, programs, and people. And, there were sufficient numbers of indications to suggest a correlation, at least in part, with the lowering of the drinking age as ever younger children were now involved in these incidents.

Please keep in mind that P.T.A. was founded 80 years ago on the principle that we are advocates and not adversaries of young people. Literally millions of man hours a year are voluntarily given by our members to help children and youth in the state. They are, for the most part, our own children, even if we are designed as an organization to work for all youngsters. We are surely not out to get them, or deprive them of some alleged right. We are deeply concerned that they be protected so that they can live to enjoy their most important right: To grow up strong, healthy, well educated, and prepared to enjoy the birthright of every American -- life, liberty, and their pursuit of happiness. To do that, we must also, as parents, teachers, administrators, and, yes, even legislators, sometimes move to protect them from themselves.

We are not so arrogant as to assume that our 2,000 delegates were infallible. We invited others who are experts in dealing with the young to join us if they thought we were correct in assuming that the drinking age should be raised. Nineteen organizations comprising police, physicians, school professionals, and municipal leaders combined forces with us. Even then, we in P.T.A. felt we should get some indication from the general public as to how they viewed the problem. In five short weeks, with no financing, no facilities, no pressuring, and no publicity, we collected over 35,000 signatures from people throughout New Jersey petitioning the Governor to give his support to a move to raise the drinking age, preferably to 21. We are convinced that were we to renew the petition drive, we would get twice that many additional signers.

We understand the objections of 19 and 20 year-olds to being deprived of a privilege they now enjoy and we are certainly not so naive as to think we could, in one fell swoop, proclaim they could no longer drink or purchase liquor, and expect their cooperation. We, therefore, wholeheartedly support the Orechio bill, which would phase in the raise to 21.

This Legislature was concerned enough about the increased violence and

vandalism in schools to require monitoring in every school house in New Jersey, and to be considering a requirement for mandated drug and alcohol education in every school's curriculum. We applaud both those measures. Testimony before the latest Task Force Violence and Vandalism and at the myriad of other task forces that preceeded this one, has brought forth the fact that many of the problems are alcohol related. Your concern, once students leave high school, ends, perhaps; ours, as parents, does not. A student who abuses alcohol at 18 is just as dangerous to himself, or herself, and others, at 19 or 20. He or she is just not being counted as troublesome, unless and until he or she becomes a statistic here on the highways of New Jersey or at a campus in another part of the country.

Alcohol education is but one step that is necessary. Photographs on licenses, to prevent false I.D. and give better identification, is another, in our opinion. Raising the drinking age is perhaps the most important. We ask you, indeed we plead with you as responsible and responsive representatives, to heed the requests of parents, professionals, and public alike. We ask you, indeed we plead with you, to acknowledge, as have five other states already, that we erred in lowering the drinking age when we lowered the age of majority. We ask you, indeed we plead with you, to follow their lead and vote to raise the drinking age.

Once more, thank you very much for your consideration.

ASSEMBLYMAN HERMAN: Thank you. As you might know, we probably would like to ask a couple of questions, if we may.

MRS. UNGAR: Sure.

ASSEMBLYMAN HERMAN: We will tell all the witnesses this. The last hearing we had, the Committee reserved the right for those giving public testimony, to try and inquire beyond just the formal statement in order to get a fuller record. We would like to proceed in that way, if we may, with you now.

MRS. UNGAR: Okay.

ASSEMBLYMAN HERMAN: A lot of people have raised the question, Mrs. Ungar, about being consistent. If we raise the age of majority for drinking purposes to age 19, 20, or 21, would your organization support the raise of majority generally for all those items to 19, 20, and 21?

MRS. UNGAR: Well, very frankly, we don't consider that there has to be that degree of consistency. For example, I checked with Michigan, whose Legislature, after delaying for quite a while, agreed under pressure to raise it to 19. They too had lowered the age of majority to 18, along with all the other prerogatives. As you know, the public, which can have public referenda in Michigan, went through referendum procedure and voted in 21. I checked with their Attorney General to find out whether there was, indeed, any inconsistency in this, whether there was any constitutional violation--

ASSEMBLYMAN HERMAN: I am not talking about constitutional; I am asking for your opinion. I am asking for your direct opinion as to whether your organization would or would not support a raise in the age of majority, generally, to 19, 20, or 21, other than for just drinking?

MRS. UNGAR: Our organization has not considered that question and I think the reason for it was that they didn't think the two were correlated.

ASSEMBLYMAN HERMAN: Pardon?

MRS. UNGAR: I think the reason we have not considered that is because we didn't think there was an exact correlation or a necessity to go in tandem.

ASSEMBLYMAN HERMAN: All right. Let me ask you the other questions that have been raised. I just do this for the purpose of not taking an advocacy position

but for raising the question to see what your answer will be.

In the State of New Jersey you can gamble at age 18, do you see being able to gamble at age 18 but not being able to drink until 19 or 20 as being inconsistent social policies?

MRS. UNGAR: Not particularly, no.

ASSEMBLYMAN HERMAN: How about the fact that in New Jersey you can get married at age 18 and raise a family? Do you think if we say as a matter of statutory policy that you are mature enough to get married and raise a family but you are not capable enough to have a drink, do you think that is a consistent state policy?

MRS. UNGAR: I do because I think that the things that we are seeing-- Certainly, there have been more problems with parenting. We know that as an Association and have tried to deal with that as far as young people getting married today and perhaps not being as well prepared for it as they should. But, nobody is getting killed on a highway because a kid is getting married at 18 nor are there 13 and 14 year olds coming to school drunk or impaired because of the fact that somebody is married at 18. I don't consider those two things - as I said before - tandem.

ASSEMBLYMAN HERMAN: Well, if I were to tell you that the statistics out of the Motor Vehicle Department show that there are are many alcohol-related deaths for age 21 to 28, as there are for ages 18 to 21, do you suggest that for that purpose we increase the drinking age to 25 if that fact were consistent?

MRS. UNGAR: I think that for the same reason the 26 other states have determined - even though they have similar statistics - that 21 traditionally is the age at which you assume that somebody has maturity.

ASSEMBLYMAN HERMAN: Well, let's not talk about tradition; let's talk about the purpose of what we are trying to do.

MRS. UNGAR: I can only say the purpose of what we feel. As I said in the body of my statement to you, I am sure that you can argue statistics on both sides of the issue. We can also bring in statistics stating that there has been a dramatic three-fold increase of driver's accidents.

ASSEMBLYMAN HERMAN: Why does your organization, in a simple couple of sentences, want to see a raise in the age in which you can drink?

MRS. UNGAR: Because we have felt and seen that since the age was lowered there has been more and more abuse and misuse and use of alcohol in school and more driving accidents between 18 and 20 than we used to have. The problem was that when it was 21, there were those who abused it at 18, and even 17. With the lowering of the drinking age, the commensurate lowering of use and abuse has also followed and it is not unusual, if you need statistics to find evidence as we have found, that there are younger people, 14 and 15, who are becoming alcoholics.

ASSEMBLYMAN HERMAN: Are we now talking about the peer group pressure -- the ability to take the alcohol out of the package store and into the schools? Is that what we are talking about?

MRS. UNGAR: Yes, I think that is true.

ASSEMBLYMAN HERMAN: We are not talking about the 14 or 15 year-olds going into the tavern?

MRS. UNGAR: No, I don't think that is happening. But, the 17 year-old is the one--

ASSEMBLYMAN HERMAN: We are not talking about someone--

MRS. UNGAR: (continuing) --who is allowed to drive and who doesn't have

an I.D. that can't be falsified.

ASSEMBLYMAN HERMAN: All right. So, you would see that in conjunction with this bill an important factor would be having a photo I.D.?

MRS. UNGAR: Yes, I think so.

ASSEMBLYMAN HERMAN: One or two more questions, if I may.

MRS. UNGAR: Sure.

ASSEMBLYMAN HERMAN: Your Association, in conjunction with any other school facility -- have you put together any statistics or any other information concerning just exactly what is happening with alcohol in the schools? In other words, there have been people telling us that kids are coming into school drunk, or inebriated. I would like to know how many. I would like to know whether that is on the increase. I would like to know whether or not the schools have been doing anything and if so, what have they been doing?

MRS. UNGAR: I think the schools who will be here later to testify, and the School Board Association, which also has recently adopted our position, most probably are in a better position to give you statistics.

ASSEMBLYMAN HERMAN: Well, do you have any information concerning those problems?

MRS. UNGAR: Well, the information that originally led us, a year and one-half ago, to the position that we have taken came from school leaders with whom we work and school administrators, who talked about increasing numbers of incidences of violence.

ASSEMBLYMAN HERMAN: Do you have any of that information, that is what we are trying to get?

MRS. UNGAR: With me at the moment? No, I do not.

ASSEMBLYMAN HERMAN: Do you have the information?

MRS. UNGAR: Yes, we have it.

ASSEMBLYMAN HERMAN: Could you supply that type of information to the Committee?

MRS. UNGAR: Yes, and I am sure other members of the Coalition for 21 today will supply those statistics.

ASSEMBLYMAN HERMAN: So, if I can summarize your testimony, as I understand it, you support a rise in the age to 21 because (1) you feel there has been an increase in traffic fatalities, and (2) because of what you believe to be an increased incidence of drinking in the high schools?

MRS. UNGAR: Yes, and even lower grades.

ASSEMBLYMAN HERMAN: And, (3) you don't see this as being inconsistent with the age of majority? You still should have the right to get married at 18. You still should have the right to gamble at 18. You should still have the right to work in a bar at 18. How about that?

MRS. UNGAR: I think that it is possible. As far as working in a bar at 18, there are some 17 year-olds who are working now in restaurants where alcohol is served and they have special licenses and they are given special permits to work.

ASSEMBLYMAN HERMAN: How about the police officer who is 18? Do you think we should still continue public employment at 18 and 19 and 20?

MRS. UNGAR: Well, to answer it very simply, as I stated before, I do not consider raising the drinking age to be inconsistent or irreconcilable with the age of majority, if you lowered it.

ASSEMBLYMAN HERMAN: So, let's assume the drinking age is raised to 21 and we have a 19 or 21 year-old police officer. You see nothing inconsistent, in your

opinion - and that is all I am here for, your opinion - in having that officer called to a bar to investigate an altercation, be able to use a gun in the exercise of his duties, but he shouldn't be able to go there off-duty? That is not inconsistent?

MRS. UNGAR: I don't think it is, because they have discovered that younger people, unfortunately either because of fatty tissue, metabolism, or whatever -- there have been studies, and a nationally-funded study, which indicate that younger people, for some reason or another, cannot physically take as much alcohol as perhaps somebody who is older.

ASSEMBLYMAN HERMAN: Could you perhaps supply us with a copy of that study ma'am?

MRS. UNGAR: Yes, we will.

ASSEMBLYMAN HERMAN: So, you see nothing inconsistent with the police officer of 19 or 20 years old being able to investigate a matter in a bar, being mature enough to handle a gun to enforce the public policy, but you don't think that same individual--

MRS. UNGAR: No.

ASSEMBLYMAN HERMAN: Let me finish my question. (continuing) --of 19 or 20 should be able to have a drink?

MRS. UNGAR: No, I don't.

ASSEMBLYMAN HERMAN: All right.

MRS. UNGAR: I can answer you this way, from my own personal experience. I have two sons, New Jersey born and raised, both of whom went to college in a state which does not permit the purchase, or the consumption, of alcohol until you are 21. Now, perhaps you could say that I denied them some sort of right, or that they themselves, had they been in New Jersey, would have been considered more mature than they were considered in the State in which they resided for four years. That was a fact of life. They had to go with the law because of the fact that, as a Supreme Court justice in Michigan said, the state has a right to look around and determine whether, from evidence, it seems that the public safety and good and welfare isn't somehow being endangered.

ASSEMBLYMAN HERMAN: I am asking about -- we are talking about consistency and inconsistency. All I am getting is your opinion on that.

MRS. UNGAR: I have answered you any number of times - and that is, we do not consider it-- Maybe it might be somewhat unfair from their point of view. We could also argue should kids be allowed to do many of the things that you have already asked about, but our concern right now is with what we consider to be evidence that there is a correlation between increases in the things that disturb us and the lowering of the age.

ASSEMBLYMAN HERMAN: So, to summarize your testimony again, you see nothing inconsistent with having a different age of majority for different majority rights, right?

MRS. UNGAR: No. They don't see it as different in Pennsylvania; they don't see it as different in Michigan.

ASSEMBLYMAN HERMAN: I am asking for your opinion. I am not asking for what is in other states.

MRS. UNGAR: Well, my opinion comes from that which I have seen, or read about, or experienced.

ASSEMBLYMAN HERMAN: But isn't it true in some of these other states where the age of majority is concerned - using Pennsylvania as an example - that the

age of majority for everything, other than the constitutional right to vote - which is a U.S. Amendment - has not been changed and is consistent?

MRS. UNGAR: No, it is not consistent.

ASSEMBLYMAN HERMAN: In other words, in Pennsylvania you can make contracts and make wills before age 21?

MRS. UNGAR: I understand from the Attorney General there, to whom I addressed this question recently, that they have gradually been lowering, or changing, by statute, rather than a single statute, some of the age of majority. I am not a lawyer, nor an expert, so I can only tell you that according to him, it is not that consistent.

ASSEMBLYMAN HERMAN: Assuming that the Governor will not - I am just raising this question - sign a bill to go to 21, or that this Committee will not vote to amend the bill to 21, does your organization still support the rise in the drinking age to 19?

MRS. UNGAR: Yes, we will take any step in what we consider the right direction.

ASSEMBLYMAN HERMAN: There has been some comment, both from testimony of Senator Graves and from the Attorney General, at our prior meeting, about considering a bifurcation of age to be able to go into a tavern at 18 and not be able to go into a package store at 19. Would your organization support that if that is the only grounds of consent?

MRS. UNGAR: I really can't answer for the Association, but I can get an answer for you, and I will.

ASSEMBLYMAN HERMAN: All right. How about yourself?

MRS. UNGAR: I haven't thought it through.

ASSEMBLYMAN HERMAN: All right. Thank you for appearing this morning and if there is something supplemental, at the appropriate time we would more than happy to extend you additional time.

MRS. UNGAR: I would appreciate it. Thank you.

ASSEMBLYMAN HERMAN: I note - just for the purposes of the record - that you didn't introduce me to a young lady here today and her name is --?

MRS. UNGAR: (laughter) I am not going to tell you. Her name is Anna D. Rubertis and she is from Northern Italy. She is an AFS - American Field Service - exchange student who is spending a little time with me between home placements.

ASSEMBLYMAN HERMAN: And, I believe you told me that in Italy there is no minimum drinking age for children, right?

MRS. UNGAR: That's right. They are weaned with milk and "vino".

ASSEMBLYMAN HERMAN: And, I understand there is not much of a problem in Italy with this?

MRS. UNGAR: Well, according to us there isn't, but I have spent some time in Italy and I am not so sure.

ASSEMBLYMAN HERMAN: All right. Thank you.

MRS. UNGAR: I wouldn't try crossing a Rome street, I'll tell you.

ASSEMBLYMAN HERMAN: Sargeant Howard Shaw.

H O W A R D S H A W: My name is Detective Sargeant Howard Shaw. I with the Denville Police Department and I am the immediate past president of the New Jersey State Juvenile Aid Officers Association.

The material that I am going to be discussing comes from 11 years of the UCR Uniform Crime Report from New Jersey - I believe you are familiar with it?

These statistics have been compiled since 1967 through 1977. I just want to state that I am not a statistician. I just took these figures and I would like to go over them with you.

We are going to be talking about possibly five areas that I did some statistical work on, breaking down a number of offenses - these would all be arrests under the age of 18. Starting with larceny and theft, from 1967 through 1977, we went from 8,000 to 18,000. The biggest jump from 8,000 - it was a progressive type step - was between 1973 and 1974, when we had a 4,104 increase. Keep in mind that it was 1973 when the age was lowered.

In the malicious mischief area, between '73 and '74, we had an increase of 2,352. Again, from '67 to '77, the figures for malicious mischief arrests had doubled at that time.

Driving under the influence, from 1967 to 1977, we went from 31 to 430 in 1977. The biggest year, as far as an increase was in 1972 - between 1972 and 1973 - when we had an increase of 152.

ASSEMBLYMAN HERMAN: Would you go over that '72-'73 increase? Which year? Be specific with the last two numbers, please.

MR. SHAW: Okay. In 1972, there were a total of 177 arrests.

ASSEMBLYMAN HERMAN: Is this for DD?

MR. SHAW: That's right. Under 18. All these figures deal with 17 and under.

ASSEMBLYMAN HERMAN: Go ahead. In 1973?

MR. SHAW: In 1973, there were 329.

ASSEMBLYMAN HERMAN: How about 1974?

MR. SHAW: There were 434.

ASSEMBLYMAN HERMAN: How about in 1975?

MR. SHAW: There were 451.

ASSEMBLYMAN HERMAN: 1976?

MR. SHAW: There were 447.

ASSEMBLYMAN HERMAN: 1977?

MR. SHAW: There were 430. I have a list I will give you.

ASSEMBLYMAN HERMAN: All right. Thank you very much. As I understand your testimony, there was a precipitous increase during the first year in which the act was effective?

MR. SHAW: That's correct.

ASSEMBLYMAN HERMAN: And an increase in '74, a gradual increase in '75, but a decline in '76 and '77, right?

MR. SHAW: That's correct.

ASSEMBLYMAN HERMAN: What do you attribute the decline in '76 and '77 to?

MR. SHAW: I believe it may have been a leveling off period. As we go down further, I will be able to show you the percentage from year to year, as far as increases and decreases are concerned.

ASSEMBLYMAN HERMAN: All right.

MR. SHAW: Liquor law violations from '67 to '77, under 18, doubled from 1967 to 1977. Drunkenness, under 18, from '67 to '77 stayed pretty much the same, until 1977, when it was no longer reportable.

I think - and your sheet will show you - that we have a total arrest by age category. It goes from 10 years, and under. The next category is 11 and 12, 13 and 14, 15, 16 and 17 year olds.

Now a significant point that I noticed was that 10 years old and under, up until 1973, showed no arrests. After '73, when the age was lowered, we had one or two each year - 10 years old and under. The only thing I can see from that is probably the alcohol is filtering down to the younger kids. There is also an increase in the 17 year olds. They are in these statistics.

ASSEMBLYMAN HERMAN: How about the home use problem?

MR. SHAW: That doesn't show. These are only arrests, and it will not show any school statistics either.

ASSEMBLYMAN HERMAN: So, you can't say whether it is a problem of also getting it in the home with more frequency versus getting it on the streets?

MR. SHAW: No, you would not be able to tell from that.

ASSEMBLYMAN HERMAN: Okay.

MR. SHAW: The next area is the percentage of increase or decrease - and this is in the second set of papers here. It goes for a two year period, from 1967. The percentage changed in 1968. As you can see, from a 16% increase, when the law was changed in 1974 - now this is larceny and theft - the biggest jump in that 11 year period was between 1973 and 1974, when they had a 31% increase. This is in the larceny and theft area.

Going to malicious mischief, in '67-'68 we had a 20% increase. Then, in 1973 and 1974, when the law was changed, lowering the age, we had a 28.6% increase. As you can see, it fluctuates pluses and minuses all the way through.

Driving under the influence for under 18 - and I can't really say what these statistics mean - as you can see, between 1968 and 1969 there was 139.5% increase in arrests for drunk driving. In 1970-1971 there was a 90% increase - 90.7% increase. In the year between 1972 and 1973, there was an 85.9% increase.

ASSEMBLYMAN HERMAN: Can we stop there for just a moment?

MR. SHAW: Sure.

ASSEMBLYMAN HERMAN: Because we can all play games with statistics. What we want to do is to try and make a point, and I assume that you are trying to make some point. I notice that in 1968 and 1969, in that same year there was a 139% increase, right?

MR. SHAW: That's correct.

ASSEMBLYMAN HERMAN: And in '70 and '71 you testified to 90 and in '72 and '73, 85 increase and in '73-'74 there is a 31% increase. Is that correct?

MR. SHAW: That's correct.

ASSEMBLYMAN HERMAN: So, based on the statistics that you have shown me - and the law went into effect January 1, 1973 - there was a lesser increase of driving under the influence after the law was passed than before. You have 139.5% in '68-'69 - and I am using your statistics.

MR. SHAW: Right.

ASSEMBLYMAN HERMAN: And 90% in '70-'71; 85.9% in '72-'73; but in '73-'74, 31.9%. In fact, you have a couple of minuses after that.

MR. SHAW: That right.

ASSEMBLYMAN HERMAN: Well, what is the point you are trying to make so that I understand it?

MR. SHAW: Okay. If you add up the pluses and minuses, you will find that in an 11 year period we had an increase in drunk driving arrests of 382.5%.

ASSEMBLYMAN HERMAN: And, if you add up the increases, based on the tables that you have supplied, from '73 through '77, when the law went into effect, I believe

it shows a net increase of approximately 33%, plus, versus the previous year, '67 to '73, when it shows an increase of approximately 350%. Now, what is the point you are trying to make with those statistics -- that since the law has gone into effect we have had a lesser increase of driving under the influence?

MR. SHAW: These are really not my statistics. These are the State Police statistics.

ASSEMBLYMAN HERMAN: I am trying to understand what are they presented to the Committee for? For what purpose? To establish what point?

MR. SHAW: The problem that we have with driving under the influence with 18 year olds and under, over this 11 year period -- that is why I put them all in.

ASSEMBLYMAN HERMAN: Okay, but the point that this seems to indicate is that since the law has gone into effect you have had a lesser problem with driving under the influence if you are using percentages than you had in the years in which the law wasn't in effect.

MR. SHAW: That could be.

ASSEMBLYMAN HERMAN: Okay. Could you perhaps go to this next chart - two pages - because we are trying to stay within a time frame. Your charts are, by the way, very interesting. This chart that reads, "Under 18 years old, percent increase and decrease; drunkenness arrests '67-'77, it appears, using your ten year table, that, taking fluctuations into consideration, there was a net increase of 41%, right?

MR. SHAW: That is up to 1976; that is when the law was changed. And, in '77 it was no longer reported.

ASSEMBLYMAN HERMAN: All right. Let's look at the various numbers, okay? Let's just take it in years and see what we can do. In '68-'69, there was a 30% increase and there was a decrease. In '71 there was a 21% increase. In '72-'73 there was a 27% increase. And, after the law went into effect, there was a plus 3.5% increase, right?

MR. SHAW: That's correct.

ASSEMBLYMAN HERMAN: In '74-'75, there was a 1.3% increase?

MR. SHAW: That's right.

ASSEMBLYMAN HERMAN: Apparently, according to your statistics - or from whence they came - once it was made legal, the incidence of percentage increase in drunkenness arrests decreased. Do you think that was because of better usage, or no law enforcement -- what do you attribute that to?

MR. SHAW: I really can't explain the statistics themselves.

ASSEMBLYMAN HERMAN: They are two interesting charts that you have presented. You have presented a chart that says: "Driving under the influence." From '73 on, it appears to be, percentagewise, a heck of a lot less after the law went into effect than when it was illegal.

MR. SHAW: Well, I think from '73 to '76, each year it was increasing. You have 3.5, 1.3--

ASSEMBLYMAN HERMAN: Yes, but it is not like 85 and 139 percent and 90. You would agree that there is one heck of a lot of difference between 3.9 and 139, right?

MR. SHAW: That's right.

ASSEMBLYMAN HERMAN: What is the position, so we can perhaps get to the essence within the time frame that we have established, of your Association?

MR. SHAW: As I indicated, these figures represent total arrests. They do not indicate the number of offenses reported, as far as larceny and malicious mischief. We maintain that the lowering of the drinking age has increased crime and delinquency. It has filtered down to younger kids. We believe that it increases traffic fatalities - 17 and under. And, we believe that it has caused great hardship on families -- with the alcohol problem and with kids. And, we strongly urge that the age be raised to 21.

ASSEMBLYMAN HERMAN: Let me ask you this: Based on your statistics, the statistics that you would supply me with--

MR. SHAW: They are not mine.

ASSEMBLYMAN HERMAN: Well, whatever. (continuing) Based on the statistics that you use in support of your testimony -- I assume that is why you brought them here today -- that there was a heck of a sight bigger problem on a percentage basis before it was brought down to 18 than after - on a percentage basis - isn't that true? We are talking about that which we can put a handle on -- driving while under the influence and drunkenness, right?

MR. SHAW: I believe so.

ASSEMBLYMAN HERMAN: Okay. Now, how do you relate the percentage increase in crime that you show, vis-a-vis other social factors in the community? How do you directly relate it to the lowering of the drinking age? Or, are you just saying that there is a statistical coincidence that we shouldn't ignore?

MR. SHAW: That's what I am saying, that when this was lowered - I believe it has come out in the Uniform Crime Report - crime increased for juveniles. It has been increasing right along.

ASSEMBLYMAN HERMAN: Then do you think, in the same vein, that this Committee ought to ignore the fact that since - according to the statistics that you supplied us - the drinking law has been lowered to 18, the incidence, percentagewise, of drunk driving and public drunkenness has markedly decreased over previous years? Do you think we ought to ignore that?

MR. SHAW: No, I think that it has increased.

ASSEMBLYMAN HERMAN: I am looking at the statistics you supplied me, sir.

MR. SHAW: You won't see drunkenness anymore on these statistics.

ASSEMBLYMAN HERMAN: No. I am talking about between '73 and '76 -- the ones you do have in your statistics. I am looking at your own chart.

MR. SHAW: I know it.

ASSEMBLYMAN HERMAN: And I am trying to ask for a reasonable explanation.

MR. SHAW: I can't give any explanation for any of these figures, insofar as why they increase or why they decrease.

ASSEMBLYMAN HERMAN: Well, the point is, do you think we ought to pay attention to the fact that between 1967 and 1973 there was a 350% increase in arrests for driving while under the influence of alcohol while the law was 21, and since the law was lowered to 18, based on these same statistics, there has only been a 35% increase?

MR. SHAW: Well, I think any increase at all merits attention.

ASSEMBLYMAN HERMAN: Okay. Well, let me ask a common sense question. Apparently, when the law was 21 there was a higher percentage increase in driving while under the influence than when it was 18. Now, if our attempt is to keep those percentage increases down, isn't the common sense conclusion - and I am just using your statistics - that if we want to keep the percentage increases down, leave the

law where it is rather than raising it, based on the statistics you supplied me?

MR. SHAW: No.

ASSEMBLYMAN HERMAN: Then I don't understand your statistics.

MR. SHAW: These are not my statistics; these come from the Uniform Crime Report. They are not mine; they are state figures.

ASSEMBLYMAN HERMAN: How about the question of public drunkenness? Apparently, there was a lot more public drunkenness on a percentage basis before the law was reduced to 18 than after. What conclusion should I draw from those statistics you supplied me with? What conclusion do you draw? You are a man that works in the field of these two sheets. What conclusions do you draw?

MR. SHAW: In looking over these figures on each page out of each year - this happens to be '77 - there is a remarkable increase in younger drinkers.

ASSEMBLYMAN HERMAN: All right. But, what conclusion should I draw from the statistics? You still haven't answered. You are beating around the bush on those two pages.

MR. SHAW: No. That is why I supplied them.

ASSEMBLYMAN HERMAN: Okay.

MR. SHAW: That is for you to figure out.

ASSEMBLYMAN HERMAN: Okay. One question. By the way, David, we did start at 9:30. Do you see the primary problem, when we talk about the question of drinking, as being one of packaged goods, or of being one of ability to go into the tavern? Where do you see the primary problem? Or, is it both? I don't want to tailor your testimony.

MR. SHAW: I would say that the package is probably one of your biggest problems. I have gone to many high school events. Any parking lot, after an athletic event at night, a play - name it - you will find a six-pack, wine bottles, etc.

ASSEMBLYMAN HERMAN: Let me ask you one direct question. Assuming that there were support to change the law, whether it be 19, 20, or 21, just for the package store, do you think that would have a substantial impact on the problem, not to allow the kids to go into the package stores?

MR. SHAW: No. I think both of them really have to go together in concert.

ASSEMBLYMAN HERMAN: Okay. Does any other member of the Committee have a question?

ASSEMBLYMAN THOMPSON: Yes. For the record, my name is Assemblyman Eugene Tompson, 29th Assembly District. I have a few questions. In reference to your statistics, do you have a breakdown with reference to the 21 counties in this state? If you do, which is the highest county?

MR. SHAW: I didn't break that down. It is in here, as far as counties go. There is a breakdown.

ASSEMBLYMAN THOMPSON: What about the cities and towns?

MR. SHAW: Yes.

ASSEMBLYMAN THOMPSON: In reference to the schools you visited, what schools and what areas did you visit?

MR. SHAW: Well, just from my own district to start with, but I have talked to other officers from throughout the state.

ASSEMBLYMAN THOMPSON: What district is that?

MR. SHAW: That is Morris County. I have talked to other juvenile aid officers from throughout the state and this appears to be a statewide problem.

ASSEMBLYMAN THOMPSON: All right. I would like to ask you this: Do you consider this an inner-city problem, including cities like Paterson, Passaic, Trenton, Newark and Camden, as far as drinking is concerned among teenagers?

MR. SHAW: No. I consider it to be a problem throughout the state, not just inner cities.

ASSEMBLYMAN THOMPSON: Well, that is broad. I am asking you do you consider it to be an inner-city problem?

MR. SHAW: Yes, I do.

ASSEMBLYMAN THOMPSON: What about narcotics in reference to drinking?

MR. SHAW: Yes. I consider them to be just as much of a problem.

ASSEMBLYMAN THOMPSON: Do you have a breakdown in reference to those statistics? I would like to hear from you in reference to statistics involving the inner-city.

MR. SHAW: I have to find it.

ASSEMBLYMAN THOMPSON: I would like to know the cities that you have visited. I have visited quite a few.

ASSEMBLYMAN HERMAN: May I make a suggestion because of time constraints? You are going to be around this morning, aren't you?

MR. SHAW: Yes, I am.

ASSEMBLYMAN HERMAN: I would ask you if you could perhaps check the book for Assemblyman Thompson because we have about six or seven other witnesses and we are starting to back up.

MR. SHAW: All right.

ASSEMBLYMAN THOMPSON: Okay.

ASSEMBLYMAN HERMAN: Assemblyman Bate.

ASSEMBLYMAN BATE: No questions.

ASSEMBLYMAN HERMAN: Mr. Mays, do you have any questions?

ASSEMBLYMAN MAYS: No questions.

ASSEMBLYMAN HERMAN: I want to go back to Assemblyman David Schwartz. I would like to give him the courtesy of the floor for a few moments, in order for him to give a statement.

Sargeant, thank you very much. We appreciate your sticking around.

A S S E M B L Y M A N D A V I D S C H W A R T Z: Mr. Chairman, members of the Committee, I am very grateful for the opportunity to testify very briefly this morning on the question of the drinking age. I want to congratulate you, every member of the Committee, for coming down on a non-legislative day and giving up your valuable time to give a thorough hearing to this matter. I will be very brief.

I have great concern for this area, the drinking age, and I assigned one of my legislative interns, from Rutgers University, to the task of trying to review not just the New Jersey statistics, which are, of course, most relevant to you, but to the national picture on drinking age. I am sure you are familiar with it, but I will just summarize it briefly.

We did look into the question in Illinois, where there was a major change in the drinking age a few years back and in Maryland, where there was a major change in the drinking age in 1975. In addition, I have some material here on Oklahoma and on other states.

I would like to read to you, if I may, the conclusion -- I am not sure whether you have this, Marty, or not -- on the systematic Illinois Traffic Safety Program. It is an assessment of the effect on traffic safety by the lowering of the drinking age in Illinois.

ASSEMBLYMAN HERMAN: Who prepared the report?

ASSEMBLYMAN SCHWARTZ: The Illinois Department of Transportation, Division of Traffic Safety. Do you have this report?

ASSEMBLYMAN HERMAN: No. I asked that for a particular reason.

ASSEMBLYMAN SCHWARTZ: I will give the Committee a copy of the final report.

If you fear I am going to read you the reports from Oklahoma, Maryland, and everywhere, I am not.

ASSEMBLYMAN HERMAN: Okay. Go ahead.

ASSEMBLYMAN SCHWARTZ: My testimony will be very brief. The salient conclusion of the Illinois study is - the most important conclusion - and I now quote: "The reduction in the minimum drinking age had a definite negative effect on Illinois traffic safety by increasing fatalities and thus serious injury and property damage accidents as well. An increase of 33 fatalities in the year 1975 is estimated to have been related directly to the legal access, granted to the 19 and 20 year old drivers, to alcohol.

"The experience of states that have lowered their legal drinking age is similar to that of Illinois in the sense that it is possible to identify in those states increases in fatal accidents involving the young drivers who were enfranchised by the change.

"Despite the increases in fatal accidents among the younger drivers that can be connected to alcohol, the problem in Illinois, and nationally, is by no means limited to the younger drivers."

They go on to talk about problems in alcohol and alcohol education over the whole age range. My own conclusions are similar. I have reviewed this material, Mr. Chairman, and it is my judgment that it is possible, looking at the national picture, to identify a negative impact when the drinking age is lowered.

Let me make a couple of quick suggestions, if I may, and then I will answer any questions you may have. It is not my intention to take a lot of your time.

If the Committee's concern is with the drivers and the children who are under 18, and the fact that the alcohol is filtering down into the high schools and junior high schools - and I know that to be a fact from my own observation in my own district - and a change in the law that would move in the direction you were suggesting in your questioning of the previous witness which would prevent youngsters under the age, for example, of 21 or 20 to have off-premises purchasing rights, then this, I think, would be a constructive suggestion for the Committee to seriously consider. I know one such suggestion which is considered in a bill that Assemblyman Hardwick sponsored would limit access to off-premises or package goods purchasing to youngsters, let's say, at 21. I am not here to advocate that it be 21 and not 20, but what I am here to suggest is that I think the limitation on the ability to purchase liquor for off-premises consumption is something the Committee should seriously consider and something I would endorse.

In reviewing the national figures, Marty, I also am aware, as I believe the Committee is, that there are some 11 states now, I believe, that have adopted a compromise position in which beer or beer and wine can be purchased at age 18 and hard liquor at 21. My own feeling, from seeing college and university pubs, is that may well be a workable compromise.

Putting the two together would come up with a suggestion that your Committee wrestled with and that is the possibility of (a) limiting off-premises consumption

to age 20 or 21 - I would endorse such a proposal - or, (b) linking that to a situation where, in order to permit 18 year olds to have some drinking privileges, to take the suggestion of those other 11 or 12 states and linking it. I would perhaps propose a restriction on consumption and purchase of hard liquor to age 21 off premises and allow 19 and 20 year olds the privilege of purchasing beer or wine. Or, perhaps you could at least permit that on an on-premises situation.

That I think would be a constructive suggestion for the Committee to consider. I will stop now, with those suggestions.

I would just like to say one additional sentence. I do think that the national figures, as I quoted them from the Illinois conclusions, do merit change. If the two suggestions I have made for so-called compromise positions do not command a majority of your Committee, then I would - anticipating one of your questions - support an increase in the drinking age overall to 19 or 20 or 21. But, I would think that the two suggestions I have made may well be compromise positions to a blanket meat-ax approach and I would urge you to consider them.

ASSEMBLYMAN HERMAN: All right. Does any member of the Committee have any questions?

ASSEMBLYMAN THOMPSON: Yes, I have one question. In reference to students under the age of 18 not having access to package goods, how would you rationalize the fact that a person of 18 would be allowed to drink in a bar? We are talking about traffic accidents. In the final analysis the result could be the same. In other words, he could become intoxicated to the extent that he could be the cause of a terrible accident. You say, "Okay, I will let this individual sit in a bar and drink, but he can't buy package goods to take home or to use in other places." How do you rationalize that?

ASSEMBLYMAN SCHWARTZ: I don't rationalize that at all, Gene. The point I was making on the package goods is, restricting that to age 20 or 21, would make it less likely that 14 and 15 and 16 and 17 year old youngsters would get it from the 18 year old. You are quite right. Permitting sitting in a bar and drinking still could lead an 18 year old to the traffic fatality tragedies that I have reported here.

May I suggest, however, that although I know people can become intoxicated on beer and wine as well, restricting the 18, 19, and 20 year olds to beer and wine may be constructive in that regard.

Just to clarify, my suggestion on the package goods matter was not pertinent to the testimony concerning traffic accidents, but was pertinent to the question of having pre-teens and teens under 18 getting the alcohol from 18 year olds.

ASSEMBLYMAN HERMAN: Let's go to Assemblyman Mays.

ASSEMBLYMAN MAYS: On part b of your question, where your remedy was not to let them get hard liquor, but they would be able to get beer and wine--

ASSEMBLYMAN SCHWARTZ: That would be one suggestion which approximately 11 states have.

ASSEMBLYMAN MAYS: But, isn't that the problem? They are drinking beer and wine and not drinking hard liquor?

ASSEMBLYMAN SCHWARTZ: No, I don't think so. I think the other thing is, it would be my belief that the tavern owners and college and university pubs, for example, if they were drinking beer and wine on premises - which would be my suggestion, Charlie - would be in a better position to supervise that drinking and to limit a youngster before he got intoxicated.

ASSEMBLYMAN MAYS: You are talking about college people. You are not

talking about the ones in secondary schools.

ASSEMBLYMAN SCHWARTZ: Well, if we are talking about an 18 year old drinking on premises, beer and wine, it is my judgment that there is a degree of supervision and a degree of public notice about that youngster's drinking which should limit traffic accidents as well as - not as completely, of course - a uniform meat-ax approach: "You can't drink until you are 21." But, I sense from conversations that I have had around the state, and with members of the Assembly, that that dramatic change in just eliminating all ability of youngsters to drink - youngsters of 18 to 21 - just stopping that, does not now command at least a consensus of opinion of the state.

The compromise positions I am suggesting go to two conclusions. One is, by restricting package goods purchase to 21 year olds, you should be inhibiting the number of 14, 15, 16, and 17 year old kids drinking hard liquor they are getting from 18 year olds. By restricting beer and wine selling to pubs, or to taverns, there is a degree of public notice; there is somebody looking; there is a bartender serving it; there are people around; there is an opportunity to observe and perhaps to cut off that youngster's drinking before he gets so intoxicated that he is going to go out and kill himself or somebody else. So, it is a compromise position I am articulating. It certainly commends itself to my attention - my own views. I am urging you to give some thought to it.

ASSEMBLYMAN HERMAN: Thank you very much, Assemblyman, for coming down today.

ASSEMBLYMAN SCHWARTZ: Thank you.

ASSEMBLYMAN HERMAN: Our next witness will be Dr. Gail Gleason Milgram. Dr. Milgram, thank you for coming down this morning.

D R. G A I L G L E A S O N M I L G R A M: Thank you for appreciating my scheduling problems. I have young children who have half a day today.

I think, before I make known a few of my own feelings about the drinking age, I would like to say something to what has just been said. The implication was that--

ASSEMBLYMAN HERMAN: Before you do, may we have your position for our record and exactly what your area of expertise is, please?

DR. MILGRAM: Oh, certainly. I am the Director of Education for the Center of Alcohol Studies at Rutgers University.

ASSEMBLYMAN HERMAN: All right. Thank you.

DR. MILGRAM: I just wanted to make one brief comment related to the questions you were asking before, and that is, a 12 ounce can of beer is as intoxicating as a five ounce glass of wine, which is as intoxicating as an ounce and one-half of hard liquor. Now, I think that brings many implications to you in terms of changing. If, indeed, an individual can become intoxicated by drinking four or five cans of beer in a short period of time, the same is true for a cocktail. I think that bears witness.

I would also like to say, I think, one thing to the supervising of drinking, implying that if indeed beverages are sold in a location where a bartender, or someone else is supervising, I would question the training given to that bartender, or other individuals, in terms of being able to supervise drinking behavior of a very young population.

The topic of teenage drinking is often clouded with emotionality. I do appreciate the ability to speak for a few minutes related to the research. Drinking in our country is perceived by teenagers and by other young adults as adult behavior. It is associated with the increasing identification of the young person with adult status and the experimentation with adult roles is not a rebellious

activity of the teenage years - and I stress that. Rather, it is the learned behavior from a society that uses alcohol and considers that alcohol use socially acceptable. What I am saying is, young people are not inventing the idea that they should drink; they have learned it, and they learn it well.

Approximately 70 to 80 percent of our teenage population by age 17 and 18 use beverage alcohol. We have known that since 1952. It is not something that has occurred because of drinking age changes or other things.

I think I would like to stress that our young people usually begin alcohol use between the ages of 11 and 13 or 14 and that alcohol use that is begun at that age is not considered problematic. Rather, it is used in a home situation. In other words, they are being introduced to alcohol in the home. They are not necessarily being introduced to alcohol in the peer group. It is in the home where the initial learning, or beginning to drink occurs. The peer group later plays other important rolls in terms of situations of drinking, or beverage of drinking, but not the concept or the beginning to drink.

The adult role models play a very instrumental role in forming attitudes and behaviors related to alcohol use. As the individual quantity and frequency does increase as the individual gets older, situations, or more frequency of drinking, does also increase.

There is another interesting statistical fact that comes out in that our alcohol problems - not alcoholism, if you will, but alcohol problems, primarily the ones that are visible - anti-social behavior, distraction, drinking and driving, and so on, are most prone to individuals who are males between the ages of 21 and 24. Perhaps that also bears looking into.

In terms of the drinking statistics, I don't know if you are interested in statistical information, as such, but back in 1952 one of the first reliable valid studies indicated that 86% of the boys consumed alcohol and 85% of the girls, and it goes on down to the last national study which was done in 1977, where 77% of the males consumed alcohol and 69% of the females. This is between grades 7 through 12.

I think our most important issue is perhaps the fact that our society is not knowledgeable about alcohol - the beverage that they use. I also think that our society is extremely ambivalent about alcohol use, alcoholism, and alcohol problems. Most adults do believe that beer is less intoxicating than other forms of alcoholic beverages. Most adults also believe that a quick cup of coffee will sober you up. Most adults believe many, many things that are not correct about alcohol use. I would like to mention that there is no national program, or commitment to alcohol education in our nation. We have guidelines, goals and content, which are ambiguous not only from state to state, from county to county, but from school to school in the same school district, where alcohol education may be occurring in science at a 12th grade level in one area and is not occurring in another location. Our teachers have not been trained in content for alcohol education or techniques of alcohol education. They mostly feel uncomfortable and insecure in this particular field.

Our community attitudes regarding alcohol education are often not thought through. Alcohol is not a controversial issue until you start teaching my child about it, at which point it becomes controversial.

The needs of our students - and I think this is what we are dealing with at this point - are often not met in terms of our curriculum and content. If, indeed, our young people are beginning to consume alcohol between the ages of 11 and 13, and that use is not problematic, they should also be learning about that substance in the

school as well as in the home at that point in time. That means that alcohol education belongs in the elementary school, it belongs in the junior high, and it also belongs in the high school. If we wait until they are in 12th grade and then decide that we are going to give them education about alcohol, they will not listen because at that point they have already finished their home initiation and their peer experimentation with alcohol education.

I will answer any questions.

ASSEMBLYMAN HERMAN: Yes. As you know, the purpose of these hearings, in addition to discussing the issue of the problems of alcohol abuse generally, centers on this Committee's consideration of Senate Bill 1126, which seeks to raise the drinking age to age 19. As you know, there are other people here who take the position that the only answer, of course, is to return the drinking age to age 21. Taking both of those positions under consideration for a moment - this Committee is reviewing them - based on your studies and based on the studies at the Institute, do you believe that the change in the drinking age up to 19 will have any impact, positive or negative, on the question of alcohol abuse, drinking-driving?

DR. MILGRAM: I would venture to say we probably don't know whether there would be a significant change positively or negatively because back when the law was initially changed we did not do the kinds of follow-up studies that I think should have been done at that point in time.

However, I have a feeling, or the research indicates, that the legal drinking age does not have much to do with the reality of young people drinking. In other words, if they are drinking at age 12 in a home situation, or with peers at age 14, I don't think the drinking age has started that. In other words, when we went to age 18, it did not change the number of young people who were consuming alcohol in the State of New Jersey. Having been born in the State of New Jersey myself, the drinking statistics were similar when I was in high school. I don't think we can blame the drinking age with bringing it down to the younger populations.

I think situations have changed because of the drinking age locations and perhaps that is what you would change if you changed the drinking age to 19 or 21.

ASSEMBLYMAN HERMAN: What do you mean by that?

DR. MILGRAM: I mean where young people would consume alcohol would change. It would go back to the home parties, or to the car, or to other forms of recreational vehicles. I think that the consuming of alcohol would still occur.

ASSEMBLYMAN HERMAN: According to your opinion, it would not be consumed to a lesser degree? It would just be a shift in where it was consumed?

DR. MILGRAM: Yes, that is what I am saying. I don't think the degree would change. I don't even think the beverage would change. But, I do think the situation would change -- the location of consumption.

ASSEMBLYMAN HERMAN: There was a theory raised in another report, somewhat sponsored by the alcohol industry, which dealt with the question of forbidden fruit - that there is some correlation between having something forbidden and the increased use of alcohol, leading to alcohol abuse. Do you put any stock in that theory?

DR. MILGRAM: I think perhaps we do young people a disservice in thinking that they have decided that this is it. How can it be forbidden fruit if, indeed, they are introduced to this in a home situation? Perhaps the peer drinking is forbidden fruit and there I think we do them the disservice. I am talking about not enabling them to understand the beverage they are using, the attitudes towards the beverages they are consuming, as well as how does one decide not to have a drink?

I don't think our adult population handles it all that well either in terms of peer pressure - the business lunch, the problems that come along. I think very few people are comfortable enough with their feelings about alcohol to say, "No, thank you, I would prefer to pass." I think our young people perhaps are more at risk at this discomfort level.

But, the forbidden fruit idea might apply to combinations of alcohol and other drugs - other things that are not legal - but alcohol has been obtainable through situations that are not considered problematic. And most of our young people do not consume alcohol with problems related to that use.

ASSEMBLYMAN HERMAN: All right. Before I turn it over to the questioning of other Committee members, could you perhaps, for the education of us all, just tell us exactly how long the Institute has been around, what they do, and just exactly what your role is there?

DR. MILGRAM: The Center for Alcohol Studies was founded at Yale in 1940. It remained at Yale until 1962, at which time it moved to Rutgers University. We have been at Rutgers since 1962. We are an interdisciplinary seminar with many different disciplines. I represent the education department of that Center of Alcohol Studies. We run a three week summer school for professionals in the alcohol field which is attended by national and international people. We also run programs for business and industry in terms of alcohol awareness, alcohol problems, initiating industrial programs. We also run, and have had the pleasure of running, a few teacher training programs for educators throughout the state in terms of their own knowledge and attitudes about alcohol and how we can deal with young people about that alcohol use.

We have other parts of our Center. One is, we are a national alcohol research center, meaning that we were funded by NIAAA for a longitudinal study of approximately 30 years to find out if we can find predictive factors for individuals who might be prone to alcohol problems.

ASSEMBLYMAN HERMAN: Are there any questions? Mr. Mays.

ASSEMBLYMAN MAYS: This bill, regardless of what age they go to - 19 or 21 - you are saying that is not the problem? You are trying to say the problem is they should be starting in the elementary school and the secondary school. I agree with you because I think the problem starts at 10, 11, 12, and 13 at home, drinking the beer and the wine. It is not coming down from their peers. Attacking 18 year olds for drinking beer as being the problem, is not the problem.

I have a hall of fame and we were going to do a drug program, nationally -- an alcohol program, nationally. We found out that there were a lot of 13 and 14 year olds, plus a lot of girls, drinking beer and wine, not the hard liquor. They are on alcohol and a lot of it comes from the home. It is not during school hours; it is after school hours where the parents aren't home. They go home and from 3:00 to 5:00 the beer and the wine is available to them.

We also found that the commercials on t.v., with the sports stars - big heroes; stars - drinking light beer, or something like that, had a lot to do with the kids drinking beer. Don't you think we should have the teachers train them in school, just as gymn is required and health education is required? Don't you think that should be required?

DR. MILGRAM: I think it absolutely should be a part of our school education and at a young enough age where we can answer the questions that the child has, in terms of what is alcohol; why do people drink; what are the various beverages;

what does some of our terminology mean in terms of alcohol use -- high, tight, tipsy, drunk, and so forth? I think that brings out another part of the problem in that there are young people who are in our schools who are children of individuals who are alcoholic. By ignoring it in the school situation we are in effect telling these young people that it is not an acceptable disease; that we cannot consider it and we are not therefore giving them a person that they can go to and chat with about the alcohol problem that is in the home situation. I think that alcohol education in the school has the ability to enable our young people to understand, perhaps as our adults don't, what alcohol is, why they drink, and so on.

There is a problem in alcohol education and the problem is that very few people have been willing to indicate that it could be a method of prevention of alcohol problems. And, that problem is that it is not similar to a treatment facility where you can get a very quick rate of success. I can turn out 70% of my people who don't come back to a treatment facility. In alcohol education we have to talk about starting with a child before the age of 10. How long must we wait until we find out if it is effective? We must wait at least 35 years, if indeed we are going to measure its effectiveness because it takes that long a period of time for me to, with any kind of certainty, say that the individual probably is not an alcoholic. Consequently, alcohol education has not always been funded or strongly supported, or considered a method that we would be willing to go with.

ASSEMBLYMAN HERMAN: We have five or six minutes left. I would like to go down the line. Assemblyman Flynn.

ASSEMBLYMAN FLYNN: As I gathered, in your testimony you said that with regard to the 18 year olds the scene of the drinking would shift. Is that correct?

DR. MILGRAM: Yes.

ASSEMBLYMAN FLYNN: Now, how about those under 18 that are drinking now? Obviously, the scene is not going to shift because they can't legally drink. But, do you think that making it harder by requiring the age to be 19 would make it harder for them to get the liquor in the first place?

DR. MILGRAM: I don't know. In the beginning I said that we have known since the early 1950's that about 70% of our young people, by the age of 17 or 18, prior to becoming 18 years, use alcoholic beverages.

ASSEMBLYMAN FLYNN: I am not talking about using it. I am talking about the ease of getting it.

DR. MILGRAM: It must have been easy for them to get if back in 1950 they were using it.

ASSEMBLYMAN FLYNN: Well, they were using it, but I am talking about the repetitive use, where on any given night now, I would assume, it is very easy to get because they all know an 18 year old. Would this bill do anything, because it would now require them to find a 19 year old? Would this bill do anything to make it harder to get?

DR. MILGRAM: I don't really think so. I think that if a 17 year old can obtain alcohol now, and also a 16 year old, I don't know that changing the age is going to initiate them finding another peer group. You are talking about something like a drug culture?

ASSEMBLYMAN FLYNN: Well, an older peer group would be required if we make it 19. Now they have to find somebody that is probably out of the school already.

DR. MILGRAM: Well, that makes the assumption that all the alcohol they

are using is coming from a peer group and I also make the assumption that quite a bit of the alcohol they are using is coming from their home.

ASSEMBLYMAN FLYNN: Would changing the take-out age -- where before you could buy a package good you had to be, say, 20 or 21 -- have any effect, do you think, on the present consumption by under 18 year olds?

DR. MILGRAM: Perhaps if you only allow adults who don't have children to buy. I don't mean to be funny, but it is really getting very--

ASSEMBLYMAN FLYNN: Well, when teenagers have a beer party - and I am talking in terms of cases of beer - you are not saying that that comes from the home, are you?

DR. MILGRAM: Okay, for a very large peer group kind of celebration, I am sure they obtain it-- You are talking about the under 18 year olds?

ASSEMBLYMAN FLYNN: Under 18, when they go out in the woods and have a case of beer. In my town that is a problem. Now, I don't think you are saying that they would get the case of beer from the home, because it is not that easy to get a case of beer out of your home.

DR. MILGRAM: Most often, in those kinds of things, from what I gather in dealing with young people, everyone pitches in a six pack so they are not buying a case as such. Now, some of those six packs come from a home situation and some of it comes from a friend probably buying it, but that has been the case for many, many years. I think that is my point. Certainly, if you choose to change the drinking age, I would request that you follow up what changes do happen. I mean, if your decision is that you would like to, then please look into our school population and find out so that we do have information for the next time.

We are sitting here saying our drinking age changed from 21 to 18 and, yet, I don't think schools have actually followed through. We are getting emotional kinds of information about young people who are having problems with their alcohol use. I can attest to the fact that those people had problems prior to the change in the drinking age and it would have been nice to see if the change had occurred.

ASSEMBLYMAN HERMAN: One question, Assemblyman Thompson. I am sorry, but we are trying to stick to some sort of a reasonable schedule.

ASSEMBLYMAN THOMPSON: This question is from a concept of vicarious liability. You mentioned a point about learned behavior from society and you use as an example the adult role model. Now, in reference to that, you mentioned that at ages 11, 13, and, I think, 14, it is introduced in the home. What I would like to know is, how can we legislate as far as the home is concerned? We have no control over that type of situation, so how would we be able to legislate there?

DR. MILGRAM: I don't think you can legislate in a home and the only thing you can do is hope that our future generations know more about alcohol so that they can, indeed, introduce alcohol acceptably in a home situation -- or responsibly, or whatever word happens to meet your fancy. It is very interesting - and this is an aside - but when I do speaking for PTA groups, often I introduce myself and I begin with, "Your children are drinkers." And, everyone gets very uncomfortable immediately and starts to squirm, and I say, "Your children have had wine with spaghetti" and heads start to nod. In other words, the drinking that is often introduced in the home, parents don't even consider it as drinking. They forget that if a child is 11 and you give them one-half glass of wine, they are giving them the equivalent of a full drink.

Consequently, I am saying that I hope that our legislation would enable people to learn more about a substance that they use, with less risk -- or lowering

risks related to that use.

ASSEMBLYMAN HERMAN: Dr. Milgram, thank you very, very much. I appreciate your taking the time out today. I would like to go to Commissioner Burke at this time.

DR. MILGRAM: Thank you.

ASSEMBLYMAN HERMAN: Thank you very much for coming down. Commissioner, thank you.

COMMISSIONER FRED G. BURKE: Thank you very much, Mr. Chairman. My name is Fred Burke. I am the Commissioner of Education for New Jersey and I would like to commend the efforts of this Legislature and the Governor in their attempt to address the serious problem of alcohol abuse among our youth. I support Senate Bill 1126.

The findings of a recent Task Force Study, initiated by the Department of Law and Public Safety, has further revealed that of the students using drugs, most prefer alcohol over other drugs.

With the accessibility our teenage population has to alcohol today, the incidence of alcohol consumption, and even alcoholism, has increased among our secondary school pupils and there is good reason to believe that it is occurring among elementary pupils as well.

In speaking of secondary school pupils, I am not just referring to those in high school, but pupils in junior high school as well -- that is, youngsters ranging in age from 12 to 19.

I should admit, at the very outset, that I have no statistical evidence that raising the drinking age will resolve the problem, or to what extent it will alleviate the problem. I think it might alleviate the problem.

Most youths associate with peers that are within three years of their age - we know that. The higher the drinking age, the less contact students will have with those who are at least legally able to purchase alcoholic beverages.

However, by raising the drinking age, I also recognize that other problems are created, such as teenagers driving to New York or to Pennsylvania to consume alcoholic beverages. That, of course, is undesirable. The implications of alcohol and driving are well known.

I understand that the Committee will have to weigh all of these kinds of factors in making its recommendations.

To combat the problem of alcohol abuse among our youth, it will take the cooperative efforts of parents, administrators, teachers, the community, and private organizations. Since the issuance, this last summer - of the report of the Task Force on Alcoholism Treatment and Rehabilitation Act - the Department has been studying this problem. We will have a report to the Attorney General this Spring.

Assemblyman Herman, and members of the Committee, I do appreciate the opportunity to speak with you concerning this problem. I know you have a very tight schedule. I have tried to keep my remarks very brief.

ASSEMBLYMAN HERMAN: But, always to the point, Commissioner. We appreciate that. I have just one or two questions and then I will call on the Committee members.

Commissioner, the Task Force report seems to indicate questionable efficacy in raising the drinking age but does emphasize, greatly, the need for mandatory education in the school system. Our prior witness, Dr. Milgram, seemed to indicate that in her professional judgment that education ought to be started at a very early age. I guess my question is twofold. One, do we have mandatory programs in our school? If we don't, when are we going to have them? And, three, what is the

structure of those programs now?

COMMISSIONER BURKE: Well, we do have - it is required as part of health education. I don't think it is adequate. Part of the trouble, as you know, in any school is, how do you fit everything in that you want to fit in in the course of a day? So, health education is usually an overall part of physical education. Maybe be ought to be separating this. This is one of the recommendations of a Committee that we put together to address this issue.

ASSEMBLYMAN HERMAN: What is your view on the Task Force recommendation? That is what I am trying to get.

COMMISSIONER BURKE: Recommendation that it ought to be compulsory?

ASSEMBLYMAN HERMAN: Yes.

COMMISSIONER BURKE: I am saying that it now is but I suspect that we ought to be spending more time on it than we are. That raises problems too, of course. By and large, our teachers are not equipped to teach in this area. That would require a fair amount of upgrading of teachers.

We probably haven't given anywhere near the attention that we should have to this issue.

ASSEMBLYMAN HERMAN: One last question. I assume this is going to come up here. There has been a lot of testimony about the problem of alcohol in the schools. I assume this Committee would like to know whether there are any statistics to back it up - pre-18 drinking and post-18 drinking?

COMMISSIONER BURKE: I wish I could give you some hard data. I don't have any. Because of recent legislation we are now collecting data on violence and vandalism. In a year or so, we will be able to look at that material and see if we can make any correlations with alcohol. But, we have no hard data.

I talk to a lot of school administrators and to parents and to some students and on the basis of those discussions and on the basis of discussions with colleagues, there seems to be a feeling on the part of a lot of people that there is more alcohol consumed in the schools than there used to be.

ASSEMBLYMAN HERMAN: All right. I want to turn this over to the Committee now. Assemblyman Thompson.

ASSEMBLYMAN THOMPSON: Commissioner, I have one question I would like to ask you. In reference to the Task Force report, is this a regional report? The reason I ask this is, in the City of Newark, particularly, I have found from my observation and in talking to principals and other people, the major problem in the Newark school system in reference to any type of drugs is hard narcotics in the high school system. It isn't a question of drinking.

I went further and I talked to various bar owners and tavern owners and they stated that the age we are discussing now does not fraternize the bars that much at all. So, I want to ask you is this a regional problem, or is it across the board?

COMMISSIONER BURKE: I think the situation varies throughout the State. I think there has been a general shift away from hard drugs towards alcohol everywhere, although I suspect that in places like Newark and elsewhere, where we have had a more serious problem over a longer period of time with hard drugs, that is still the major problem in contrast to alcohol, which would be a problem of greater proportions in some of the suburban communities and maybe some of the smaller cities. But, the trend and the shift is definitely there, even in the cities.

I have talked to administrators in large city high schools and they informed me that from their point of view alcohol in their schools is something which is happening with more frequency.

ASSEMBLYMAN HERMAN: How about the kids coming back drunk? Which is the bigger problem, or are they equal?

COMMISSIONER BURKE: I don't know. I hear people telling me stories, I think the same as this Committee has, and I wish I could give you some hard data. Certainly, the fact that an 18 year old can purchase alcoholic beverages and put them in the locker and keep them in the school and get away with it -- the incidence of that occurring might be lessened somewhat if the 18 year old intends to be in school.

We probably ought to be thinking of the relationship between the kind of legislation you are considering now and other legislation that is being considered. For example, the high school graduation requirements might well keep youngsters in school longer, which means that there will be more 18 year olds in the high schools than there were before.

ASSEMBLYMAN HERMAN: Assemblyman Flynn.

ASSEMBLYMAN FLYNN: Yes. Commissioner, you say you favor this particular bill. Is that because you feel this bill is the only one that has a chance, as opposed to a bill that might raise it to 21, say?

COMMISSIONER BURKE: Well, from a truly educational point of view, the 19 year age does make a difference because we have a number of 18 year olds in the schools today who can, on their lunch hour or break, obtain and purchase, legally, alcoholic beverages. That isn't to say that they wouldn't possibly purchase them illegally, or find other ways to do it. But, I don't think this legislation is going to resolve the problem. I think in terms of the amount of alcohol that is consumed in the schools, that is a problem that this legislation would have a positive effect on.

ASSEMBLYMAN FLYNN: Would you be in favor of legislation that would still allow the 18 year olds to consume alcoholic beverages on a premises, but wouldn't allow them to purchase it and bring it out? Would that be more in tune with the problem as opposed to this bill?

COMMISSIONER BURKE: I am not sure. I think we begin to draw very fine nuances between whether a person can purchase and carry out or whether a person can consume on the premises.

ASSEMBLYMAN FLYNN: You can't carry out on a Sunday, for example. You know, you can go in and have a drink on a Sunday, but you can't bring it out on a Sunday. The applies to everybody. So, it is not completely unheard of to have a right to drink on premises but not be able to buy for off-premises consumption. And, since the problem seems to be one of bringing it back to school and giving it to their peer groups, wouldn't the inability to purchase it be more in tune with the problem than to deprive them of the privilege entirely?

COMMISSIONER BURKE: It is conceivable.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN HERMAN: Assemblyman Mays.

ASSEMBLYMAN MAYS: Commissioner, being the top man in education in the State of New Jersey, I find it very hard to believe that it is being taught now in health classes. We are saying shouldn't the bill make a requirement to teach about alcohol in the school?

Second, are the kids coming in the school drunk in the morning or after lunch, or do they do it after school? You said you heard there had been a lot of drinking in the schools.

COMMISSIONER BURKE: I said I don't have any hard data on that. I can't tell you that. All I have are the kinds of impressionistic information one picks up in talking to superintendents, principals and teachers. We have carried out no scientific survey.

ASSEMBLYMAN MAYS: Don't you get reports back, or data back, from schools that have had to suspend kids for drinking?

COMMISSIONER BURKE: Not on this subject. We don't aggregate it, no.

ASSEMBLYMAN HERMAN: Are suspensions recorded anywhere?

COMMISSIONER BURKE: Suspensions are recorded.

ASSEMBLYMAN HERMAN: Are they recorded as to reason?

COMMISSIONER BURKE: At the local school, but we don't have that information.

ASSEMBLYMAN HERMAN: Is there any way of getting that information, Commissioner?

COMMISSIONER BURKE: Well, I will look into that, in terms of confidentiality.

ASSEMBLYMAN HERMAN: Well, we are not asking for names. We are asking for statistics.

COMMISSIONER BURKE: I don't know.

ASSEMBLYMAN HERMAN: A statistic isn't a confidential piece of information.

COMMISSIONER BURKE: We are beginning to gather data. When we gather data, by the way, this is another form. As a consequence of recent legislation, we will gather data on violence.

ASSEMBLYMAN HERMAN: Following Assemblyman Mays' thoughts, we are involved here with a very serious subject matter. Now, if suspensions are recorded, we have 21 counties at last count.

COMMISSIONER BURKE: That's correct.

ASSEMBLYMAN HERMAN: We have 21 superintendents, each with the ability to pick up the telephone or send a letter and say, "I want, over the last couple of years, the number of suspensions you have versus the total number of suspensions related to alcohol. How many were there?" They could get that information without getting names. Forget confidentiality. We are not looking for names.

COMMISSIONER BURKE: I think that we could get a fair amount of data. I am not so sure how good it would be. Some districts would have it in good shape and some wouldn't.

ASSEMBLYMAN HERMAN: If it wouldn't be too much trouble, could you inquire, please?

COMMISSIONER BURKE: Yes.

ASSEMBLYMAN HERMAN: Thank you. Go ahead Charlie.

ASSEMBLYMAN MAYS: I am troubled. We know about the 18 year old drinker. We see him drinking beer and everything else. I am worried about my son or my daughter, who are 11 and 13 years old. We don't know if they are drinking. We can't see it. And, the education is not there in school. You told me here, as Commissioner of Education for the State of New Jersey, that it is being taught in the schools and we see that it is not being taught in the schools. Would you pass this bill with 19 years of age, plus another bill - or an amendment attached to it - that it be required that the dangers of alcohol be taught in school?

COMMISSIONER BURKE: I would rather, if the Committee were to make that recommendation, that it would recommend a resolution to be passed asking the State Board of Education to develop regulations. I feel that the responsibility for developing curriculum and imposing it on the schools, by and large, is something

which is carried out by the State Board.

ASSEMBLYMAN HERMAN: You are not adverse to making that recommendation to the State Board?

COMMISSIONER BURKE: No. I would like to look at the data much harder than I have. I would like to find out, for example, to what extent the existing programs in health education, which have a component on alcohol, are not sufficient before I would--

ASSEMBLYMAN HERMAN: For what age group does that component start, Commissioner?

COMMISSIONER BURKE: It starts, literally, K-12, the health education.

ASSEMBLYMAN HERMAN: Mr. Bate.

ASSEMBLYMAN BATE: What hard data do you envision obtaining in this report that is due in the Spring?

COMMISSIONER BURKE: Essentially, in the Spring, it would be our reactions to the Task Force Report, which we make available to the Attorney General. For example, some consideration might well be given to attempting to increase the amount of time which is spent on instruction about alcohol by conceivably breaking apart health education from physical education and devoting more time to it.

Those of you who are familiar with schools know that when you start doing that, you are immediately getting into a very finite time period and if you take from something, something else has to give. We are trying now to spend much more time, for example, on basic skills. If we find that we are going to give time to dental, to health, to family life education, and so on, these are all done at a cost.

ASSEMBLYMAN HERMAN: Either in money or in lives later, right?

COMMISSIONER BURKE: That's correct. The choices are not easy.

ASSEMBLYMAN HERMAN: Right. Assemblyman Dowd.

ASSEMBLYMAN DOWD: I will yield to Assemblyman Kern.

ASSEMBLYMAN KERN: Commissioner, what happens to a student in our secondary schools at the present time if he is found with a six pack in his locker, or possessing an alcoholic beverage in the school cafeteria?

COMMISSIONER BURKE: Well, that would vary. That would depend upon the local district and the policies of the local board. I would say that by and large finding beer or hard liquor in the school, on that person's body or in a locker, would certainly lead to suspension activities in most cases.

ASSEMBLYMAN KERN: There is no standard uniform set of rules?

COMMISSIONER BURKE: No, there isn't. This is a local board policy.

ASSEMBLYMAN KERN: Suppose a student is found in the state of intoxication during school hours, what would be the disposition of that matter?

COMMISSIONER BURKE: Well, normally, when this occurs one of the immediate concerns is with the health of that young person and they are taken to the school nurse. Parents are called. In some cases, where cases have found their way to me on appeal, for example, there has been suspension. There have been occasions where they have contested - that is, the parents claimed the youngster was not intoxicated. They say the youngster was ill.

I think one of the major problems is not the intoxicated youngster, but the youngster that has had two or three beers, or a couple of glasses of wine, and turns off intellectually in the classroom, but yet is not a problem in that sense.

ASSEMBLYMAN HERMAN: It is the same problem if the kid doesn't get a good meal too, right?

COMMISSIONER BURKE: Right. And maybe even a more serious problem.

ASSEMBLYMAN KERN: You have a Department which holds hearings and you publish the results of those cases. Do you have any set of case law on this subject?

COMMISSIONER BURKE: Very little. I could check that and provide you with that information.

ASSEMBLYMAN KERN: I would appreciate that.

Another area, you said that you had no hard data, or statistics, on the subject of teenagers and the consumption of alcohol. Don't you think it would be a good idea if we had cold facts before any law was changed?

COMMISSIONER BURKE: I think it is always better to be able to base your decisions on hard data that you can count on. I think data of this sort is difficult to obtain. It is expensive to obtain. And, it will be some time. I think as a general policy, I have to support that. I think there are occasions when we do make decisions on the basis of less than adequate data because the consequence of not making decisions seem to be that important.

ASSEMBLYMAN HERMAN: Thank you. Before we go to Assemblyman Thompson for one brief question, I would just like to follow through with the question of reporting it to the school nurse when there is a question of intoxication -- I assume that also is a matter of record.

COMMISSIONER BURKE: It would be a matter of record.

ASSEMBLYMAN HERMAN: In addition to that information, could you ask your local superintendents in those 21 counties to add on an inquiry for the last year - or last couple of years, perhaps since 1974 if it is available; '73-'74 - as to how many cases have been reported to the school nurse as to the question of intoxication so we can get some sort of a handle on what we are doing?

COMMISSIONER BURKE: I am very sensitive to your need for data. I certainly don't want to withhold data. At the next meeting of the county superintendents, let me work with them to find out what data, from their point of view-- They would be much more knowledgeable.

ASSEMBLYMAN HERMAN: When will that be, sir?

COMMISSIONER BURKE: Oh, we meet probably within a week or two.

ASSEMBLYMAN HERMAN: All right. Thank you very kindly.

Assemblyman Thompson, one brief question.

ASSEMBLYMAN THOMPSON: Commissioner, I have one last question. I am trying to look for some practical approach to this problem. You have a situation where you have 18 year olds in school and you have 18 year olds that are drop-outs or are graduated. The ones that are drop-outs and the ones that have graduated have assumed certain lifestyles. They may be working. They may be married. They are paying insurance. They have a car. In many instances they have children. Also, they are subject to certain penalties under the new penal code. I would like to know how you can enforce this? Wouldn't it be a due process question if you are going to enforce it on someone with some adult responsibility? He is subject to conscription in the armed services. He also assumed all the patterns of an adult. Now, how could you possibly pass a law that would affect students that are 18 that are in school, when the other ones are out assuming an adult life?

COMMISSIONER BURKE: Assemblyman, you have just taken me beyond my range of competence. I really don't have the competence to comment on the legality of what is being proposed. I have done my best to give you what my views are and the impact it would have on alcohol in the schools, possibly. I think this Committee, obviously, has to take the points you mentioned into consideration.

ASSEMBLYMAN HERMAN: Commissioner, thank you very much for taking time out

of a busy schedule to be with us. We would appreciate you or your staff supplying any hard information that is available that won't put you to a great deal of difficulty.

At this time I would like to call Dr. Yeager. Thank you again, Commissioner. Dr. Arthur Yeager, Physicians for Automotive Safety.

D R. A R T H U R Y E A G E R: Mr. Chairman, members of the Committee, I am Arthur Yeager, a dentist from Westwood, representing Physicians for Automotive Safety, a national organization of health professionals, based in New Jersey and devoted to promoting motor vehicle safety.

Five years have passed since the drinking age in New Jersey was lowered from 21 to 18. In my judgment, this represents sufficient time to properly evaluate the effect of the change and the Legislature, and this Committee, are to be complemented for their efforts.

Since 1973, according to the New Jersey State Police, arrests for drunken driving amongst 18 to 20 year olds has tripled, while arrests for those over 21 has remained relatively constant.

To give you an example - I will give you the testimony so that you will have it; unfortunately time did not give me a chance to copy it - in '72, the year before the drinking age was lowered, there were about 1300 children, 18 to 20, arrested for drunken driving. That figure has gone up to about 3200. Meanwhile, the group over 21 has remained constant from 15 to 17 to 18 thousand. Again, you will have these figures.

I have prepared a chart which illustrates this. As the chart indicates, when you look at the one up in the upper left hand corner, fatal accidents involving drivers who are over 21 have fallen about 25% since 1972. Reasons given for this are the 55 mile an hour speed limit, increased supervision, better enforcement of laws, better vehicles.

Unfortunately, those under 21 have not participated, as their accident rate has remained fairly constant. Now, that is indicated by the red line. So, as you see, about 200 people, age 21 and below, are killed each year on New Jersey roads in fatal accidents, whereas the figure has dropped for those over 21.

ASSEMBLYMAN FLYNN: Is there drinking involved in these or are they all accidents?

DR. YEAGER: These are all accidents. In other words, the point that is made here is that although there has been a drop, we don't find those under 21 participating. We will look in a minute to find out why.

ASSEMBLYMAN HERMAN: Where do your statistics come from?

DR. YEAGER: The New Jersey State Police.

ASSEMBLYMAN HERMAN: That is out of the booklet they prepare?

DR. YEAGER: Yes.

ASSEMBLYMAN HERMAN: All right.

DR. YEAGER: I believe it is page 9.

ASSEMBLYMAN HERMAN: Page 9 is correct.

DR. YEAGER: Now, in fatal accidents - this is the chart right here under my finger. I'm sorry, it is under Walter's finger. The reason those under 21 did not participate in the overall reduction over this period has been a dramatic increase in fatalities of those under 21 with alcohol as a cause. According to the New Jersey State Police Fatal Motor Vehicle Accident Report, on page 9, fatalities of those under 21 since 1972, with alcohol as a cause, has tripled.

Now, if we look here, you will see that in '72, the year before the drinking age was raised, there were 18 fatalities with those under 21, where the

driver had been drinking.

In 1973, the first year after enactment, it rose to 37. Then, it rose to 63 and then to 55. So, you can see there has been a tripling of the fatalities where the driver was drunk.

The chart to your left expresses the same figures as a percentage. When it was illegal for 18 year olds to drink in this State, about 8.9% - that would be the first number there in '72 - upon autopsy were found to have alcohol in their bodies to the degree that they would be legally driving drunk or impaired. In the first year after enactment it rose to 16.3%, then 27, 29, 25 -- and we just got the report for 1977, up to 32%.

By my calculation, at least 200 youngsters have needlessly died in New Jersey as a direct result of lowering the drinking age. In our opinion, half way measures are not acceptable. Only by returning the legal drinking age to 21 in New Jersey will this toll be reduced.

Now, are there any questions on that?

ASSEMBLYMAN HERMAN: Yes. Let me just start with your charts for a moment. According to that same report, on page 18 - by the way - entitled "The Age of Majority," taken out of that particular report: "Comparative Statistics for 1972 through 1976 -- in '74, in fact, deaths went from 227 down to 189, right? We are talking about 18 to 20 year olds, right?

DR. YEAGER: Right. Now, the reason for that was, that was the year of the gasoline shortage and the number of miles driven on New Jersey roads went down dramatically and it is related to the number of miles that are driven. You will see that amongst the adult population you get a drop that year. But, you will also notice there is an immediate return.

ASSEMBLYMAN HERMAN: But, wasn't there a drop from-- It was 227 in '73 and it was 216 and 212 in '75 and '76.

DR. YEAGER: Right.

ASSEMBLYMAN HERMAN: And, wasn't it 202 in 1972 when the law, in effect, was 21?

DR. YEAGER: Right. In other words, the raw number is what this chart purports to show and this is what is indicated here. If you read the numbers, I will point to the spot on the chart.

ASSEMBLYMAN HERMAN: I am familiar with the numbers, sir.

DR. YEAGER: Right -- 189; 202; 194. You shoot me the numbers.

ASSEMBLYMAN HERMAN: One eighty nine.

DR. YEAGER: One eighty nine -- shoot the next one.

ASSEMBLYMAN HERMAN: Two sixteen and two twelve.

DR. YEAGER: Okay. You see that the fatalities for the 18 to 20 year old group--

ASSEMBLYMAN HERMAN: Where does it start? Which year does it start, sir?

DR. YEAGER: 1972.

ASSEMBLYMAN HERMAN: That was 202.

DR. YEAGER: Let's say around 200 for each year, as compared to the adult population. If you look at the beginning of the book, you will find total fatalities for the State of New Jersey has dropped dramatically. The question we have to ask is, how come this group didn't drop with this group?

ASSEMBLYMAN HERMAN: Well, you are taking those statistics out of context, sir.

DR. YEAGER: No--

ASSEMBLYMAN HERMAN: Wait a minute, let me finish my question. You have plenty of time to answer me. Those total numbers deal with an all-age category, which includes 18 through whatever the age of licensing is.

DR. YEAGER: No, if you will--

ASSEMBLYMAN HERMAN: I am looking--

DR. YEAGER: May I respond?

ASSEMBLYMAN HERMAN: Yes.

DR. YEAGER: Okay. The total figure was 1202. I subtracted from 1202, 189 to get this particular number, so that the black line represents those over 21. The first year, '72, there were 1202 fatal accidents, of which 189 were in a group below 18.

ASSEMBLYMAN HERMAN: What year was that, sir?

DR. YEAGER: '72.

ASSEMBLYMAN HERMAN: For '72, my numbers are 202. Where do you get 189? I am reading on page 18 now of that report, sir.

DR. YEAGER: No, it is fatal accidents I am using. You are reading the drivers.

ASSEMBLYMAN HERMAN: No, sir, I am saying it is the fatal accident comparative report.

DR. YEAGER: Okay. Read the first column. It says: Fatal accidents.

ASSEMBLYMAN HERMAN: I am looking at it right here, sir -- 189, 18 to 20 year olds.

DR. YEAGER: That's what I said, 189 -- 1202, less 189, is 1013. You have to use the same figures.

ASSEMBLYMAN HERMAN: What is the difference in the 202? Maybe I misinterpreting. Help me out.

DR. YEAGER: The 202 is the total number of fatalities involved. In other words, if you have 189--

ASSEMBLYMAN HERMAN: Oh, you are talking about 189 accidents?

DR. YEAGER: One hundred and eighty nine accidents in which a teenage driver was drunk.

ASSEMBLYMAN HERMAN: Okay.

DR. YEAGER: Okay? In those accidents there were 202 fatalities.

ASSEMBLYMAN HERMAN: Okay.

DR. YEAGER: So, when I go back to page 1 of the Uniform Report, it shows 1972 fatal accidents, not fatalities. You can do it either way. But, what I want to do is head it for drivers. Okay? So, what I did is, I took 1202, less 189, or 1013. So, 1013 would be this mark on the chart.

ASSEMBLYMAN HERMAN: Well, let me ask you this: Following along with that, the information still seems to indicate that from a high of 216, the first year the drinking law went into effect, there was a decrease in '74, '75, and '76.

DR. YEAGER: Well, look again, sir, please, at the fatal accidents in the first column. In '72, 189; '73, 216; '74, 184; '75, 210. Two ten is greater than 189.

ASSEMBLYMAN HERMAN: But, it is certainly less than 216 and you said, in your own testimony, that the 184 was because of the fact that there were less miles driven because of the gasoline shortage, which you would then say would be an unusual factor, right?

DR. YEAGER: That is why that is a bit lower.

ASSEMBLYMAN HERMAN: Okay. Then let's eliminate the 184. Okay? Let's forget 1974.

DR. YEAGER: So, then it is down from 189 to 205.

ASSEMBLYMAN HERMAN: No. Hasn't it gone from 216 in '73 to 210 and 205?

DR. YEAGER: The change is less than 2%, okay? Let's look at it this way.

ASSEMBLYMAN HERMAN: Then what is the increase in percent between 189 and 205?

DR. YEAGER: It is slight. Let's call it the same. It has remained relatively the same, where all other groups have dropped dramatically. I would think that a 25% drop is, as indicated here-- Let me give you different numbers: 1202 to 946 -- a difference of three hundred and whatever.

ASSEMBLYMAN HERMAN: But, that is all age groups, right?

DR. YEAGER: That's all ages.

ASSEMBLYMAN HERMAN: How about 21 to 25?

DR. YEAGER: I don't have figures for 21 to 25.

ASSEMBLYMAN HERMAN: Weren't they included?

DR. YEAGER: No.

ASSEMBLYMAN HERMAN: Let me help you out. Turn to page 6 of that report, which shows this. Let's stay with that for a moment, where there is a comparative age chart, so that we can all use the same data, right?

DR. YEAGER: Okay. Twenty one to twenty four?

ASSEMBLYMAN HERMAN: Yes.

DR. YEAGER: It has decreased. It went from 253 down to 192.

ASSEMBLYMAN HERMAN: Yes, but didn't it go up to 266 in '73?

DR. YEAGER: I don't think you can take--

ASSEMBLYMAN HERMAN: And, in '74 -- We are using the same statistics. I am just reading the statistics. We will allow you to draw whatever conclusions you want to draw from those statistics, but I am just trying to put on the record the statistics we are using.

DR. YEAGER: Well, let's look at them.

ASSEMBLYMAN HERMAN: For instance, in 1972, in the 21 to 24 year old category, there are 253 fatalities, right?

DR. YEAGER: Correct.

ASSEMBLYMAN HERMAN: Fatal accidents. In the 18 to 20, it was 220. Now, when the drinking age went into effect in '73 it rose to 263 for the 18 to 20. It was 266 for the 21 to 24 group.

DR. YEAGER: The 18 to 20 went up.

ASSEMBLYMAN HERMAN: I am just reading the statistics.

DR. YEAGER: Yes, and I am interpreting them.

ASSEMBLYMAN HERMAN: All right. Let me finish. You will be given an opportunity to interpret them.

In 1974 the 18 to 20 group went down to 189 from 263. The 21 to 24 went down to 211. So, in '74 there were more fatal accidents involving 21 to 24 year olds than 18 to 20 year olds. In '75 that was reversed. It went up to 216 for 18 to 20 and 185 for 21 to 24 year olds. Right? In 1976 it was 212 for 18 to 20 year olds and 192 for the 21 to 24 year old group, is that correct?

Now, it would appear, just offhand - and you will have to interpret this for me - that in some of those years the overall percentage - we are talking to the total numbers, for instance '75 and '76 - of fatalities to the total number of fatal

accidents appears to be constant, give or take a percentage point or two. Is that right? In '74 the percentage of 18 to 20 year old fatalities is substantially less than the overall number of fatal accidents.

DR. YEAGER: No.

ASSEMBLYMAN HERMAN: It isn't?

DR. YEAGER: I don't have a calculator but the percentage of the 18 to 20 year olds has risen -- the percentage of 220 as related to 1855 is less than 212.

ASSEMBLYMAN HERMAN: I am talking about '74. You mean 1855 into 220 is a higher percentage?

DR. YEAGER: Sure. The 18 to 20 year olds only dropped 8, whereas the total dropped 400.

ASSEMBLYMAN HERMAN: I am talking about in relation to the overall.

DR. YEAGER: You say the overall, that is the total.

ASSEMBLYMAN HERMAN: You are taking your statistics way out of whack, sir.

DR. YEAGER: I think you are just picking out one year.

ASSEMBLYMAN HERMAN: No, I am picking out per year. I am talking about the 18 to 20 as a sample of the total age group.

DR. YEAGER: Right, and they have performed worse.

ASSEMBLYMAN HERMAN: Two twenty into 1885, or 1855 into 220, what would that be percentagewise?

DR. YEAGER: Around 9%.

ASSEMBLYMAN HERMAN: Okay. Let's go to year '73, what would that be? Two sixty three into 1765.

DR. YEAGER: I would have to have a calculator.

ASSEMBLYMAN HERMAN: And, looking at 1974, 189 over 1465, etc., etc., etc.

DR. YEAGER: Yes, it is decreasing and I will show you how if you give me a moment.

ASSEMBLYMAN HERMAN: Fine. Go ahead.

DR. YEAGER: That is what my chart showed because those are the total figures. Just using the years that you picked, the 18 to 20 year olds in 1972 as compared to 1973 increased. The number of fatalities went up 43. The 21 to 24 year olds only went up 13, okay? From the beginning of the chart, '72, the year previous to what we have currently going on, the 18 to 20 year olds have decreased by 8 fatalities. The 21 to 24 year olds have decreased by 61. Sixty one is a heck of a lot more than 8. Now, you can pick out one year in there that doesn't look right to you, but when you look at the overall picture, or the picture before, or the picture after, or the total numbers before and after--

ASSEMBLYMAN HERMAN: How about all the other evidence that is produced in that particular report that shows that in those particular years - I believe for '73 through '76 - there has been a dramatic increase, percentagewise, in the number of 17 to 20 year old drivers. How do you answer that?

DR. YEAGER: It has not decreased to that degree. I don't have numbers on the new licensees between 17 and 21.

ASSEMBLYMAN HERMAN: I am discussing some of the reports that have come out of Rutgers Institute.

DR. YEAGER: I have heard it said. No one has ever shown me. We called Motor Vehicles and asked them for the number of people registered and they can't come up with a number. So, I don't know where Rutgers Institute is getting their numbers. I would be very pleased to look at them. There has been no baby boom.

I don't know of any dramatic increase. In fact, perhaps Commissioner Burke could tell you that school enrollments are declining. So, I would expect that there would not be a tremendous number of new drivers.

ASSEMBLYMAN HERMAN: How about the -- have you read the Task Force Report?

DR. YEAGER: No, I have not.

ASSEMBLYMAN HERMAN: They made a comment. I am just reading from that report, which was financed by the state, and it says that lowering the drinking age would be of little help in relation to highway statistics. In fact, I would like to quote from Commissioner Waddington, in an article that I have before me. I just want your comment in response to it. He said - and I quote out of an interview in today's Sunbeam, November 1, 1978: "When asked if a proposed increase in the drinking in New Jersey from the present minimum of 18 years of age would lower the number of traffic accidents, Waddington said that from the studies he has seen there doesn't seem to be a clear indication that it would." What are your observations on that?

DR. YEAGER: I would love to sit in your shoes and ask him what studies he has looked at. This is the bible as far as fatalities and accidents in New Jersey are concerned. And, the age of majority sheet clearly shows this information I put here. There is no question that the fatalities have tripled, that the percentages have tripled, arrests have tripled -- that is not in here, that is a direct communication. Now, why Commissioner Waddington doesn't have that particular information, we would really have to ask him.

ASSEMBLYMAN HERMAN: Just as a matter of curiosity, do you know, presently, how many 21 to 24 year old drivers we have, versus 17 to 20?

DR. YEAGER: I do not, but I will bet it is within 1% or 2%. If anything, I would bet there are more in the 21 to 24 year old bracket.

ASSEMBLYMAN HERMAN: Isn't there almost just as valid an argument for raising the drinking age to 25 as there is for raising it to 20?

DR. YEAGER: Yes. There is a valid argument to eliminate drinking.

ASSEMBLYMAN HERMAN: What is your view on that?

DR. YEAGER: I don't think what we are discussing here is prohibition and I don't think that what we are discussing here is alcoholism. What we are discussing here is an action taken by the Legislature of the State of New Jersey five years ago, which has had measurable results that I think we can demonstrate clearly with figures. Alcoholism has existed since the beginning of time and this is not purported to be an answer to alcoholism. I don't think any member of our Coalition has ever said that. We have been accused of it by certain people. I think what we can do here is focus on an area where fatalities have tripled and a couple of hundred kids are dead who would be alive. There is no question about it. These are not statistics. These are raw numbers. I think that we can point clearly to that. And, the question here is, does this Legislature wish to do something about it? Will it recognize the problem and will it move in that direction?

ASSEMBLYMAN HERMAN: Go ahead. Continue, if you wish.

DR. YEAGER: The Coalition looks at this problem with four major facets. The first is auto fatalities, which I have pointed out. The second is the growing vandalism, which the police officers and the school people will tell you about -- the school problems and the drinking of lunches and coming back to school inebriated. And, the third is the trickle or pass-down to younger kids.

Now, when we look at the solutions that have been offered by--

ASSEMBLYMAN MAYS: Could you say that again?

DR. YEAGER: We are looking at four phases of the problem. The first is auto fatalities, which is my specialty and that is what I went into detail on with you. Vandalism is another problem. The mayors, the League of Municipalities, and the juvenile officers are deeply concerned about the rise in vandalism. So often it is reported that beer cans are laying around where the broken windows are. The school problems -- the kids going out to four beer lunches and then coming back inebriated into class. And, the fourth part would be the trickle down or pass down to the 10, 11, 12, and 13 year olds.

Now, all of the different proposals address different parts of this problem. It is sort of like the story of the blind man with the elephant -- the different blind men. Each one sees his focus as part of the problem.

For example, Senator Grave's bill, the one that we are discussing today, raising it to 19, in my opinion, will unquestionably help the kids that go out for beer during lunch. Our high school - where my boys go - is two blocks from a tavern and all the seniors are in there drinking beer at lunch time and there is nothing you can do when they come back with too much beer after lunch.

Raising the drinking age to 19, without any question, will help that particular problem.

As far as the auto fatalities, the vandalism, and the pass down, very, very little effect will be had because if a 16 year old can get it from an 18 year old, he can get it from a 19 year old.

Now, Assemblyman Hardwick's bill takes it from a very different direction and addresses the problem better as far as the trickle down.

ASSEMBLYMAN HERMAN: What is your view of Assemblyman Hardwick's bill?

DR. YEAGER: Well, we don't feel it goes far enough. I think it will address the problem of the trickle down very clearly because it is much more difficult for a 16 year old to ask a 21 year old to go out and buy beer for him. So, I think it will have a profound effect on the youngsters.

ASSEMBLYMAN HERMAN: How about the Graves bill if you had to put it on a scale of one to ten between the two bills? If you had to take a choice, and if I said to you which of the two bills would you prefer--?

DR. YEAGER: I have to talk with a prejudice because my expertise is automobile accidents. An Ohio study showed that better than 70% of the people arrested for drunken driving in Ohio - this is not our state - had had their last drink in a tavern. So, in terms of my particular prejudice, I don't think either bill will help us very much. The Hardwick bill will help with about 25% of the problem. Yes, we will take anything we get. Yes, we want both. I happen to prefer the Orechio bill -- the one that he just submitted.

ASSEMBLYMAN HERMAN: You are talking about the phase in?

DR. YEAGER: Right. Attorney General Degnan brought up a very, very real problem with raising the drinking age to 21. People culturally have habits now of going to the taverns and buying beer. And, you could practically have a revolution in this state if you took the privilege away. You could phase it in, having a grandfather clause, or freezing a date - and have a bill which will say it will go to 19, 20, or 21, but no one who is already allowed to drink or purchase alcoholic beverages will be denied it. What that would mean is that anybody coming along the line, never having had it -- we would accept that.

ASSEMBLYMAN HERMAN: Before we go to the Committee for questions, I would just like you to take a look at this. We had the State Juvenile Officers Association testify this morning. Assemblyman, would you hand these two charts

to our witness? This came out of the 1977 State Police Crime Statistic. I would just like to get your opinion. If you will take a look at those two reports, taking a look at the bellwether years - if you would just spread them before you, please - they were supplied to us this morning. Take a look at the bellwether years of 1973 and 1972. This involves the question of driving under the influence and public drunkenness involving children under 18. Now, those statistics seem to--

DR. YEAGER: Yes.

ASSEMBLYMAN HERMAN: Let me finish my question. I just want to get your opinion and then I am going to turn it over to questioning from other members. Those statistics seem to indicate that in the years in which the drinking age was 21, there was a far greater percentage increase in public drunkenness and driving while under the influence for kids under 18 than there has been since the law was reduced to 18. What are your views on those two reports?

DR. YEAGER: Looking at the figures, to me they seem very erratic and any figures that get very, very erratic you have to question -- when it goes 38, 139 minus 27--

ASSEMBLYMAN HERMAN: They are the same State Police figures, by the way.

DR. YEAGER: Yes. Now, what we have to question is, kids are drinking in the taverns now, where they were drinking out before. They may have been more visible where they were before than they are now. It may have involved more traveling -- I don't know. I cannot explain.

ASSEMBLYMAN HERMAN: Don't those reports raise some eyebrows to you? Honestly? That is the first time I have seen them, this morning. Doesn't that raise some questions?

DR. YEAGER: I have to question what happened between '68, '69, and '70. Where can you have an increase, plus 139% and turn around the next year and be minus 27%? Did kids suddenly stop drinking? Did they drink but not drive? The numbers don't make a lot of sense and I would have to go and look a little harder at where the numbers are coming from and why something like this happened.

The numbers I have, which I got from Sergeant Newbocker at the State Police, were very, very clear. The arrests for drunken driving in '72 were a little over 1,000. It went up to 2,500 the next year, as expected, as they learned to drink, and then sort of leveled off around 3,000. That would be indicated here. In other words, the pattern was set. It hit a proportion of the drivers, just like we see with the older drivers. It hits at a certain proportion.

These statisticians at the State Police will predict the number of arrests for next year.

ASSEMBLYMAN HERMAN: Are we supposed to, from the standpoint of our Committee, ignore that information?

DR. YEAGER: I would like more information about it. If we were basing -- you would have to say, "My God, something wonderful happened between 1969 and 1970; let's go back there and read the newspapers and find out just what it was." Because if you have 139% increase and then it went down 27% the next year, there is something fishy. I am not saying the figures don't exist. I can't tell you why.

ASSEMBLYMAN HERMAN: It could be. Let's start down here with Assemblyman Kern.

ASSEMBLYMAN KERN: The question was asked and I didn't hear the response, if you were forced to choose between the Graves bill and the Hardwick bill, which one would you elect to have?

DR. YEAGER: I would take the Hardwick bill, but not by much. I was asked on a point scale, which I didn't answer. I would say, let's say, four to three.

ASSEMBLYMAN KERN: Now, you were active in Bergen County prior to the lowering of the drinking age, do you recall the Route 59, Greenwood Lake syndrome?

DR. YEAGER: I certainly do. And, in comment on that, in 1972, when the Route 59-Monsey, New York syndrome was in full swing, in the entire state there were only 18 fatalities due to drunk drivers in kids under 21. That figure now is around 60. So, yes it happened, but there is an important thing. As you know, I live right on the border. One thing that can be done, which was done very, very effectively is, on Sunday morning at 1:00 A.M. the police, once a month, would put up a roadblock and they would grab the drunken kids. That was an intimidating thing and that would tend to hold it down.

Yes, there is no question about the people going over the line. But, let's think about our neighbors in Pennsylvania. They come over the line into New Jersey to drink and they may be getting wiped out in Warren and Hunterdon County, I don't know. But, the question is, yes, we in Bergen County have the problem; we border New York State. On the other hand, there is a problem where you border Pennsylvania. So, all I can go by is the raw numbers and the raw numbers are very clear. When you go from 18 to 60, that is a lot of difference and that difference is clear here in these charts.

ASSEMBLYMAN KERN: Do you have the statistics for Rockland County and Orange and Putnam Counties?

DR. YEAGER: No, I do not.

ASSEMBLYMAN KERN: You have a line here for New Jersey fatal accidents and you have a relatively stable situation, don't you, for people under 21?

DR. YEAGER: Yes. Yes, we do. But, I will show you how we can destabilize that, Mr. Kern.

ASSEMBLYMAN KERN: Let me continue.

DR. YEAGER: Oh, I am sorry.

ASSEMBLYMAN KERN: I get used to asking questions.

DR. YEAGER: I am bad at answering them. I am a dentist.

ASSEMBLYMAN KERN: Well, let's drill further. You happen to have another line for drivers over 21. What significance does that particular line have with respect to the legal age and that one has consumed alcohol?

DR. YEAGER: Okay. I didn't want to confuse the chart too much. What has happened is, amongst all drivers in the last five years we have had a decline in fatalities. This has not been participated in by the kids who are under 21. Starting off in 1973, if we were to decrease this number by 37 - this is 100, 200 - or decrease this number by 52, or decrease this number by 63, or decrease this number by 55, you will see that this line would have come down too. So, if we could put another line in there to take out those who are drunk driving, then these lines -- I wouldn't say they would be the same, but they would approximate one another. So, what is shown here is, here is the slope of the line; there has been a decrease in fatalities overall, not participated in by this group because they have been allowed to drink.

ASSEMBLYMAN KERN: Do you think that is the reason?

DR. YEAGER: I think it is a substantial part of the reason.

ASSEMBLYMAN KERN: You have no documentation?

DR. YEAGER: Yes, I do.

ASSEMBLYMAN KERN: What is that documentation?

DR. YEAGER: Okay, if you don't mind going to the figures, taking 1972 as a base year--

ASSEMBLYMAN HERMAN: By the way, just for point of time information, we have about seven or eight more witness minutes allotted to this witness.

DR. YEAGER: Okay. Taking 1972 as a base year, there were 18 people, below 20, killed in that year -- okay? In 1973 there were 37. Take away 18 and that would be an increase of 19. In 1974, 52; take away 18 - because remember 18 is our base line - and there were 34. In 1975, the difference is 45. In '76 the difference is 37. This is all the time where those over 21 have shown a decrease. So, it is that part of the wedge that would bring those lines closer together.

ASSEMBLYMAN KERN: Isn't it also true that there has been an increase, a corresponding increase, with respect to those between the ages of 21 and 25?

DR. YEAGER: No, there has not. The ones between 21 and 25, in 1972, were 253. In 1976, 192, which would be a difference of 61. For 18 to 20, the difference has been 8.

ASSEMBLYMAN HERMAN: There has been a difference down then, right?

DR. YEAGER: A difference down of 8. In other words, they have not participated. There is a difference of 8 as compared to 61. The hope would be, if there was not drinking, that 8 would be some figure between 8 and 61, and those are real lives, sir.

If kids go to a tavern in New Jersey and get drunk and get involved in a fatal accident, if they had not been allowed to drink in that particular tavern it couldn't have happened. In Clifton, a few months ago, a school teacher and his family were wiped out by a 19 year old who had been legally drinking in this State. There were four fatalities involved. Now, if this had been 1972, that boy could not have sat all afternoon in that tavern causing him to head-on that Volkswagen. These are real numbers and these are real people and they are reflected in these statistics.

ASSEMBLYMAN KERN: And, the Graves bill would not have affected that accident?

DR. YEAGER: Not actually. We are for raising the drinking age to 21 in a phased manner, based on the Orechio bill because if the Orechio bill had been in effect that particular day, that school teacher and his family would be alive.

ASSEMBLYMAN HERMAN: Doesn't that same report, on page 5, seem to indicate that the highest percentage of the fatalities occur from the hours of 8:00 P.M. through 3:00 A.M.?

DR. YEAGER: The worst fatalities are usually Sunday morning between the hours of 1:00 and 3:00.

ASSEMBLYMAN HERMAN: So, what does that have to do with--

DR. YEAGER: That is when the taverns close.

ASSEMBLYMAN HERMAN: So, what does that have to do with sitting in a tavern during school hours?

DR. YEAGER: It has nothing to do with sitting in a tavern during school hours. Sitting in a tavern during school hours is a problem they have in the schools that the school administrators will discuss in later testimony. What I am directing my testimony to is between 1:00 and 3:00 and I ask you why are statistics so high between 1:00 and 3:00 for fatalities? Because people leave drinking on Saturday nights and--

ASSEMBLYMAN HERMAN: Isn't that true for all ages though?

DR. YEAGER: All ages, yes.

ASSEMBLYMAN HERMAN: All right.

ASSEMBLYMAN DOWD: Doctor, up in the upper left hand corner -- could you hold that up?

DR. YEAGER: Sure.

ASSEMBLYMAN DOWD: Let's get a few things straight. That box refers to fatalities, not to drunken driver related accidents, not to accidents which have been traced to alcohol in any manner.

DR. YEAGER: These are total accidents. The question has been raised, isn't it true that fatal accidents amongst 18 to 20 year olds have not gone up? And, it is true it has not gone up.

ASSEMBLYMAN DOWD: Okay. That box has nothing to do with drinking. There is no statistic in that box--

DR. YEAGER: No, I put them in.

ASSEMBLYMAN DOWD: Okay. Apart from that, if you took the statistics for fatalities - again, these are not related to drinking - and drew a graph and superimposed it on that graph, with the 21 to 24 year old group, wouldn't the line be just a little bit below the red line for the 18 to 20 year old group?

DR. YEAGER: No.

ASSEMBLYMAN DOWD: Well, what is a good deal? Draw it on.

DR. YEAGER: Well, I will just give it to you in numbers. This is 1,000 and this is 750. Two fifty, take away sixty, right? Are they the numbers?

ASSEMBLYMAN DOWD: It would still be substantially--

DR. YEAGER: No, it would be 25%.

ASSEMBLYMAN DOWD: (continuing) --above the line for the general population, wouldn't it?

DR. YEAGER: No, it would not. Could you write down on a piece of paper in front of you the numbers 253 and 192?

ASSEMBLYMAN DOWD: Wouldn't it be constant? That is the question. Wouldn't it be constant?

DR. YEAGER: The slope of the 21 to 24 -- if I knew you were going to ask it, I would have drawn it in -- would be roughly the same as this. The slope would be roughly the same as this because it is about a 25% decrease overall. It would start at a point about here and end up in a point about here. No, the 21 to 25 would be down here.

ASSEMBLYMAN DOWD: That is what the numbers show. You are using 60 as the highest example for one year, but doesn't it even off and isn't it a relative constant?

DR. YEAGER: No, that is over the entire period. That is taking it from here to here.

ASSEMBLYMAN DOWD: Right.

DR. YEAGER: I am taking it from a point to a point here. This is what we are showing in the slope. One thousand is to 750 as 250 is to 192.

ASSEMBLYMAN DOWD: Their drop in fatalities was 25%. What was the drop in fatalities for the overall population?

DR. YEAGER: Twenty five percent.

ASSEMBLYMAN DOWD: You are saying the 21 to 24 year olds had the same percentage drop in fatalities?

DR. YEAGER: They were very, very close. Multiply by four, okay? That

would bring you up to 1,000 -- it would come out about 800. It would come out right about here if I charted it on this chart. That is not a heck of a lot different.

ASSEMBLYMAN DOWD: Starting at the same point?

DR. YEAGER: Yes, starting at the same point.

ASSEMBLYMAN HERMAN: Using your same charts as a guideline, what has interested me - I am looking at page 6 - for age 17 in 1972, there were 81 fatal accidents. In 1973, when the drinking age was lowered to age 18, it went down to 77. How do you equate this? If we assume, as many witnesses have, that one of the reasons to raise the drinking age is because of the peer age pressure of an increase in alcohol which therefore has an increase in accidents, how does one equate a decrease in accidents in the 17 and under group in 1973 - the first year we had the drinking law changed, versus 1972 when it was still 21? How do you comment on that?

DR. YEAGER: There are a number of reasons and these are opinions. What I am giving you here is numbers and facts.

ASSEMBLYMAN HERMAN: You can give us opinions on those statistics all day. I am asking you what is your opinion on these statistics?

DR. YEAGER: Okay. When you look at the age 17 figures, it dropped only 4 in that first year.

ASSEMBLYMAN HERMAN: Only 4?

DR. YEAGER: Only 4.

ASSEMBLYMAN HERMAN: That is a heck of a difference between increasing 43, which is the point you wanted to make with the 18 to 20 year olds.

DR. YEAGER: In the first year the channels are not set up because in all of the figures-- And, if you will look at all those charts, you will see that in the first year there was much less of an increase than in the second year.

ASSEMBLYMAN HERMAN: Didn't it decrease in 1975 too?

DR. YEAGER: Okay. Now, let me just continue what I am saying. In 1974, it went down to 47. Now, that I would call a significant drop and the question is, how come? Nineteen seventy four was the year of the real--

ASSEMBLYMAN HERMAN: Let's forget '74 for a moment.

DR. YEAGER: We can't forget '74.

ASSEMBLYMAN HERMAN: Let's forget it for a moment because you seemed to want to forget it when it came to the other age group. You said it was unusual. Let me just finish my question. The question is this: You seem to make a significant attachment to the fact that when the drinking age was changed from 21 to 18, there was an increase in 1973 from 220 to 263, yet you don't want to make much of 81 to 77, which was the decrease in age 17.

Going to 1975 and '76, you pointed out to us - okay? - and I think perhaps with some justification, that in the 18 to 20 year old group there was still, nevertheless, an increase in fatalities over 1974 and previous -- that was only a minus 8, etc. Isn't it interesting to note that statistically, in 1975 and '76, there was less fatalities than in 1973 and 1972? What I am trying to do is, I am trying to understand the relationship. We have been doing a lot with statistics here today.

DR. YEAGER: Let me try to explain. What the statistics have shown, and shown clearly, is that there has been quite a substantial reduction in fatalities in the State of New Jersey for many, many reasons, and that has been about 25%.

ASSEMBLYMAN HERMAN: Stick to '73. How would you explain a drop in age 17 and an increase in age 18 to 20?

DR. YEAGER: In any one year you cannot establish a trend.

ASSEMBLYMAN HERMAN: Then why can you establish it for 18 to 20 in that year, but not for 17?

DR. YEAGER: I went over a five year period at the beginning of my remarks. I said that five years was sufficient time to evaluate it. In none of my charts - in none of my numbers - have I given you one year. And, when you see my formal presentation, every year is listed because it has to be taken in context.

Along your line, Mr. Chairman, if you look at 16 and under who were in fatal accidents - remember 16 year olds can't drive - you see it go from 4 to 11, from 11 to 26.

ASSEMBLYMAN HERMAN: What is your explanation? I am just trying to see what you mean.

DR. YEAGER: The Uniform Crime statistics show that the number of kids under 16, arrested for drunken driving has gone up substantially. I don't have the figures in front of me. So, there are a lot of explanations. But, when you get a variation amongst 1200 fatalities of 3 or 4 in one year, you can't lean on that; you have to look for an overall trend. You have to look from the beginning to the end and you have to look at the points in between, and that is what I have attempted to do in my testimony. Yes, you can pick out aberrations because there will always be statistical aberrations. When there is a terrible accident and six or seven people are wiped out in one accident, then your county statistics go off, your municipal statistics go off and it affects something like this.

ASSEMBLYMAN HERMAN: And, sometimes your aberrations depend upon your point of view as to the statistics you are using, right?

DR. YEAGER: That certainly can be true and we won't deny it. However, I think that--

ASSEMBLYMAN HERMAN: Assemblyman Kern.

ASSEMBLYMAN KERN: Isn't it true that at a recent parents' night at your secondary school the principal said that, yes, there is marijuana in the school and, yes, there are drugs, and the students are using booze and they drink the best because it comes from you?

DR. YEAGER: It may be true. It doesn't come from me nor my family. But, to answer that, we had a very short petition drive - the Coalition; it was essentially the P.T.A. - and in 4 weeks we had 35,000 signatures, and the people were anxious to sign. I think being involved in politics, you have been into petition drives and the like and you know how people are reluctant and shy away. The response can only be described as overwhelming. Yet, when you talk to the parents there is a certain frustration on the part of the parents.

I send my kids out at night and they come back smelling of beer. Now, that one they didn't get from my house. They really, really didn't. When my high school senior - I don't have one yet, I have a junior - goes out to the Bears Nest, which is two blocks from the school, and has lunch there, I don't have control of him. I can tell him don't and all that, but it is so darn available. It is there for them. And, when we see them killing themselves in these accidents, that is my point. Now we have death. Isn't it just criminal that the State of New Jersey and our local municipalities spend, in 12 years, \$20 thousand educating a

kid and he wipes himself out in an automobile accident? What a loss to us financially, to society as a whole. I think that is important. I think we can show quite clearly that this happened over 200 times as a direct result of this bill.

ASSEMBLYMAN HERMAN: One more question and then we are going to go down here.

ASSEMBLYMAN KERN: Why is it, Dr. Yeager, that we have never had this fear in New York State and they have had the 18 year old drinking on the books since the early '30's?

DR. YEAGER: I think you get used to what you have. We were raised in New Jersey. We were raised with 21 and that is what we got used to. If New York were suddenly to drop the drinking age, let's say, to 15, I would expect that the New York Legislature, five years later, might be reviewing its actions and looking at similar sorts of statistics, as we are.

What happened here is, up until 1973 we went along at a certain level. The Legislature passed an Act. We are reviewing that Act. We are trying to see whether it is worthwhile or not. Should it be changed? I heard questions before about the age of majority. Well, I would think if we examined it, the young people do sign contracts well and get married okay. But, in this one area they have failed and they have unquestionably failed.

We couldn't put a Coalition together that is so broad based -- municipalities, mayors, police officers, state police, juvenile officers, and physicians all see it. We all see it ourselves. What I am trying to do here is not give you opinions.

ASSEMBLYMAN HERMAN: Do you know what I find so interesting about those same municipalities? They are the same municipalities that you can't get a dime out of for an alcohol abuse center because they won't put it in their budget. But, that is beside the point. Let me turn it over to Assemblyman Flynn for a couple of questions.

ASSEMBLYMAN FLYNN: Doctor, is your Coalition against the Graves Bill?

DR. YEAGER: We are not against the Graves Bill. We are for raising the drinking age to 21. We find the Graves Bill just doesn't go far enough. The majority of the problems that have been caused by lowering the drinking age to 18 will not be solved by the Graves Bill.

ASSEMBLYMAN FLYNN: All right. If you were to sit in the Legislature and had to vote yes or no when the Graves Bill is put up, how would you vote as a member of the group?

DR. YEAGER: I would vote yes. It would be very lukewarm. There would be no point in my voting against it. Obviously, 19 is better than 18 but it doesn't address the problem.

ASSEMBLYMAN FLYNN: Now, most of your statistics cover the whole gamut - 18, 19, and 20 - so, therefore, they are not even relevant to the 18 year old bill that is before us, is that correct?

DR. YEAGER: They are not relevant to the 18 year old bill because the State Police don't keep their statistics that way. If they were, I would have broken them apart.

ASSEMBLYMAN FLYNN: Right. Do you have any statistics with regard to the number of 18 year olds prior to 1973 that were killed on the highways going to Rockland County, Staten Island, New York City, etc.?

DR. YEAGER: Within the State of New Jersey in 1972, there were 18 people under 21 killed in automobile accidents where alcohol was the cause. They were driving either drunk or impaired - 18.

ASSEMBLYMAN FLYNN: Eighteen people? Now those are people in cars. How about the other car they hit?

DR. YEAGER: The drivers.

ASSEMBLYMAN FLYNN: Eighteen drivers were killed?

DR. YEAGER: Right.

ASSEMBLYMAN FLYNN: In total, how many people were killed in either that same car or in the car they may have hit?

DR. YEAGER: They are not broken down that way, but it usually runs -- if it were 18, I would guess 23 or 24. It is always a few more.

ASSEMBLYMAN FLYNN: All right. Now, are there any statistics since 1972 to see if that has decreased?

DR. YEAGER: No, that has gone up. Okay, I will give you the numbers: '72, 18; '73, 37; '74, 52; '75, 63; '76, 55. From 18 to 37 to 52, to 63, to 55 -- a dramatic increase.

ASSEMBLYMAN FLYNN: Now, those are people that are going to or from New York?

DR. YEAGER: No, I'm sorry, I misunderstood you.

ASSEMBLYMAN FLYNN: That is my question.

DR. YEAGER: Oh. I have no figures on whether they were going to or from New York.

ASSEMBLYMAN FLYNN: You said 18 people were involved in fatal accidents.

DR. YEAGER: That is in the state.

ASSEMBLYMAN FLYNN: In the whole state.

DR. YEAGER: That is in the whole state, where alcohol was a cause, under 20.

ASSEMBLYMAN FLYNN: Oh. It is not going to or from New York. You have no statistics on that?

DR. YEAGER: I have no statistics on where they were going.

ASSEMBLYMAN FLYNN: Is it fair to say that of the 200 extra people that have been killed - according to your statistics - some of them may have been killed anyway because they would have been going to New York to get their liquor?

DR. YEAGER: I would say that figure is after I have taken that number out. I will tell you the way I did it. I took '72 as a base year, 18. Before it was enacted 18 were killed. And then, all those other numbers I gave you - 37, 52, etc. - I subtracted 18 from that.

ASSEMBLYMAN FLYNN: All right. Now, my next question is, in your research - you are medical man, although you are not a physician - is there something different about a 19 year old as opposed to an 18 year old that makes the 19 year old physically able to handle liquor better?

DR. YEAGER: I have seen a theory, it is only a theory and I don't submit it here as fact, that as you get older the proportion of fat in your body increases -- it is not a theory, we know that. With more fat in the body, you are better able to absorb alcohol. So, the leaner and younger you are, the less able, theoretically, you are to tolerate alcohol.

ASSEMBLYMAN HERMAN: That certainly weighs against the President's request for fitness, doesn't it?

ASSEMBLYMAN FLYNN: How about emotionally? Is the 19 year old better able to handle liquor than the 18 year old, emotionally?

DR. YEAGER: I can't make a judgment on that. I would assume so. One

would assume that as you get older you get more mature. Sometimes we can question that. But, if you make that assumption, then the answer would be yes.

ASSEMBLYMAN HERMAN: Just in closing this off, I want to extend my thanks to you. You ably answered these questions and we do appreciate your waiting. I appreciate that courtesy.

Using the 21 to 24 year old group, by the way, it was, in 1976, 13% to the total and in '72 it was 14%, so it did go down 1%. And, you are right with respect to the 18 to 20 year olds. In '72 that was 12% and in '76 it was 15%. So, you don't have to do those calculations, I did them for you.

Thank you very kindly. Assemblyman VanWagner has been waiting here very patiently and he certainly understands the legislative process in reference to time. Assemblyman VanWagner.

A S S E M B L Y M A N R I C H A R D V A N W A G N E R: Mr. Chairman, members of the Committee, I realize you have probably heard a great deal of testimony and statistics on the question of raising the drinking age and perhaps, quantitatively, how far should we raise it. I would like to address myself perhaps to the overall concept of the problem that I think the bill is attempting to address, and that is the increasing concern that has been expressed not only over the number of young people who have been killed or seriously injured on the highways, but I think young people who are now finding alcohol their drug of choice -- because alcohol is a narcotic drug and is so classified. I think you probably have heard all the reasons for this and primarily it is the fact that it is accessible and it is accessible in a number of places and for a number of reasons.

It has been suggested to me that the real impact of the bill that is being considered now, if there is only one bill being considered, is that it will reduce the accessibility of alcohol to students who are still in school. I sense at least, unless I missed the signal from the people I have spoken to who are very much in favor of this bill, that their major concern is that by making the age 19, the younger people in the schools, and particularly those who might be affected by the 18 year old students, would therefore not have liquor as accessible to them. Whether or not that is going to change by advancing the drinking age one year, that is your deliberation and I guess your guesses are as good as mine on that point - and you have heard more studious testimony than mine on that.

I would like for you, as a Committee, to consider, within the framework of this legislation, or perhaps as a companion measure, a bill that has been referred to the Education Committee that I think might well be a part of the consideration of these measures - and that is Assembly Bill No. 1080. I apologize for not having typewritten remarks. That was introduced in April of this year and is presently in the Committee on Education. The bill provides for alcohol education programs for teachers and pupils as part of the curriculum in the public school systems in this state. I won't go into the details of the bill. It is a simple bill. It requires some amendment for reasons which I think other people who may be addressing themselves to that aspect of this legislation will refer to.

These amendments would really provide a more comprehensive plan for providing the educational programs and also provide a vehicle for federal assistance in this area, because there is federal assistance becoming increasingly available each year for alcohol education programs. I think it might go to a large extent toward mitigating some of the arguments that I know school districts and educational people will have on the question of mandated curriculum.

But, going to the point of why I think this is important, very simply, having had some acquaintance with education and alcohol - unfortunately - I think there is still a tremendous lack of knowledge, particularly on the part of young people, relative to what alcohol may or may not do to their abilities to function and further the possibilities of addiction.

I don't raise the question as someone who is against alcohol. It has been a very fine industry in this state. I don't have any objections to anybody using it. But, I think that we have to begin to make people more aware of its use and particularly at grade levels in the elementary and secondary schools. They are subject to a great deal of - a phrase I heard used before - peer group pressure.

ASSEMBLYMAN HERMAN: Dick, may I ask you a question? I consider you, because of your past involvement and past concern and certainly present concern, to be perhaps one of our Assembly's authorities on this. I mean this in a very positive way--

ASSEMBLYMAN VAN WAGNER: I have a Ph.D., believe me.

ASSEMBLYMAN HERMAN: (continuing) --in this matter. From your perspective and point of view, from your knowledge, experience, and present involvement in the education area, what impact do you think the Graves bill will have without a coinciding education bill to go with it?

ASSEMBLYMAN VAN WAGNER: I would have to say that the impact would be minimal. Again, the question was asked before -- would I vote for the Graves bill? In all probability. If I had a preference - and I had not intended to express this - based on the information before us, I would prefer to go with a program like this for a period of time and see what the results are, along with advancing the age to 19, or even 21. I do think there is some factual data that indicates the more time you have to educate people toward the use of a certain agent in society, the better educated they are going to be. There is no guarantee.

But, I am afraid - and I hear this being expressed by the Committee - that we may be holding out something here which I am sure will pass if it is presented to the full House, as it passed in the Senate, which, without this kind of element in it, might well not have the same impact that it would have had if we had the training programs and the educational programs with it.

Obviously, there is going to be some impact, I think, at the level of the number of school students who will be able to get their hands on alcohol. I think there is going to be a definitive impact there. I think the PTA's and the various groups that have testified on that measure are accurate in indicating that the presence of alcohol in the school should be reduced by the Graves measure.

ASSEMBLYMAN HERMAN: How many years have you been teaching, if that is not a big secret?

ASSEMBLYMAN VAN WAGNER: Eleven.

ASSEMBLYMAN HERMAN: And, that has been continuous?

ASSEMBLYMAN VAN WAGNER: Well, up until the last four I spent in the classroom, yes.

ASSEMBLYMAN HERMAN: But, you have been in the school system for eleven years?

ASSEMBLYMAN VAN WAGNER: Yes.

ASSEMBLYMAN HERMAN: The question I would like to ask - and maybe you can only testify to that area of which you are familiar - and which I assume would be of some interest to the Committee is, using '72-'73 as a cutoff, has there been

a difference in the presence of alcohol in the school system?

ASSEMBLYMAN VAN WAGNER: Yes.

ASSEMBLYMAN HERMAN: An appreciable difference?

ASSEMBLYMAN VAN WAGNER: Yes. I would say - I am taking off my legislator's hat now - we went through the '60's, the age of drugs and other types of usages, which were more prevalent, I would say. If anything, I noticed among high school students almost a scorn for alcohol, relatively at least, in some cases. In other words, in many cases - and probably everyone here has heard it - young people would rationalize their use of some of the softer drugs by pointing to the abuse and use of alcohol on the part of their older counterparts. Somehow or other, they saw a rationalization there. I don't see one, but they do. And, then we advanced into the stage where I sensed at least from my own experience, and from other teachers that I talked to and parents, that there seemed to be a move away from that drug orientation - or total drug orientation - to an increase in the amount of alcohol that was consumed by students at various functions. And, that is not to say that that has not gone on for years since all of us were in school.

But, if you are asking me to make comparisons, I did sense an increase. I did sense a lessening of awareness and a growing increase on the part of younger students in the use of alcohol in the schools. How substantial that was, it is hard for me to say in my limited experience. But, more often than not, I think, in any discussion that you would have with young people about alcohol and the use of alcohol, what you do find is just a very low level of awareness on what it can do. It is associated with a social kind of thing and people don't generally consider it to be dangerous in any form.

ASSEMBLYMAN FLYNN: Is there a danger if we turn off the supply of alcohol, which seems to be so readily available, that they will go back to the '60's and go back to the soft drug culture, more so than they are now? Do we run that risk?

ASSEMBLYMAN VAN WAGNER: That is hard to say because I think that also becomes a matter of economics too. I don't know what trends are there. You know, I am not a part of that whole culture and I don't really know what people would do if they were no longer able to get alcohol -- whether or not they would turn back to something else.

ASSEMBLYMAN HERMAN: This alcohol problem, in the schools that you see, do you see it as a result of kids coming in inebriated or is it a question primarily of a kid bringing in package goods and giving them to peers?

ASSEMBLYMAN VAN WAGNER: I have experienced both situations and I think most people who have worked in school districts have also. These may be just using isolated cases. You know, unfortunately, there is probably no hard data available as to how many times this occurs. But I have experienced both cases, with students coming in in the morning, obviously having had something to drink.

ASSEMBLYMAN HERMAN: In the morning. How about during the day?

ASSEMBLYMAN VAN WAGNER: During the day I think you become less aware of it, perhaps, unless something occurs that brings your attention to it. It is only during certain times in the school year, which are kind of traditional times. And, you know, I don't mean to sound like I am dismissing it as nothing. But, it is not like I have just seen it. It is something that occurred before at the end of the school year and things like that.

I did note, for example, that there was some indication that it was easier to party because now you had a friend who you could tell before 3 o'clock to get a couple of cases, or whatever. I don't want to get too far into this because I don't want it be a indictment of young people. You know, these situations were isolated situations, as I said. And, I have to say this: There has been talk about, and even reports of in national magazines, epidemics of alcoholism among young people. I don't see that occurring. I do see an increase, as I mentioned at the outset, in alcohol as a - for the want of a better terminology - drug of choice among young people.

I think the doctor before and others have measured the statistics in terms of highway accidents and so on. I look at it in terms of what is already a major health problem in the United States which could, without the proper educational facilities being provided, become a worse health problem because once you make alcohol more readily available to a wider range of people, you have to deal with the problems that might come along with it.

ASSEMBLYMAN HERMAN: Before I ask whether any of my colleagues to my left have a question, I wish to announce that we are going to have one more witness, Mr. Katz, from 12:30 to 12:45 and we are going to return here 15 minutes beyond our schedule, at a quarter of two. Keeping with that, we have about five or six more minutes with this witness, if we need it. I am now going to ask my colleagues to my left if they have a question.

ASSEMBLYMAN KERN: Yes. I am not familiar with your background and your present occupation. What is that?

ASSEMBLYMAN VAN WAGNER: I am a recovered alcoholic -- recovering alcoholic.

ASSEMBLYMAN KERN: What is your occupation?

ASSEMBLYMAN VAN WAGNER: I was a teacher. Now, I am a Federal funding coordinator.

ASSEMBLYMAN KERN: In the school where you have worked and have experience, what are the regulations with respect to alcohol on the premises?

ASSEMBLYMAN VAN WAGNER: In any school - and I don't like to dictate board policy for any particular school district - it would be a means of immediate suspension if it were discovered. I don't say that my school district either has particularly had that difficulty. I am kind of generalizing my remarks. I would say in most schools if that was discovered it would be a cause for immediate suspension and it would probably be an interaction on the part of a counselor to get to the bottom of what the problem was. Many schools have what they call crisis intervention teams, which are made up of psychologists and social workers, where that child might be referred if it were other than an isolated incident, so that a determination can be made if there might be a problem with the child.

I would say, by and large schools take reasonably swift action when they discover it.

ASSEMBLYMAN KERN: How long would the suspension be for?

ASSEMBLYMAN VAN WAGNER: I would say that it would all depend on the conversation that would ensue between the parent and the child and the nature of the offense too. It might be very serious depending on what occurred when the student brought the liquor in. Then again, it might be an incident where students were just momentarily incapacitated and caused some ruckus and things like that. It would depend upon the gravity, I think, of the situation.

ASSEMBLYMAN KERN: What would be the rule -- or, is there a rule or regulation with respect to dealing with students that are intoxicated in school?

ASSEMBLYMAN VAN WAGNER: Specifically, do you mean?

ASSEMBLYMAN KERN: Yes. Is there any uniform way of dealing with the situation?

ASSEMBLYMAN VAN WAGNER: I can't say, Assemblyman. I really don't know. I have to answer by saying I don't know. I don't know whether there is.

ASSEMBLYMAN DOWD: You have described the 60's as a period of drug experimentation.

ASSEMBLYMAN VAN WAGNER: That is popularly the way it is viewed. I don't know.

ASSEMBLYMAN DOWD: Drawing on your personal experience and education, it has been primarily in Monmouth County, right?

ASSEMBLYMAN VAN WAGNER: Right, and some other urban areas.

ASSEMBLYMAN DOWD: It is accurate to say, isn't it, that the use of marijuana has been on an upward swirl? That hasn't let up?

ASSEMBLYMAN VAN WAGNER: Yes, I think I indicated that the softer drugs remain available - the so-called softer drugs - and their use has not been particularly abated. I think we are entering a period now, not only among young people but among a lot of people, of so-called poly-addiction, where people are mixing alcohol and pills. I think that is a very dangerous, if you will, by-product of some of the things that are happening.

ASSEMBLYMAN DOWD: In the early '70's - I forget the exact year - the Legislature enacted a law and the Governor signed it, which changed, slightly, the way this state treated those who were apprehended with small amounts of marijuana. It still remains, as you know, a criminal offense. Has there been any noticeable increase, or change, in the use of marijuana or any other drug that you have been able to detect as a result of the status of the law?

ASSEMBLYMAN VAN WAGNER: Not of marijuana. I have not seen a substantial change.

ASSEMBLYMAN DOWD: Would it be fair to want to investigate whether such increases as there has been in alcohol use amongst teenagers - high school students - may be as much a societal, cultural, developmental type thing as it is related to the status of the drinking age in New Jersey? In other words, haven't states where there has been no change experienced similar increases?

ASSEMBLYMAN VAN WAGNER: Yes, I think I was pointing in that direction at the outset, when I said I was addressing myself conceptually to this more so than on the substantive measure you have before you. I think I indicated - or I tried to indicate - that much of that use comes from social pressures, particularly with alcohol because it is legally obtained, it is not something where there is a penalty attached to it necessarily, unless you are below a certain legal age. I frankly have to answer this way, and it sounds like a terrible answer for someone to give, I don't know whether those factors that you just mentioned have a greater impact on the use and abuse of alcohol than would raising or lowering the limit. I don't know; I really don't.

ASSEMBLYMAN FLYNN: I don't want to get you into a controversy with Commissioner Burke, but earlier Commissioner Burke was asked why don't we have some compulsory alcohol studies programs and his answer to us was, "We do", that is a component of the existing health program. Now, would it be your impression that

either it is inadequate in terms of time or inadequate in terms of the compulsory nature of it in certain systems?

ASSEMBLYMAN VAN WAGNER: Both.

ASSEMBLYMAN FLYNN: In scope?

ASSEMBLYMAN VAN WAGNER: Both. I don't like to differ with Commissioner Burke as a practical matter, however, yes, part of the health curriculum in the school districts are relegated, shall I say, to a certain number of hours of drug and alcohol training.

Let me give you an example, and a good example. That is very much the point. I guess in 1969, if I am not mistaken, there was, as I mentioned, a growing alarm over the use of drugs in the schools and during that period of time widespread in-service training was provided by the State of New Jersey for school districts to give training to teachers who, in turn, would be able to provide instruction on drug use and abuse. Incorporated in that whole curriculum change, if you will-- I believe included in that was the alcoholism and the alcohol as a drug. I think that is where the programs are now centered -- in the school districts, the ones that are running.

I am of the opinion - and this is only my opinion - that when you deal with alcohol and you deal with instructional areas in terms of teaching people about alcohol, you really have to do it in a context away from other drug usages. This is not because one isn't as bad as the other, or not because there isn't a tendency to mix the two, but because of the fact that one - as Mr. Dowd pointed out - has become culturally, socially, and legally acceptable for use in our society. And, it is not a question of saying don't use it, it is a question of educating people so that they know how to use it and they know what the danger signals are when they begin to abuse it. It is amazing that a substance that is so readily obtained in society does not carry with it more awareness on the part of people about the fact that it can be abused.

People were shocked over the fact when about two months ago, on the front cover of the Sunday New York Times Magazine, there were a list of drugs, including aspirin and Bufferin and things like that, that if used with alcohol could tend to be lethal. And, the number of people in this state and in this country that are probably unaware of that is probably staggering.

ASSEMBLYMAN FLYNN: One last question. Besides the Graves Bill we have several other bills that are more or less kicking around the Committee. They are not presented actually to the Committee, but the Committee could amend the Graves Bill. We have the Hardwick Bill. Now, Orecchio has introduced a bill. Do you perceive the problem to be more of the 18 year olds buying liquor and giving it to younger students, or the 18 year olds themselves drinking and being allowed to drink?

ASSEMBLYMAN VAN WAGNER: That is a tough question. Now I know why you are a lawyer.

ASSEMBLYMAN FLYNN: If you haven't given it that kind of thought then I don't want you to answer.

ASSEMBLYMAN VAN WAGNER: Gee, that's hard. I am going to reverse this and I don't mean to sound rhetorical. I think from my vantage point I would have to perceive the problem more in the school setting sense, if we are talking about increasing it to 19 - okay? I am trying to be specific. My perspective would be more the case of the 18 year old handing it off to younger people, or younger people having 18 year olds more accessible to them - all right? Now, that is a strong case, I realize that, because now you are saying, "Well, why are we attacking

the 18 year olds." That is part and parcel of why I presented this bill for your consideration because if that is the case, then we ought to be pointing toward education rather than adjustments in the age. However, I have to say this: Statistics have borne out the fact that there has been an increase in highway deaths and I don't have any hard data to combat that, between 18 and 21, other than what I heard from the doctor. So, in light of that, I would probably - in all probability - support the Graves measure because I think it gives you some opportunities to do the other things.

ASSEMBLYMAN HERMAN: Now we see why you are such an excellent Assemblyman. Seriously, on behalf of the Committee, we want to extend our thanks for your coming down to share your expertise, not only in your legislative capacity but also in your work and experience capacity. It is appreciated that you took the time out to come down.

ASSEMBLYMAN VAN WAGNER: You have a very difficult judgment to make, I know. I appreciate the time.

ASSEMBLYMAN HERMAN: Mr. Katz, please. Mr. Katz will be our last witness. I asked Mr. Katz if he wanted to appear at 1:30 or if he wanted to appear at 12:30 to 1:45. He has been waiting here this morning and we are going to afford him the 15 minutes.

Is Mr. Hughes in the audience, by the way? Jim, I am sorry to keep you tied up, but you will be our lead off at 1:45.

J O S E P H K A T Z: Thank you, Mr. Chairman. I will try and finish up by 12:45, if not sooner. I am Joseph Katz and I am representing the New Jersey Hotel-Motel Association and the New Jersey Restaurant Association.

I am here to take a relatively distinct position, which is no position on the drinking age. We have studiously avoided commenting on what the drinking age should go to. But, we have another problem which is unique to this industry and that is the working age. As many of you know, a great part of the restaurant and hotel industry in New Jersey is seasonal because of our role as a recreational state. And, because of that, we have employment problems. We need people who are able to work during the seasons.

Again, even in the non-resort areas, our demand has peaks and valleys. Weekends are big. We need people who can work on weekends and who can work sometimes in the evening. But, weekends are a big source of employment.

We have found that young people, particularly college students or seniors in high school, can be of great assistance in meeting these needs. We have been able to put them to very good use and they have been able to earn much needed money to pay their tuition, or for other purposes.

Now, since 1968 we have had a law that permits younger people, 16 and 17 year olds, to work in licensed premises, but not to sell, serve, or solicit alcoholic beverages. With the change in the law in 1972, it then became possible for 18 through 20 year olds to work at much more lucrative positions, such as waiters and waitresses rather than bus boys, kitchen help, etc., and to make a pretty decent buck, whether it was in the summer, on the weekend, or even in the evening.

Now, we are concerned about what we think it an inadvertent effect of this legislation. It has been publicized as an increase in the drinking age, but if you will notice, in both the Graves and the Hardwick bills, the word sell is included in there. That in itself presents a problem because what does sell mean?

Does it mean any aspect of dispensing alcoholic beverages? The ABC, in its regulations, treats sell as different and distinctive, in my opinion, from waiting on tables. It says: "Sell, serve, or solicit." So, that is unclear.

My purpose in coming here is to inform you of this problem and to ask you, if you agree with us - and I hope you do - to, if you are going to move this bill, move the parenthesis over one word in front of purchase instead of sell. I think that would take care of our problem.

Should you pass it in this form, without any amendment, I think you are going to create more problems.

ASSEMBLYMAN HERMAN: Assuming, Joe, for the purpose of our discussion here today, that we do that, will your clients - that you represent in this particular matter - who appear to be the New Jersey Restaurant Association-Hotel Motel Association, then have any objection to this bill being passed and made law?

MR. KATZ: We have no position on it. There are varying opinions within the membership, but the Boards have decided not to enter this question and to leave it to the wisdom of the Legislature and the Governor.

ASSEMBLYMAN HERMAN: That is an interesting position.

MR. KATZ: As Associations, that is. There is some economic impact, sure. We sell alcoholic beverages to 18 year olds - 19 and 20 year olds too - and we would lose those sales.

ASSEMBLYMAN HERMAN: Does anybody have any questions for Mr. Katz? (no response) Thank you very much.

We are going to break until 1:45 for lunch. I would like to start right on the dot. That will only put us 15 minutes behind schedule, which means by legislative time we are one and one-half hours ahead.

(lunch break)

AFTER LUNCH

ASSEMBLYMAN HERMAN: Ladies and gentlemen, we are going to reconvene the hearing. I am going to call as our first witness, James Hughes, from the State Safety Council. Mr. Hughes, the floor is yours, sir. Thank you for waiting through the morning. We appreciate that.

J A M E S H U G H E S: No problem. It was very interesting.

Gentlemen, I am James F. Hughes, Director of the General Education Division of the New Jersey State Safety Council, a non-profit public service organization dedicated to the reduction of accidental death and injury. I wish to express the Council's appreciation for the invitation to appear at this public hearing and to state that the Council is alarmed by the rash of highway crashes, which have snuffed out the lives of so many young adults since the legal age for the purchase and consumption of alcoholic beverages was lowered from 21 to 18 years in 1972.

Assemblymen, when the age of majority law was enacted in New Jersey, the Safety Council questioned the wisdom of lowering the drinking age, citing the Michigan State Police Reports which indicated that during the first six months the law was in effect, alcohol-related highway crashes rose 144%, injuries increased 140% and deaths increased 90%. At that time, the Council urged responsible government officials to take positive action to prevent a similar experience in New Jersey.

The result of this call for action was an alcohol education program which was instituted in many high schools in the month of December, 1972. A special Fatal Accident Tabulation Program was established in the Division of State Police as a result of the Council's call for action.

Unfortunately, Assemblymen, the education program did not have the desired effect of reducing the number of 18 to 20 year olds who are involved in highway crashes, while either drunk or impaired. To counteract the shocking problem of highway deaths involving the irresponsible use of alcohol, the Council recommended in July, 1977, that a study be conducted to determine whether consideration should be given to raising the drinking age; that local police departments in cooperation with the news media develop programs to advise motorists that they are actively enforcing the drinking-driving laws; that state and local authorities establish uniform closing hours for all establishments that serve alcoholic beverages; that police departments step up enforcement of the drinking-driving laws, especially during the early morning hours and summer weekends.

The Council also suggested that local school districts, with the assistance of the State Department of Education and other responsible agencies launch an alcohol education program to clearly explain to students the consequences of drinking and driving.

It is our understanding that as a result of the Council's recommendations the Attorney General of the State of New Jersey formed a Task Force to study the problem of the youthful drinking driver. And, at this time, we are still awaiting this report. Inasmuch as it is not a public report, we have not received a copy of it.

The Council hopes that as a result of the Attorney General's Task Force Report and these public hearings, that statistics will be produced which will show the number of New Jersey drivers by age, the percentage of population they represent, the number and/or percentage of each group involved in fatal accidents where alcohol is a factor, and the number of summonses each age group received for violation of the drinking-driving statutes. This information we put into perspective - the involvement of each age group and the drinking-driving problem - and would be an aid in determining the value of raising the drinking age from 18 years.

The subject of discussion today, the raising of the legal age for the purchase and consumption of alcohol as relates to the driving task, has been researched by the Council through the National Institute of Alcohol Abuse and Alcoholism, U. S. Department of Transportation, and the Insurance Institute for Highway Safety.

Gentlemen, the New Jersey State Safety Council will support increasing the age of majority for the purchase and consumption of alcoholic beverages, as contained in the bill we are discussing today. The Council also recommends that a quality alcohol education program, as it relates to the drinking driver, be implemented in the schools without delay.

For your consideration, we are presenting a copy of the National Institute of Alcohol Abuse and Alcoholism's minimum drinking age background paper and other materials.

At this point, I would like to thank you for the opportunity of appearing before you this afternoon and I will answer any questions you may have.

ASSEMBLYMAN HERMAN: Thank you, Jim. Do you believe that the raising of the drinking age to 19 will have any substantial impact without a full throttle

educational effort?

MR. HUGHES: If we don't have an educational program accompanying an enforcement program, the benefits will be minimal. I think we must have an educational program; there is no doubt about that.

ASSEMBLYMAN HERMAN: You were here when the Commissioner of Education testified this morning?

MR. HUGHES: Yes.

ASSEMBLYMAN HERMAN: And, are you familiar with any of the programs that do exist in the schools? And, could you perhaps comment on them?

MR. HUGHES: Well, all I can say is, in the Summer of '76, I believe it was, when the Council first raised this point we had meetings with a variety of groups and one of the groups with which we met was the Governor's Advisory Council on Alcoholism. As we sat around the table discussing it, I believe the consensus of the people on the Governor's Advisory Council was that the quality of the alcohol educational program, as presented in the schools was abysmal. I believe that is the word they used.

ASSEMBLYMAN HERMAN: Has that changed any in your opinion?

MR. HUGHES: I have heard of no change. I still find schools which are looking for materials. One of the areas they brought out was, they said there were many teachers who were not qualified to teach alcoholism, or about alcohol, and in some instances they found the algebra teacher teaching alcohol on his or her free period and they were not prepared.

One of the things which we mentioned previously to the Council, and it is one of the things contained in Assemblyman Van Wagner's bill, is the need to set up seminars, or work shops, for teachers -- the same as we did for the drug teacher and the sex teacher. Let's send them to wherever -- Glassboro, or Rutgers, or Seton Hall, or wherever you think best -- and assign them for a week to become an instructor and the people who are certified can then do the instruction.

I would think that even though there is a requirement for \$175 thousand in that bill for funding, the Highway Safety Act monies in the Governor's Office of Highway Safety might be an avenue through which funds could be supplied without tapping the available budget.

ASSEMBLYMAN HERMAN: Are you familiar with the Alcohol Safety Action Program, designated as ASAP, in Virginia?

MR. HUGHES: There are a variety of them. I don't know Virginia's all the way.

ASSEMBLYMAN HERMAN: Can you comment on those, as to their efficacy?

MR. HUGHES: No, the Insurance Institute for Highway Safety, which is the research body for the insurance industry, has come out and said many of the ASAP's were not terribly effective, but New Jersey doesn't follow the ASAP program, as they have outlined it. New Jersey's program apparently produces a lower rate of recidivism. It is more effective here.

ASSEMBLYMAN HERMAN: Are you talking about the alcohol training in Motor Vehicles?

MR. HUGHES: The training programs conducted by Pat Shepard's office and Jack Waddington's operation.

ASSEMBLYMAN HERMAN: Does any member of the Committee have any questions of Mr. Hughes? (no questions) Jim, if we could have a copy of your statement, we

would appreciate it, and any other information you think we ought to have.

MR. HUGHES: Very good. Thank you.

ASSEMBLYMAN HERMAN: Thank you. Mr. Chesner, please.

W A L T E R W. C H E S N E R: Mr. Chairman, I want to thank you on behalf of the Secondary School Principals and Supervisors of the State in providing us with this opportunity to make this input. When I talked with your aide, she indicated that she would like two things done, one would be for us to discuss our position and the other would be to perhaps bring some ideas and so I have Dr. Bernard Shapiro, from the Cherry Hill East High School with me, who will talk briefly about one of his programs.

The New Jersey Association of Secondary School Principals and Supervisors adopted the attached Resolution back in May of 1978. I will just paraphrase by saying that essentially what they said was that they favor a change of the drinking age to 21, but they certainly feel that if 21 is not attainable it should be changed to age 19.

The reason for their feelings - and this, by the way, was voted on at a Board of Governor's meeting, where we have representation from every county in New Jersey, as well as members-at-large - were given as follows:

Principals have a problem with proms. As you know, every senior and many of the junior girls, and I guess oftentimes it goes down to freshmen, are involved in their proms every year and when you pick a place, most of them with facilities large enough have one or more bars and it becomes very difficult to try to enforce no drinking rules.

Also, many schools have athletic banquets and here again many 18 year olds are included as well as younger students and the same problem exists.

When schools take students on field trips or class trips, the problems of supervision have multiplied as older students can disappear into a nearby bar or liquor store and be served and then later on share it with others.

The incidence of alcohol being brought into the school or into school parking lots for consumption or distribution to other students has increased considerably since the drinking age was lowered.

Frequently, acts of violence and vandalism - and I think this is a very critical area - that occur during school hours and after hours can be traced directly to students having been under the influence of alcohol or other drugs when the acts were committed. Misconduct at athletic events has frequently been the direct result of students being under the influence of alcohol and some of you have attended basketball games and you may have had the opportunity to witness some of that kind of activity.

The increase of alcoholism among teenagers is a serious societal problem which cannot be ignored. We do not claim at all that raising the drinking age to 19 or 21 will solve the basic problem, but we do believe that it will serve as an effective deterrent and will contribute directly to the reduction of alcohol related problems in the schools and at school related activities.

Statistics show that our position is a reasonable one. In a national longitudinal study of high schools of the 1972 graduating class, it showed that 2.6% were age 20 upon graduation, 18.8% were age 19, and 75.4% were age 18.

This clearly demonstrates that at least 75% of our graduates come of age during their senior year and significant numbers are of age during the junior year. Thus, we are convinced that raising the drinking age will contribute to more

orderly schools and a decrease in vandalism and violence.

We believe that only a combination of stricter laws, better enforcement, better parent education, greater community involvement, and more comprehensive instructional programs in the pre-high school and early high school grades, and an increased emphasis on the responsibility of the home to help children develop values is what will be required to address the teenage drinking problem.

We feel that as leaders of secondary education it is our responsibility to urge the Legislature to take favorable action on legislation which will raise the drinking age to at least 19. We feel that every day there is delay in this action can bring more tragedy into lives of more young people and their parents.

Having served for a good number of years as a high school principal and having had to attend funerals, I personally know how it feels and even if one life is saved by a change of legislation, the whole thing is worthwhile, regardless of what all the statistics seem to indicate.

I am going to ask Dr. Shapiro to talk a little bit now about a program that he has in force in their school district that we think is a significant one. D R. B E R N A R D S H A P I R O: Thank you all. Several years ago in Cherry Hill, a local pharmacist became alarmed at the problem of drug abuse in Cherry Hill and began working with the school officials at that time to develop what we believe today is a significant attempt to inform young people about the abuse of drugs. Please understand alcohol is one among many drugs, obviously, and cigarettes, marijuana, and various kinds of drugs were included as well.

The essence of this program is that high school students, boys and girls in the 11th and 12th grade years take a course during which they learn to teach the abuse of drugs to young children and they get credit for this course at the high school level. They work under the direction, at Cherry Hill East, of the Health Chairman. They then go down and teach a prescribed curriculum to all the students in grades kindergarten through five. They spend 40 minutes with each class and then they turn over to the classroom teacher a variety of materials which that teacher uses from that point on to follow up the lessons taught by our students.

Now, obviously, this program is on top of, and somewhat different from, the basic health program that was described this morning by the Commissioner, I understand. So, in Cherry Hill we have both. This is a program that has been -- well, I was about to say successful and then of course I realized that I am really not sure that any program can accomplish all of the objectives that all of us would have for alcoholic instruction, but we believe that it has done some good and we believe that it is on the right track. The pharmacist has phased out and it is now under the direction of the school system entirely.

That is the sum and substance of the program at Cherry Hill. It is operating at both schools. We have about 45 students at East and I am not sure of the numbers that are involved at West who are getting high school credit. All of the children in the district, from grades K to 5, are getting instruction from our high school youngsters.

ASSEMBLYMAN HERMAN: Does any member of the Committee have any questions? I will start off on this side. Mr. Thompson. You can direct your questions to either Mr. Chesner or Dr. Shapiro.

ASSEMBLYMAN THOMPSON: Dr. Shapiro, from prior testimony, I think that is a good step in the right direction - what you are doing in Cherry Hill. I

wonder why we don't have a uniform system in this State in that direction, as far as approaching the problem. Perhaps I should direct my question to the other gentleman. You are with secondary education in New Jersey?

MR. CHESNER: I am Director of Governemtal Relations for the New Jersey Association of Secondary Schools.

ASSEMBLYMAN THOMPSON: Oh, I see.

MR. CHESNER: I think that in terms of uniformity, the way our guidelines are set up in the requirements from the State, it just indicates that you have to have a program and then the program becomes as important -- or receives the amount of stress that the local district wants to place on it. I was talking to someone the other day about this program. You asked earlier of a previous witness, are there any changes? There are changes. They gave me a list of about 7 or 8 different school districts who have put in what they consider landmark programs now to improve the instruction at that level. But, I think that many schools is not enough. I think a lot more needs to be done.

ASSEMBLYMAN THOMPSON: I agree with you and I think one of the problems that we face is that there was the same situation with narcotics, where for years certain suburban communities refused to admit that they have a drug problem. If it is true that this is a statewide problem, then we should approach it on a uniform basis in order to get any type of favorable result.

MR. CHESNER: I think that the feeling of the State Association is that we too don't too much go for the idea of mandated curriculum, per se, but we do feel there should be incentive type programs and funding for training of teachers, because that is, again, basic to the problem. If you don't have the personnel, properly trained, to work with the youngsters in any health program, whether it is a standard one they have now or whether it would be some kind of new program, then the program will not go very far.

ASSEMBLYMAN HERMAN: Don't you think that is a reasonably inconsistent view, with all respect to you, to say that in certain areas we disagree with mandated programs to protect home rule, but this is a state and national problem which has to be handled? What do we do about those schools which just don't do it?

MR. CHESNER: Well, I think if a school isn't going to do it, whether you mandate a program or not it is not going to guarantee the quality; it is only going to indicate that they are going to put a certain amount of resources in.

ASSEMBLYMAN HERMAN: I thought that was what T & E was all about. Go ahead, Mr. Thompson, do you have any more questions?

ASSEMBLYMAN THOMPSON: No.

ASSEMBLYMAN HERMAN: Mr. Flynn.

ASSEMBLYMAN FLYNN: Doctor, when were you a principal of a secondary school?

MR. CHESNER: Up until about three years ago.

ASSEMBLYMAN FLYNN: All right. So, you were a principal during the time prior to the new law going into effect?

MR. CHESNER: Yes, absolutely.

ASSEMBLYMAN FLYNN: Didn't you have problems with proms then, with the youngsters going out from the school where the prom was held, or bringing alcohol in their pockets or in their purses, or what not? Didn't you have the same problems then?

MR. CHESNER: No, I did not have the same problem. I think perhaps

Dr. Shapiro could perhaps add to what I am going to say. As a principal we ran a very tight prom. We had rules and regulations established and we had letters go out to the parents explaining exactly what the rules were and if a student showed up under the influence of alcohol, he and his date - or vice versa - were kindly invited to go home. The kids knew that this rule was there and they abided by the rule. This doesn't say that on occasion someone didn't sneak out to the parking lot, although we had the parking lot covered as well, by attendants. They couldn't get out to the cars. But, it was a tight program in anticipation of that.

Once the drinking age was changed, then the problem was brought into the building, per se, wherever the prom was being held, and that is much more difficult to try and supervise.

ASSEMBLYMAN FLYNN: Well, couldn't you make the same rules and send the same notices out, that despite the fact that somebody is 18, during that prom he can't drink? Wouldn't you have the same ability to make the same rules if you wanted to?

MR. CHESNER: You can make the same rules, but I think the supervision with some of the places where there are two or three bar rooms around becomes more difficult.

I know I have talked with the other principals in Somerset County and they have some pretty stringent rules, but the fact that it is accessible makes it very difficult to keep the kids just in one area. Remember, you might have, depending upon the size of the school, 250, 300, or 400 young people in one area and you may have 8 or 10 chaperons and it becomes difficult, depending on the selection of the site, to cover it effectively.

ASSEMBLYMAN FLYNN: What I don't seem to see is the difference between pre-1973 and post-1973. If you had tight supervision before, I don't see why it suddenly loosened up because they can actually have a legal drink. It would seem to me the supervision is going to be the same and the measure of enforcement is going to be the same -- prior and post.

MR. CHESNER: I will see if Dr. Shapiro has a comment on that.

DR. SHAPIRO: Yes, I think the only fair thing to say about that is it is more difficult now and the reason is the obvious one - that the students who are under 18 now are closer to the age of their friends who have legal opportunities to purchase alcoholic beverages and therefore they share them with their friends. I think the difference is one of degree, not of substance.

ASSEMBLYMAN HERMAN: Don't leave that for a moment, please. Dr. Shapiro, then how would you apply that same principal to marijuana, which is illegal but which use has increased among high school teenagers, prom or otherwise? How would you respond if Mr. Flynn had asked you that same question as it applies to marijuana?

DR. SHAPIRO: I would respond the same way. I think the problem is a greater problem today than it was a few years ago, with respect to marijuana.

ASSEMBLYMAN HERMAN: What does it have to do with legality and non-legality? There is a difference, I assume, for the purpose of this discussion - and I won't confuse the two terms - of accessibility versus non-accessibility and legality versus non-legality. Now, can you perhaps couch your responses in terms of accessibility, non-accessibility, versus legality, non-legality?

DR. SHAPIRO: The only reaction I could give to that is that I would assume that if it were illegal for a person to purchase it, it would be less accessible to that person.

ASSEMBLYMAN HERMAN: How about marijuana, which is illegal? Now, we both know that the frequency of use has substantially increased. How would you respond in that regard?

DR. SHAPIRO: Well, I think there is a societal problem that may underlie law and morality that I am not sure we are addressing with the existing structure.

ASSEMBLYMAN HERMAN: I am asking you, in your school how do you approach that? You are taking the position, if I understand the Assemblyman's question, that the legality of the alcohol in essence makes it more difficult to enforce. Now, I want to know how you would apply that to your evaluation of marijuana, which obviously, according to today's law, is still illegal to use but nevertheless whose use has increased?

DR. SHAPIRO: Well, I am not sure I can address that as directly as you would like me to. What I can say is, when students are discovered in possession of, or under the influence of, marijuana, or any controlled substance, we have a policy that deals with that and most of those students are suspended. They are checked by a physician and we have a working relationship with the Safety Department and the Health Department in Cherry Hill to deal with those things. I am not sure that the situation can be dealt with by law that clearly, with respect to marijuana. I think at the moment that is very difficult.

ASSEMBLYMAN HERMAN: Why do you think alcohol can be dealt with in the same way?

DR. SHAPIRO: Well, I don't think it will solve the problem. I think it will alleviate it somewhat. I think that underneath it is a very, very difficult societal problem.

ASSEMBLYMAN FLYNN: I just want to follow up on that. Basically, the question we have to decide is whether this bill, taking the merits of the bill versus the possible demerits of it, is worth passing. What I am trying to ascertain is, if we pass the bill we are going to create a whole new class of quasi-criminals - and that will be those 18 years of age who now go out and in some way, shape, or form obtain liquor. We are going to make them criminals. Is the reeducation, as a result of passing this bill, worth it -- not the hoped for reeducation? You are on the job. You see it -- the real world. Is the reduction that will be accomplished by the passage of this bill worth it? Can you answer that one?

DR. SHAPIRO: My judgment is yes. I think it would be better if it were 20 and better yet if it were 21. But, 19 is better than 18. In essence, I think we are in a line drawing discussion here and at some point the law is going to have to draw a line. Those of us working with adolescent youngsters would hope the line would be drawn high enough over that age limit so that the trickle down process would have a minimal effect. However, as I understand it, that is not on the table at the moment, so we are talking about a 19 year old bill as compared to an 18 year old reality.

ASSEMBLYMAN FLYNN: Well, in actuality, this Committee has the power to amend, so I think it could be on the table. The specific bill is 19, but this Committee has certain powers. You would think 21 would do the job much more effectively than 19?

DR. SHAPIRO: Yes, sir.

ASSEMBLYMAN FLYNN: And you are saying it would do a job. It wouldn't just be paying lip service to something?

DR. SHAPIRO: I don't believe it is going to eradicate alcoholism from

our society, if that is your question.

ASSEMBLYMAN FLYNN: No, not that much. Will it keep some alcohol out of the high school parking lot? That is what I want to know.

DR. SHAPIRO: Yes. I believe that.

ASSEMBLYMAN HERMAN: Assemblyman Mays.

ASSEMBLYMAN MAYS: In your survey -- you did a national survey about people graduating at 20 years of age, 2.6%; and age 19, 18.8%; and 18, 75.4%. Do you have the state statistics, or state average?

MR. CHESNER: No, I don't. I don't have the state average. In fact, we couldn't find the state figures. I was trying to get the information for Mr. Graves when I spoke with him about the bill earlier. The best anyone could come up with was this national survey on that particular class.

ASSEMBLYMAN MAYS: The reason why I asked you that is, going by the statistics here, nationally you have 21.4 of the graduating class over 19 years of age -- 19 or over. If this bill were passed, in effect it would still be legal to drink.

MR. CHESNER: Yes, there are still a number of 19 or over. I think that in the original information that this was taken from in order to come up with a reasonable length presentation, we indicated that we felt because of the graduation policies in New Jersey, probably we would graduate a higher percentage at 18 than the national average would indicate.

ASSEMBLYMAN MAYS: You have given me all the reasons why you think it should be changed to 19 years of age. You said it was because of proms, you said it was because of parking lots, but you never said they were caught in school.

MR. CHESNER: Yes, I think we did indicate that the incidence of bringing it into the building was a problem. We didn't address it quite the same way. But, the incidence of alcohol coming into the building is a very real problem. When I was in the principalship, the problems that began to show up in the locker room and in the lavatories - the empty beer cans the custodians would report to us were in the lavatories.

ASSEMBLYMAN MAYS: Did you take action? Did you suspend or expel these students? Or, did you send them home?

MR. CHESNER: If you could find the students who brought the materials in, or who were consuming it, absolutely yes.

ASSEMBLYMAN MAYS: Did you send those statistics to the Commissioner while they were suspended?

MR. CHESNER: The Commissioner's reports -- Bernie, you have worked with those more recently than I have. I don't know that they have that fine a break-out in terms of the reasons for disciplinary measures. Right now, they are trying to deal with it in violence and vandalism by getting a more complete break-out there. But, I don't think all of that detail is listed. What is your recollection?

DR. SHAPIRO: No, I don't think so. I think there is a category. We use the same category that the statute uses and I believe there is a category for controlled substances.

ASSEMBLYMAN MAYS: I am from District 31, that would cover Jersey City and Bayonne and I am worried about passing this bill because I am worried about our students going over to New York and getting killed coming back from New York over either the George Washington Bridge, the Lincoln Tunnel, the Holland

Tunnel, or the Verrazano Bridge. I am worried about my constituents there. I can't see if we pass the bill that it is going to do anything to stop them from going over to New York and taking money from New Jersey over to New York.

MR. CHESNER: I can see your point of view from those of you who are immediately neighboring New York, but then we have the whole State of New Jersey as well and I don't know that the traffic would be quite as heavy there.

ASSEMBLYMAN HERMAN: Assemblyman Dowd.

ASSEMBLYMAN DOWD: On that point, I represent the North Jersey shore and the distance to be traveled is considerably greater. I know when I was in high school, everybody -- not everybody, but most people at my high school prom, which was a very strict and good Catholic high school -- drank at the prom, notwithstanding the strict regulations and I know that many of us traveled again and again to New York and there were many instances of young people being severely injured in my county and in our area. Doctor, you made a statement earlier that if this bill saved one life it would be worth it. Unfortunately, we don't have statistics to tell us how many people were killed prior to the 18 year old drinking, by going to New York and coming back.

But, wouldn't it be a pretty expensive experiment if it turned out that since we have given this category of citizens the right, the legal right - you can call it a privilege - to consume alcohol and then we take it away from them - and, you would like to go to 21, Doctor - and find that massive numbers traveling great distances from the North Jersey shore - an hour or an hour and one-half - up the Garden State Parkway and the Jersey Turnpike, over those bridges and through those tunnels? We don't want to have to answer to anyone who points a finger at us if we don't move this bill, saying, "See, there was a serious accident and you should have voted for that bill to raise the drinking age; it is your fault." But, I don't think you want to be in the position of having to answer someone who says, "Because you raised the drinking age and took away from a group a right that they now have, therefore you are responsible for some sort of a massive increase in those kinds of deaths."

My basic question is, absent some statistics, absent a couple of more years in which we put some emphasis on gathering facts, why should we change the law? Isn't the burden on you to tell us definitely, and support your position with facts that the law should be changed?

MR. CHESNER: Well, I think that we can help you with that. When I was asked to provide testimony, I had about three days lead time and it takes us about a month to get information back from our members. I would like to see if we can get more specific data for you from our member principals who would be telling you what we heard at our Board of Governors meeting, as to why people wanted this.

But, I want to point out something else too. Again, we are putting all the emphasis on what would happen if we changed the drinking age, but the broader problem is still what has to be dealt with. I spoke with the principal of a junior high school this morning before coming here and he was telling me about their program and he said their program was based, first of all, on community awareness of the problem. They ran a massive program, together with parents. He said the first meeting they had to discuss the problem of alcohol in the school district, they had 450 parents come out, which they have never seen at any kind of PTA function or other function before, except graduation. He said that these parents then came forward and worked together with them on a broad based committee to help

develop that individual community's approach to dealing with alcoholism in the schools. After a year of study, then the program was drawn up during the summer-time, in cooperation with the EIC, Northeast, I believe it was, and now their program has been in operation one year. It is a K-12 program. He said that what happened in terms of the awareness of parents, what parents didn't know, what they learned from that broad-based approach in the community, was really the most promising thing that came out of what they did.

ASSEMBLYMAN HERMAN: Do you agree in essence then with most of the witnesses who are knowledgeable in the field and who have testified on both sides of the issue that this bill will have minimal impact without substantial doses of education?

MR. CHESNER: We believe, I think just as I said here, that it would be a deterrent, but it does not take the place of everything else that must go along with it.

ASSEMBLYMAN HERMAN: Let me rephrase the question. I asked you a direct question. To the best of your ability I would appreciate a direct answer. You might qualify for running for office. We had a number of witnesses testify, and this is the second day of hearings, regardless of whether they have been against the bill or for the bill, or for some modification, there has been an apparent consistency in the testimony that if this bill is passed without a massive dose of education to go along with it, the impact of this legislation would be minimal. What I am asking you is do you agree or disagree with that particular point?

MR. CHESNER: I agree that the impact of this legislation in itself would be minimal.

ASSEMBLYMAN HERMAN: Mr. Dowd.

ASSEMBLYMAN DOWD: One follow up, if I may, Mr. Chairman. Isn't there a dichotomy between overnight or as quickly as we can do it to get the programs in place, get the teachers trained, and the materials in place? I assume that is a year or two's development process. Isn't there a dichotomy between developing that kind of program, mandating it, getting it into place in the high schools, and then raising the drinking age? Doctor Shapiro, you are saying 21 is the ideal. We can make them as educated as they can be so that compared to any other state in the Union we will have the best, let's say, two or three years hence in terms of letting young people know what alcohol is all about, what its dangers are, and so forth, and then telling them, "You can't touch it until you are 21." Now, do you think that is realistic?

DR. SHAPIRO: Yes. That is how I grew up in this state. I didn't face too many problems with that.

ASSEMBLYMAN DOWD: After they and their brothers and sisters have had it now for five years legally, you take it away from them?

DR. SHAPIRO: Yes.

ASSEMBLYMAN HERMAN: At this point that is the man's point of view. The Doctor is entitled to his opinion.

ASSEMBLYMAN MAYS: Doctor Shapiro, do you believe that the parents and students believe they are not even drinking alcohol because it is beer or wine now that we are allowed to have beer sold on Sunday? You can't buy any other hard liquor on Sunday, but you can buy beer on Sunday now, and that is one of the biggest problems in the schools - drinking beer.

DR. SHAPIRO: I'm sorry, I don't understand the question.

ASSEMBLYMAN MAYS: On the one hand, we just passed a law allowing you to buy beer on Sunday in New Jersey, which you couldn't do before. One can of beer is equal to one shot of liquor. I believe it is equal to it.

DR. SHAPIRO: Oh, I see what you mean. Well, what we are here to talk about today is drawing a line -- at what point is it legal to purchase and to consume alcoholic beverages in the maturation process? We define that by attaching a number to it and the question is, should that be 18, 19, or 20, or 21, or 25, someone suggested this morning. I think no matter well you deal with that issue, you come down to the basic question of judgment about where to draw that line. I don't think it has anything to do with Sunday purchase at all.

ASSEMBLYMAN THOMPSON: I am looking for a balance. Perhaps you can help me. Since the Graves bill seems to encompass raising the age to 19, period, and it doesn't show me a distinction between children in school at age 18 or 19 against young adults who may be out of school, emancipated, or in service, or raising a family and working, paying insurance, driving a car, and accepting basic adult responsibilities, I am looking for a balance. I can understand protecting students who are in school, but his bill imposes this limitation on persons up to the age of 19, period. Would you explain to me any type of balance you could derive from there?

DR. SHAPIRO: I am not sure what kind of balance you are looking for.

ASSEMBLYMAN HERMAN: He wants to know if you can be half pregnant, legislatively.

DR. SHAPIRO: No, I don't think there is any question about half pregnant or half under the influence of alcohol. It seems to me, clearly, that we are saying that we think it would represent wisdom to raise the drinking age to 19 -- some of us believe 21, but at least 19 -- for all citizens, for everyone, whether they are in school or not.

ASSEMBLYMAN HERMAN: Let me follow this question, if I may. Just hold on to the mike. Intellectually - we are talking about intellectual consistency and moral consistency - we say that drinking is one of the concomitance of maturity, right? And, we pick an age of maturity, whether it is 18, 19, 20, or 21, correct?

DR. SHAPIRO: Correct.

ASSEMBLYMAN HERMAN: Well, don't you see it as somewhat inconsistent to say that you are mature enough to legally get married and to raise a family, but you are not mature enough to have a drink? You don't find that inconsistent?

DR. SHAPIRO: No more than it is inconsistent wherever one draws the line with respect to any of the things a growing young adult does.

ASSEMBLYMAN HERMAN: You are asking us to amend the bill. You came here to support a bill which amends in part a previous act, that amends the age of majority. We said as a state in 1972 - and I wasn't here to vote on that, and I don't believe anybody else was that is sitting on this Committee - that the age of majority would be reduced from age 21 to 18 for a whole host of items. Now we are seeking to amend one portion of that bill. Do you see anything wrong with a man or a woman being a police officer between the ages of 18 and 20?

DR. SHAPIRO: No.

ASSEMBLYMAN HERMAN: But, at the same time you would see something wrong with that person who is entitled to become a police officer having the right to have a drink, although he has the right to be a police officer?

DR. SHAPIRO: That's correct.

ASSEMBLYMAN HERMAN: And, although that person has the right to get a marriage license and raise a family?

DR. SHAPIRO: Yes.

ASSEMBLYMAN HERMAN: What I am trying to determine, on your scale of maturity, or lack of maturity, is whether you see handling a gun and being a police officer as a lesser responsibility than taking a drink.

DR. SHAPIRO: No, I don't think I can look at it that way, to answer your question. I assume you are discussing people being trained to be policemen. We just don't put a gun in everyone's hand when he turns 18 and say you can all be policemen. Obviously, these are people who make application.

ASSEMBLYMAN HERMAN: How about having them gamble? We allow people to gamble in New Jersey at age 18.

DR. SHAPIRO: I haven't given that a great deal of thought. My own personal judgment, off the top, would be that I would prefer that to be 21 also.

ASSEMBLYMAN HERMAN: And, we, of course, don't train them to be married, not yet anyway.

DR. SHAPIRO: Well, that is a different issue.

ASSEMBLYMAN HERMAN: But, the point is, they are allowed to make contracts. They are allowed to get married. They are allowed to sue and be sued and engage in a whole host of other acts of majority. What I am trying to understand is how you justify, from an intellectual standpoint, a bifurcation of what constitutes an adult.

DR. SHAPIRO: First of all, it is less from an intellectual standpoint and more from an experience standpoint. I work with young people between the ages of 13 and 20, or 21, every day and it seems to me perfectly clear that one of the things that they get often get in trouble with is alcoholic beverages. I really can't deal with the question of numbers.

ASSEMBLYMAN HERMAN: Put it on a percentage basis. A lot of people get in trouble with the law too. They get locked up. We don't say that 100% of our kids are bad and therefore shouldn't have the rights of majority.

DR. SHAPIRO: I certainly wouldn't say that 100% of the kids are bad.

ASSEMBLYMAN HERMAN: Well, that is the point I think Assemblyman Dowd is making. In that regard, if we are talking on a percentage basis, if we say it is a small percentage the question is, do we take a majority right away from the majority - I am talking numerically now - for a small percentage? We are just trying to look for some justification for your thinking. We are not trying to put our point of view across.

DR. SHAPIRO: Yes, it is a judgment, I think, and I think it is a judgment that each person has to make for himself.

ASSEMBLYMAN HERMAN: Don't you think it is an inconsistent judgment?

DR. SHAPIRO: Well--

ASSEMBLYMAN HERMAN: In other words, how can you be half an adult? That is like being half pregnant. That is what we are trying to ascertain from your point of view.

DR. SHAPIRO: Well, I think the reality is that many of our students find themselves having difficulty because they are exposed to a culture that includes alcoholic beverages earlier than they are ready to handle them.

ASSEMBLYMAN HERMAN: How about the right to vote, Doctor? We have now the right to vote, constitutionally, at age 18 and I would think that not-

withstanding some of us taking that community-wise lightly and not voting, that is a pretty heavy responsibility, wouldn't you say?

DR. SHAPIRO: Yes.

ASSEMBLYMAN HERMAN: Now, if we say in our society that you are mature enough to cast a vote to elect a government official and determine how you are going to be governed, do you see us saying to those same people to whom we have given the right to vote that they don't have the right to take a drink?

DR. SHAPIRO: Assemblyman, if you would force me to an intellectual consistency, my answer would be that the right of majority should be moved to age 21. However, that is not the question before us at the moment, as I understand it. So, the answer is, yes, I think if that is a necessary pre-condition to this kind of action, then that is where we would go.

ASSEMBLYMAN HERMAN: All right. In other words, for the sake of consistency you would support raising the age of majority generally? In other words, if we went to age 19 for drinking-- Forget the fact that for voting we can't; it is a constitutional amendment. But, for all those other majority rights, for gambling, for the right to marry, for the right to make a contract, the right to hold public employment, that we make that consistent -- we raise it all to 19 to be consistent?

DR. SHAPIRO: Well, if one assumes that that kind of consistency is a necessity to making any change. I am not sure that I agree with that assumption, but if that is the case then, yes, that is the answer.

ASSEMBLYMAN HERMAN: I have just one other question and then we are going to go to another witness. If you were to make a judgment as to the major alcohol problem in the schools coming from the influx of package goods - in other words, buying beer or wine, or whatever, and bringing it in the schools - versus students coming in inebriated, what would be your judgment as to where the essence of the problem rests?

MR. CHESNER: I would comment that in terms of the daily operation of the school building, depending on the location of the school - let's take a rural school - the problem there would be more with bringing package goods into the school. However, I think I heard someone say this morning while testifying that the students could go right down the street from the school building and get served at the bar. Well, that is a different kind of a problem in the cities where they have that ready access.

ASSEMBLYMAN HERMAN: Doctor Shapiro.

DR. SHAPIRO: I think the problem in Cherry Hill, at least, seems to be more in the evening and I think it relates more to students who have a couple of drinks before they come to whatever school function is going on that evening.

ASSEMBLYMAN HERMAN: May I make a request, Doctor, because the program that you mentioned is quite interesting? I would ask, just in parting, as an aside, is there any other community in Camden County using your program?

DR. SHAPIRO: Not to my knowledge.

ASSEMBLYMAN HERMAN: That is pretty interesting since there is a County Superintendent Round Table. We are talking about what appears to be a very successful, innovative program and there is a Superintendent's Round Table in Camden County. I just might note that no one is apparently using the program. I assume that they are aware of it.

DR. SHAPIRO: I am not certain.

ASSEMBLYMAN DOWD: Is it a successful program?

DR. SHAPIRO: It depends upon what you mean by successful. Obviously, drinking is still an issue in Cherry Hill. It is a suburban community with an upper socio-economic and middle class population and I would assume there is as much drinking, or more, in Cherry Hill than in most communities, so I don't know. If one uses that measure to gage the success, I don't know how to answer your question. We think that our students are reasonably knowledgeable about alcohol abuse.

ASSEMBLYMAN DOWD: If we change the law and we make it 19, 20, or 21, are the socio-economic dynamics going to change in Cherry Hill?

DR. SHAPIRO: No. That is what I meant before.

ASSEMBLYMAN HERMAN: Could you perhaps make available to us a copy of that program?

DR. SHAPIRO: Yes.

ASSEMBLYMAN HERMAN: I find that very interesting. Thank you both very much for taking the time, Mr. Chesner and Dr. Shapiro, to testify.

Next is a representative of the New Jersey School Boards Association. Good afternoon. Thank you for coming. Would you kindly introduce yourself?

L I N D A A L B E R T: Yes, I would be glad to. I am Linda Albert. I am President of the New Jersey School Boards Association. I am also President of the South Brunswick Board of Education in Middlesex County. I am also the parent of a teenager.

ASSEMBLYMAN HERMAN: You are too young.

MRS. ALBERT: No, I'm not. I am here to talk to you this afternoon about the concerns of our membership. As the President of the New Jersey School Boards Association, I represent the 5,000 school board members throughout the State of New Jersey.

People who sit on local boards of education are gravely concerned about drinking in the schools and children drinking. And, I would like to talk to you a little bit this afternoon about what it means nowadays when a student raises his or her hand and says, "May I leave the room for a drink"? It is not a laughing matter. Alcohol abuse among our school children is a very serious concern because three-quarters of all high school students celebrate their 18th birthday before they graduate. They are free to buy and consume liquor and beer while they are still in school.

Intoxication of students, once an isolated rarity, is now too common in most schools and a distressing problem in some. Drinking is not confined to students who have reached the legal age. The stories you have heard are true. Students who are over eighteen buy and supply alcohol to their younger classmates. The alcohol problem in our public schools is concentrated in the high schools, but reaches down not only into the junior high and the middle school, but even into the elementary schools. Alcohol and alcoholism have taken a serious toll in the lives, learning and well-being of our young people and we are very concerned about it.

Dealing with the problems of alcohol abuse among our young people is nothing new to school board members, who are charged by law to provide a healthful and safe place for students to learn. Every school conducts a course in the hazards of alcohol and drug abuse. Most school districts have an internal policy on consumption of alcohol on school property and at school sponsored events. But,

even with these efforts, school board members have not been able to stem the rising tide of educational and disciplinary problems that arise from alcohol abuse.

Bearing these problems in mind, representatives of New Jersey's School Boards met only ten days ago at our semi-annual delegate assembly to discuss and take action on the drinking age. The delegates had before them a full range of choices - to keep the drinking age at 18, to raise it to 19, or to raise it to 21. It was the consensus of the delegates representing the Boards of Education in the State of New Jersey that raising the drinking age to 19 would be ineffective. Many 19 year olds are still in school and most 18 year olds have friends a year older who can buy alcohol for them. The delegates decided that 21 was the only solution in their minds.

Why 21? That is a very difficult question to answer. And, having sat here and listened to some of the other testimony, I know that there may be some inconsistencies in raising the drinking age to 21, given some of the arguments that I have heard presented. However, I want to emphasize as strongly as I can that the Boards of Education in the State are very concerned about the problem that we are experiencing with our young people in school and that we believe that leaving the drinking age at 18 is not going to allow us to adequately solve those problems.

If drinking is okay at 21, then why not at 18 or even 16? For the simple reason that there is a certain amount of maturity necessary for a young person to know how, when, and if they can handle drinking alcohol. Young people are still adolescents. They are not fully in charge of their own lives. They are overly subject to the pressures of their peers. Hopefully, with an additional several years of maturity, they will be better able to use judgment that will see to it that their lives and their safety are not endangered.

The spill-over effects of any drinking age must also be considered an important factor. If 18 year olds can drink, then some 16 and 17 year olds will drink. Given the ingenuity of youth, it has not been difficult for those a few years below the legal age to be served. Some look older than their years and others simply invent or borrow the necessary identification. By raising the drinking age to 21, we can protect our 16 and 17 year olds from easy access to alcoholic beverages. We have a better shot at keeping alcohol out of our schools and giving our children a chance to grow up without someone shoving a drink at them, either figuratively or literally.

School board members realize that making this change in the law will not eliminate alcohol abuse among school age children. But, restoring the drinking age to 21 will at least deter some from drinking and will make it more difficult for others. The New Jersey School Boards Association will vigorously support all legislative efforts to restore the age at which persons may buy, sell, or consume alcoholic beverages to 21.

Thank you very much.

ASSEMBLYMAN HERMAN: Thank you, Mrs. Albert. You are a school board member in which district, ma'am?

MRS. ALBERT: South Brunswick Township in Middlesex County.

ASSEMBLYMAN HERMAN: You heard Doctor Shaprio testify about the program they have involving alcohol abuse in Cherry Hill?

MRS. ALBERT: I came in at the tail end of his talk.

ASSEMBLYMAN HERMAN: By the way, what does your school system do, or

what have you done as a Board in reference to beyond the minimum programs which the state now requires?

MRS. ALBERT: We have provided programs for the youngsters not only in the elementary schools but also in the middle schools, dealing with both drug abuse and alcohol.

ASSEMBLYMAN HERMAN: Are they the state mandated programs, or are they special innovative programs that your board has come up with?

MRS. ALBERT: I believe that our programs are consistent with the state requirements and go somewhat beyond. I don't know that they are--

ASSEMBLYMAN HERMAN: Is it done mainly within the Health course?

MRS. ALBERT: Yes, that's right. We do have what are called "mini-courses" in our middle school. It is somewhat innovative in that respect.

ASSEMBLYMAN HERMAN: There has been much testimony over the two days of hearings that we have held as to the need for more expensive alcohol abuse information. There has been some suggestion that these courses be mandated substantially in the schools. What are your views on that particular matter?

MRS. ALBERT: Well, our Association supports the concept of providing the educational opportunities for youngsters and we believe that it is helpful that they do exist. I do not think that we consider that to be the solution to the problem, however.

ASSEMBLYMAN HERMAN: What do you consider to be the solution to the problem?

MRS. ALBERT: Well, what we have experienced is, despite the program - and many districts have very fine programs - we are still experiencing a problem of drinking in the schools. Part of the problem is that alcohol is accessible and that we do have students in our district who are 18 and who are able to go and purchase alcohol and that is how it gets into the schools.

ASSEMBLYMAN HERMAN: One of our previous witnesses did testify to that and we got into the conversation of legality versus accessibility. Now, we both know that marijuana is illegal and supposedly not available, legally. Right?

MRS. ALBERT: Yes.

ASSEMBLYMAN HERMAN: Yet, would we both agree that its accessibility has increased over the last number of years in our school system?

MRS. ALBERT: Yes.

ASSEMBLYMAN HERMAN: Now, if that which is illegal and supposedly cannot be purchased has increased in use in our school system, what makes you think that the mere raising of the drinking age is going to change the use of - or decrease the use of - alcohol in the school systems, if it didn't work with marijuana?

MRS. ALBERT: Well, I cannot document with any research that it will. However, it is easier to conceal drugs than it is to conceal alcoholic beverages and I think that it is more difficult for a student to have alcohol on his person in a school building.

ASSEMBLYMAN HERMAN: Your comments appear to be somewhat at divergence, unless I misunderstand them, with prior witnesses who have said, on both sides of the issue, that the passage of this bill raising the drinking age to 19 in and of itself will have little effect unless there is a massive dose of education in our school system. Did I misunderstand you? Do you disagree with that view?

MRS. ALBERT: I do not disagree with the view.

ASSEMBLYMAN HERMAN: It is not my view. I am just trying to paraphrase prior witnesses.

MRS. ALBERT: Our delegates have stated very strongly that alcoholism is such a concern to them and drinking is such a concern to them that they believe that raising the drinking age to 19 - only to 19 - is not enough. And, because they are so concerned, their reaction has been to take the most conservative position to demonstrate that concern -- and that is to raise the drinking age to 21.

ASSEMBLYMAN HERMAN: All right. One or two more questions and then I will be happy to turn over the questions to the Committee members. The comments you have made in reference to the fact that 19 is not enough -- you know, it appears to be a 21 or nothing situation. I believe you said in your testimony that raising the drinking age to 19 would be ineffective, is that correct?

MRS. ALBERT: That was the feeling of the delegates, yes.

ASSEMBLYMAN HERMAN: Are you suggesting to us, in considering the various alternatives, that if we do not amend the bill to 21 we should not vote out a bill at all?

MRS. ALBERT: No, I am not. I would like to clarify that point. Thank you for raising it.

ASSEMBLYMAN HERMAN: Go ahead.

MRS. ALBERT: Our delegates discussed the range of alternatives, just as you gentlemen are discussing them, and at one point we gave very serious consideration to raising the drinking age to 19. We felt that it was within the purview of our organization to deal with the age of youngsters who are still in school. But, the delegates, who are also parents and board members, felt that the problem goes beyond the age of 19 and they felt so strongly that they wanted to take the strongest position they could to influence any bill that was passed.

ASSEMBLYMAN HERMAN: So, what does that mean in language that we understand?

MRS. ALBERT: What it means is that we believe the drinking age should be raised, number one. Number two, we believe it should be raised to 21. Number three, if that cannot happen, then it would be consistent for us to support any raise in the drinking age.

ASSEMBLYMAN HERMAN: Well, notwithstanding the fact that you think it would be ineffective, is it under the theory that something is better than nothing? Because you say in your testimony that raising the drinking age to 19 would be ineffective and you certainly wouldn't want us to do anything that was ineffective, would you?

MRS. ALBERT: Well, that is a catch 22, isn't it?

ASSEMBLYMAN HERMAN: Well, I am asking the question. It is your testimony.

MRS. ALBERT: We believe that the most effective solution would be 21. Clearly, there are inconsistencies in this issue - and you have heard them earlier and you are hearing them from me now - because it is an emotional issue. The problem is not an emotional problem, as I understand it. The problem is very real and it is very serious. We have youngsters who drive and who drink and they are not able to handle themselves properly. It affects their learning in school. It affects their ability to participate in after school activities. It can affect their entire future. And, I don't wish to make light of the concern that board members have.

The concern is that we do something, whatever is necessary, to make

alcohol less available to students in our schools.

ASSEMBLYMAN HERMAN: What does your school board do for the education of parents, by the way?

MRS. ALBERT: We have meetings periodically with the police department, detectives, and counselors.

ASSEMBLYMAN HERMAN: Is it an actual policy of programing for parents to teach them about alcohol abuse?

MRS. ALBERT: It is usually handled on an individual school basis, where a PTA, or a particular school will decide to have a program and invite parents to come and talk in a small group, on a small basis.

ASSEMBLYMAN HERMAN: Assemblyman Kern. I'm sorry, let's start with Assemblyman Bate. He has been quiet all day.

ASSEMBLYMAN BATE: I am just wondering, if the Committee amends the bill and makes it 21 years, how will that take care of the problem in a junior high school, or in the elementary schools, or the middle schools?

MRS. ALBERT: We believe that the problem exists. Let me define the problem. The problem is that alcohol is available and it is available because 18 year olds can purchase it and bring it into the schools. We believe that if the drinking age were raised to 21 it would be much less accessible, therefore the problem would not filter down into the middle school or the elementary school.

ASSEMBLYMAN BATE: In most cases, the middle school or the junior high is located in a different area from the principal school - the high school.

MRS. ALBERT: Well, that varies from community to community. In South Brunswick, our middle school is back to back with our high school and if a student is in a middle school and has a brother or sister who is in high school, they don't even have to be on the same school site, the alcohol could be obtained from an older sibling.

ASSEMBLYMAN BATE: Or a member of his family?

MRS. ALBERT: Yes.

ASSEMBLYMAN HERMAN: Assemblyman Kern.

ASSEMBLYMAN KERN: What does your school do administratively when somebody apprehends a student with alcohol or an alcoholic beverage on the premises?

MRS. ALBERT: We have a policy that spells out very clearly what the rules are and what the punishment will be. And, if a student is apprehended the student is brought to the principal's office and the parents are called immediately. It has to be proven that the student was, in fact, consuming an alcoholic beverage. There can be no-- The student is entitled to due process and that is all spelled out very clearly in the policy.

Once it has been established, if it is established, that a student has in fact consumed an alcoholic beverage, then that student can be suspended; it depends on the recommendation of the--

ASSEMBLYMAN HERMAN: May I just amplify on his question to have you tell us how large your school district is, how many students have been suspended for misuse of alcohol, and how many alcohol related problems have been reported to the school nurse, if you know, over the last few years?

MRS. ALBERT: Our school district is about 4,000 students, K-12. We are a rural, suburban district, midway between New York and Philadelphia. Unfortunately, I do not have statistics that I can cite for you. I can tell you I have been a school board member for six years and during those six years there

have been more than a handful of occasions when the superintendent has come to the board and said, "We have a problem with drinking in the school," or "We have a student who has been suspended because of drinking." Or, a meeting is set up by parents, PTA members, Principal, or some other group, to talk about drinking problems. We do not have what I would consider to be an overwhelming problem, but we have as much of a problem as any school district, and that is too much.

ASSEMBLYMAN HERMAN: Assemblyman Dowd.

ASSEMBLYMAN DOWD: Mrs. Albert, you indicated that the resolution endorsing an increase in the age from 18 to 21 was passed at a meeting of the School Boards Association. Now, this was a bi-annual meeting called to discuss a lot of subjects?

MRS. ALBERT: That's right.

ASSEMBLYMAN DOWD: And, someone introduced a resolution and it was passed, is that correct?

MRS. ALBERT: Yes.

ASSEMBLYMAN DOWD: Was there any subcommittee established prior to enacting this resolution to study the problem and develop facts?

MRS. ALBERT: We had some research done by the staff, by our staff. And, by the way, I would like to introduce Dr. Lloyd Newbaker to you, who is sitting to my right. He is the Executive Director of the New Jersey School Boards Association. Lloyd, would you want to speak about the research that was done by the staff?

D R. L L O Y D N E W B A K E R: Any resolution that comes before the Delegates Assembly must be submitted some 60 days prior so that the staff can research that and present information to the delegates. In turn, we also submit it to our Board of Directors, who act as a Resolutions Committee, to make a recommendation to the delegates.

ASSEMBLYMAN DOWD: What information was submitted to the delegates?

DR. NEWBAKER: In our original recommendation we had some research pointing out the increase in the fatalities and that sort of thing.

ASSEMBLYMAN DOWD: What information was that?

DR. NEWBAKER: I don't have those statistics in front of me. I am sorry. But, I can see that it is provided to you.

ASSEMBLYMAN DOWD: Is there any other information?

DR. NEWBAKER: We recommended to the delegates that we support the bill you are now discussing.

ASSEMBLYMAN HERMAN: I think perhaps the Assemblyman is asking a question directed to the issue at hand in reference to the schools. We have testimony that it is a problem in the schools and I would assume that as part of your research you did a survey as to what type of problem it was and whether it was one case, two cases, fifty cases, etc. What type of information has been documented prior to that resolution being passed?

DR. NEWBAKER: If I may, I would like to allow our staff to present that information to you. I don't have it with me.

ASSEMBLYMAN DOWD: Weren't you saying that prior to the enactment of this resolution there were statistics assembled, facts which indicated (a) a dramatic increase in alcohol abuse in and on the school grounds, and (b) a relationship between that increase and the 18 year old drinking age. Is that what you are saying?

DR. NEWBAKER: Yes. I think our information would support that.

However--

ASSEMBLYMAN DOWD: Can you describe that information to us now and then give us the details later?

DR. NEWBAKER: Well, I think there was simply a correlation made, as it has been said time and time again, that the availability of alcohol is certainly greater today because of 18 year olds having access.

ASSEMBLYMAN DOWD: Did you make any effort to compare New Jersey's situation with the situation in the states which have always had an 18 year old drinking age, such as our neighbor, New York? Hasn't there also been a substantial increase over the past few years in high school alcohol use in that state?

DR. NEWBAKER: Yes, there has.

ASSEMBLYMAN DOWD: But, they have always had an 18 year old drinking age.

DR. NEWBAKER: That's true.

ASSEMBLYMAN DOWD: Did your analysis for the School Boards Association discuss that aspect of it?

DR. NEWBAKER: No, we did not present a comparison of the two states. What I am indicating to you is that regardless of the information we presented to the delegates, the board members from around the state have a very strong feeling and are very adamant and nearly unanimous in passing this resolution.

ASSEMBLYMAN HERMAN: Notwithstanding the feeling, Doctor, what the Assemblyman is asking you for is a hard-core report submitted to them for consideration outlining the problem.

DR. NEWBAKER: We think it did.

ASSEMBLYMAN HERMAN: Was there a hard-core report issued?

DR. NEWBAKER: I think there was.

ASSEMBLYMAN HERMAN: What we would like to have, for the purposes of this Committee, is a copy of that report so that someone could share with us, as far as schools are concerned - and I am not talking about fatalities because we have certainly had testimony in that regard - some hard-core information, statistically, vis-a-vis "we think it appears" rather than a seat-of-the-pants approach, which we would prefer not to have.

DR. NEWBAKER: I understand what you are saying and will attempt to make that available.

ASSEMBLYMAN HERMAN: Thank you very kindly. Assemblyman Thompson.

ASSEMBLYMAN THOMPSON: I would like to direct my remarks to the young lady that testified. There are times when reasonable men and women act unreasonably and that often pertains to state legislatures and perhaps on the federal level.

Now, in the 1920's, Congress, because of fundamental religious groups and other conservatives, passed the Volstead Act, which prohibited the consumption of alcohol within the jurisdiction and territorial limits of the United States.

ASSEMBLYMAN DOWD: Those were liberals.

ASSEMBLYMAN THOMPSON: Well, anyway there was more consumption than ever and if you learned anything from the Volstead Act, it proved that it is hard to legislate in this area. I just want to know how can we reach some type of rationale dealing with the age of 21 without taking away all of the other contractual rights that young people have when they reach 18?

MRS. ALBERT: That is a very good question. We have talked about that.

ASSEMBLYMAN HERMAN: We have asked it so many times we have it refined. Go ahead.

MRS. ALBERT: I see. Well then, I am sure you have heard all the answers. There is clearly an inconsistency in taking the drinking age away from an 18 year old and allowing that individual to have other rights - contractual rights, etc.

ASSEMBLYMAN HERMAN: Should we raise the age of majority generally?

MRS. ALBERT: I wanted to share with the Committee that there was a resolution that was brought before our Association which called for supporting raising the age of majority to 21. And, the decision was that it was not within our purview to consider that because we are concerned foremost with the education of students and that issue really does not deal with the education of youngsters in the state. So, we did not consider that resolution.

However, to address the question: Mr. Thompson, I believe that when we talk about the rights of students, the rights of young people, clearly, when you take away the right to drink at 18 and you leave other rights in place, there is an inconsistency and I would be foolish to sit here and attempt to influence you otherwise.

ASSEMBLYMAN HERMAN: From a personal standpoint - putting on your other hat as a parent, perhaps the young lady or young gentleman will be of marital age.

MRS. ALBERT: I am not that old.

ASSEMBLYMAN HERMAN: Well, teenager you said.

MRS. ALBERT: A young teenager. As a parent, I have concerns and my concerns are that there are youngsters whose experiences at home may be very different from the experiences of my youngsters and their education is dependent solely on what they learn in school. Unfortunately, the schools have been asked to do a great deal more today than they have ever done before. The social concerns have become the concerns of our schools. I feel that we are struggling with this issue because of these social concerns.

ASSEMBLYMAN HERMAN: Assuming we raise the age of majority to 21 -- there used to be a song "I Will Dance At Your Wedding" if you remember that song.

MRS. ALBERT: I am not old enough to know that song.

ASSEMBLYMAN HERMAN: How about that concept -- you can't even drink at your own wedding? What do we do about that? What is your personal view? How do we handle that? Supposedly, we can't take each piece of legislation and deal with it as a microcosm and take it out of the context of handling society. We deal as a Legislature, representing 8 million people and hopefully what we do has a reaction and a counter-reaction, hopefully positive. How do we handle that situation with this bill?

MRS. ALBERT: I would respectfully suggest that the first thing we do is document the extent of the problem - and I think you pointed that out earlier.

ASSEMBLYMAN HERMAN: Do you think we ought to release this bill from Committee - at 18, 19, 20, or 21 - before we have that type of documentation?

MRS. ALBERT: No. I think it is very important we know how serious the problem is. And, what I am here to tell you today on behalf of our membership is that they feel that it is a very serious problem and that their feelings are based on their experiences as board members.

ASSEMBLYMAN HERMAN: All right. I will now turn it over to Assemblyman Mays for a question.

ASSEMBLYMAN MAYS: In your six year stay on the board, has any parent - or have any parents - come before your board and said, "My child is getting beer

or liquor from the school"?

MRS. ALBERT: Not to my knowledge. The information that we have is a result of students who are visibly intoxicated in school or who are caught drinking on school property.

ASSEMBLYMAN MAYS: Is your school located near a package goods store, or a liquor store?

MRS. ALBERT: There are places where students have access, yes.

ASSEMBLYMAN MAYS: Or are your kids bussed in?

MRS. ALBERT: They are bussed, however, they have access from their homes.

ASSEMBLYMAN MAYS: That is what I am saying. So, what they did was take the beer or wine, or whatever, from home and bring it with them to school, is that what you are saying?

MRS. ALBERT: No. What I am saying is, their neighborhoods are close enough to liquor stores so that they could purchase it, or someone could purchase it for them and then they could bring it to school. They do not have to be--

ASSEMBLYMAN HERMAN: Is that the primary problem, bringing it to school versus drinking it and coming into school drunk?

MRS. ALBERT: One of the problems that we are experiencing in South Brunswick is--

ASSEMBLYMAN MAYS: Isn't there a state law that the stores can't open before a certain hour and they have to be in school at a certain hour. Now, either they bring it with them or they drink it before they come to school.

MRS. ALBERT: Yes.

ASSEMBLYMAN MAYS: They couldn't buy it because they are bussed in the morning and they have to be in school before 9:00.

MRS. ALBERT: Unless the liquor was purchased on a previous occasion.

ASSEMBLYMAN MAYS: And left at home and then brought in?

MRS. ALBERT: Or, in a car -- 18 year olds can drive; 17 year olds can drive. Our parking lot - I was at a meeting last week - at our middle school - that is 7th and 8th graders; my daughter is an 8th grader - was littered with beer bottles.

ASSEMBLYMAN MAYS: Maybe we should change the driving age then. Is that what you are saying?

MRS. ALBERT: (no response)

ASSEMBLYMAN HERMAN: Mr. Thompson, last question.

ASSEMBLYMAN THOMPSON: I don't know if you are familiar with Miss Carol Graves. I believe she is the President of the NTU.

MRS. ALBERT: Yes.

ASSEMBLYMAN THOMPSON: I hope it is the NTU. I get mixed up with that and the NTA. She was on Meet The Press recently and, as you know, we have quite a problem in Newark, quite a problem with the board of education system. One of the things she mentioned was that as far as secondary education was concerned, the problem they had with kids in school was basically narcotics and she did not mention anything with reference to alcohol. The reason this discussion came up was in defense of some of the questions she had been asked by newspaper personnel as far as the teachers carrying out their function. Her response dealt with narcotics.

Now, my question is, is this abuse of alcohol a regional problem, or

is it statewide? I understand your Association is a State Association. Have you gone into the inner cities, such as Newark and Paterson and Camden and Jersey City, and some of the larger cities?

MRS. ALBERT: Our Association represents Boards of Education throughout the State - all 611 of them. I think that is how many there are at the moment. And, we have on our Board of Directors representatives of the urban districts as well as the other districts.

The concern that you raise about drug abuse versus alcohol abuse appears to be a more serious concern in the urban areas -- the drug problem. Our experience has been that the drinking problem is a problem in many districts throughout the State and that the drug problem may in fact be more severe in the urban areas than in the suburban areas. That does not mean, however, that there is no drinking problem in many, many school districts which are not urban.

ASSEMBLYMAN HERMAN: Mrs. Albert, we want to thank you for being with us and giving us some excellent commentary on the subject. In fact, you have highlighted the subject very well and we are going to take you at your word, accept your offer, and allow you to document it. So, we will hold the record open for a couple of weeks. This Committee has been searching for some hard statistical information and we would ask, with the good doctor's help, that the School Boards document the problem that they highlight. We earnestly await that. I would hope, with Mr. Reed listening in the background, that that type of statistical evaluation could be in our hands prior to February 15th.

MRS. ALBERT: We would be happy to make available to the Committee any information that we have that may assist you. We recognize that you have a very difficult subject before you that has to be resolved.

ASSEMBLYMAN HERMAN: Thank you for taking the time to come in.

MRS. ALBERT: Thank you for having me.

ASSEMBLYMAN HERMAN: Before we take Mr. Fust we are going to hear from Assemblyman Gormley. Assemblyman Gormley, I understand from staff that you wish to make a few brief observations concerning this matter.

A S S E M B L Y M A N W I L L I A M L. G O R M L E Y: Very brief. One, I would vote against the bill, obviously, if it were to come up. The one point I want to make is not an emotional point; it is not a moral point, but it is an economic point -- that portion which relates to sale or selling. I am from a resort area, a resort economy, where many people immediately out of high school are dependent upon that first year of work as waiters and waitresses to receive tips in order to get through college. I think we are a unique state, especially New Jersey, if you have a student who goes to Rutgers and depends on that this year because of the proposed tuition hike. If you take that in conjunction with someone who is employed as a waiter or a waitress, you put them in quite a financial bind.

I would not propose an amendment because I would hope that the bill would go down. If it came to the point where it looked like it was going to pass in its current form, I would propose that the sell provision be omitted because that is beyond a moral issue. You are now talking about hard-core economics -- people between 18 and 19 who are trying to earn the money to go to college, or those directly out of high school dependent upon what is a resort economy to live. That takes it beyond the moral issue. We are talking dollars and cents. And, if you take a student who goes to Rutgers, add a tuition increase, and add a difference in his income because of losing a position of that nature, that could have severe

effects on continuing their education.

ASSEMBLYMAN HERMAN: I would like to just ask you one question. I know that you wanted to appear briefly and I don't want to put you on the spot. We had commentary from the Attorney General. Again, thinking it is our obligation not to take things in a vacuum, there was interchange involving casino gambling - a subject that I understand you are a bit concerned with.

ASSEMBLYMAN GORMLEY: Yes.

ASSEMBLYMAN HERMAN: How do you think-- Let's assume that the Governor signed this into law making it age 19 and we permitted gambling to continue at age 18. With the service of drinks being given at the table, do you think this would be enforceable? Using the only example we have right now, temporarily, Resorts International, do you think that could be enforced in Atlantic City?

ASSEMBLYMAN GORMLEY: I will answer in a general nature for all of New Jersey. Whenever you deal in a volume bar - for example, you take the resort bars in the summer - where they have a rock bank, there is no minimum, and you have 3,000 people there cramming into a bar with two bartenders just handing drinks out. That potential exists whenever you have a high volume, which you would have at Resorts, for example, on a weekend.

ASSEMBLYMAN HERMAN: But, you are permitted to gamble at 18.

ASSEMBLYMAN GORMLEY: Yes.

ASSEMBLYMAN HERMAN: I am trying to establish something: If you are permitted to gamble at 18 but you are not permitted to drink until 19, do you think that could put the license of a place like Resorts in jeopardy? In other words, how would we police that?

ASSEMBLYMAN GORMLEY: Off the top of my head, it would be almost impossible to police. In drawing that dichotomy, it would be almost impossible.

ASSEMBLYMAN HERMAN: Assemblyman, thank you very much. We appreciate your taking the time out.

Bob, will you come up? Thank you for your patience. For the record, this is Robert Fust, Director of the League of Municipalities. It is easier to call him Bpb. You can't mispronounce that, right Bob?

R O B E R T H. F U S T: Thank you, Mr. Chairman and members of the Judiciary Committee of the Assembly. I come before you today as the Executive Director of the New Jersey State League of Municipalities, an organization that has 562 of the municipalities in its membership.

The New Jersey State League of Municipalities strongly supports legislative proposals increasing the legal age for the consumption of alcoholic beverages to 21. At the 63rd Annual Conference of the League, held last November in Atlantic City, the delegates unanimously adopted a resolution supporting the enactment of A-321 and S-1165, both bills which would raise the drinking age to 21 years of age. A copy of that resolution is attached to this statement.

It is becoming increasingly clear to law enforcement officials, educators and others involved with the teenagers of the State, that lowering the legal age to 18 years in 1973 was a serious mistake, at least as far as drinking is concerned. One of the most serious aspects of the increased availability of alcoholic beverages to teenagers is seen in our alarming motor vehicle accident statistics. Statistics supplied by the New Jersey Division of Motor Vehicles and the New Jersey State Police now show that many 18 to 20 year old drivers are involved in accidents because of being drunk or impaired while driving. The rate increased from 8.9% in 1972 to 25.9% in 1976.

The second area in which the lower drinking age has caused serious problems is the impact on our high schools. High school principals, individual school boards, and other persons and organizations involved with the education of our young people, are seriously alarmed over the increase in both disciplinary and instructional problems that have resulted because of the 18 year old drinking provision. It is not uncommon for students to "drink their lunch" and return to class in an impaired condition. In fact, it has been pointed out that the state itself has created a new Teen Alcoholic Anonymous Program to cope with the rising number of young alcoholics in New Jersey.

With regard to the motor vehicle safety problem and the educational problem to which I have alluded, it is extremely important that it be understood that when we talk about the 18 year old drinking law, we are actually not talking about merely the age group from 18 to 21 - a considerable portion of the problems are associated with the fact that 18 year olds are not an isolated age group among themselves, but form a larger peer group involving 17 year olds, 16 year olds, and even teenagers who are younger. Therefore, while it is true that an individual must be 18 in order to purchase alcoholic beverages, either in a liquor store, or in a bar, or in a restaurant, there is nothing to prevent that very same 18 year old from procuring and supplying alcoholic beverages to his or her younger friends.

There are additional serious problems relating to this matter and they are reflected in tremendous losses of time, energy and money which must be borne by the taxpayers. Approximately 60% of the local property tax dollar goes to the support of the public school system. So, to the extent that discipline is disrupted within the school environment, every taxpayer is being cheated. The financial impact caused by the increase in traffic injuries and fatalities, of course, is obvious. Insurance rates, likewise, are increased as a result of the high incidence of motor vehicle accidents. While somewhat less dramatic, the negative impact on behavioral patterns and life style of our young people during their formative years is a factor of considerable importance.

I won't read the resolution, Mr. Chairman. We are part of the Coalition for 21, and as part of that this was adopted unanimously in Atlantic City last November.

ASSEMBLYMAN HERMAN: Just a couple of brief questions. Is it the position of the League that they do not support the Graves bill?

MR. FUST: I will put it this way: When we had the discussion earlier, we talked about going to 19, we talked about going on this 19 one year, 20 the next, and then after three years to 21, and the feeling was that there was little support at that time. However, if that is the only thing we can have, it would perhaps solve some of the problem but it won't go far enough.

I suppose you heard today - I was not able to be here this morning, I am sorry to say - the story that in Michigan the Legislature raised the age again from age 18 to age 19, however, the people there have statewide initiative and they went out on their own and last fall they voted two to one to go back to 21. I believe we have had five states that have gone back to 21 within the last several years.

ASSEMBLYMAN HERMAN: Let me ask you this: I would assume that each and every one of those five hundred and sixty two municipalities recognize alcohol abuse in all ages as a serious problem. I would assume that.

MR. FUST: Well, I haven't contacted each one but it is a problem, yes.

ASSEMBLYMAN HERMAN: All right. You have been around the League for a number of years and you are aware that alcohol abuse is a problem. Could you perhaps do a survey for us and tell us how many of those five hundred and sixty two municipalities represented by a unanimous constituency at the convention supply any funds, or are now permitted by law to help support alcohol abuse centers or other programs?

MR. FUST: Yes, I think we could do that.

ASSEMBLYMAN HERMAN: I would appreciate having that so that we are able to perhaps gauge as to whether everybody is putting their money where their mouth is. I don't say that impolitely, I just want to see exactly what is and maybe that would be the essence of another resolution.

You highlighted in your statement on behalf of the League that it is not uncommon for students to drink their lunch and return to class in an impaired condition. That is a pretty broad statement: "It is not uncommon." We have earnestly been in search of some statistical information to back up that "It is not uncommon", which we have heard from some other witnesses. Do you think you might be able to help us out statistically?

MR. FUST: That really has to come from the school people, I believe, than from us.

ASSEMBLYMAN HERMAN: Well, you have made a rather emphatic statement, sir. It is your statement and you said it is not uncommon for students to drink their lunch and return to class in an impaired condition. What that really means is that we have been advised by the school boards that it is not uncommon, or is that your statement?

MR. FUST: Well, some of this has come from health people, some has come from safety people.

ASSEMBLYMAN HERMAN: Well, what we would like is -- you got this from somewhere and what this Committee would like - because it is certainly a blanket indictment, as well as a very serious allegation and if it is true, it is certainly worthy of our concern - is some statistical support.

Before I turn the questioning over to my colleagues, we would perhaps like some of that information, as I advised the school boards, as of February 15th. So, whatever you can help us out with in support of the statements that you have made, in the two areas into which I have inquired, we would certainly appreciate it.

Let's start over here with Mr. Thompson and ask him if he has any questions.

ASSEMBLYMAN THOMPSON: Mr. Fust, in all due respect to the several states that have changed the law to 21, do you have any statistical data from our sister state, the Empire State, New York? I think it is very important. New York City has a population of approximately 8 million people and we are connected in proximity and also by the George Washington Bridge, the Verrazano Bridge and two tunnels to New York - right into Manhattan. I wanted to know if you had any statistics since they have had the 18 year old law for many years. We could read and see what the comparison is.

MR. FUST: I don't have those statistics with me. I will try and dig some up for you.

ASSEMBLYMAN THOMPSON: Thank you.

MR. FUST: I recall some time ago - I have been with the League 30 years

this year, Assemblyman, and we were part of a campaign some years ago, when Mrs. Dwyer was an Assemblyman here. Flo Dwyer, at the time - I know - spent quite a lot of time with groups of Assemblymen and Senators going to New York and asking them to please raise the age to 21 because of the problems we had in North Jersey. As I say, I assume it was a problem in those days and it is still a problem.

ASSEMBLYMAN HERMAN: In response to his question, what will happen if we raise it back to 21?

MR. FUST: Well, you get it one way or the other. Right now, we are getting Pennsylvania. I have a daughter who is 25 years old and she has existed the last 10 years giving me problems about the Pennsylvania youngsters coming over to New Jersey, ever since '72 at least. Yes, you are going to have that because you have an inconsistency among the states.

ASSEMBLYMAN THOMPSON: But, doesn't that raise an issue? It seems that our children are a little more immature and that something is wrong with them. You have kids 18 in both the State of New York and in the State of New Jersey. We have had people testify here in reference to accidents and other things happening and we haven't had any testimony with reference to situations in New York, and they have been drinking alcohol from the age of 18 for a number of years.

MR. FUST: We will see if we can find out.

ASSEMBLYMAN HERMAN: Bill.

ASSEMBLYMAN FLYNN: Has the League done any studies on the possible economic impact to the towns if we do raise the drinking age vis-a-vis the property values of restaurants, taverns, and other places that now cater to 18 year olds?

MR. FUST: No, we haven't made an economic impact on that at all.

ASSEMBLYMAN FLYNN: Would there be an economic impact, do you think?

MR. FUST: Well, possibly there would be, yes. You don't know where that particular age group is getting the alcohol. Some of them, I think, get it in the home. So, that would have no impact there.

ASSEMBLYMAN FLYNN: Well, would the alcohol we are getting in the home be the kind of alcohol we are worried about?

MR. FUST: It could be.

ASSEMBLYMAN FLYNN: Then the age wouldn't matter at all with respect to the home alcohol, would it -- the legal age, I am saying?

MR. FUST: Well, I think as a parent I went through this a few years ago, with high school parties and kids involved in proms. We had several staff parties after productions of plays and so forth at our house. One night there were 100 kids in the place. The police came by to see what was going on. I had no complaints at all but it is a hard thing to police. Now, at that time the age was 21 and we policed it pretty well. But, if it were 18 I would really have no right to tell these kids not to drink in my own home.

ASSEMBLYMAN HERMAN: I would have to disagree with you. I have a home too and I hope when my kids get that age, I will hopefully be able to control what goes on in my own house. I don't mean to be disrespectful, but I don't know how much I buy that, Robert.

ASSEMBLYMAN FLYNN: When I talked about the alcohol they get from the home, you are saying that the alcohol from home is what they bring outside the home, isn't it? They get it from home and bring it outside? Is that what you are talking about?

MR. FUST: Right.

ASSEMBLYMAN FLYNN: You are not talking about them specifically drinking in the house?

MR. FUST: No, it could be purchased, let's say, at a shore house and then taken out on the beach or somewhere - into a park.

ASSEMBLYMAN HERMAN: Mr. Bate.

ASSEMBLYMAN BATE: Mr. Fust, could you describe for the Committee the specific research and staff process that went into the preparation of this resolution adopted by the League?

MR. FUST: All right. We were active on the Coalition For 21 and we have used the reports put out by the National Center for Health Statistics. There is another one I have here, the Fatal Motor Vehicle Accident Report; Comparative Data for 1976, put out by the New Jersey State Police.

There is another group, the Insurance Information Institute, who has put out some of this information. We had that before us when we put the resolution out.

ASSEMBLYMAN DOWD: Who is "we," staff?

MR. FUST: Staff, yes. We received the resolutions from several of our members. At the time we had it, we received it from a number of towns who were passing the same resolution actually, concurring with this action. Then, of course, we prepared it for the Resolutions Committee and had it discussed by the Committee and then it is reported by the Committee to the delegates on the floor.

ASSEMBLYMAN DOWD: Was this resolution adopted at the annual meeting convention?

MR. FUST: Yes.

ASSEMBLYMAN DOWD: Was it by voice vote?

MR. FUST: All of ours are by voice vote unless they want a call of the house.

ASSEMBLYMAN DOWD: Were there any panel discussions or subcommittees of any kind established in order to prepare majority-minority reports, or to discuss this issue?

MR. FUST: No.

ASSEMBLYMAN DOWD: Mr. Fust, speaking now as a parent and ordinary citizen, your son is in the Army or Marines and he is 19 and he returns from an overseas assignment, or from basic training for Thanksgiving or Christmas, or your daughter is about to get married and she returns from college or from the service, do you think a majority of the parents of this state would object to a son or daughter of 19 or 20 having a drink or two in their home under those circumstances?

MR. FUST: Yes, I think you are right.

ASSEMBLYMAN DOWD: You think a majority of them would go along with that, don't you?

MR. FUST: Well, let's put it this way, it is more of a permissive age now than it was say 20 years ago.

ASSEMBLYMAN DOWD: Don't you think 20 years ago the majority of the people in this state would have let their son or daughter, under those circumstances, have a drink or two in their home?

MR. FUST: It depends upon how strict they were.

ASSEMBLYMAN DOWD: And, if we passed this bill raising the drinking age to 21 wouldn't it make law-breakers out of all those people - the young people who are drinking and the adults who are urging them to drink, or permitting them to drink?

MR. FUST: I don't think that is a problem. I have gone to many affairs. I have gone to weddings where everyone was under the age of 20 or 19 and they don't allow it at the affair. They keep it away from the wedding party. The older folks have one if they want to have it, but I think they can control it.

ASSEMBLYMAN DOWD: Is that a typical situation? Let's talk about the real world.

MR. FUST: Look, I was 20 1/2 and was a commissioned officer in the Navy and was kicked out of a bar in San Francisco. It is not that I wanted to go in and drink beer, but they wouldn't even allow me in the bar. So, things were strict in the old days.

ASSEMBLYMAN DOWD: Let's deal with today. Would that be a typical situation?

MR. FUST: Probably not.

ASSEMBLYMAN DOWD: Well, isn't it fair to say that by taking from people a right which they now enjoy under law, that we would be encouraging widespread disrespect for the law? Isn't that a fair statement?

MR. FUST: Well, I think we are not concerned with the age of majority, as such, it is the fact that the motor vehicle statistics and the accident reports show this increase in the last four or five years.

ASSEMBLYMAN DOWD: Have you seen any statistics that tell us what the situation is today with respect to long-term travel from parts of New Jersey into New York, as compared to what it was prior to the lowering of the drinking age in New Jersey?

MR. FUST: I don't think those statistics are available.

ASSEMBLYMAN DOWD: And, if they were available wouldn't you think they were relevant?

MR. FUST: Yes, I suppose they would be. But, as I say, I don't think it has ever been kept on that basis.

ASSEMBLYMAN DOWD: You are aware, though, aren't you, of substantial numbers of accidents and fatalities this state experienced when we had a lower drinking age than New York?

MR. FUST: Yes.

ASSEMBLYMAN DOWD: And you are aware that there doesn't seem that problem to the same degree today? Is that a fair characterization?

MR. FUST: I don't know, because, as I say, the State Police statistics show that there is a three-fold increase.

ASSEMBLYMAN DOWD: Within New Jersey?

MR. FUST: Within New Jersey, right.

ASSEMBLYMAN DOWD: Of alcohol related fatalities? Is that what those statistics show?

MR. FUST: Accidents involving drivers 18 to 20 because of being drunk or impaired while driving have tripled from '72 to '76.

ASSEMBLYMAN HERMAN: Where are you reading that from, sir?

MR. FUST: That is in my statement and I can get that information because we have the complete State Police Report available, but I don't have it all here.

ASSEMBLYMAN HERMAN: Can I show you this? Perhaps you will take a look at this. It is something that we plucked out of the New York Times. That was back in 1976. I am just wondering whether you have anything that would contradict that.

MR. FUST: Well, I have to dig it out, as I said. I don't have the whole

report here with me.

ASSEMBLYMAN HERMAN: By the way, for the record, that is an excerpt from the New York Times. I forget the date. It was from a Lieutenant -- what is the gentleman's name?

MR. FUST: Lieutenant Heckter.

ASSEMBLYMAN HERMAN: It says that the decrease in the drinking age wasn't the problem that New Jersey thought it was going to be. Is that what he says in that?

MR. FUST: That is what it says, right.

ASSEMBLYMAN HERMAN: Okay. If you have any information from the State Police that contradicts that, we would sure appreciate it.

One or two more questions from the Committee and then we will go to the next witness. Mr. Mays.

ASSEMBLYMAN MAYS: Would you favor a bill for 19 years old or 21 years old as long as it went along with education - teaching it in the grade school or in the secondary school? Because we all talk about the death that is caused on the highway. Well, how about the walking dead -- you know, the 13 and the 14 year old people in school, and the 15 year olds, that are walking dead now? And, I call them dead now.

MR. FUST: I don't I understand the question. Would I favor the bill?

ASSEMBLYMAN MAYS: There are 13, 14, and 15 year old people drinking now and they are pure alcoholics.

MR. FUST: That's right.

ASSEMBLYMAN MAYS: We are all talking about people that died on the road, but there are people who are living that are walking dead people. That is what I am trying to tell you. What do we do about those people? This bill does not address those people.

MR. FUST: Well, I think it has been said earlier today. There has to be a strong educational program. You are right. I just think that making it easier -- if we get down to the 18 year old it makes it easier to get it lower down in the schools than it was before when it was 21.

ASSEMBLYMAN HERMAN: Bob, thank you very much. One more question. Last question.

ASSEMBLYMAN KERN: Assuming we raise the drinking age to 19, how are you going to enforce that provision?

MR. FUST: Well, the way you enforce it now, I suppose, by proper I.D.'s. New Jersey is not a good state for proper I.D.'s, however, because we don't have pictures on them.

ASSEMBLYMAN HERMAN: Does your League support that, by the way? Does it support the pictures and the I.D.'s?

MR. FUST: Yes, we support it.

ASSEMBLYMAN HERMAN: Then we all agree, Bob, that because of the limited number of personnel in the ABC and their reluctance to have local officials go in and enforce the ABC law that enforcement at any age is difficult right now?

MR. FUST: It is very difficult, right.

ASSEMBLYMAN HERMAN: I want to thank you for appearing.

MR. FUST: Thank you very much.

ASSEMBLYMAN HERMAN: Let me tell you why I asked for the information regarding the 562 municipalities. From a personal experience, I represent a Gloucester County community in which was located an alcohol abuse center - a very

good one. They broke their backs to try to keep funding up. They serviced 600 people within the township of Deptford and Deptford was one of the few communities to part with a few dollars. We sent out letters requesting help to each and every municipality in the county -- zero response. So, I have seen a lot of those resolutions passed by the board and I have been a municipal solicitor, Bob, for 15 years and I have seen a lot of resolutions passed and I would like to know - because I think it is important to put on the public record - whether the municipalities which the League represents stands ready, willing, and able, in essence, to put their money and their commitment beyond just what they say. Because in our area it is certainly not being done and we would like that information before the 15th because I think it is an important piece of information to incorporate into this public record, either pro or con so that we can address the whole problem.

Thank you again. We are going to take a five minute break and we will have Robert Fastiggi. It is now 3:30. We will probably be able to wind this up between 5:00 and 5:30 -- just giving you an idea. I want to take everyone on the list so no one has to return. We will go until we finish.

(5 minute recess)

ASSEMBLYMAN HERMAN: Robert Fastiggi?

R O B E R T F A S T I G G I: Mr. Chairman and members of the Committee, first let me say that I am happy to know that none of you members of this Committee were sitting in the Legislature in 1972, when New Jersey passed a law to permit 18 year olds to drink legally.

ASSEMBLYMAN BATE: That's wrong. I was here.

MR. FASTIGGI: Excuse me. The position of the New Jersey Police Traffic Officers Association regarding the legal drinking age is that it never should have been reduced in the first place. On November 4, 1969, the citizens of New Jersey defeated the public question, "Should 18 year olds be permitted to vote". They defeated that by 365,628 votes. It was 1,154,606 against 788,978. On November 3, 1970, the question again was asked of the voters. Only this time, the age was increased to 19. Again, it was defeated, this time by 248,800 votes. It was 977,531 against 728,731. The federal government in 1971 chose to permit 18 year olds to vote in national elections. This only proves that we don't always send qualified persons to run our government on the federal level.

So, what do we do in New Jersey? Like sheep, we follow. Only, we go one better. We not only give our youth the right to vote, sign their names to legal papers, etc., we also extend to them a way to destroy themselves, either by becoming alcoholics or by motor vehicle accidents or by suicides. Both of the latter have been on the rise since January 1, 1973. The voters of New Jersey mandated that the age remain at 21. Our legislators chose to ignore their constituents and changed the lives of our youth.

Now, you are offering to raise the age to 19 and perhaps move up one year at a time. Why, then, in 1972, when the law was passed to go to 18, did we not go a step at a time, 20, 19, 18, 17, 16 and so on and so on, until we have no age restrictions at all? Does this sound ludicrous? Look behind and ahead of you. It is happening. I guess Washington isn't the only place where we have less qualified people.

Let me clarify this last sentence. I mean in the case of psychological and physiological effects of alcohol, you were either erroneously influenced or ill-advised on the subject.

While sitting at my desk preparing this message to you, one of my men brought in a 16 year old boy who had been walking along in the dark on the Patterson-Hamburg Turnpike, a roadway considered as one of the most hazardous in the State, staggering, apparently drunk, carrying two bottles of beer, one opened, half full and the other sealed. This boy ran from the officer and the officer fortunately caught him before he was struck by a car. When he brought him in, the boy sat with me until the mother arrived and took him home. He is lucky to be alive and the motorist that could have killed him is luckier for obvious reasons. Now, this is not an isolated case. This is quite common. Our men are continuously bringing in under-age boys and girls for violations of the liquor laws, confiscating their alcoholic beverages and turning them over to their parents. There are no formal charges, therefore, there are no records to relate statistics from. You have enough statistics anyway. Figures can be manipulated, as you are all well aware. If you really want to see the tragedy, go on patrol with us, the police officer on the beat who has to answer all the complaints about accidents, drunkenness, vandalism, suicides, overdoses of alcohol, etc. I remember a young lady that came in, one night we brought her in drunk, and we called her father and her father came in, and the first thing she said to her father is, "You're an f _ _ _ ing douche." That, again is not isolated. It happens all of the time. But, again, ladies and gentlemen, you don't see it. Statistics don't show it. Just go with us for a few short weeks. I am sure, then, you will see that our young society can not handle the alcohol or the responsibility that you have seen fit to give them. You've taken away from them their most precious possession--

and I mean this sincerely--their youth. I wish I had it back.

In closing, our Association was very instrumental in obtaining the majority of the 35,000 signatures of voters on the petition to raise the legal drinking age to 21. We feel that the pulse of the people has been made known and you have no recourse but to follow the mandate of the people.

Now, I heard earlier, also Mr. Chairman, that someone in here said that children--I call them children--may not obtain alcohol prior to school opening because of the nine o'clock law. But, each and every municipality has a different opening hour for their taverns. Ours is seven o'clock in the morning and many of them are that early and maybe even earlier, I don't know. So, there is nothing to prevent these young people from going in and having a drink or two before they go to school.

Another statement was made, how can we expect these people--or how would you enforce the law if you permit these people to work in such places as Resorts or any other liquor establishment and not permit them to drink. There is nothing saying that they can't work and not drink. I've been listening to the conversations here and it seems to me that drinking is the most important thing in the world. I was a 17 year old snotnosed kid. I went in the Navy at 17. I didn't know what I was doing and I drank and I became sick. I'm on the ski-patrol in a ski area and we brought in a boy the other night, 17 years old, and he was almost frozen to death on top of the hill, on Mt. Peter, drunk. He had just consumed a bottle of 100 proof, one of those alcohols, but he was almost dead.

As for 18 year olds in the capacity of police officers, I heard someone say that they can be police officers. That's correct. It's not by our choosing, those of us who have been in the profession for twenty odd years or better. In your capacity as legislators, an 18 year old can't be a legislator. I think the age is 25, somewhere in that vicinity. To be President of the United States, he has to be older. Why place him in the capacity of a police officer?

These are just the things I was listening to and I thought I would take them from the top of my head. Now, again, it is not an uncommon practice. If we don't get 10 a month, I would be surprised.

ASSEMBLYMAN HERMAN: What is the population of your community?

MR. FASTIGGI: The population of our community is 13,000, but the transients, they have happy hours in our taverns just like they have in every tavern in the State of New Jersey and we have these young people coming in to drink. They could be from Patterson. We brought some in just recently from Little Ferry.

ASSEMBLYMAN HERMAN: Your community is Pompton Lakes?

MR. FASTIGGI: Pompton Lakes, New Jersey, Passaic County and I am the First Vice-President of the New Jersey Police Traffic Officers.

ASSEMBLYMAN HERMAN: Anyone have any questions of this gentleman? Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: I didn't want to interrupt you, but you mentioned, you were talking about consumption of 100 proof, a fifth of something.

MR. FASTIGGI: I didn't see the bottle. He said he had a bottle of 100 proof Southern Comfort. That's 100 proof, I believe.

ASSEMBLYMAN THOMPSON: Well, if he consumed that, maybe that's what kept him alive.

MR. FASTIGGI: That's not true, sir. You know alcohol--

ASSEMBLYMAN HERMAN: Just questions, please.

ASSEMBLYMAN THOMPSON: Alright, I'll ask my question. What is the difference in giving an 18 year old the right to destroy themselves by driving and drinking and the right to be destroyed by serving a country through conscription or volunteering, when the final analysis is death?

MR. FASTIGGI: I have a young man in my police department, I think he's just 25, and I spoke with him before I left and he said, "If I'm old enough to kill myself or fight for my country, I'm old enough to drink." I said to him as I'm going to say to you, perhaps our legislators will think of something like this. If you want to conscript them at 18, then permit these people who are in the service to drink at 18, but you don't have to give everyone else the right to drink at 18. If they are old enough to fight and you think they are old enough to drink, let those people who are 18 in the act of service, give them a card stating that they are 18 and they are in the service and that they can drink, but that doesn't give everyone else the privilege to drink.

ASSEMBLYMAN HERMAN: Thank you. Just for information purposes, you have 13,000 people in your community?

MR. FASTIGGI: Yes, sir.

ASSEMBLYMAN HERMAN: How many package goods stores and taverns do you have?

MR. FASTIGGI: We have six taverns and I think ten package stores.

ASSEMBLYMAN HERMAN: How many of them were closed down during the past year for selling to minors?

MR. FASTIGGI: Two of them were brought before the Council for serving minors.

ASSEMBLYMAN HERMAN: Did they get any suspensions?

MR. FASTIGGI: One was suspended.

ASSEMBLYMAN HERMAN: And you average thirteen a month, thirteen youngsters a month?

MR. FASTIGGI: I didn't say that these people were caught buying the alcohol in Pompton Lakes. They were caught walking, driving, drinking. These were the people who were not formally charged.

ASSEMBLYMAN HERMAN: I understand. I assume, as a police officer, you made appropriate inquiry, your department, to see who the sellers were.

MR. FASTIGGI: Every chance we get.

ASSEMBLYMAN HERMAN: But, last year, through it all, only one had its license suspended. Are you familiar with Passaic County, the A.B.C. enforcement, generally?

MR. FASTIGGI: I don't see too much A.B.C. enforcement in Passaic County because as you know, the A.B.C. is very undermanned. They are not in Passaic County too much, not in my community anyway.

ASSEMBLYMAN HERMAN: Thank you very much.

Phyllis Scheps? You have been with us patiently all day as an observer and now as a witness. Mrs. Scheps is here individually and on behalf of the Coalition for 21.

P H Y L L I S S C H E P S: My name is Phyllis Scheps and I am here today as Safety Chairman of the Essex County P.T.A. We have been part of the New Jersey Coalition for 21 since its inception. I would like to note a few facts as it relates to the controversy of raising the legal drinking age to 21. One half of the states are still at a legal drinking age of 21. Since the early seventies, when so many of the states started to lower their drinking age to 18, evidence began to pour in that perhaps it was a mistake and since 1973, it is very important to note that no state has lowered its drinking age. The only one state to recently consider the possibility of lowering its drinking age from 21 to 18 was California and California, taking its leave from the numerous problems encountered in states that lowered its age to 18, opted to stay at 21. Just

last year Governor Dukakis of Massachusetts, a once popular incumbent governor, was defeated in his bid for re-election. Twice Governor Dukakis vetoed legislatively approved bills to hike his state's drinking age. His opponent endorsed the hike in the drinking age and used this in his campaign to unseat Dukakis. This indicates to me that this is what the people wanted.

We recognize the fact that the Legislature rightfully prides itself not only by providing leadership to the public, but responding to the wishes of their constituents. We ask you to take into consideration the 35,000 signature collected in a very short span of only five weeks. If you need more signatures, we can get them for you very quickly. I will remind you that the legal drinking age in 25 states is now 21. Two states recognize 20 as the legal drinking age. Nine states have it at 19 and only fifteen states now offer full drinking privileges at 18 years of age.

Assemblyman Herman and Members of the Committee, I would suggest to you, on the basis of your own statements earlier, that statistics can be used either way. I believe that we have seen a cross-section of figures submitted today and I can not believe that five states have recently raised their age and this in spite of extremely contradictory statistics in their states. The same thing went on there. The same thing went on in Ohio, in Michigan, etc. I would like you to take note again--I know it's on the paper, but it's important that it be repeated--the members of our coalition. I'll just name a few: the State P.T.A., representing over 300,000 members; Highway Traffic Officers; physicians' groups; school board associations; probation officers; educators; athletic directors; mayors' associations; the League of Municipalities; these are all representatives of what we consider the front line troops. They're there every day and with due respect to you as legislators, you are not actually out there seeing what's going on. I think this representation is the most important thing we have here today.

Earlier today it was discussed by Dr. Milgram that most alcohol problems and beginning phases of drinking begin at home. Although it is true that there are instances of children drinking at home, due to parental naivety or whatever you want to call it, and although I earlier indicated that I would try to stay away from statistics, I will say that in study after study that was done, when youngsters were queried about why they drink, the largest percentage of youngsters interviewed said, peer pressure, and I will provide those statistics to you, Assemblyman Herman. The major problem, I do not believe, is solely in the home. I would also like to state that the drive to raise the drinking age resulted through a West Orange town-wide study of vandalism. Unfortunately, as most programs do go, the actual experiences of why vandalism occurs is very complex. This then took us to the head of our Juvenile Aid Department, a man who had been with the Department for some 25 years. We asked him how he viewed the situation. When he informed us that in cases of vandalism, nine out of ten cases, when they did catch the youngster, were alcohol related, a far greater figure than he had ever seen in his prior years.

Now, I would like to shift gears and speak to you as a mother and a parent and the feelings I express here today are representative of thousands of parents throughout New Jersey. First, I would like to go back to this past June, when similar public hearings were held by the Senate Judiciary Committee. At that time, and many times since that date, I have heard from those opposing the possibility of raising the drinking age to 21, that it is the responsibility of parents to see that their 13, 14, 15 and 16 year olds do not drink. Well, that's just fine with me and the thousands of other parents throughout the state. But, have you, as legislators, ever heard of the loaded gun theory? In 1973, this New Jersey Legislature gave all of our youngsters a loaded gun. The New Jersey Legislature voted to lower the drinking age to 18, despite the warnings of police officials, schools, churches, and just plain old people. What you did was make our responsibility

an impossibility. You are now familiar with the words of the "trickle down effect", which this law has caused. This has created alcohol problems among the very young because of the ease of availability and this availability will not stop by raising the age just one year. In my own suburban town of West Orange, last year, a full 33% of our high school graduates did not go on to college and I think this is common through many suburban areas. Many of them go out into the work fields and others go to local colleges. The thing that has not been mentioned here before is the curbside relationship between 18 and 19 year olds. It does not stop in that one year period. By the time they are 21, they are, in most instances, pretty well out of the scene. It is more common to date and be in the company of 16, 17 and 18 year olds than it is for a 21 year old to be associated with the group. It's true that there are exceptions, but we're talking about the more common instance.

To get back to the parental responsibility and the "loaded gun" theory, I say to you today that there are many parents who accept the responsibility for their children's actions. I, for one, do, but by making alcohol so readily available to the very young, you have made our task virtually impossible. On one hand you say to us that it is up to us to teach them right from wrong, but our teachings have been undermined and you have inadvertently provided them with a "loaded gun" by giving them this prerogative. You allocate funds to correct the problems associated with alcohol abuse and yet there has been resistance in acknowledging the fact that there is a correlation with having lowered the drinking age. I urge you to put aside all the civil libertarian arguments where the increase in the drinking age has been challenged on the grounds that you raise it without raising the entire age of majority. Judges in various jurisdictions have sustained the right of the legislature or the public to do just this. It has been found that arbitrary age limits are reasonable and legal. For example, if they are old enough to vote, sign contracts, marry and so on, and in answer to your arguments today as to why we think it is okay to do all of the above and not be able to drink, be a police officer, etc., and as Lt. Fastiggi alluded to this, I would like permission to ask the question now, what your feelings are, when it comes to letting youngsters drink and yet they have to be 21 to run for the Assembly and 25 for the Senate. So, it is not the same privileges for everybody.

ASSEMBLYMAN HERMAN: The response to that is very simple. It's a matter of Constitution. We didn't write the Constitution. It is 21 for the Assembly, 30 for the Senate and I think it is 25 for the House of Representatives. They're constitutional prerequisites. They're not laws.

MS. SCHEPS: Well, perhaps we want to repair the Constitution.

ASSEMBLYMAN HERMAN: As you know, you can be elected to office in this State under 21, you can be 18 other than, other than Assemblyman or Senator. So, I think that's not responsive. May I suggest that you get on with your testimony.

MS. SCHEPS: I also wonder why you are so adamant about statistics when we both know that they can be used both ways. Why don't you accept the words of school boards, principals, teachers, law officials who are here today? Why can't you take the human, living point of view, the actual experiences? Why are numbers so very, very important to you?

I fully support education of parents as well as students, but no one thing will do the job alone. I urge you to support action for returning the age to 21, via the route of Senator Orechio's bill in a simple three year stage. It takes the criminal status away from those who are now legally drinking and I see this has disturbed many of you gentlemen sitting on the Committee today. It disturbed me greatly at one point.

We have had this feeling from the very beginning that the only fair way to do it is to do it in a three year stage. If this legislature went to 21 tomorrow, it would take a minimum of three years for the dust to settle. The only logical, fair way is to provide for a grandfather clause for those who are currently drinking, first year after enactment to go to 19, the second year to 20, the third year to 21, to be phased in in that manner. Frankly, I'm really not concerned with 15, 16 and 17 year olds who are now waiting to drink. They have not earned that privilege and it's not a right to drink. In any event, please do not maintain this status quo. Thank you.

ASSEMBLYMAN HERMAN: Any questions? Assemblyman Kern?

ASSEMBLYMAN KERN: Do you have any facts or statistics to support your contention that those who are able to legally purchase alcoholic beverages are passing them on to school children?

MS. SCHEPS: Any statistics? No. I will say that I have absolutely no statistics and I don't think anyone could provide them for many, many reasons. It's been a very, very sensitive subject in schools. I'm very active in the education field in our town and I've attended many meetings. Parents are very much afraid to come forward and say that their children are involved. I have been involved with teachers, administrators, etc. who have frankly, only now, begun to talk about it. They know what's going on, but they're afraid that the finger will be pointed at their particular school. It happens all over the State. It's the same thing. That is why I have asked, incidentally, that we forget about hard facts. I just don't think that they are necessary. I think that you have a representative enough group here to tell what's happening.

ASSEMBLYMAN HERMAN: Do you think we should forget about all facts?

MS. SCHEPS: No, I don't think we should forget about all facts.

ASSEMBLYMAN HERMAN: Which facts should we use and which facts should we disregard?

MS. SCHEPS: I think the human fact and the representation, as I mentioned here, the cross-section of all of those who are there on an everyday basis.

ASSEMBLYMAN KERN: In your school system, what is done when somebody is found possessing an alcoholic beverage on school premises?

MS. SCHEPS: It is handled on an individual basis. It is up to the principal how he wants to handle it. You have to take into account whether it is a first offense, whether it is a second offense. We are dealing with many, many individuals who are administrators and principals. There is no set way it is handled.

ASSEMBLYMAN KERN: There isn't any uniformity in this position?

MS. SCHEPS: I don't think there ever will be. I don't care if you provide an iron-clad law, you're still going to have the human element and how they're going to deal with it.

ASSEMBLYMAN KERN: With respect to the consumption of alcoholic beverages, if somebody is found in an inebriated state on school grounds, what is the disposition of that individual?

MS. SCHEPS: Oft times the parents are called. Unfortunately when the police are called in, the fact that they are a juvenile, there is very little that can be done and these are facts and statistics and figures that will never show up anywhere. They happen and they happen on an everyday basis throughout the State, but you will never see them.

ASSEMBLYMAN KERN: Do you think that the course of instruction with respect to the use and abuses of alcoholism is sufficient in the public schools?

MS. SCHEPS: Right now?

ASSEMBLYMAN KERN: Yes.

MS. SCHEPS: No. I think it has a lot to be desired and I fully believe

in education, not only for the children but for the adults as well. In our own home town we are working with several groups, hopefully to try to educate the parents to what is going on with the young children.

ASSEMBLYMAN HERMAN: Before you leave, you told us to ignore statistics.

MS. SCHEPS: I didn't say totally. I ask you as human beings not to totally ignore them.

ASSEMBLYMAN HERMAN: One thing that bothers me, you and I went--notwithstanding the gubernatorial veto--you and I and members of this Committee went to one heck of a lot of trouble in order to get a bill on the floor, voted on, because we thought having statistics involving school bus accidents was extremely important, because it did have a meaningful relationship. Why, in that instance, when dealing with our kids and school buses, did you feel and I agreed with you, you worked hard to get that bill out, that school bus statistics regarding accidents were so important in getting a piece of legislation of that kind out and here you're asking us, in essence, to ignore statistics?

MS. SCHEPS: Let me backtrack. I'm not asking you to ignore statistics. I'm asking you to consider the human element. Yes, I have sat here and wondered, when this Committee was so very, very good to me on the school bus bill and you were so very concerned about children that you not only gave me the bill, but you made it a better bill and I was very impressed after many, many hard years of trying to get it. Unfortunately, our Governor chose to veto this bill and frankly, I'm here facing the same Committee and I'm a little confused as to why you were so concerned about children then and I'm here pleading for the very same children, whether they are riding on a school bus, drunk or sober.

ASSEMBLYMAN HERMAN: With or without statistics.

MS. SCHEPS: I am not saying take all the statistics and throw them away. That's not what I said. I said you can judge and use them to a degree, but I don't think it is fair in your determination in releasing this bill, that you go strictly on statistics. Yes, you should use them to a certain degree. If I said that before, I take it back.

ASSEMBLYMAN HERMAN: Thank you. I just wanted to clarify that.

ASSEMBLYMAN KERN: Assuming that we release this bill and it is voted into law, how is that going to be enforced?

MS. SCHEPS: How is any law enforced?

ASSEMBLYMAN HERMAN: Is the essence of your question, Assemblyman, will changing the law to 19 or 20 or 21 make a difference as to who gets a drink and who doesn't?

MS. SCHEPS: Yes. I would like to answer that. Many, many licensees and there is a division on those in the licensed beverage industry, those who would like it to remain at the status quo, but there is a certain segment of the package dealers who would like the age raised, but there is a concensus, after speaking to many, many licensees, that it would be very difficult just to go to 19. They would be much happier to go to 21, because physically you look at the average 18 year old and there is a difference between 18 and 21 years old. Now, the ones who have been totally honest have admitted that there are tremendous problems, but understandably, and I'm not condemning them, there is the economic factor. It is a matter of their living and it is very hard for them to turn around and say, "I'm going to lose all this business." I do sympathize with them as far as that's concerned. I think it would make it a lot easier for a licensee because it is very easy for a large 16 or 17 year old to pass for 18. It is very difficult for that person to pass for 21.

ASSEMBLYMAN HERMAN: Before I go to Assemblyman Dowd, do you support the picture on the licenses?

MS. SCHEPS: Absolutely.

ASSEMBLYMAN KERN: I have one more question. Would you support a bill or legislation which raised the age as far as purchasing package goods?

MS. SCHEPS: No, I'm not too comfortable with that because there was a recent study done out in Ohio. It was a very in-depth study and it proved that over 73% of the drinking driving accidents and deaths occurred after youngsters left the taverns and bars. It was very significant.

ASSEMBLYMAN HERMAN: You can supply us with a copy of that?

MS. SCHEPS: Yes.

ASSEMBLYMAN HERMAN: Assemblyman Dowd?

ASSEMBLYMAN DOWD: I want to just preface my question with a brief remark. I am speaking, I think, for all of us, but at least for myself, I readily concede that there are some things that can not be put into statistics and this may be a classic example. The danger, however, is that we respond to a legitimate problem, namely the admitted alcohol problem that we have in our high schools and the possible alcohol problem that we have on our highways, the possible increase, that we react in an irrational, emotional manner. Now you have read a list of impressive and very fine organizations which support either 19 or 21 and you have indicated that there is a gut feeling out there and as I walked in you were telling us how in other states the popular thing to do was to raise the drinking age. The only trouble with that and I ask you to address yourself to it, is that the whole legislative process is supposed to be designed to produce laws which do that which is correct, that which is just. At the moment, I am not convinced that it is right and just and good for the people of this State to raise the drinking age and I say that knowing that the overwhelming majority of our people, if petition drives and letters to my office are to be used as a guide and I'm not sure of that, that it seems that there is a majority in favor of raising the drinking age. My point is that if this Committee votes not to release this bill, it probably will be doing so in the face of contrary public opinion. Now, I don't think it is persuasive with this Committee to talk about such and such politician was against it and he got beat and you better listen to the public, because we're talking about taking away from, you call it a privilege, we're talking about taking away from a large group of our citizens, adult citizens in every other respect, a legal right that they now have. Now, my question is, would you not concede, since we have a five year track record here, that it might be advisable for us to wait another two or three years, during which the Legislature and your organization and all the other organizations, particularly law enforcement, would gather the statistics that we do need, would break down those driving and fatality records and the boards of education would start gathering the facts and keeping records, not just names, but give us some more facts so that we can make an intelligent judgement because I think most of us adhere to the position that when you are going to take a right away from somebody, you better damn well prove your case and justify doing it. You haven't done it.

MS. SCHEPS: We differ on the fact of a right or a privilege. I think it is a privilege.

ASSEMBLYMAN DOWD: It is a legal right.

ASSEMBLYMAN HERMAN: Well, Ms. Scheps is certainly entitled to her opinion.

MS. SCHEPS: Well, it's a question of semantics as far as that is concerned. I would urge you not to wait for two or three years because I think there are going to be

needless accidents and fatalities. That's point number one. I also would suggest-- it is very hard to suggest, even to take you to districts, to let you know what is happening with very young people. It is very frightening as a parent and I see and hear many, many stories about twelve and thirteen year olds abusing alcohol. It is very, very worrisome what is going to happen to them in the next few years. We hope that this bill will help to stem the tide. I absolutely will not say here, if we went to 21, if we went to 25, that that alone will make the entire difference. I think raising the age, alcohol education in the schools, parental education and many other factors are all part of it and even then, I would say, no way will we ever completely wipe out all these problems with underage drinkers, with the trickle down effect, with the drinking driver accidents. I think we have an obligation to do something and I think it is rather evident what happened in Michigan very recently and I think it is rather evident in the other four states that did raise their drinking age and more significant that nobody since the early seventies have lowered the drinking age because they started to get word in from throughout the country what was happening.

ASSEMBLYMAN HERMAN: Assemblyman Bate?

ASSEMBLYMAN BATE: When Attorney General Degnan was here, I asked him a question with respect to the diminution of the adult status as far as drinking was concerned and asked him to point out any cases where the courts have upheld the decision and he was at a loss. Now, do you have such cases?

MS. SCHEPS: Yes. I've submitted to the Chairman this morning copies for each of you. It happens to be on the blue sheet. It was a recent case, after Michigan went to 21 on referendum this past November 7, it was challenged in the courts by the liquor industry and by several youth groups and the judge, without a shadow of a question, upheld this.

ASSEMBLYMAN BATE: In other words, it was one case.

MS. SCHEPS: No. It was done also in the State of Washington.

ASSEMBLYMAN HERMAN: Ms. Scheps, that appears to be a lower court case.

MS. SCHEPS: No, it went to the second court.

ASSEMBLYMAN HERMAN: The Court of Appeals, U.S. District Court? Well, I think that is something we will ask the staff to get us some more information on. Assemblyman Bate, do you have any more questions?

ASSEMBLYMAN BATE: I do. You said that there were 25 jurisdictions which retain the 21 year old drinking age and you pointed out about California staying at 21. Actually, their record, as far as alcoholic related deaths, is much worse than ours, is it not?

MS. SCHEPS: I don't know.

ASSEMBLYMAN HERMAN: That's something for the Committee to review. Assemblyman Mays?

ASSEMBLYMAN MAYS: In your statement, you got me confused. You said in your statement that you're worried that we passed the bus law for you, that you were pleased. Then, you also said that you are not concerned about the 15 and 16 year olds. Then, a few minutes ago, you said that you cared about the 12 and 13 year olds.

MS. SCHEPS: I'm not concerned about the 15, 16 and 17 year olds who are waiting to have a drink, to drink legally. That, I'm not concerned about.

ASSEMBLYMAN MAYS: You do care about them?

MS. SCHEPS: Absolutely. I put 14 years of my life into school bus safety and the past few years into the alcohol problem and I certainly am concerned for the children.

ASSEMBLYMAN MAYS: You also stated that peer group pressure was the number one villain of alcoholism, instead of at home.

MS. SCHEPS: Yes. I don't say that there aren't any problems in some homes. There's no question about it.

ASSEMBLYMAN HERMAN: There a number of studies not supported by the alcohol people that contradict you on that particular point of view.

MS. SCHEPS: Thank you for acknowledging that. I have read studies. In fact, I've brought along several of the studies, Michigan, Ohio and several other places. I have volumes and I have read them over and over.

ASSEMBLYMAN HERMAN: Don't we agree that there are many other causes besides peer group pressure. There are some studies that say that the family and the socio-economic atmosphere, whether you live in an urban area or a suburban area, whether you come from well-to-do parents or in-between parents, are the primary pre-conditioners, the question of alcoholics, hard-core alcoholics being primarily pre-conditioned, whether your parents before you had a drinking problem?

MS. SCHEPS: All these things do enter into it, but today, I think the situation has shifted. I don't think that the social background or the economic background is having any effect, because children of various social and economic groups in any town do get together, especially when there is drinking involved.

ASSEMBLYMAN HERMAN: What I would like to see, before February 15, if you could, is those reports that you do have that point that the primary influence of drinking in teenagers happens to be peer pressure. If you could produce such studies, we certainly would like to have it.

MS. SCHEPS: I would like to produce the other studies also and I would like to comment on this. In Michigan, starting in 1972 and it went clear up to 1977, 1970 rather to 1977, they did studies that were federally funded and incidentally, it was the only federally funded study in the State of Michigan. There were one or two others that were federally funded, but that was the prime one. It was done for a three year period and it was up-dated as recently as April, 1977 and there is no research and there is nothing that is 100%--I mean, I can't tell you that everything I'm saying is 100% and you can't say the same--but, as far as research, the good research, they did it in controlled states where the age was 21, 19, 18 and 20.

ASSEMBLYMAN HERMAN: Anymore questions of Ms. Scheeps? Assemblyman Flynn?

ASSEMBLYMAN FLYNN: Does your organization take any stand on 18 year olds having the right to bear arms?

MS. SCHEPS: No, we haven't discussed that.

ASSEMBLYMAN FLYNN: What is your personal opinion? Do you think they should have the right to bear arms and own guns?

MS. SCHEPS: To own guns? I personally don't like guns.

ASSEMBLYMAN FLYNN: I'm talking about 18 year olds now, not whether you like them or not.

MS. SCHEPS: Are you talking about the right or the right when they go into the military?

ASSEMBLYMAN FLYNN: Both, the right to bear arms in the military and the right to own guns right now. They can go down and get a license and own guns.

MS. SCHEPS: Personally, on the one aspect, I don't care for guns. When it comes to the military, frankly, I'm not that knowledgable about that to even answer in a proper manner.

ASSEMBLYMAN FLYNN: Well, do you think that we ought to, at the same time we're taking the right or the privilege of drinking away from them, that we should take the right to own guns away too?

MS. SCHEPS: I really don't think I can answer that question. It's a little difficult for me to answer that question.

ASSEMBLYMAN HERMAN: Are you basically asking, Assemblyman, whether we should change the age of majority to make it consistent?

ASSEMBLYMAN FLYNN: Well, I just want to ascertain just which of the privileges that they now enjoy we should take away. How about the right to gamble in casino gambling or playing the lottery or go to the racetrack? Do you think we should take that privilege away from 18 year olds?

MS. SCHEPS: I think that the laws would have to be up-graded to meet it when we do raise the drinking age, as far as that's concerned. I notice that you referred to an article, Assemblyman Herman, from the New York Times. I don't know if you saw the Times two weeks ago, talking about the problem out at the Meadowlands, 13 and 14 year old kids drinking out there.

ASSEMBLYMAN FLYNN: I'm limiting it now to 18 year olds. Should we take the privilege away from 18 year olds to go to the racetrack, to gamble in Atlantic City, to buy lottery tickets and the other forms of gambling that we have?

MS. SCHEPS: I think that's up to you as legislators.

ASSEMBLYMAN FLYNN: Well, you're advising us what to do on drinking. Why wouldn't you give us some advice on gambling?

MS. SCHEPS: Frankly, I have spent a great deal of time studying the problem of alcohol abuse. I have really not studied the problem of gambling and I'm not a professional. I'm giving you my points of view as somebody who has taken an interest in it and I just could not answer that in all honesty.

ASSEMBLYMAN FLYNN: Do you think that 18 year olds should have the right to get married without their parents' consent?

MS. SCHEPS: Yes.

ASSEMBLYMAN FLYNN: Do you think they are mature enough for marriage?

MS. SCHEPS: The record of the divorce rate doesn't tell me very much, that they're very mature about that. So, with due respect, I would hope that they would be mature enough, but the divorce rate has been extremely high.

ASSEMBLYMAN FLYNN: Do you think they're mature enough to exercise the voting privileges properly?

MS. SCHEPS: They fought very, very hard for that right to vote and unfortunately they have not taken advantage of it. I work at the polls during every election and I see very, very few young people coming in.

ASSEMBLYMAN FLYNN: The answer is a yes or no. Do you they should or shouldn't have it? Ms. Scheps, you're doing a good job skipping around those things you don't want to answer directly.

MS. SCHEPS: I'm taking my cue from you.

ASSEMBLYMAN FLYNN: Is it fair to say that in your view 18 year olds really either don't deserve or shouldn't have most of the privileges they now have?

MS. SCHEPS: No. I think that most of the privileges they now have they should keep. I want to see them sign contracts and if they feel able to I want to see them get married, but I just don't see the correlation. Why are we fighting so hard to let them drink? When you really analyze it, what does it really mean?

ASSEMBLYMAN FLYNN: How can you take away one privilege and not take away the rest of them. That's my point.

MS. SCHEPS: Because the courts have told us it can be worked in that way.

ASSEMBLYMAN FLYNN: Well, the one that we have there, I understand, is not a higher court decision.

ASSEMBLYMAN HERMAN: I have to make an observation here. You know, sometimes when the court agrees with us, we certainly use them. I've seen some of these groups use the courts as whipping people, the Legislature included, using the courts as whipping people, when it is to our respective advantages. But, I think the question he is asking, boiling it down to its lowest common denominator, if we talk about the age of majority, do you subscribe to the view, vis-a-vis, that you can be half an adult and if you do, fine. That's your opinion and you're welcome to it. That's what we're trying to ascertain. In other words, we are saying for some things you are not an adult and for other things you are. The question we're trying to get from you is whether you subscribe to that principle, that for some things you can be an adult and for some things you can't.

MS. SCHEPS: Yes. Do you want my opinion? Yes.

ASSEMBLYMAN HERMAN: Now the next question, I assume, that the Assemblyman would ask you is, is that consistent, that if you are mature enough as an adult to get married and to do a number of these other things that he has described that you are mature enough as an adult for the purpose of holding a drink?

MS. SCHEPS: I have to ask you for some statistics now.

ASSEMBLYMAN HERMAN: I am asking you if you can respond to the question.

MS. SCHEPS: I can, but I have to find out how many 18 year olds do get married, how many 18 year olds do enter into--

ASSEMBLYMAN HERMAN: If I were to tell you that between the ages of 18 and 21, as far as the female population, according to statistics that I have, something like 40 to 50% of our female population married between the ages of 18 and 21, taking that into consideration, and whether the percentage was 20% or 15% or 8% or whatever, do you think it is consistent to say that you're mature enough to get married, you're mature enough to gamble, you're mature to enter into a contract, you're an adult for all these things, but you're not adult enough to drink? If that's your answer, yes, then that's your answer.

MS. SCHEPS: That's my answer.

ASSEMBLYMAN HERMAN: Alright. Do you think that is a consistent position and I would like to know why? That's all we're looking for, your rationale as to why you think it is consistent.

MS. SCHEPS: Why is it consistent--

ASSEMBLYMAN HERMAN: Please don't answer a question with a question. I'm asking you if you can give us your rationale for that purpose.

MS. SCHEPS: I think by signing certain contracts, even by getting married and by voting it affects one or two people. It does not affect the whole world. These acts do not harm younger people. These acts do not endanger somebody on the highway. That's the only answer I can give you.

ASSEMBLYMAN FLYNN: If the 18 year old is allowed to buy a gun, isn't that even more dangerous than buying a bottle of beer?

MS. SCHEPS: There are a lot more bottles of beer bought than guns.

ASSEMBLYMAN FLYNN: I realize that, but isn't it more dangerous to buy a gun than to buy a bottle of beer?

MS. SCHEPS: To be honest with you, I really am not prepared to talk on that. I'm being honest with you. I haven't given it enough thought to give you an honest answer.

ASSEMBLYMAN HERMAN: Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: I have two questions. In your statement, you mentioned responsible parents. Say the law doesn't change and we leave the law as it is today, would you be in favor of an amendment where parents accept vicarious liability?

MS. SCHEPS: I think there was a law they were attempting to pass recently about parental responsibility. I mentioned before that I as a parent do take responsibility for my young teenagers. I felt very strongly about a bill possibly going through the Legislature and then when I started to think about it, there are many families of very low economic situations. For example, the youngster goes out and vandalizes and destroys something that is worth five hundred or a thousand dollars. Normally, the parent should be responsible. I wouldn't want to take that responsibility, but there are far too many families that not only don't have five hundred dollars, but they don't have five dollars to spare. I don't know what it accomplishes when it comes to dollars and cents. I have to say, I have very mixed feelings. I started out feeling very strongly about it and right now I have mixed feelings about it.

ASSEMBLYMAN THOMPSON: You mentioned Senator Orechio's bill, which deals with gradual steps of decriminalizing consumption of alcohol. How would you rationalize his particular bill against the bill that is pending in the Legislature on decriminalization of marijuana? As we know, alcohol is more deadly a killer than marijuana.

ASSEMBLYMAN HERMAN: I don't think the witness understood your question. What are you trying to say?

ASSEMBLYMAN THOMPSON: Well, Orechio's bill basically deals with gradual steps of decriminalizing the consumption of alcohol and I want to know how could she rationalize that particular legislation against the bill that's pending on the decriminalization of marijuana.

MS. SCHEPS: I will try to answer that. I think Senator Orechio's bill is an answer to a very strong need and to many, many questions that have been raised and I heard it four or five times this morning. What do you do with a twenty year old who is drinking now? Do you now make him a criminal a day after enactment and I would say, no. That has bothered us from the very beginning. It has been our contention, from the time we first entered into the Coalition for 21 that it should be done in a gradual state and as I said before, if we went to 21 tomorrow, it would take a minimum of three years for the dust to begin to settle and so this is a fair way, a rational way of doing it and that is why we support it.

ASSEMBLYMAN HERMAN: Let's hold it there for one minute. We really are in a time bind. Mr. Marcus has an appointment with the Attorney General at five o'clock and I would like to take him out of turn. I would just like to ask you briefly and no long soliliquys, just your position or that of the Coalition. Assuming that the Governor won't sign a bill to raise it to 21 or won't sign a step-up, does your Coalition, as a back-up, support what we are considering today?

MS. SCHEPS: May I say this? Being very realistic, certainly, age 19 is better than 18, but it is only one third of the way.

ASSEMBLYMAN HERMAN: We understand what your position is and we're just trying to get that last question or two on the record, so we can understand what your position is. If the position of the Attorney General and the sponsor eventually winds up that there is only support for increasing the age to 19 or 20 in package goods sales and leaving the age of 18 in the taverns, would your groups still support that as a better than nothing alternative?

MS. SCHEPS: I'm a little concerned with the bill to drink in the taverns as I said before, out of the Ohio study that was federally funded, they found that 73% of the accidents--

ASSEMBLYMAN HERMAN: Would you still support it if it came out as the best we could do? I'm just trying to gauge some public sentiment. I know what your position is and I'm not trying to lock you in.

MS. SCHEPS: I frankly would have to go back and maybe by tomorrow, I plan to be here tomorrow, to get a feeling from some of the members. I can not speak for all of them.

ASSEMBLYMAN HERMAN: Thank you very much for taking some of the strong questions. I think you handled yourself very well. Thank you. Alan Marcus?

A L A N M A R C U S: Mr. Chairman, thank you for your indulgence and members of the Committee, we appreciate your taking us out of turn, so the Attorney General won't be held up. With me today is Mr. Robert Lovett, who is Vice-President of the New Jersey Package Stores Association and President of the Monmouth County Package Stores Association. Our firm represents the New Jersey Package Stores Association.

Last July, the Senate Committee on Law and Public Safety and Defense held an extensive all-day hearing on Senate bill 1126. We monitored those hearings and one of the chief concerns that we had following that and we stated that in writing was that no two sets of statistics presented that day were consistent and that seems to be the tenor of this Committee's questioning and the questioning of others since that time. We found that the traffic officers could say that the death rate has gone up and others could point out that it has gone down. People say that there were more people in Vietnam than there were drivers and all of these considerations have helped to confuse the situation more and more and more, which doesn't mean that you throw out statistics, but it means that we should look to just find one area where we can agree on some data.

The second point that we raised was that there was not enough attention placed on education and what happens in the school when someone is caught inebriated. I went to a private school and the action was very simple, you were booted. I went to a private boarding school. I don't think the public schools have that ability and maybe one of the thoughts of the Committee should be to give those people who complain about the drinking age the ability to act in some meaningful way when this occurs. We think--I'm not a parent and I know many of you are--that the parent likes to reserve the right to administer discipline. Apparently, that is not being done, because it is hard to set your own law.

ASSEMBLYMAN HERMAN: More particularly, Alan, getting to the position of the package goods stores on this bill, what is their position and why?

MR. MARCUS: Our position is this, we are concerned not with this bill, but with the amendments that have been proposed which would set a minimum drinking age for on-premises consumption at 18 and raise the drinking age to 19, 20 or 21 for off-premises consumption. We think that the emphasis that has been placed would serve to indicate that most teenagers are purchasing their liquor in package stores or in bars for off-premises consumption and passing them around the neighborhood and this is a wide-spread bootlegging operation. We don't think this is so. We do not have statistics that would bear this out because a shopkeeper already has enough to do. I would say this, it was suggested in the testimony taken last week that there would be carnage on the roads coming back from New York if the drinking age were to be raised to 19 or 21. Are we immune from carnage on our highways in New Jersey? I don't think that there is going to be any change necessarily.

ASSEMBLYMAN HERMAN: Let's forget the bill in its unamended form. What is the position of the New Jersey Package Stores Association in regard to the Graves bill as it exists in its present form?

MR. MARCUS: If the data you are looking for, Mr. Chairman, were to suddenly become available and if there was proven a need to raise the drinking age, we would suggest that 21 would be a better age than 19.

ASSEMBLYMAN HERMAN: What's your position on the Graves bill?

MR. MARCUS: Our position is that the drinking age should be increased only if a number of things are done. Those things are not incorporated in the Graves bill.

ASSEMBLYMAN HERMAN: Such as?

MR. MARCUS: Placing a photograph on the drivers license; stricter enforcement; increasing the penalties for selling to minors and for minors who are purchasing. We risk our license every day. A license could be \$2000 a year. We face a suspension. The A.B.C. gave in Bergen County recently a \$5200 suspension in lieu of a twenty day closing. The juvenile who claimed he had bought the liquor in that package store wasn't even fined. We think there has to be some deterrent. Believe me when I say that no package store or tavern operator--I will amend that. We know of no package store operator or tavern operator or bartender who wants to sell to minors. I don't think that one little sale, that ten dollar bag that he will walk out with is worth the price of our license. We have a lot invested in these stores. We think that should be dealt with. The photograph on the drivers license is something that we have supported for fifteen years. We're pleased that someone is trying to work out a compromise, but quite frankly, we don't think the compromise works. If we want to talk about states that have done things, 25 states have maintained 20 year old limit, well 42 states that we know of now have a photograph on the drivers license. We think that the photograph does more than just in the sale of alcoholic beverages. That's what we're interested in. You can talk about check cashing, police identification, bank statements, whatever it might be.

ASSEMBLYMAN HERMAN: You mentioned two or three other items. Why don't you highlight them for us?

MR. MARCUS: Education and strict standards. Uniform standards of what would happen when in a school, for example--

ASSEMBLYMAN HERMAN: You mentioned two items about sales and minors themselves.

MR. MARCUS: Yes, that we have stricter penalties for the sale to minors, both for the seller and the purchaser. We do believe that there are some sales that are being done, because somebody shows you some proof of age and you say, "Boy, I really want to believe that that proof is good," and so, it is glossed over. We think that does exist. So, we think that the penalties should be made so that you will want to look very carefully at that proof because you have a lot at risk. Really enforcing the present penalties that we have would do that. We call for stricter enforcement of the laws that you presently have on the books and the regulations of the A.B.C. But, what we're also saying, gentlemen, is that the purchaser, the youthful purchaser has nothing at risk. If I go in at the age of 17 and use my older brother's drivers license and I could probably take Mr. Dowd's drivers license and he and I would probably come up with almost the identical drivers license as far as weight class and that type. You might be a little off, but who knows what weight class II and weight class III are. We will both be about six feet tall, both have dark hair and we could have used that license and I think the Assemblyman is about two or three years older than I am, so I could have used that license when I was 19. So, I have no risk and the only thing I'm going to lose is that drivers license and usually it was a phony and you didn't care and you would just go home and make another one. If that person has something at risk, then I think they will be less eager. New York now tries juveniles as adults. I believe that the Daily News said that 40% of the juveniles are being tried as adults. Maybe there could be something in that area. I would leave that to you. I think there would have to be a carefully metered justice on this, Mr. Chairman. I don't think you can throw somebody in jail for--do you want to throw a 17 year old in jail because he bought a quart of beer?

ASSEMBLYMAN HERMAN: You're the one who is testifying. I'm just trying to get what your position is, how we ought to make the law more effective.

MR. MARCUS: I think the fines that we pay for selling, maybe we should make those an equal fine. I think the parents will be a great deal more concerned about kids going out and buying some beer underage if he all of a sudden has to come with \$1500 or \$1000. It shouldn't be as high as ours, I take that back. It should be much lower, but it shouldn't be \$50 or \$25 as a disorderly person, maybe a \$500 fine or \$1000 fine would be more appropriate.

ASSEMBLYMAN HERMAN: Mr. Marcus, let me ask you this. There were a number of people that testified before this Committee and I have to assume that they are not all crazy and they have come here and said that they have a problem in the schools with drinking. They say that the primary problem is that package goods are coming into the schools. There were a number of people who testified that there is a great deal of carnage, that the accident statistics are up and this and that. We had the Attorney General testify at the last hearing that what we are really looking to get at is not so much the 18 year old, but those that are identified within the peer group under 18. Now, if raising the ability to purchase, assuming that we had stronger penalties, assuming that we had the picture on the license and a few of the other things that you mentioned and assuming that the only thing that could pass this legislature in both houses is a bill that would biforcate the age, in other words 18 in taverns and 19 or 20 in package goods stores, what is the social harm in passing such a bill if all these good people who have taken their time to come testify, to tell us about all the problems that they believe to exist, and I assume that they are not plucking them out of the air, if that would be helpful?

MR. MARCUS: I think that part of the social harm is that a lot of people have said things, with all respect, which you have complained about the fact that we have no facts.

ASSEMBLYMAN HERMAN: I'm asking you a direct question. Assuming they are right, assuming that this Committee determines that they are right, what would be the harm, assuming we make that assumption, in adopting that type of biforcation, what would be the harm?

MR. MARCUS: I'll answer your question in a moment. Let me add this. One of the points that we raised when I talked about enforcement, was that there be very strict penalties for purchasing for minors and I'm sorry, I believe that I must have glossed over that because I think you would have mentioned it. We think they should be the strictest possible penalties for purchasing for a minor. What would be the harm? I'll take it not in the social term, but I'll put it in the economic terms because I think we have to get into that to a degree. The harm is this. You would be setting a drinking pattern, a drinking purchase pattern whereby our potential customers, especially at a time when we are going into deregulation where there will be a severe economic impact, and you're saying to us that you're going to give an economic advantage to one aspect of the industry over another. We, and I understand that this is not the social aspect of the issue and I know I'm getting away from your question, but I do have to mention this, we believe that it would be unfair to say you can go to a tavern and drink, you can go and purchase in a tavern. It would be very difficult, I think, to enforce whether that person was going to be able to leave with package goods.

ASSEMBLYMAN HERMAN: Tell me why. You say it's unfair. Tell me why it's unfair, assuming it would have an impact in our schools, that it would stop the distribution of alcoholic beverages, clean up the problem substantially in our schools.

MR. MARCUS: I think if you could prove to my client that all of these great things were going to occur, that everything was going to be alright, if you did that, I think we would take a good hard look at it and you know, we might agree with you because we have agreed, we've broken with the industry and really gotten battered on this and other issues in the past because we've tried to do the right thing. We addressed, in July, many of the points that you're addressing today. I'll send you some of my press clippings that have taken place since that time and you'll say, "Boy, you've taken a shellacking," and we have. I'm saying, you prove to me, and not you in particular, but if you could show that will happen, all good things will happen to everybody, we'll take a good, hard look at it. But, quite frankly, until you show us that, and until you can show us that in good hard facts in black and white, we just can't buy it. We asked our members how it gets down to minors in a place like Montclair, which is very close to Nutley where the hearing was held and one of our state vice-presidents has a store in Montclair, and he did the survey of the people in Montclair and in the surrounding towns and it turns out that it is not the 18 year old, in his instance, where he can walk down the street and see it happening and call a cop and try to track it down. It is the rummy who doesn't have the four bucks for his pint and the kids come up and say, "We'll buy your pint and here is our order" and he will either go into a tavern or a package store and he gets his pint and there is the box for the kids and they are distributing it.

ASSEMBLYMAN HERMAN: Alan, you sure have highlighted some of the problems that this Committee has on both sides of the issue on getting hard statistics.

MR. MARCUS: Exactly and that's why I didn't bring it up originally because it is another case of, "Now, is it widespread or is it Leo Bromley's package store?" We don't know.

ASSEMBLYMAN HERMAN: Assemblyman Flynn has a question.

ASSEMBLYMAN FLYNN: Do you have any statistics as to what percentage of your gross volume is currently sold to those either 18, 19, 20, 21, in that range?

MR. MARCUS: I'm sure we do and everybody has. We don't break it down that much. Our stores really aren't equipped that way. We don't have computers. We're small operations. A package store that grosses \$400,000 a year is a rather large package store and so I'm sure you can appreciate the difficulty we would have in securing that data. But, our point is this, under the 14th Amendment, where we're guaranteed equal protection under the law, we don't want to see a situation start where--and I would not like to admit that I had done anything illegal at any time--but, at two o'clock in the morning, I'm sure it is easy for a tavern, if he has a customer, to say and the fellow says, "Look, I want to take a six-pack home," and he looks around and there is nobody in the place and you're putting the bartender in a terrible spot. He may fulfill that customer's request and he may not.

ASSEMBLYMAN FLYNN: Can you give us some approximation of the percentage that this age group gives? It doesn't have to be a hard statistic.

MR. MARCUS: I would imagine that it is very low.

ASSEMBLYMAN FLYNN: So, it really wouldn't have a significant impact on your industry if we were to raise the age.

MR. MARCUS: It would have a severe economic impact if that purchaser got used to, in his buying pattern, to going to our competitor and then when he reaches 21 or 22, 27 or 30, he has made that his regular store and this is strictly a selfish reason and I understand that. As I say, I can't answer it socially.

ASSEMBLYMAN FLYNN: You're answering strictly for the package store, right?

MR. MARCUS: Yes, that's correct. What you're saying is, "We'll let you get your liquor in the tavern and in that way you won't spread it around. You'll get bombed and go out and kill somebody maybe, but you can't do it in a package store." We just don't think there is much sense to that reasoning.

ASSEMBLYMAN HERMAN: Assemblyman Dowd?

ASSEMBLYMAN DOWD: As far as I'm concerned, the most impressive and persuasive thing I have heard in support of raising the drinking age to 19 has to do with the very narrow issue, narrow as compared with the great family of issues, of the daily contact that 18 year olds have, seventy some percent of whom are in high school when they are able to drink, with those who are under 18. That, to me, is the most persuasive argument there is in favor of raising the drinking age. Now, it seems to me, also, that the most effective way of curtailing that, not of eliminating it, is to prohibit 18 year olds from purchasing package goods from package stores or package goods from a bar. Assume that what I just said is correct, don't argue with it and don't say that you're not convinced of it. Just assume for the sake of discussion that that is correct. Shouldn't this Committee be willing to experiment for a year or two to see if that narrow area, perhaps an automatic time situation where at the end of two years or three years, that prohibition goes off the books, if it can be shown that there is a salutary effect?

MR. MARCUS: At whose expense are you experimenting?

ASSEMBLYMAN HERMAN: Excuse me. We asked the previous witness not to answer questions with questions and we would ask the same courtesy of you.

MR. MARCUS: I'll answer it directly then. We would oppose--

ASSEMBLYMAN DOWD: Most taverns have a broad C license and they sell package goods. So, don't give me this discrimination stuff. It would affect both of them.

MR. MARCUS: We're talking about discrimination in terms of the future where you're setting a buying pattern. We're not suggesting that there would be wholesale package goods sales in taverns illegally at this point and I don't think it would be appropriate for anyone to say that. I think, Assemblyman, that you have to consider the following. We said back in July that 19 does not fracture the peer group. My own personal experience was that I was 19 when I was still in high school. I had not graduated yet. I graduated when I was 19.

ASSEMBLYMAN DOWD: Some of us are slower than others.

MR. MARCUS: Well, when I was 21 I was Clerk of the House here so I guess I accelerated quickly. We suggested at that time, though, that the social pattern of today, with the drinking age at 18, is much different than it was when it was 21 back in 1972. The war in Vietnam is over. There are many things that have taken effect. We thought, at the time, and it was our feeling that if you are going to raise the drinking age, it should be raised to 21, which does, in a way at least, fracture that social group. Others would argue against that and I would say, here again, it is just one opinion against another opinion. We do not believe that setting a different drinking age would withstand a court test. We would probably end up going that route. We don't like to do that. We don't think that we should have to depend on the federal courts to give us our 14th Amendment rights. We say--we've looked at the arguments--

ASSEMBLYMAN DOWD: Equal protection to do what, to sell booze?

MR. MARCUS: Yes. If you're license, you have a licensed privilege. Before you ask your question, there was another matter we were concerned about on this bill and I would like to get into it before we answer the questions. That was the employment aspect of employing 18 year olds, if the bill was to go to 19, 18 year olds or 19 year olds.

ASSEMBLYMAN HERMAN: Do you agree with the previous speakers who said to change it to take care of the employment?

MR. MARCUS: Yes. We would like to say that we think the people should be allowed to work.

ASSEMBLYMAN HERMAN: That point has been made, I think, very eloquently.

MR. MARCUS: Fine. I would add to that.

ASSEMBLYMAN MAYS: Isn't it true, since 1973, that beer and wine has been on an incline, about 25%?

MR. MARCUS: Yes and a great deal of that reasoning, quite frankly, is that in 1973 and 1974 you had an economic decline and the statistics that are put out by the National Liquor Institute that I've seen show that those purchases were made by adults just as much as young people, but it was because wine is marketed now much more broadly. It is a social drink. It is used not just with dinner, but before. I know, quite frankly, when I have a party now, where I used to order one bottle of wine, I'll order a case of wine for the same number of people. I don't think that you can say that that is a condition of the drinking age as much as our change in economics.

ASSEMBLYMAN MAYS: But, you know in your heart that one of the reasons is that the 18 year old and the 17 year old and the teenagers are drinking wine and beer and smoking reefer.

MR. MARCUS: I would stand on what I said, Assemblyman. I am not an expert on the drinking patterns of 18-21 year olds. All I can rely on is the fact that 1973-1975, the sale of spirits dropped sharply in this country and the reason really was the economics. You can buy a bottle of wine for \$4.00 and in this state, it is \$11.96 to buy a bottle of Dewars.

ASSEMBLYMAN HERMAN: Excuse me, Assemblyman. That may be so, but the drinking patterns in this country, historically and I'll be happy to show you the document, says that in the last hundred years we drink 50% of the hard liquor that we did and we drink perhaps two, three, four times as much beer and wine as we did and you're not just going to say that that's an incident of the last three or four years are you?

MR. MARCUS: No, no, not at all. I'm saying that one of the reasons for the dramatic increases that the Assemblyman is referring to--I would agree with the possibility exists that it is because of the lower drinking age, but I would also say that there are other factors that went into that, that we're aware of, not the least of which is beer and wines are being marketed much more carefully now and there is a lot more money being put into it. You didn't have a lot of Blue Nun ads up until a few years ago.

ASSEMBLYMAN MAYS: Talking to these big companies, the liquor companies, they even open a department now with just wine alone. They didn't have that department before. Now they have wine alone and that shows the great increase in the wine drinking.

MR. MARCUS: Exactly, but let me add to that. In a package goods store, for example, we don't market, or the liquor companies aren't marketing to the 18-21 year old and quite frankly, the reason is that they don't have the resources to go in and make those large purchases that you would be aiming at that group. When you're selling wine you know, dinner wines, you're really marketing to the people who are having dinner parties and would buy, let's say, a case. It doesn't pay to market for one bottle. You have to market for the case. Wine tastings have gone up. There have been tremendous social happenings in churches and civic groups and political parties. I know a number of the political parties that I have attended in the last few years were wine tastings and--

ASSEMBLYMAN MAYS: What are the package dealers, who you represent, willing to do to discourage youth from drinking the stuff?

MR. MARCUS: What we are willing to do is to fully enforce and do whatever you say and if you contact the A.B.C., you'll find that the violations for serving minors have been much lower in package stores over the years than they have been in taverns.

We ask you to get that information and look at it. What are we willing to do? We said in July that you should enforce the law as you have it. You should put strict penalties in for purchasing for minors. You should put strict penalties in for minors who purchase. You should put strict penalties in for sellers who sell to minors. We said that you should have strict standards to follow when a young person, or for that matter, an 18 year old is discovered intoxicated in a school. There should be something for parents to follow.

ASSEMBLYMAN HERMAN: We should do everything but raise the age.

MR. MARCUS: And we said, raise the age. You're leaving that out. We said, and if the data that you should uncover before you make such a momentous decision, if it supports raising the age, if you can find sets of facts that are consistent, raise the age. We suggested merely that it be 21 and not 19.

ASSEMBLYMAN MAYS: The question I asked is, what are you willing to do?

MR. MARCUS: We're willing to enforce all of what I just outlined. What are we supposed to do?

ASSEMBLYMAN HERMAN: He means, are you willing to put your money where your mouth is, as far as helping some of the social problems connected with alcohol consumption?

MR. MARCUS: I don't know if the people who sell cars are required to put money into driver education. They are required? It's not a requirement. It's voluntary.

ASSEMBLYMAN HERMAN: He didn't ask if it should be mandated. He asked if your association willing to do that.

MR. MARCUS: We've been willing, in the past, as I said before, we have been more than willing to participate with social programs. We have and I'm sure that we would continue to do so. Are we going to fund a \$9,000,000 alcoholism program? I wish we had the resources.

ASSEMBLYMAN HERMAN: Before I turn it over, for one or two last questions from Assemblyman Thompson, I would like to read just a paragraph for you from a major study that I have, entitled "Alcohol Use and Misuse by Adults and Youths", the paragraph I would like to quote for you, it says, "Today's American drinking age population consumes not much more than half as much distilled, per capita, as 125 years ago, as absolute alcohol distilled spirits accounted for almost 90% of the total consumed in 1850, but for less than half in recent years. These proportions reflect a long-term shift from distilled spirits to less concentrated beer and wine. Most of this change was completed by the last years of the 19th century. It is likely, too, that a much larger proportion of the spirits was consumed undiluted in past times and nowadays when ice and mixes are available and popular." I just point that out for intellectual consideration. Assemblyman Thompson.

MR. MARCUS: We can pursue that at another more appropriate time, Assemblyman.

ASSEMBLYMAN THOMPSON: First of all, I would like to clear the record. Unless I'm mistaken, there is a difference, you mentioned wines and I think there is a sharp difference in the consumption of wines. When you mentioned Blue Nun, I think retail stores, they make money off, especially in the inner-city, they make money off of Gallo and Thunderbird and questionable wines. I call them "chemicals". I just wanted to clear that up.

MR. MARCUS: I'm a lobbyist, not a chemist, so I won't argue with you.

ASSEMBLYMAN THOMPSON: As far as peer groups are concerned, do you see any distinction--I think one of the things behind Senator Graves' bill is that to raise it to 19 because he said the 18's were dealing with peers that were 17, 16, 15, 14, etc. and bringing it up to 19, it seems that the 19 will be dealing with the 18, 17 and 16. Do you see any distinction as far as the testimony has been given here previously dealing

with peer groups?

MR. MARCUS: I think it is a fair question, but it would be inappropriate for me to try to answer it. I am not a sociologist. I think, as far as peer groups go, I think it differs broadly. In a more rural area, I think your peer group might well be centered around those people you go to school with because you really don't have close neighbors. If you live in an area like Fort Lee, where I live, or Jersey City or Trenton or Bordentown, your peer group can expand, not necessarily with the people who are in your school, but the people who are in your neighborhood. When I was a kid, you played with the guys that were your level as a ballplayer. If you were a good ballplayer when you were sixteen, you played with 19 and 20 year olds. If you were a good ballplayer when you were 13, you might get into the 15, 16, 17 year old game if they had five and they need a sixth man. So, I think the question is so broad, but I would go a step further. If you say, let's say the 17 year old is playing in a basketball game with 18, 19, 20 or 21 year olds, which happens frequently, do they go out for a beer afterwards? I would say that the answer to that is, yes and it is at your own risk. But, are those 18, 19 and 20 year olds going to say, "I'll buy it for you and I'll bring it back out"? That never happened to me, but maybe it does happen for others. But, your peer group question, I think, is really geographic. So many factors have to go into it. You know, Marty lives in a more rural area and I'm sure if he checked it out, he would find a much more different statistic than if Assemblyman Mays would ask the same question.

ASSEMBLYMAN HERMAN: I want to thank you very much--

MR. MARCUS: I would like to add one thing, if I could. The Bergen Record some months ago wrote an editorial and it said--and I don't know that my association necessarily agrees with everything in the editorial--it talked about an age of maturity. It said that drinking is something, you know, there are some fifty and sixty year olds who can't drink and there are some fifty and sixty year olds who pass it to minors and there are some 18 year olds who can drink. I considered myself an adult when I was 18 and I felt very comfortable taking a drink and I don't think my father ever minded serving me a drink in the house because of that fact. I think that we're getting into an area where it is so easy to respond to the emotionalism and say, "Well, look, let's raise the drinking age for package goods and keep it for taverns and we'll make everybody happy." I just don't think it is that simple. There was an accident caused in Bergen County where seven people died and it said that the driver of the van was drunk, in the autopsy and that caused the accident. Nobody listed the driver's age and I made a phone call and I checked and I said, "How old was the driver," and they said, 37, almost 38. I said, "Do you think that if the driver had been 18 or 19 or 20 that it would have been listed and they said that the headline would have been, "Drunk minor causes seven death collision" or something like that. I think that that's also the kind of statistic that you have to deal with, that you have to consider. We have said, if the drinking age has to be raised, it should be raised to 21. We think it would be easier for enforcement. We don't think that at this time, with deregulation coming, you can put us at an economic disadvantage. That's not a social reason. That's the hard economics of it and if you're going to go back into that thinking, we would like to be called back after our testimony, on Friday on deregulation and go into it with more specifics, which we are trying to generate.

ASSEMBLYMAN HERMAN: I thank you for your testimony and we will sign a note for you for the Attorney General, if you like. I want to point out to you that you are welcome to supplement the record, as everyone is, up until February 15.

MR. MARCUS: Thank you very much and I thank you for the consideration of the Committee.

ASSEMBLYMAN HERMAN: I would like to call Walter Trommelen.

W A L T E R T R O M M E L E N: Thank you, Mr. Chairman. My name is Walt Trommelen and I'm Health Officer and Public Health Coordinator of the Burlington County Health Department. Today, I'm not representing my county or my department, but instead am representative of the New Jersey Health Officers Association.

Last August, when bills S-1165 and A-321, which dealt with raising the minimum drinking age from 18 to 21, were brought before the Executive Committee of the New Jersey Health Officers Association, the Executive Committee supported both bills. Letters were sent to the Chairman of the appropriate committees in both houses that were dealing where those bills had been introduced. I would like to make reference to some of the points that were made in August, which I think are just as pertinent today and do represent today the feeling of the New Jersey Health Officers Association. As I stated, we endorsed S-1165 and A-321. Health officers are particularly alarmed at the hard, cold facts which justify our position, such as the nearly threefold increase in traffic deaths of 18-20 year olds from 18 drivers in 1972 to an average of 59 deaths per year in that same age group in 1975 and 1976. What's more, many additional innocent victims were maimed or killed directly as a result of the reckless abuse of alcohol by this early age group, which obviously would have not occurred to the same degree had the drinking age remained at 21 during these last few years.

We have also observed that many 18 year olds are still in high school and their abuse of alcohol affects even their younger classmates. True alcoholism or the abuse of alcohol is a problem which affects many other age groups, even the elderly, but we recognize too that teenagers, even the older teenager, is not often mature enough to handle the responsibility of controlled or socially acceptable drinking behavior and we feel that this is the essential point that the Legislature should consider in its deliberations on this matter.

We also recognize that there has been some sentiment and/or agreement that the drinking age should be raised to 19, perhaps more true now than it was then in August, but we feel that this will be insufficient in addressing the central problem and that the 19 year old is but one degree removed from the 18 year old with a similar maturity and younger age contact influence potential. This, I believe, sums up the key points that were considered by the Executive Committee when we met dealing with this overall issue.

ASSEMBLYMAN HERMAN: Summing it up, you are proponents because you feel it relates to accident statistics and if the law was raised, there would be less highway fatalities. Does that sum it up correctly?

MR. TROMMELEN: That, I think, is the most essential, hard fact that we were dealing with, yes.

ASSEMBLYMAN HERMAN: Any questions? Assemblyman Mays?

ASSEMBLYMAN MAYS: I just want to know who the health officers are.

MR. TROMMELEN: State law in New Jersey requires that the local board of health in every municipality provide for a range of local services, local health services. They are mostly preventative health services, community health programs. They might be clinics of health services or infants and pre-school children, especially from low-income sectors of the population that could not avail themselves of health services from a private practitioner. They involve inspection of restaurants for sanitary laws and conditions in restaurants. We run a total of perhaps fifty different programs of various degrees and nature, all in the interest of community health and preventive health matters. Incidentally, alcoholism treatment is one of those fifty some odd programs and health departments do have the authority to provide for alcoholism control, programs, including having an interest in preventive aspects.

ASSEMBLYMAN HERMAN: Would you represent which county you are from.

MR. TROMMELEN: I happen to be the Public Health Coordinator and Health Officer for the Burlington County Health Department.

ASSEMBLYMAN HERMAN: And how much is spent in Burlington County on preventive alcohol abuse?

MR. TROMMELEN: We have, currently, a project dealing with youth education, trying to assist schools, providing them with materials and also some personnel to expand on their program. We have a total of three people employed in that project.

ASSEMBLYMAN HERMAN: How much is spent on the project? How much is totally spent in the Burlington County budget for alcohol abuse prevention?

MR. TROMMELEN: For the total program, the most expensive of which happens to be a rehabilitation treatment program, a de-tox program, as well as a day-care re-hab program, the total cost for the extent of alcoholism programs in Burlington County, I believe is in excess of \$250,000, most of which is outside money either in the form of the CETA program, where a number of our personnel have been hired under CETA, a state grant, and we have hopes of submitting another application for additional funding. I believe that the local dollars are in the neighborhood of \$50,000-\$75,000 to give you a better feel for the local tax portion.

ASSEMBLYMAN MAYS: There is no money allotted for prevention? You just give out papers and slips?

MR. TROMMELEN: As I said, we have three personnel in one project.

ASSEMBLYMAN HERMAN: You do have a de-tox center, which I'm glad to see.

MR. TROMMELEN: And a day-care rehabilitation program.

ASSEMBLYMAN HERMAN: But, when the CETA money runs out, you will be in trouble, right?

MR. TROMMELEN: We'll be facing that issue hard and square in 1979. I'm optimistic, in talking with our freeholders, that they will be finding a way, within the budget, to pick up a good portion if not the majority.

ASSEMBLYMAN HERMAN: Otherwise, it will go the way of Gloucester County's program, right?

MR. TROMMELEN: I trust not and I doubt very much it will happen in Burlington. We have the need.

ASSEMBLYMAN HERMAN: Thank you very much and I appreciate your taking the time and waiting all day to testify. Arlene Rothenberg?

A R L E N E R O T H E N B E R G: I'm legislative chairman from the Essex County P.T.A. and I'm a non-professional. I'm a non-antagonist of children, PTA'er, concerned parent and a lay person. PTA people are volunteers. We have nothing to gain but better health for ours and others' children. We are distressed by the sometimes acerbic tone of the questions.

As to where the PTA stands on guns, state and national PTA programs favor limitation of the sale and manufacture of the "saturday night specials" in particular, handguns in general.

Our members' dues, a mere 20¢ to the national organization, helped spark a pilot project of alcohol use and misuse and we have tried to educate our parents and teachers and members to the need for meaningful and on-going alcohol education.

I would like to speak to as a parent. I don't come with statistics and I don't come with studies. Many of the things that I could have prepared for you earlier have already been said. I'm a parent of two teenagers and I can tell you, almost as an expert, about peer pressure. I have one son, age 17, who goes out every Friday and Saturday

night with his friends. Sometimes they go to an ice hockey game. Sometimes they go to an event at school and very frequently, they gather at a friends house, where they play cards or play Risk. They'll watch a game or they will just sit and "BS", which is common to the age group. But, very frequently, there is alcohol there and my son will use as an excuse the fact that he is driving to refuse a drink. But, I think it is a sad commentary on the situation today when a child of 17 has to come up with an excuse to refuse a drink and my son tells me that he would rather drive because when it comes time to come home, he doesn't know what his friends had or how much. So, he knows if he is driving, he's in control of that car. I know it is hard as an adult sometimes to refuse a drink when you're in a social situation. Why should we put that pressure on our young teens? I know that we're dealing with new drivers here. They get their license at 17 and then at 18 you tell them they can go out and drink. They really haven't mastered control of that car yet and yet now they can go out and drink. They certainly haven't mastered the art of drinking or drinking sensibly yet and you're mixing alcohol and gasoline. That's deadly. I've heard parents say, "Thank God, my kid isn't on drugs. He drinks beer instead." I believe it was said earlier for you that alcohol is a drug and it's a deadly one. When you talk about raising it to 19, I have to tell you about my other teenager. She's a 16 year old girl. She is very average in appearance. A 16 year old girl, believe me, has no trouble passing for 18. I know that my daughter has gone out to places where she has been served. She very rarely is asked for proof. Now, I know she passes for 18. I doubt if she would have trouble passing for 19. She just has to pull her hair back a little, put on a little more make-up and maybe go into a darker place. Again, she is not going to be proofed, but I guarantee you, no way is this child going to pass for 21.

There are just a few other things I would like to say in terms of teenagers and drinking. I think you have all seen the commercials on television and in magazines and in the liquor stores now for the new drinks, the Hereford Cows. These are milkshake flavored alcoholic beverages. Believe me, they are not appealing to my age group. These are geared to the young people who like a sweet drink, but they also like to get high. Maybe alcohol isn't the drug of choice for some of them, but when the other things are unavailable, alcohol is there, it's available and it's cheap and they very rarely get into trouble with it. That's why we're asking you to raise that minimum age. If you can't go to 21 all in one stage--I would like to say personally I favor Senator Orechio's bill. I think it is a sensible bill because it is not going to bring prohibition into the kids that are legally drinking now. But, I really would like to see alcohol removed from our school age kids. Thank you.

ASSEMBLYMAN HERMAN: Before you finish, I would just like to note for the record, you submitted two documents, one from the town of West Orange--

MS. ROTHENBERG: Yes, from our Mayor, Sam Spina, who could not come down.

ASSEMBLYMAN HERMAN: And one from the probation association. I would ask the reporter to add these on as part of the official record. Any questions?

ASSEMBLYMAN MAYS: Do you keep beer and wine in your home?

MS. ROTHENBERG: I have some wine in the house, yes.

ASSEMBLYMAN MAYS: Do you have beer in the icebox too?

MS. ROTHENBERG: I've had two cans of beer in the house now for about ten years. I think that is the last time one of our guests requested it and that is what is left of the six-pack.

ASSEMBLYMAN MAYS: How about your son's friends, do their parents drink beer?

MS. ROTHENBERG: Many of them do, yes, but usually when they have a get-together, somebody goes out and buys a few six-packs. I know of parties in town where there is a whole keg of beer.

ASSEMBLYMAN MAYS: I'm trying to get at, did it start at home? It didn't start at your home because your son don't drink. He don't drink because he don't see you drink that much. I'm trying to get back at his friends who do drink and maybe their parents do keep the beer in the refridgerator and some wine available for them.

MS. ROTHENBERG: Some of them, I'm sure they use liquor that's already in the home, but I think for the number of kids that get together on Saturday night they are bringing in extra. I have two children that come out of the same home. One will nurse a beer all evening and other runs to it.

ASSEMBLYMAN HERMAN: How many of them smoke, by the way, in your house?

MS. ROTHENBERG: One and she is taking a course on stopping smoking.

ASSEMBLYMAN HERMAN: Maybe after she gets through that, she can teach her mom.

ASSEMBLYMAN THOMPSON: I have one question. I had read this--

ASSEMBLYMAN HERMAN: She's not here to testify on that report. That's just supplementing the record.

ASSEMBLYMAN KERN: Do you have any idea how prohibition came about in this country?

MS. ROTHENBERG: Yes, I do.

ASSEMBLYMAN KERN: That was a popular approach, wasn't it?

MS. ROTHENBERG: Yes, it was, at the time.

ASSEMBLYMAN KERN: It was voted in because there was a lot of backing for it in the community. Do you think that this Committee should try to tap the pulse of the people and just act accordingly?

MS. ROTHENBERG: I think you have to hear what the people are saying and then use your good judgement.

ASSEMBLYMAN HERMAN: Thank you very much for your testimony.

John O'Connor?

J O H N O ' C O N N O R: Thank you. I'm sure it's been a long day, gentlemen. I'm John O'Connor. I'm a resident of Berkeley Heights, New Jersey and I operate O'Connor's Beef n Ale House in Watchung, New Jersey. I am testifying as the operator of a restaurant with a bar and cocktail lounge, and also as the parent of eleven children from 6 years of age to 22 years of age.

Alcohol is an addictive and action conditioning drug. The State has a responsibility to regulate its use. I believe the State acted impulsively and without adequate study when it originally lowered the drinking age to 18 from 21 years. I favor a three step program of increasing the drinking age first to 19 and subsequently to 21. The establishing of a legal age for drinking age is separate and distinct from establishing the age at which any other right commences for a citizen.

I have four children over the age of 18. One goes to college at Purdue in Indiana, which is one of the many states which restrict the drinking of hard alcohol until age 21. In the University area of Purdue, I have found a community and business that has geared its social and economic environment to one that is not centered around alcohol. There is not the sociological and economic pressures on young people to drink alcohol in order to socialize or meet their peers or go out for an evening. By the same token, the competitive businesses in the area are not dependent on increasing the percentage of 75% markup liquor sales to justify their economic survival.

A drinking age from 18 to 20 years, in the majority of instances, in my experience, deals with a period of transition from childhood to adulthood and is beset by unstable, psychological and physiological growth and behavior. This age group experiments and experiences to the extremes in behavior as they develop their own

personalities and values. During this period, the unreasonable ingestion of alcohol causes social and physical tragedies. I, for one, maintain a strict, traditional family type orientation. I know where my children are at all times. But, there are too many times during my childrens' ages from 18 to 20 years that I have interrupted a party that became a drinking party or wrestled with the effects of a drinking party of my own and other children, where some of the children were unconscious or incoherent or unable to control their body functions, because of the effects of alcohol consumed in excess and quite often, under the most devastating combinations. In all instances, the children of these gatherings arrived in self-driven automobiles and they departed the same way. There is tremendous peer pressure in the high school and college years to be acceptable and to demonstrate that one can do or handle the current in things. Too often, and in my experience at least once during the stage of growth, the "in" thing revolved and revolves around alcohol. Alcohol experimentation is addictive drug experimentation. Combine the above influences on the young adult with the gentle breakdown of society structures commonly referred to as "the age of permissiveness" and the less responsible functions of family and parenthood and the exaggerated distortions of sociological values by the media, particularly television, and you have an environment that conditions the young to an immature and excessive use of alcohol. The State cannot legislate adulthood. Some are forever immature and lacking in responsible social behavior. A great number of adults should never consume alcohol. But, the State can legislate environment and condition reasonably to assure that young adults will reach adulthood physically and mentally intact. During the formative years, society must provide education and protection for its young. It is the responsibility of the State, the parents, the schools, the media and everyone and it applies to alcohol.

No matter what age, alcohol is not going to improve your health. An individual has no right to the uncontrolled consumption of alcohol because he can harm himself and others in society. Therefore, the State should protect its young from alcohol consumption until what I consider the age of 21, which appears to be a more reasonable age. If in the relating of facts concerning the incidence of harm and deaths correlated to under 21 years and with the consumption of alcohol, just one person is killed each year, it is sufficient, in my reasoning, to withhold this dubious privilege of drinking alcohol, at least until the age of 21. From my personal experience and probably because of the great sorrow that parents have already suffered, there have been numerous auto accidents and deaths and physical injury where the public report of the accident did not identify the contribution of alcohol and yet those reporting were aware that alcohol was contributory. It seems unreasonable to assume that business establishments selling alcohol can assume the responsibility for each individual customer and the point at which he or she has sufficient alcohol or the point where he or she has had too much alcohol, which is already too late. Some businesses directly tie the enticements of entertainment to require the consumption of alcohol which pressure people to consume unusual amounts of alcohol. The State must protect the young until 21 years from consuming hard alcohol. 19 years is better than 18 years, but we should begin now. My personal experience in operating a restaurant, a lounge and a bar that dispenses alcohol is that on many occasions a great number of 18-20 year olds do not consume alcohol responsibly and are a potential injury to themselves and to others. I believe the cause is immaturity and I believe that the greater good of society requires the raising of the drinking age.

I would like to separate this testimony, if I can, and ask that you consider this testimony separate and now I would like to speak to you as the President of the New Jersey Restaurant Association. The Restaurant Association in New Jersey represents

about 1,000 companies operating an estimated 2500 restaurants in New Jersey. Only a portion of these restaurants dispense alcoholic beverages. Our New Jersey Restaurant Association does not take a position on the age at which one should be able to consume alcohol. We are, very honestly, divided in our individual opinions and therefore, the Association can take no position. However, I represent to you a definite concern of the Association that at whatever age drinking is allowed provision be made to continue to allow 18 year olds to serve drinks as waiters, waitresses and bartenders. The New Jersey Restaurant Association feels that we a primary source of employment for these age groups and it is to our mutual benefit and as far as we can determine there has been no major problems with these age groups in the serving of alcoholic beverages. The present minimum serving age is presently regulated by the Division of Alcoholic Beverage Control at 18 years and we strongly urge you to keep the serving age at 18 years during any change or proposed change in the drinking age. Thank you very much.

ASSEMBLYMAN HERMAN: Thank you. Anyone have any questions of this witness?

ASSEMBLYMAN FLYNN: In your remarks, you indicated that if we could save even one life, it would be worth going up in age.

MR. O'CONNOR: Yes sir.

ASSEMBLYMAN FLYNN: Now, since about 50% of all highway deaths are related to alcohol, at all ages, wouldn't the logical thing to do, then, be to abolish alcohol entirely and save 20,000 people a year?

MR. O'CONNOR: I think if you apply that logic, you would end up with regulations that were onerous and impossible to live by.

ASSEMBLYMAN HERMAN: It's called "prohibition", I believe.

ASSEMBLYMAN FLYNN: Taking it just to the age of 25, because statistics seem to indicate there's a dramatic drop after 25 in the alcohol related deaths, but up to 25, it is very bad. Would you be in favor of extending it up to age 25 so we can save those thousands of people?

MR. O'CONNOR: I don't know the source of your statistics. I'd like to see them. I can only say that I came here to testify on the bill as it was proposed and my personal experience is both as a parent and as an operator of one restaurant, which I think I've done. If you give me the information, I would be happy to respond to it statistically.

ASSEMBLYMAN FLYNN: Well, the statistics that we've seen indicate that between 21 and 24 there is a great number of alcohol related deaths just as there are between 18 and 20. So, my question, basically, is why don't we go all the way to age 25?

MR. O'CONNOR: I think your taking a miopic point of view. I think alcohol abuse is a serious problem in this State, in this country and I think to identify in just one simple area is not solving the problem. I would like to see the State involved more in the alcohol abuse and those people who need help and perhaps we will take care of your specific problem in this process.

ASSEMBLYMAN FLYNN: I don't know if that is answering the question.

MR. O'CONNOR: That's the best I can do.

ASSEMBLYMAN DOWD: Sir, you operate a restaurant which has a bar?

MR. O'CONNOR: Yes, we have a cocktail parlor with a bar in it.

ASSEMBLYMAN DOWD: Do you have a house policy against serving those under 21?

MR. O'CONNOR: No, we do not. It is our opinion that we can't prohibit someone under 21 from drinking if it is a legal right.

ASSEMBLYMAN DOWD: I know, but there are, nevertheless, dozens of places in New Jersey which apparently get away with it because nobody wants to sue them.

MR. O'CONNOR: We have had parents come in and give us a very difficult time when we have refused to serve their children because we thought that proof was inadequate and they've questioned their rights as citizens who were of legal age and it gets very hairy.

ASSEMBLYMAN DOWD: But, you serve 18 year olds if they provide adequate proof and so forth?

MR. O'CONNOR: As you know, we require a photographic identification plus a drivers license.

ASSEMBLYMAN DOWD: But, where there is no question about the age, you don't ask for the proof, there is some question you ask, isn't that a fair statement?

MR. O'CONNOR: I would say we ask up to about age 25-27. In order to not jeopardize our license--we're opening a new restaurant and we paid \$105,000 for the license to operate a restaurant and if any employee has a question of serving someone and did not check the proof, they would be terminated.

ASSEMBLYMAN DOWD: Really, what you are saying is that if there is any question at all, you want proof.

MR. O'CONNOR: Photographic proof, plus a drivers license.

ASSEMBLYMAN DOWD: Is it not a fact that the overwhelming majority of the young people, 18 and over, who are served in your premises leave your premises sober and that while they are there, they act in a responsible and adult fashion?

MR. O'CONNOR: I would like a definition of "sober". I've seen statistics which indicate that 1½ oz. per hour--

ASSEMBLYMAN DOWD: Mr. O'Connor, don't be technical. They leave and they are law-abiding citizens and they don't cause any trouble and as far as you know, they have never gone out and killed anyone driving down the highway after leaving your premises because of anything you served them, as far as you know?

MR. O'CONNOR: As far as I know, no one has killed themselves. We have, on a Saturday night, probably about 1400 people who go through our cocktail lounge. We have probably 15 people working in the lounge area, including management, and it is very difficult for us to assess the condition of people leaving.

ASSEMBLYMAN DOWD: I'm drawing your attention now to those between 18 and 21. Is it not a fact that the majority of them behave in a law abiding fashion, as far as you know, at least while they are on your premises?

MR. O'CONNOR: We've had a number of instances where the age group you are talking about, and that is one of the reasons why I'm here today, where they have shown irresponsible use of alcohol, where we have had to call the parents, where, in many cases, we've had to take care of them because we couldn't find their parents.

ASSEMBLYMAN DOWD: But, statistically is that not a fraction of your total customers each weekend, in that age bracket?

MR. O'CONNOR: We've made it a policy to discourage young people from coming to our place. I'll have to refer back to about a year and a half ago when we had an entertainment policy that attracted young people and it is precisely because we got an enormous number of young people who were consuming drinks and not acting responsibly that we discontinued the entertainment policy that we had and went to a more traditional policy.

ASSEMBLYMAN DOWD: While you had that policy in, you had a predominance of younger people. Is it not a fact that the majority of them acted in a law abiding fashion while they were there?

MR. O'CONNOR: If majority means over 50%, I would say that 35-40% had to be physically told to leave the premises. That's why we changed the entertainment policy.

ASSEMBLYMAN HERMAN: From what I have observed in other taverns, you have an unusual crowd and I don't blame you for changing the policy. Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: Mr. O'Connor, I have one question. Since 1973, since the present law was enacted, what has been the increase of 18 year olds in your business and what types of alcohol do they generally consume? In other words, is it mixed drinks, ale or beer, or hard liquor, such as scotch, blended bourbon, vodka or gin?

MR. O'CONNOR: I think we're pretty typical. We are selling more of the wines and more of the beer and less of the specific hard drinks. I will say this. Operating a dinner type restaurant, as well as a cocktail lounge and a bar, I would say that our bar and cocktail lounge business is dependent on the 18-21 year olds for about 75% of our dollar volume and we are seeing less and less of older people coming out and spending time in cocktail lounges and bars, at least in our type of establishment. When we have traditional entertainment that would appeal to someone that is 45 or 50, very few people show up. We put in contemporary entertainment and we have to put someone at the door to take names to allow them in one at a time. So, I would say they are drinking more beer and wine and I would say, definitely, the patterns of people coming to cocktail lounges and bars, from our experience, is younger and in that 18-21 year bracket.

ASSEMBLYMAN HERMAN: Assemblyman Mays?

ASSEMBLYMAN MAYS: Do you serve beer or ale by the pitcher?

MR. O'CONNOR: We sell only draft beer and ale and we sell it by the glass and by the pitcher.

ASSEMBLYMAN MAYS: Secondly, you worry about deaths on the road. With the gasoline shortage, shouldn't we increase the driving age to 19 and the drinking age to 19?

MR. O'CONNOR: If it is a compromise not to get to 21, 19 is better than 18.

ASSEMBLYMAN MAYS: I'm saying both. You worry about somebody dying because of drinking. Why don't you push the driving age to 19 and the drinking age to 19, or 20 or 21 for both?

MR. O'CONNOR: I'm not qualified to discuss what the driving age should be.

ASSEMBLYMAN HERMAN: One more question from Assemblyman Kern.

ASSEMBLYMAN KERN: As an alternative, if nothing else were to come out of this Committee, would you favor raising the driving age?

MR. O'CONNOR: I don't think I'm qualified to discuss the driving age. I can only speak as a restaurant operator and as a parent and that's really all I have spoken to.

ASSEMBLYMAN KERN: As that, would you be in favor of raising the driving age as an alternative, if you could get nothing else by way of legislation?

MR. O'CONNOR: I have a unique problem. With 11 children, we need some of the children to drive the kids to school. I would consider it. I would like to think about it. I'm really not prepared to discuss it at this time.

ASSEMBLYMAN HERMAN: We always ask questions when you are not prepared. Mr. O'Connor, seriously, your testimony was well taken and we appreciate your taking the time out to express your interest and that is appreciated.

MR. O'CONNOR: Thank you gentlemen.

ASSEMBLYMAN HERMAN: John Stobierski?

J O H N S T O B I E R S K I: My name is John Stobierski and I go to Drew University. I'm a freshman senator. I'm basically the freshman class President. So, all of my

constituents are 18 years of age or younger.

ASSEMBLYMAN FLYNN: Are you 18 also?

MR. STOBIEFSKI: Yes, I'm 18 also. It seems as though I'm one of the only representatives of this group that might get this privilege taken away from them.

ASSEMBLYMAN HERMAN: There will be more tomorrow.

MR. STOBIEFSKI: There are a few things I want to talk about. Right now, I'm a waiter at a restaurant and conceivably this bill could be passed and finished maybe by the end of February and I would lose my job and it would hurt me and it would hurt a lot of my classmates and I would recommend that this bill, if it is going to be passed, that you amend it so I would still be able to work and still be able to get through college.

I see this bill as probably a panacea to a problem that exists, but a bill like this wouldn't cure it. I'm 18 and you know, people come in here and they say that people drink when they're fifteen, sixteen and seventeen and I admit it. I did drink when I was--I think I took my first drink when I went on a skiing trip when I was a freshman in high school. That was the first time I was exposed to beer and it was an 18 year old who bought it. After that, a few other people exposed me to alcohol and I became accustomed to it. After a while, 18 year olds weren't the source of my getting alcohol. I achieved my own source. They were either people who were my own classmates who looked 18 and they would go into the bar and nobody would question them and they would bring out alcohol or I would get false identification. I would really recommend, if you are going to pass this bill, that you put a picture ID on the drivers license because I'll show you--will I get into trouble if I show you that?

ASSEMBLYMAN FLYNN: You might get into trouble. We know it is easy to get a fake ID.

MR. STOBIEFSKI: This is something I sent away for when I was 16. For \$2.00 you get your picture on it and you can put anything you want on it, your fake address, how much you weigh, your birth date and on the back it says, "registered, all information herein contained certified true and correct, per original application."

ASSEMBLYMAN HERMAN: It sounds like a Good Housekeeping ad.

MR. STOBIEFSKI: It is something that any kid can get out of a magazine and all my friends had them and it never deterred us, being under 18, if we wanted to drink. I didn't drink heavily. I might have had a beer on Friday or Saturday night. I never went out and got smashed and it never hurt me socially. But, if I ever wanted it, it was readily available.

ASSEMBLYMAN HERMAN: Let's get down to brass tacks here. What do you think about this particular piece of legislation? What do you think we ought to do with it as the Legislature?

MR. STOBIEFSKI: Well, I went through high school and I saw all the problems that happened. I would like to see it remain at 18 for consumption, but maybe raise it to 19 to buy alcohol on premises. I thought about that idea way back in November when I was looking at this bill.

ASSEMBLYMAN HERMAN: Why do you say that?

MR. STOBIEFSKI: Because when you are in high school, people bring their cars up and an 18 year old will maybe go out and buy a couple cases of beer and he will go out behind the football field and I never did this, but kids would just go out and get smashed in the afternoon or on a free period or something. It hurts their performance in school and I think it hurts them mentally.

ASSEMBLYMAN HERMAN: I'm not particularly interested in where you went to high school, but just for the purpose of understanding you as a student, was there a drinking problem, a lot of drinking going on in the school?

MR. STOBIEFSKI: I went to a private boarding school, so it is a little bit different than high school. I went to high school for two years and then I went to a private boarding school for two years. It was a little different in a private boarding school because it was a lot stricter and you would get booted right away, you would just get kicked out. So, it was a lot more secretive, but people still did it.

ASSEMBLYMAN HERMAN: Would they go out to drink or did they bring it in?

MR. STOBIEFSKI: They would bring it in.

ASSEMBLYMAN HERMAN: How about your public high school days?

MR. STOBIEFSKI: You know, any way they could get it. I recently went up to Hamilton, New York to one of my friends house and his brother was 12 years old and he was having a beer party. I talked to him and said, "How did you get this," and he said, "Well, one of my friends looks like 18, so we went out and bought it." I don't see that raising it up to 19 will stop the people from getting it. You have to put pictures on the ID's because I could get with my fake identification when I was under 18 and it wasn't the 18 year olds who were buying it for me. It was the people who had fake identifications.

ASSEMBLYMAN HERMAN: Do you think that raising it to 19, for the purpose of buying it at package stores would be of some help in our high schools?

MR. STOBIEFSKI: It would be very minimal.

ASSEMBLYMAN HERMAN: But, if I understand your testimony, one, you think we ought to have pictures on the ID's; two, if we change the law, we should allow 18 year olds to work; three, you prefer that we do nothing and leave it as is; and four, if we do change it we should change it to prohibit up to 19 from buying it in package goods stores and leave it at 18 in the taverns.

MR. STOBIEFSKI: Right. There is one other thing that you seemed to overlook and it seemed to stick out in my mind because it affects me. That is a "grandfather clause" in this bill. I read at the bottom of the bill, it said, "This will take effect immediately." I'm 18 right now and if it passed in February I wouldn't be able to drink and it brings up a lot of legal problems also because the campus pub where I go, it is a different type of liquor license. You have to belong to it. You sign your name to it. You sign a contract and I'm able to drink there for the whole year and I'm 18 and if it took effect immediately, it would create havoc within all the college pubs and I really think it is unethical to give me a right and then take it away from me in the middle of--

ASSEMBLYMAN FLYNN: Is there much drinking in the dormitories themselves?

MR. STOBIEFSKI: What, basically, social life consists of is, Friday nights everybody will pitch in a buck and they will buy a keg and they will put it in the basement or something and people will just go there and have a few beers.

ASSEMBLYMAN FLYNN: Well, if we passed the law as you said you could live with it and that is to allow you to drink at a premises, but not buy out, wouldn't that preclude the college dorm drinking?

MR. STOBIEFSKI: Not really. Yeah, it would, but the basic problem, if you pass it to 19, you separate the freshman class from the rest of the school, because the rest of the school would be able to drink and we either go to parties or we go to the pub and those are the basic socializing places. If you separate the freshman class, it would really disrupt the school because the freshman class, they're meek and timid as they come in. They're afraid to get into things and if they are separated from the rest of the school,--

ASSEMBLYMAN HERMAN: Assemblyman Mays?

ASSEMBLYMAN MAYS: That fake ID you have has your picture on it, right?

MR. STOBIEFSKI: Right.

ASSEMBLYMAN MAYS: You could pass for 19 too.

MR. STOBIEFSKI: This is for 21 right now.

ASSEMBLYMAN MAYS: You gave me a reason for not voting for the bill because that fake ID can go up to 19.

ASSEMBLYMAN HERMAN: But, you wouldn't have that problem if it was an official document of the State, i.e., a motor vehicles license.

MR. STOBIEFSKI: When I sent away for this, they also sent me a fake birth certificate.

ASSEMBLYMAN MAYS: Could you get a drivers license?

MR. STOBIEFSKI: No, I don't think a drivers license. This is just-- I don't know. If you want to look at it, you can put any state at the top. It's just basically b.s. But, they sent me a birth certificate, so if you have a birth certificate, it has an official seal on it. You can go about and get fake identification through any office.

ASSEMBLYMAN HERMAN: Are there any further questions? John, I want to thank you. Your testimony, although brief, was very enlightening and I think we will have a full day again tomorrow. For the record, I want to thank everyone that stayed, both in the Committee and in the audience. This is the second hearing that we had and it should be noted that all seven members of the Committee have been here and I think that that is certainly exemplary and I thank you. Hopefully as many will be back tomorrow. I have a personal problem where I have to go to a funeral. You will be in the capable hands of Assemblyman Bate, who will conduct the hearing starting at ten A.M. I point out that our timetable is to sort of use the 15th as a windup date to allow the completion of information that we've requested and then to give Senator Graves and the Attorney General another bite at the apple, so to speak, in a wrapup sort of way. Then, the Committee will meet to review the voluminous information and testimony which we have obtained to determine what, if anything, we should do and in what direction we should go. Again, I thank you all for coming. We appreciate it.

(at which time the hearing was adjourned)

NEW JERSEY ASSOCIATION OF
SECONDARY SCHOOL PRINCIPALS AND SUPERVISORS

407 West State Street, Trenton, New Jersey 08618
Phone: (609) 599-4201

RESOLUTION ON THE
LEGAL AGE FOR ALCOHOL CONSUMPTION
ADOPTED - MAY 25, 1978 BY THE BOARD OF GOVERNORS
OF THE NEW JERSEY ASSOCIATION OF SECONDARY
SCHOOL PRINCIPALS AND SUPERVISORS

Resolved, that the New Jersey Association of Secondary School Principals and Supervisors (NJASSPS) endorse legislative efforts at the state level to raise the legal age for the purchase, possession, and consumption of alcoholic beverages to at least 19 years and preferably 21 years of age; and furthermore that states currently requiring age 21 for legal purchase should be commended for their judgment and foresight.

Tragic experience daily demonstrates that many young lives are lost as a result of the deadly combination of drinking and driving. Further, alcoholic beverages are frequently provided to younger students by 18 year old students who make the purchases for them. This often results in severe community and school problems and in criminal conviction records that mar and hinder the future of youth.

**RAISING THE AGE FROM 18 TO 21 AT WHICH A
PERSON CAN SELL, BUY OR CONSUME ALCOHOLIC BEVERAGES**

WHEREAS, Assemblyman C. Louis Bassano has introduced A-321 and Senator Lee B. Laskin has introduced S-1165 which provide for the raising of the legal age for consumption of alcoholic beverages from 18 to 21 years; and

WHEREAS, A-321 and S-1165 both have the support of the "New Jersey Coalition for Twenty-One", which is made up of the following organizations: N.J. Congress of Parents & Teachers (State PTA); N.J. State League of Municipalities; Physicians for Automotive Safety; N.J. Police Traffic Officers Association; N.J. State Juvenile Officers Association; N.J. Health Officers Association; N.J. Probation Officers Association; N.J. Conference of Mayors; N.J. Mayors Association; N.J. Police Chiefs Association; N.J. Athletic Directors Association; and

WHEREAS, The best interests in the health, safety and welfare of the citizens of the State of New Jersey would be served by the passage of A-321 and S-1165; now, therefore, be it

RESOLVED, That the New Jersey State League of Municipalities, in conference assembled, urges the Legislature of the State of New Jersey to promptly enact A-321 and S-1165; and be it further

RESOLVED, That copies of this Resolution be forwarded to The Honorable Brendan T. Byrne, Governor of the State of New Jersey, and to the members of the New Jersey Senate and General Assembly.

MICHAEL GARTENLAUB, *President*
Essex County Probation Department
110 South Grove Street
East Orange, N.J. 07018 (201) 961-7845

PUBLIC RELATIONS COMMITTEE

John A. Fuhrman
Bergen County Probation Dept.
133 River Street
Hackensack, N.J. 07601
(201) 646-3304

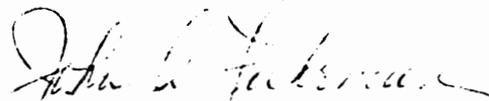
— TESTIMONY — PUBLIC HEARING

— FEB 5, 6 1979

The Probation Association of New Jersey joins the ^{STATE} P.T.A. and other law enforcement groups in supporting legislation restoring the drinking age to 21. The Association represents Probation Officers in each of New Jersey's 21 counties who have daily contact with juveniles involved with alcohol. These Officers report a large degree of alcohol use associated with juvenile crime. From a probation viewpoint, alcohol consumption by juveniles has always been a problem, but since the drinking age was lowered to 18, the problem has intensified. We see large numbers of younger juveniles regularly involved with alcohol. Probation Departments throughout the State have responded by applying their resources to special programs designed to deal with the problem.

The Probation Association of New Jersey believes that returning the drinking age to 21 will limit access to alcohol by younger juveniles. We also anticipate a decrease in deaths and injuries as well as a decrease in alcohol related juvenile crime.

Michael Gartenlaub
PRESIDENT



John A. Fuhrman
PUBLIC RELATIONS COMMITTEE

TESTIMONY PRESENTED
TO SENATE COMMITTEE

TOWN OF WEST ORANGE, NEW JERSEY

JUNE 12, 1979 - 100:
RAISING DRINKING AGE TO 21

SAMUEL A. SPINA
COUNCILMAN
Mayor-Elect

FEB. 4, 1979 - SUBMITTED
TO ASSEMBLY PUBLIC HEARINGS

I regret that I am unable to be with you today, however, I am addressing you both as a concerned parent and as a Councilman and the Mayor-Elect from the Town of West Orange.

Obviously, when a parent speaks out on the issue before us today, chances are better than even that the parent will advocate raising the minimum allowable age at which a person may be served alcoholic beverages. This fact in and of itself should be an indication of the concern a parent has for their children. This concern in many cases may have been caused by actual unpleasant experiences the parent has had to endure because of youthful drinking. By now, I am sure we are all aware of the terrible waste of life that occurs among those people under twenty one, which is directly attributable to drinking. If any liquor store proprietor, tavern owner, bar tender or liquor distributor were to witness the tragic aftermath and heartbreak that occurs following a fatal auto accident caused by someone under the age of twenty one who had been drinking too much, I am certain that they would have second thoughts regarding the sale of alcoholic beverages to people in this age group.

In addition to the foregoing, I would invite the members of the committee to spend a few evenings in the area of some of our more popular youthful drinking establishments in West Orange. These spots are continuously in need of police surveillance and are often the focal point or place of origination of various and assorted problems involving the under twenty one age group such as, fights, assaults on police officers, breaking of windows, littering, illegal parking, use of loud and profane language, loitering, making obscene comments to women who pass by, breaking of bottles, discarding bottles and cans on the streets and in parking areas and in general, causing a disturbance. To really appreciate what I am saying, I would suggest that any person who may have doubts as to my comments, spend a week or two living in the immediate area of a youthful drinking establishment.



TOWN OF WEST ORANGE, NEW JERSEY

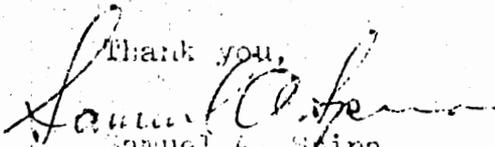
SAMUEL A. SPINA
COUNCILMAN
Mayor-Elect

I would further invite any of those who feel the foregoing comments are not a problem, to assist me in coping with this situation after I take office on July 1, 1978.

We often hear that if a person is old enough to wage war, they should be old enough to drink. In my estimation, this argument is totally ridiculous. If we carry through on this absurd premise, we should only allow those who actually fight and wage war to drink. Besides, I don't think that war and fighting should be used as a measurement tool and is certainly not something we should be proud of.

I think we are all aware of the fact that when the minimum drinking age was twenty one, it was not uncommon for people aged eighteen through twenty to also be served by some licensed beverage establishments. Since the minimum has been reduced to eighteen, we find it now a common practice for those in the fifteen to seventeen age group to engage in the drinking of alcoholic beverages. Ask any police or juvenile officer if my facts are not correct. In fact, I would suggest that each member of the legislature contact the various police departments in their legislative district and find out first hand what is happening to the youth of our state.

I don't think monetary gain by the beverage industry should be a motivating factor in helping you arrive at a decision. The members of the committee and legislature have an awesome task ahead of them, however, I feel confident that they will rise to the occasion and vote to raise the minimum drinking age to twenty one.

Thank you,

Samuel A. Spina



New Jersey State SAFETY COUNCIL

JAMES F. HUGHES
Director, General
Education Division
50 Park Place
Newark, N. J. 07102
(201) 642-3123
(201) 747-0262 (Home)

A NONPROFIT, NONPOLITICAL ORGANIZATION SUPPORTED BY BUSINESS AND INDUSTRY FOR THE REDUCTION OF ACCIDENTAL DEATH, INJURY AND ECONOMIC LOSS.

Release at Will

July 8, 1977

The New Jersey State Safety Council alarmed by the rash of highway crashes which snuffed out the lives of so many young adults during the month of June, has raised the question "was alcohol a causative factor in these crashes?"

The council expressed concern that many drivers, especially young drivers, seem to be unaware of the dangers of drinking and driving.

The council points out that since the drinking age was lowered to 18, the percentage of 18 to 20 year olds who were involved in fatal highway crashes while either drunk or impaired has nearly quadrupled.

To counteract the shocking problem of highway deaths involving the irresponsible use of alcohol the council recommends:

- that a study be conducted to determine whether consideration should be given to raising the legal drinking age
- that local police departments in cooperation with the news media develop programs to advise motorists that they are actively enforcing the drinking driving laws
- that state and local authorities establish uniform closing hours for all establishments that serve alcoholic beverages
- that police departments step up enforcement of the drinking driving laws, especially during the early morning hours and summer week-ends

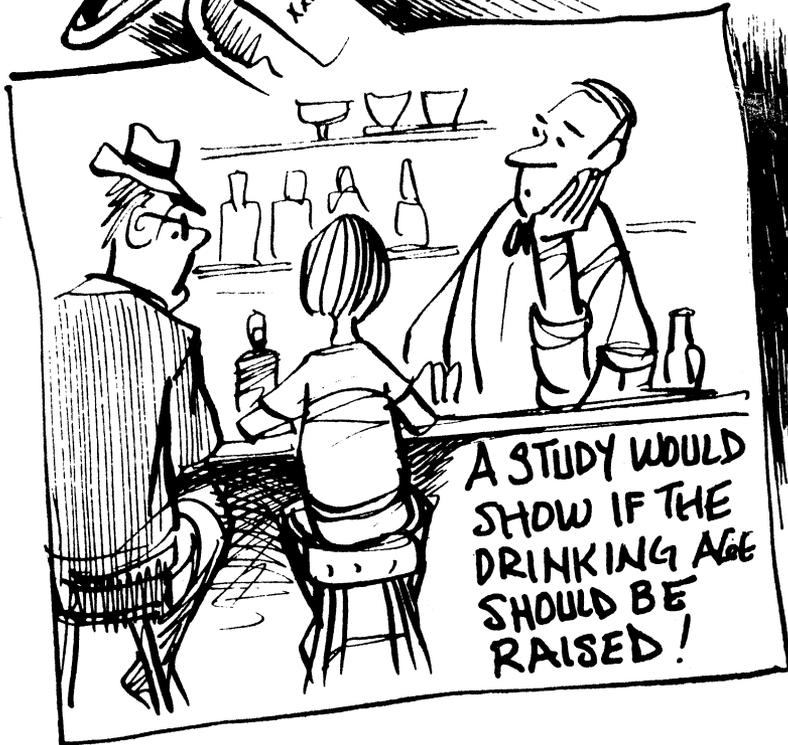
The council also suggested that local school districts with the assistance of the State Department of Education and other responsible agencies launch an alcohol education campaign to clearly explain to students the consequences of drinking and driving.

6x

PRESIDENT, DAVID J. SHERWOOD, President, Prudential Property and Casualty Insurance Company; VICE-PRESIDENTS, STUART A. CHRISTIE, Vice-President, Johnson & Johnson; VINCENT E. HOYER, President, New Jersey Manufacturers Insurance Company; CARROLL D. JAMES, Vice-President, Public Service Electric & Gas Company; JAMES L. MACWITHEY, Chairman, Regional Public Relations, Inc.; TREASURER, BRADFORD COCHRAN, Vice-President, Midlantic National Bank, EXECUTIVE VICE-PRESIDENT AND SECRETARY, C. EDWIN MAX.

DON'T DRINK and DRIVE!

300+% INCREASE WITH
18-20 YEAR-OLDS IN FATAL
HIGHWAY ACCIDENTS
SINCE DRINKING LAW
WAS LOWERED TO 18.



STEP-UP ENFORCEMENT OF
DRINKING-DRIVING LAWS..



GRAPHICALLY EXPLAINING
DANGERS OF DRINKING

Alcohol Topics

Volume 1



Number 4

MINIMUM DRINKING AGE

BACKGROUND

Repeal of Prohibition in 1933 once again bestowed on American adults the legal right to purchase, transport and consume alcoholic spirits, wherever such action was approved by state governments. New York almost immediately set the minimum drinking age at 18; Louisiana passed similar legislation 14 years later. At various times, 4 other states selected the age of 20, Montana opted for 19, the remaining states chose the voting age--21.

Reduction of the voting minimum to 18 by ratification of the 26th Amendment in June 1970 provided impetus for a campaign to lower the drinking minimum as well. During the next 3 years, 24 states reduced alcohol consumption ages to 18, 19, or 20. However, none of the remaining states have taken action since August 1973. (See Figure 1)

The campaign for granting full drinking rights to the newly enfranchised 18-20 year olds had generally not been greeted with enthusiasm by the 21-and-over populace. Fears were expressed in many quarters that the legislation would invite slaughter on the highways; and statistics were cited that the 18-20 year old driver was already responsible for a disproportionate share of traffic fatalities. Several predicted dire alcohol-related accident rates, with forecasts reaching astronomical figures. These ominous statements were generally based on the contention that driving involves a series of learned responses which become more reflexive and automatic through years of experience, that learning to control the effects of alcohol follows a similar experience control pattern, and that the combination of the new driver/new drinker can often result in disaster.

	A	B	C		A	B	C		A	B	C		A	B	C		A	B	C
Alabama	21			Hawaii	18	20	1972	Massachusetts	18	21	1973	New Mexico	21			South Dakota	21 ¹		
Alaska	19	20	1970	Idaho	19	21	1972	Michigan	18	21	1972	New York	18	21	1934	Tennessee	18	21	1971
Arizona	19	21	1972	Illinois	21 ²			Minnesota	19 ³	21	1973	North Carolina	21 ¹			Texas	18	21	1973
Arkansas	21			Indiana	21			Mississippi	21 ¹			North Dakota	21			Utah	21		
California	21			Iowa	18	21	1973	Missouri	21			Ohio	21 ¹			Vermont	18	21	1971
Colorado	21 ¹			Kansas	21 ¹			Montana	18	19	1973	Oklahoma	21			Virginia	21 ¹		
Connecticut	18	21	1972	Kentucky	21			Nebraska	19	20	1972	Oregon	21			Washington	21		
Delaware	20	21	1972	Louisiana	18	21	1948	Nevada	21			Pennsylvania	21			West Virginia	18	21	1972
Florida	18	21	1973	Maine	18	20	1972	New Hampshire	18	21	1973	Rhode Island	18	21	1972	Wisconsin	18	21	1972
Georgia	18	21	1972	Maryland	21 ¹			New Jersey	18	21	1973	South Carolina	21 ¹			Wyoming	19	21	1973

A Current minimum
B Former minimum
C Date of change

1 Age 18 for beer/wine
2 Age 19 for beer/wine
3 To 19, effective 9/1/76

Figure 1. State Alcohol Minimum Age Requirements (May 1, 1976)

Not only has the movement ground to a complete halt, signs are unmistakable that a reverse trend is gathering momentum. Minnesota has already increased its minimum; Massachusetts and Iowa are likely to follow suit; and similar legislation is being introduced or at least discussed in Vermont, New Hampshire, Rhode Island, and Maryland. To understand the reason for this abrupt change, one must return to the atmosphere which attended the reduction movement following ratification of the 26th Amendment.

But proponents of the pending legislation had satisfactory counter arguments. They insisted that the 18 year old was already drinking and that the legislation would merely legalize existing practices. Some even predicted that a reduction in alcohol-related accidents would take place, because the younger drivers could now purchase liquor locally instead of driving long distances to adjacent states with lower age requirements or to purveyors who might "look the other way." Perhaps their strongest argument was the fact that no evidence existed

Rutgers University, who advises caution in assuming that the revised legislation has been the cause. Pointing to the relatively short period of time since the change and the inconsistency of record keeping systems, he contends that even conscientious and highly qualified researchers can be misled. Referring to the Michigan studies, Mr. Zylman notes that prior to the decrease in minimum age, police collision investigators recorded the presence of alcohol only in the most criminally negligent accidents, and rarely in deaths. He contends that now pressure from safety officials, legislators, and the news media has been so extensive that many police officers record any evidence of alcohol whether or not it has been a causal factor. He also points out that analysis of a 10 year period for fatal Michigan crashes by 18 and 19 year old drivers shows that the rate of yearly increase during 4 of these years was equal to, or greater than, the increase following reduction of the minimum drinking age.

ARGUMENTS FOR MINIMUM AGE REVERSAL

Mr. Zylman's questioning of the validity of the surveys has evoked a rather mixed response. Most appear to have disregarded his assertions and continue to point to reports of rising alcohol-related accident rates. Nevertheless, a few attempts have been made to refute the charges by stripping out elements that lend themselves to subjective approaches and possible bias on the part of the investigators. Undoubtedly the most thorough undertaking in this direction has been the University of Michigan Highway Safety Research Institute analysis, which used data compiled in the Michigan/Maine/Vermont study.

After identifying all variables considered in the initial survey, 3 non-subjective factors were recognized as consistent entries into reports--time of crash, sex of driver, and number of moving vehicles. The researchers then isolated all crashes occurring between 9 p.m.-6 a.m., with male drivers, involving single moving vehicles. Using this "bias-proof" model, the Michigan Highway Safety Research Institute arrived at basically the same conclusions that had been reached in the earlier study. Its final report stated that in both Michigan and Maine the frequency of alcohol-related crashes and the age specific frequency distribution pattern had increased following the reduction in the legal drinking age, and that no such change had taken place in Vermont. Like the earlier analysis, they attributed this situation to Vermont's proximity to New York. However, the report was careful to note that no determination could be made on several key factors: whether 18-20 year olds had increased their alcohol intake in

Michigan and Maine as a result of the legislation, if the places in which drinking occurred had changed rather than the quantities consumed, and how much more after-drinking driving exposure had resulted from the lower drinking ages.

EFFECT OF MINIMUM AGE REDUCTION ON THOSE UNDER 18

The facts do appear to indicate some positive relationship between minimum drinking age and the rise in alcohol-related traffic accidents, both in numbers and in percentages of the total involved population. Still, the evidence can hardly be called conclusive, it does not begin to approach the extreme figures forecast by many who had been opposed to minimum age reduction, and it certainly does not explain the sharp reversal of the current political trend on the subject. One can only wonder whether this situation results, at least in part, from what many believe is the effect of minimum age reduction on those below the 18 year old age level. Not surprisingly, statistical evidence concerning alcohol-related accident involvement by the younger group is even scarcer than that which exists for the above-18 populace.

For example, the Michigan/Maine/Vermont survey did not even address 17-and-below drivers and concentrated solely on 18-20 year olds in comparison with the total population. While the Michigan/Wisconsin/Ontario study included some passing references to the lower age group, it generally lumped its members together with the 18-20 year olds. It is true that individual states do show large increases in the numbers of alcohol-related accidents for the below-18 drivers following reductions in minimum drinking ages--91 percent in Iowa, 73 percent in Massachusetts. But any attempt to extract a meaningful trend from the multitudinous systems is at present a hopeless task.

Surprisingly, the absence of certainty regarding causal relationship has not dampened the many strong opinions on this subject--generally found in localities of heavy juvenile crime. During late 1975, a resolution favoring increase of the state minimum drinking age from 18 to 19 passed the Northeast Iowa School Board by the amazing vote of 169 to 1. An unofficial poll of every high school superintendent in that state resulted in a 94 percent vote for raising the age to "at least" 19. In Minnesota, one legislator declared that parents and others concerned with the educational system were pleading for passage of a higher minimum. He added that

to prove that the age reduction in New York, Louisiana, or the other states with lower minimums had in any way affected accident rates. There could be no counter argument here, since the diverse systems of alcohol-related record keeping among most states and even within states made meaningful research and useful conclusions nearly impossible. Thus, state after state reduced the minimum drinking age between 1970 and 1973, while large numbers of observers held their breath and anticipated calamity.

THE LOWERED DRINKING AGE-- WHAT ACTUALLY HAPPENED

Although only a short time has elapsed since the age reduction movement, it is safe to say that neither the forecasts of impending doom on one hand nor the optimistic hopes for a downturn in accidents has occurred. The truth appears to lie somewhere in between. Little change in accident rates that could be attributed to the reduction in legal age was reported by a majority of officials contacted in several key states during the fall of 1973. Most police and safety personnel expressed the belief that the newly-authorized consumers had generally reacted responsibly to the change in drinking laws. Representatives in two states did note a rise in traffic fatalities, but were careful not to ascribe causal relationship for lack of evidence. Only West Virginia officials echoed the earlier optimistic belief that drunken driving may have been reduced because of the availability of liquor at closer quarters.

However, claims based on personal observations slowly began to give way to serious efforts to bring some meaning out of the maze of diverse records. But this research generally focused on individual jurisdictions, examined somewhat dissimilar periods of time, and used varying methodologies--usually tailoring techniques to accommodate available raw data:

- A 1974 study in Massachusetts concluded that lowering the drinking age had led to a 40 percent increase in fatal accidents for young drivers.
- Three separate analyses of the Province of Ontario, completed that same year, ended with the opinion that at least 28 persons would not have died in Ontario if the drinking age had not been lowered.
- The number of 18-20 year old drivers involved in fatal accidents rose 60 percent in Iowa during

1975 when measured against 1972, the last year before minimum age reduction in that state. The rise for drivers of all ages was only 10 percent.

- Involvement in Massachusetts fatal accidents by 18-20 year olds increased 176 percent during the same period, compared with only 57 percent for the total driving population.
- A 1974 study measured fatal accident statistics in Ontario, Michigan, and Wisconsin--3 jurisdictions that had opted for the 18 year minimum--against 3 states that had not. Significant increases were found for all drivers under 21 in areas that had changed compared with those in the control group.
- Analysis of alcohol-related crashes in Michigan, Maine, and, Vermont--3 of the first states to choose the 18 year minimum following ratification of the 26th Amendment--concluded that:
 - Vehicle crashes increased in Michigan among 18-20 year old drivers, and that the increase was statistically significant.
 - They also increased in Maine for the 18-19 year old drivers, but remained stable for the 20 year old group. However, Maine had dropped its legal drinking age to 20 in 1969, which may have explained this deviation.
 - Vermont experienced no significant alcohol-related crash pattern change for its 18-20 year old drivers. Some have attempted to explain this situation in light of Vermont's lengthy border with New York State, which facilitated youthful drinking for many years through crossing the state line. If this premise is correct, legalization of the lower age in Vermont might have had little effect on drinking by 18-20 year olds.

ARGUMENTS FOR CONTINUATION OF MINIMUM AGE REDUCTION

The findings that alcohol-related accidents were generally rising as a result of the legislation did not go unanswered by several groups. The overwhelming sentiment of the newly enfranchised population has always been in favor of the 18 year old minimum drinking legislation. Joining them have been several recognized alcohol abuse authorities, who question the validity of the premise that the lowered drinking age has actually increased alcohol-related accidents. A prominent spokesman for this school of thought is Richard Zylman of the Center of Alcohol Studies at

he had never heard so "loud and clear" a message as he had on this issue.

The Massachusetts Police Association took the unusual step of writing to the Governor in support of pending legislation to raise the minimum age to 19, although the message was quite clear in its preference for ages 20 or 21. The letter declared--without citing statistics--that the rates of motor vehicle accidents, house breaks, car thefts, muggings, and other serious felonies had risen among juveniles "directly as a result of lowering of the drinking age." It is interesting to note that police in Montgomery County, Maryland, have reported "tremendous increases in the number of accidents, of liquor law violations, and of disorderly conduct violations by juveniles," since reduction of the state's minimum age for consumption of beer and wine. That state still retains the age of 21 for purchase of hard liquor.

MINIMUM DRINKING AGE FOR THE FUTURE

The era of reduction in minimum drinking age appears to be over--at least for the present. Termination of the movement seems to have resulted only partially from the limited evidence that 18-20 year olds are experiencing a somewhat greater incidence in alcohol-related accidents than would have occurred had there been no reductions in minimum age. It also appears to be an outgrowth of frustration facing parents and harassed officials who are alarmed by a continuous rise in juvenile crime and are reaching out for any possibility that may arrest the trend. To those who ask what difference a single year would make in raising the minimum from 18 to 19, there is a ready answer. One Minnesota police official stated that almost every young teen-ager has an 18 year old friend who will purchase the desired liquor. He added, "at 19, when they're a year out of high school, working, or in

college, or in the service, that friendship is going to end."

As of this date, Minnesota has already raised its minimum age from 18 to 19, to become effective September 1976. Iowa is seriously considering an increase in minimum age and has bills under active committee consideration in both houses of its legislature. In Massachusetts, a bill advancing the age to 19 passed the House last year by an overwhelming vote, but died in the Senate during a rush-hour adjournment. Presently, bills are in committee in both houses of that state to boost minimum age to 19 or to 20. It seems fairly certain that one of these will pass, and an outside chance exists that the age will be raised to 21 by amendment on the floor. Increased minimum-age bills will also be introduced in Vermont, New Hampshire, and Rhode Island. Maryland which never reduced the age for consumption of liquor, has 3 bills at various stages seeking to boost its 18 year old minimum for purchase of wine and beer.

At present, it appears that those who favor an increase in the minimum drinking age are in the ascendancy. Despite the efforts of some notable alcohol-authorities, a growing number of state legislators seem to believe that the lower drinking age has caused an increase in alcohol-related accidents, and many see a similar relationship to juvenile delinquency. The continued diversity in record keeping systems among the 50 states renders the problem of arriving at the truth extremely difficult. The failure to follow up in building a bias-proof reporting model--similar to the one used for the Michigan/Maine/Vermont study--only adds to the problem. It is, therefore, fair to assume that during the immediate future the trend in minimum drinking ages will at least remain unchanged and in some cases be revised upward. Just how far this movement will progress and what effect it will have on alcohol-related accidents and juvenile delinquency are at present highly speculative.

SOME SELECTED READINGS

Douglas, R. L. Results of a Legal Impact Study: The Lower Legal Drinking Age and Youth Crash Involvement. *HIT LAB Reports*, 5(2), October 1974, 15 pp.

Douglas, R. L., and Filkins, L. D. Empirical Development of a Surrogate Measure of Alcohol Involvement in Official Accident Data. *HIT LAB Reports*, 4(9)11-11, May 1974.

"Lowering the Drinking Age Increases the Problems Related to Alcohol: Where is the Evidence?" Presented at The National Alcoholism Forum Annual Conference of the National Council on Alcoholism, Denver, CO, April 1974, 3 pp.

"The Effect of the Lower Drinking Age on Youth Crash Involvement," Report, University of Michigan, Highway Safety Research Institute, 1974, 2 pp.

Twenty Four States Drop Drinking Age. *Alcohol and Health Notes*, National Institute on Alcohol Abuse

and Alcoholism, Rockville, MD, October 1973, p. 1.

When it Became Legal to Drink at 19 in Michigan: What Happened? *Journal of Traffic Safety Education*, April 1974, pp. 15-16.

Whitehead, Paul C. "Effects of Changing Alcohol Control Measures," Revised version of a paper presented to the International Session of the North American Congress on Alcohol and Drug Problems, San Francisco: December 1974.

Williams, A. F.; Rich, R. F.; Zador, P. L.; and Robertson, L. S. The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes. *Journal of Legal Studies*, 4:219-239, 1973.

Zyman, Richard. Drinking and Driving: After Its Legal to Drink. *The Police Chief*, 41(11):14, 20-21, November 1974.

