

PUBLIC HEARING
before
ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
on
S-1126

Held:
January 23, 1979
Assembly Majority Conference Room
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Martin A. Herman, Chairman
Assemblyman William A. Bate
Assemblyman William E. Flynn
Assemblyman Charles Mays
Assemblyman Eugene A. Thompson
Assemblyman William F. Dowd
Assemblyman Walter M.D. Kern

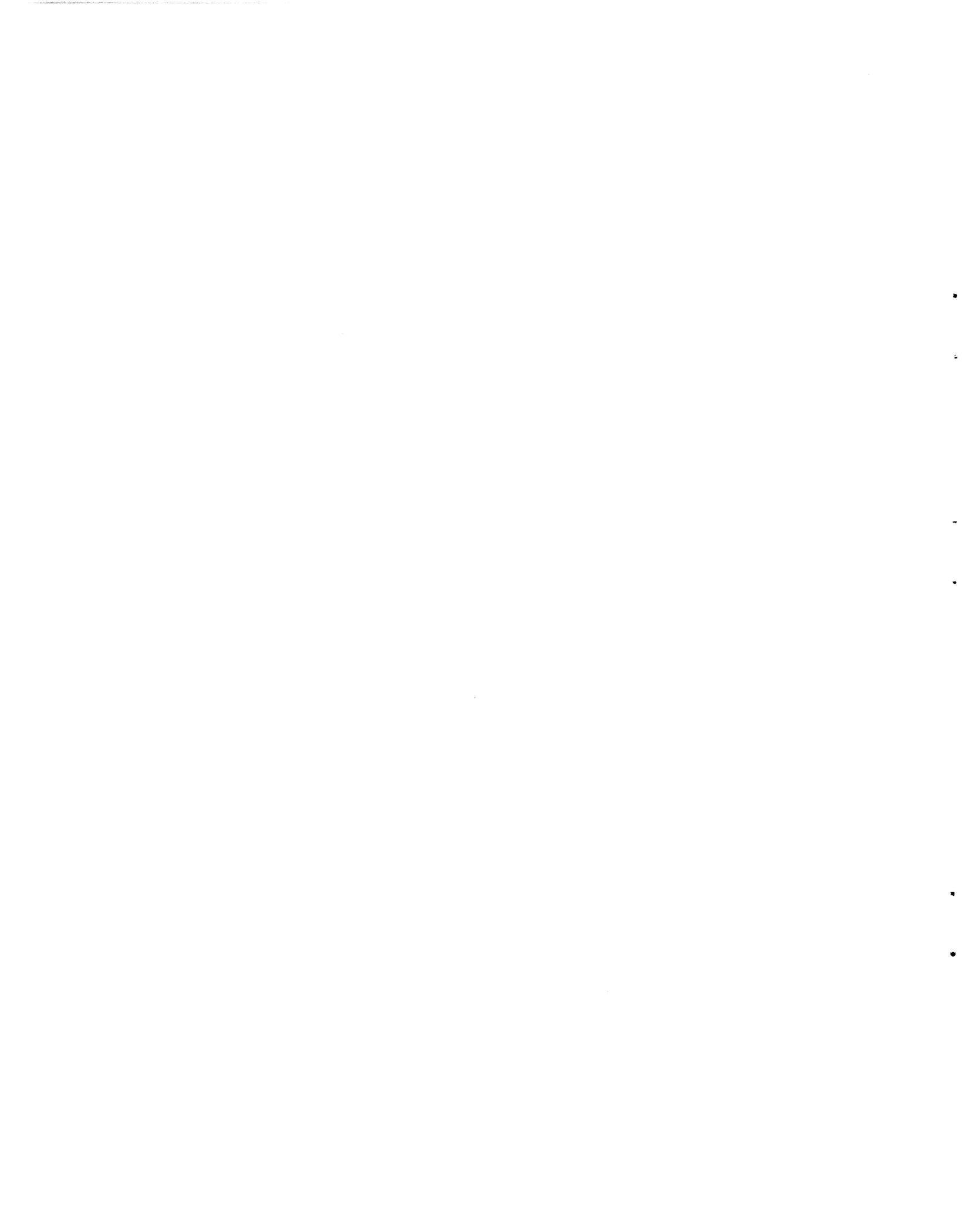
ALSO:

Gayl R. Mazuco, Research Associate
Office of Legislative Services
Aide, Assembly Judiciary, Law, Public Safety and Defense Committee

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Senator Frank X. Graves District #35	14
John J. Degnan, Esq. Attorney General State of New Jersey	1A



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.

STATEMENT

The purpose of this bill is to raise the age at which a person can sell, buy or consume alcoholic beverages from 18 to 19.

ASSEMBLYMAN MARTIN A. HERMAN (CHAIRMAN): I am going to call this public hearing to order on Senate bill 1126. Just for the purpose of explanation, this is going to be the first of at least three such hearings. We have specifically and intentionally limited the number of witnesses that we have called today--three this morning and one this afternoon, that being the Attorney General--in order to allow the widest latitude in exchanging discussion and ideas and to allow the Committee to explore just all the ramifications attached to this particular piece of legislation, because we don't believe that it's as narrow in scope as it might appear. In that regard, I would just like to note for the record that we commence today a review of this bill, Senator Graves' effort to raise the drinking age, and surely this issue will be one of the most volatile and most emotional that will be put before us in this session. Public perception as to whether the Graves legislation has received fair and impartial consideration will, in my opinion, depend on our willingness to examine this bill in a clinical, non-adversarial fashion; to reserve our judgements, notwithstanding past inclinations pro or con, until the last witness has had an opportunity to present testimony, and until we, as a Committee, have had an opportunity to fully review all reports and documents submitted. In order to do that, I believe the integrity of the process compels an obligation on our part to gather the best, the most probative information available and with it, an obligation to forewarn every witness, those who speak to maintain the status quo and those who seek the change, that this Committee will demand facts, not conjecture and opinions, when offered that are substantiated by hard and clinical information. To that end this Committee reserves the right to question, to probe in detail, if necessary, each witness who seeks to offer public statement. For those unwilling to so respond or for those who are not prepared to prove or substantiate what they say, their absence from this Committee process may indeed be the better part of discretion. It is with like respect for the integrity of the legislative process that I urge every member of this Committee, prior to the conclusions of these hearings and certainly prior to the consideration of the release of this bill, to publicly disclose any contacts that he may have directly or indirectly with the wholesale or retail liquor trades. Parenthetically, I guess, on the Committee's behalf and mine, I could have muted such disclosure and any discomfort that some may feel by having to make such disclosure, as I have felt compelled to do, by ducking the issue entirely, by asking the Speaker to assign this legislation to another committee. In a personal way, this may have been the most uncomfortable of alternatives to seek. However, that thought honestly has never crossed my mind, for this Committee, in my opinion, has had an unwillingness to pawn off our legislative hot potatoes on others.

To put into practice what I preach, I wish to advise that I have prepared for delivery to the Clerk of the General Assembly, John Miller, such a disclosure statement pursuant to Ethics Rule 2.8. That statement will be made available today. So, as we get set to begin to do the job we are prepared to do, to listen to the many opposing points of view, including those who want to see the drinking age restored to 21 and those who wish to see it remain at 18 and to all points north, south, east and west and in between, to ask the hard questions we must ask to ascertain what effect, if any, this legislation will have on highway fatalities, teenage alcoholism, outside and inside of our schools and of critical concern, of what, if any, effect this legislation will or will not have on what New Jersey is doing about alcohol abuse generally, I wish to announce that during these Committee deliberations, I have set specific and certain ground rules for myself that I respectfully ask the members, my colleagues on this Committee to consider. These are: I personally will entertain no private discussion with any lobbyist, advocate or legislator espousing any particular point of view.

I urge all those wishing to engage in such dialogue to make their views known within the framework of this Committee process by testimony or by the submission of written statement and until this legislation is released for floor debate, I will limit my responses to inquiries to those matters related solely to the Committee process. By adhering to these groundrules, I believe that this difficult issue can be objectively reviewed, that the integrity of the Committee's deliberations can be best maintained. To reach these goals, I solicit the cooperation of the Executive and his departments as well. I would hope that as these deliberations proceed, that the Executive and those in the Executive in furtherance of that cooperation attempt to exercise in their discussion of this legislation outside the Committee process, a discretion and verbal restraint that is unfortunately, in my opinion, been heretofore, on occasion, lacking. Although I have given a commitment to Senator Graves to vote for release of this bill in whatever form the Committee believes it should take and to urge Committee members to do likewise in order to allow full Assembly consideration, accusations, the attempts at subtle or direct pressure and the impuning of this Legislature without foundation by those outside its process will only serve to confuse and cloud the issues at hand and in so doing can only jeopardize the potential for the early release of this bill from Committee. Instructive of that potential is best noted by Senator Graves' request that I not hold a hearing that I planned for December, but to wait until now, until the legislative blood pressure, so to speak, has had an opportunity to simmer down; a blood pressure fueled by remarks emanating from the Executive, but is noted best, in my opinion in what could be described as an indiscretion. I make mention of the Senator's request not for the purpose of opening old battle wounds or to rekindle past emotions, but to illustrate that overzealousness resulting from such indiscretion can be very counter-productive and hinder the advancement of one's cause.

With these observations having now been made, I would like to call the first witness and I believe that would be Riley Regan, at this time.

R I L E Y R E G A N: My name is Riley Regan. I am Director of the Division on Alcoholism, New Jersey Department of Health. It is indeed an opportunity to be able to speak on the Graves legislation. I would be very reluctant to say that I don't support such legislation with the Governor making statements about support, with the Attorney General at one time vacillating, but now making strong supportive statements for the legislation and of course with the Director of the New Jersey State Police, Colonel Pagano, supporting this legislation.

Our Division has been involved in a number of studies prior to the introduction of the legislation and those studies have intensified after the introduction of the bill. We have reviewed the Michigan data, the Vermont data, the Connecticut and Massachusetts data and some data in Maryland, which recently made an attempt to raise their drinking age back up to age 19 and another bill, subsequently, to raise it to 21. Both of those bills failed. Our New Jersey Alcoholism Association, which represents the voluntary sector, the alcoholism counsellors, the providers, the voluntary associations representing the National Council on Alcoholism throughout the states--that, by the way, is an organization analogous to the American Cancer Society, the American Heart Association, the voluntary sector. They voted in their most recent board meeting to oppose the legislation. Our Division is taking no stand in terms of either supporting or opposing the legislation, but I would like to make a few comments, because I personally think the underpinnings of this legislation that stem from the community have to do with some basic concerns for some very blatant problems related to juvenile drinking.

The amount of juvenile drinking, I'm not sure, is on the increase. We have a feeling in our Division and the studies are beginning to indicate that problems of this severity existed in New Jersey ten and fifteen years ago, that the drug abuse problem, through the media and through the kinds of publicity that's available through the State, focusing on drug abuse, took away from the visibility of juvenile drinking problems and I would like to quote some of the recent studies that we have accomplished and we have used on a national basis. Research Triangle Institute in North Carolina did a nation-wide survey of 13,700 juvenile drinkers, high school sophomores, juniors and seniors selected across the country. They cut across a number of states that had the drinking age at 21 and a number of states had the drinking age at 18. They found that 75% of the teenagers in high school had drunk and of that number, 24% had been in, what they call, severe alcohol problems. Now, these problems meant that an individual had, number one, been in trouble with the principal or the high school administration; number two, had been in trouble with their date in their social relationships; thirdly, had been in trouble with the police department; and fourthly, had been in trouble with their parents. The combination of such indicated that 24% of those who drank in high school were classified as heavy drinkers, problem drinkers and alcoholics.

In New Jersey, a recent national survey indicated that approximately 5% of the 19 and younger age groups had some problem associated with the personal use of alcohol. Using the national formula to the New Jersey youth, aged 15-19, yields an estimated 36,000 individuals in our state who are problem drinkers. In discussions with Chief Justice Hughes and a number of the other municipal judges, a number of the municipal judges in the state, there is an indication that 53% of all juvenile crime or juvenile offenses are alcohol related. If you do an adequate social history, you'll find that these individuals, very much like the Triangle Institute's study, had been known to other community agencies as a result of their drinking.

We are concerned in the Division of Alcoholism and recently in a very low budget show the Division was able to spring with \$30,000 and put it out for competitive bids in the state. We had 78 bidders come in for \$30,000 and expressed their concerns about youth and alcohol. It very clearly, in this next year, has to be the Division of Alcoholism's number one priority for our concern.

Our major concern about this legislation is that there could be a sigh of relief breathed by the Legislature and by the general public at large, that now we have solved the problem of juvenile drinking, that we can go on and do something else. I think that this measure taken by itself certainly would have some preventive aspects that may very well keep alcohol out of the high schools in some measure, but I am very concerned that it is a unilateral measure. I would like to see something akin to a Commission on Alcohol and Youth to really study the impact of this problem. If you haven't been able to figure out by the way I'm throwing around some of the data and using national figures, we really don't know. A lot of this legislation is based on information that came from the Michigan highway safety, their research institute, and I would like to go over some of the flaws in the data. Deficiencies in sampling procedures, including use of samples of convenience and non-random sampling; lack of adequate control samples from living or non-accident involved drivers; invalid comparisons between accident involved and general driving populations; use of inappropriate statistical methods; findings limited by the limited geographical scope of studies; the lack of information on local drug and alcohol usage patterns; inadequate sampling procedures; selection stemming from low rate of subjects and clients; possible errors due to non-standardized specimen collection and handling procedures; inadequate, insensitive screening methods used to detect and quantify drugs and alcohol body fluids; limited range of alcohol or drug

detected or screened; and lack of rigor and data analysis and interpretation. I've gone over that, briefly, to show that the epidemiological research is really inconclusive. Some of our data in the Division of Alcoholism, we are now finding that in states where the drinking age has not been lowered the accident rates have gone up as well. The rates of vandalism, juvenile drinking, and other associated problems--

ASSEMBLYMAN HERMAN: Can we have that last comment again?

MR. REGAN: We are finding that in other states, and our data is certainly not conclusive because I've just quoted the lack of epidemiological procedures for some of the better researchers in the country and certainly we don't have that in our Division, but the data we are finding in some states that have not lowered the drinking age, the rate of alcohol abuse among the teenage population has gone up, the rate of accidents and vandalism and court offenses have gone up.

ASSEMBLYMAN HERMAN: Some of those states are what?

MR. REGAN: In Wisconsin, where the drinking had been lowered--it probably will be better to give the Committee a definite statement. Arkansas is one, Kentucky, Virginia. I would have to be specific. I can get you some materials on that. But, our concern is that this bill certainly has a preventive measure to it. It certainly reflects the concern of the general population and the community at large, the frustration that we are beginning to feel now that alcohol problems among the youth are much more visible. We feel that this measure may very well serve to reduce the amount of teenage drinking. We don't know. We're very much concerned that it not be seen as an end-all measure and that the Legislature look at other measures, at training juvenile court systems, at training the DYFS workers. We have just recently gotten a Title 20 grant in order to do that.

ASSEMBLYMAN HERMAN: Let me ask you a very direct question. If you had to put it on a scale of one to ten in combating the problems of alcoholism in this state, especially among our youth, and compared to some of the other obvious needs that your Division has by way of legislation and otherwise, where would it fit?

MR. REGAN: That's almost an unfair question with my lack of data.

ASSEMBLYMAN HERMAN: I told you there would be some hard, straight questions.

MR. REGAN: I would have to say that it would be about a five in my opinion.

ASSEMBLYMAN HERMAN: That's about as mid-point as you can get.

MR. REGAN: I've been told that I am hard to pin down. Without any data, I would be very reluctant to say that this measure wouldn't help. What we need right now is help from the municipal court and juvenile court judges. We need to set up specialized juvenile treatment programs, we need to get at the population at large. A kid with an alcoholic father is more than 50% prone to become an alcoholic than is a kid without an alcoholic parent and to begin to deal with some of the high-risk children, to confront the issue head-on, because we are not just talking about juvenile drinking problems, we're talking about juvenile alcoholism. Based on the World Health Organization's definition that says the individual is injuring his health, his social functioning, his economic functioning, we're finding that kids in high school are already beginning, very clearly, to fit this definition.

ASSEMBLYMAN HERMAN: Allow me, if I may, to start off with a couple of questions. Could you perhaps relate to us just exactly how much money is raised by the alcohol tax in New Jersey and just exactly how much of that we spend in New Jersey on alcohol abuse?

MR. REGAN: Now, those kinds of questions I definitely can deal with. About \$120,000,000 per year are the general funds that were put to New Jersey, which makes us around 48th in the country in terms of the amount of money going into the system, which is \$750,000 last year. That puts us, on a per capita basis, far and away from states

like Wisconsin which dedicates \$17 million in general funds; Massachusetts, \$11 million; and other states of comparable size to New Jersey. We're very much dependent on federal funds and have been able to engender a number of federal grants to work on this area, but frankly, we are decriminalizing public drunkenness with a very limited budget, using existing resources. Any new monies, with the kind of priorities that we have, would clearly be designated to alcohol and youth problems.

ASSEMBLYMAN HERMAN: I not from a recent study that has been made available to me that New Jersey has an estimated 365,000 people with alcohol problems. Is that correct?

MR. REGAN: We would say that that's even conservative. One of the more recent surveys that we had in our state plan indicated 410,000 in New Jersey.

ASSEMBLYMAN HERMAN: I also note and I just want to get your comment on it and make an observation to see how you feel about it, I also note that we have 165,000 people that are considered problem drug users and that the State puts at least \$5 million or \$6 million into the program and gets another \$5 million from the federal government and that when compared with the problems of alcohol, with the four hundred thousand people that you mentioned, that we put \$750,000 into it and we get about \$3 or \$4 million from the federal government, is that correct?

MR. REGAN: Yes. Our budget in total is around \$5.5 million counting federal dollars and anything we can hustle. We've been a very hustling Division, as you might know.

ASSEMBLYMAN HERMAN: I have a number of other questions, but I will allow my colleagues to ask any questions that they might have.

MR. REGAN: May I comment on just your last question. I definately didn't want to get into the stance of pitting alcoholism against drug abuse. They are both very severe problems, but clearly alcoholism is the number one health problem in New Jersey today. It's the number one drug of choice among the teenagers. That is certainly the reason we are here. I think that the visibility of the kids with drinking problems has really been a function of the media moving to the other direction and beginning to recognize this. Rather than pit us against the drug program in terms of money, we clearly are probably the most underfunded and yet one of the most programs in the State.

ASSEMBLYMAN HERMAN: I'm not saying that they have enough either. I'm just trying to put into perspective what we're doing.

MR. REGAN: We really appreciate that perspective, believe me.

ASSEMBLYMAN FLYNN: That last statement leads me to a question that's been on my mind for sometime and that is, if we pass this bill, what would this do to the usage of of marijuana among those 18 year olds? Would that increase as a substitute for the alcohol that they can't have?

MR. REGAN: Actually I have no data or even any personal feelings. I've had a personal history of heroin addiction and alcoholism myself and was drinking very actively in high school and the drinking age at that time was 21. Individuals in this society--we're a chemophilic society. We're turned on to all kinds of chemicals and drugs. The best way to get Billy's bike out of the driveway is with a couple of Anacin. The reality is that it's a lot better to use a couple Seconal or a couple Valium or whatever and we get an individual off of one addiction and quite frankly, they do turn to others and the availability of other substances--I don't really know what is happening at the University of Michigan where the drinking age has gone from 18 to 21, but I recently read of a barroom situation where the bar was almost completely empty and it said that the bar owners are clearly suffering from this legislation. But then, there was an implied suggestion that certainly the kids are drinking back in the dormitory;

they are drinking somewhere else; they're drinking out on the highway, but they're still drinking. The use of marijuana and alcohol, certainly marijuana and wine is well documented and I think kids will turn on regardless of those kind of outside social limitations. So, you could be well right.

ASSEMBLYMAN FLYNN: So, you would feel that there might be an increase since they would have to substitute something else? They might go to marijuana, those that aren't using it now.

MR. REGAN: There could well be that. I certainly have no data to refute that.

ASSEMBLYMAN FLYNN: The next question that I had was, this bill of course goes to 19. What would be your impression if it went to 21? Would it do a more effective job of what we're trying to accomplish, as opposed to 19?

MR. REGAN: I think when you talk in terms of--our Governor's Advisory Council, by the way, on alcohol problems entertained both the 21 possibility and the 19 possibility and did not take a stance either way.

ASSEMBLYMAN FLYNN: That's not the task force that you're talking about?

MR. REGAN: No. That's the--

ASSEMBLYMAN HERMAN: Would you tell us who made up that council?

MR. REGAN: The council consists of each of the commissioners or their representative of the Department of Community Affairs, the Department of Health, the Department of Corrections, the Department of Human Services, the Department of Motor Vehicles and eight individuals appointed by the Governor to serve three year terms, two of whom have to be "rehabilitated alcoholics" by the law.

ASSEMBLYMAN HERMAN: When you say they didn't take a position, what do you mean? Do you mean they didn't endorse the bill?

MEMBER OF THE AUDIENCE: Due to the lack of data, they felt reluctant to take a normal stance.

MR. REGAN: To stick their neck out like I'm doing today.

ASSEMBLYMAN FLYNN: Back to my question, 19 versus 21, what would be your impression?

MR. REGAN: If you're talking about an age 21 difference that that would certainly have a bigger effect than the age 19. Again, I go back to the fact that we have had juvenile drinking problems when the age was 21 and we have juvenile drinking problems where the age is 21 in other states, but certainly that would be a more effective measure. I think the 19 is based on something that will fly.

ASSEMBLYMAN FLYNN: Do you have a standard definition of a teenage alcoholic? What does one have to do in order to qualify to be a teenage alcoholic, in your Division's view?

MR. REGAN: We go back again to the definition of alcoholism and our Alcohol Rehabilitation and Treatment Act of 1976. I says that an individual is an alcoholic when that person's drinking begins to interfere with their social functioning, their economic functioning or their health and the key to that is when it substantially begins to interfere and that there is some chronicity involved. Many of the individuals in the treatment realm are very reluctant to begin to diagnose an individual as being alcoholic when they are 18 or 19. I'm not reluctant to do that. The disease as a progression, the definition doesn't say how many problems. It doesn't say how severe the problems are. It doesn't say when the person drinks, with whom they drink or what they drink. It says that they begin to experience problems. I think you will find that the alcoholics that we're treating today, who are on skid row, the individuals who are just beginning to lose their job in industry and business, the housewife, many of those individuals began their

drinking programmatically in high school. Our definition is, if a kid is getting into problems on a chronic basis with alcohol, that that person could be deemed alcoholic in the earlier stages. Alcoholism just doesn't start on skid row. There are minimal progressions, moderate and far advanced. I've seen kids who are 18 years old coming into a treatment program today whose drinking patterns are so severe that if we don't have intervention immediately for that person, if we don't deal with the network of community services available, get the family involved, that kid's not going to make it to 21 years old.

ASSEMBLYMAN FLYNN: Do you set up any criteria such as, if he is intoxicated three times a week, or that sort of thing?

MR. REGAN: That's some of the federal definitions. The study I quoted from the Research Triangle indicated that 25% of the 75 % that were drinking had been drunk at least once a month and a percentage of that had been drunk once a week. I've seen definitions of alcoholism that begin to say that the individual is drunk four times a year and then you can definitely the individual is alcoholic. I don't buy those kinds of definitions. I think it would make most of my friends alcoholic, to tell you the truth. Where an individual gets drunk and under what circumstances, I think is much more important than how many times a person gets drunk. We aren't a prohibitionist Division and an individual's usage of alcohol at a particular time is really dependent on whether they are driving, whether they are working, whether it begins to affect their functioning. So you really begin to define alcoholism by the problems that an individual begins to experience.

ASSEMBLYMAN FLYNN: Thank you. That's all.

ASSEMBLYMAN HERMAN: Assemblyman Bate?

ASSEMBLYMAN BATE: Now, you've stated that your Division neither supports the bill nor opposes the bill, is that correct?

MR. REGAN: I am very clearly, after studying and researching and going to every organization that I possibly can, I want to do what the data says and the data doesn't tell me that I should or shouldn't be very enthusiastic about this. It tells me, however, that I have to be very cautious about the fact that this bill could be perceived as an end-all and a cure-all to juvenile alcoholism, and it's not. We have to take a much more comprehensive approach. This would be seen as one measure for supporting the legislation.

ASSEMBLYMAN BATE: And you suggest that we establish a commission on alcoholism and youth, is that correct?

MR. REGAN: I believe that Jim Bornheimer has just asked the Legislative Services to introduce such a bill.

ASSEMBLYMAN BATE: Well, what would that accomplish that the task force did not accomplish?

MR. REGAN: The task force really didn't get down to some of the very questions that you were asking just now. The real relationship to what do you do with a juvenile alcoholic, what kind of services are available, what about the mainstream, how well are they prepared--we spend tremendous amounts of money in this State and I don't think we're so underfunded when you start looking at some of the services that are available for juveniles. We spend tremendous amounts of money in this State without really confronting some of the issues and it would only take a minor amount of training. The task force didn't get into those kinds of areas.

ASSEMBLYMAN HERMAN: I have a number of questions. Having been someone, as you know, who has been extremely interested, on a continuing basis, in the issue of alcohol abuse in this State, we will agree, will we not, when we talk about drug abuse and marijuana abuse in the high schools, that the mere outlawing of it has not decreased its use?

MR. REGAN: Certainly, I think the general population would agree to that.

ASSEMBLYMAN HERMAN: I think you would agree to that, correct? It hasn't abated by making it illegal. I'm just taking that into consideration in knowing that notwithstanding stern laws, modified laws and laws in between prohibiting the use of marijuana and drugs among people of all ages and knowing the cultural patterns, why do come to the conclusion that the mere legislative fiat, i.e., by changing the law from 18 to 19, is going to have an effect in the schools?

MR. REGAN: I think the fact that an individual at 18 can sit in a barroom and associate with a lot of the older drunks and begin to pick up role models. We pattern our alcohol abuse in this society after role models and many of us select the wrong kind of role model and certainly I did and the ability to relate to the really heavy drinkers in your community, to be able to sit in a bar and rub elbows with somebody begins to accentuate that kind of pattern. I think it does so, far more than the rebellion against a 19 or 21 year old drinking age. That kind of rebellion against authority.

ASSEMBLYMAN HERMAN: What do we do for the millions of people in this State who are out of school at age 18?

MR. REGAN: I think that New Jersey is certainly--the youngest of my five children just turned 18 and you know, in this State, he is totally an adult and everything that the Legislature has done to make him an adult, I appreciate.

ASSEMBLYMAN HERMAN: Let me ask you this. I don't know whether your child is male or female.

MR. REGAN: This one is male.

ASSEMBLYMAN HERMAN: Let's assume that he wanted to get married at age 18. Do you think he is mature enough to do that?

MR. REGAN: Yes.

ASSEMBLYMAN HERMAN: And obviously, mature enough to vote.

MR. REGAN: He's more mature than me, if you want to know the truth.

ASSEMBLYMAN HERMAN: But, by supporting this bill you are saying that he's not mature enough to have a drink.

MR. REGAN: I'm not necessarily saying that I am actively supporting this bill. I'm saying that this bill has certain preventive measures that may very well--

ASSEMBLYMAN HERMAN: Don't we see an inconsistency?

MR. REGAN: I think that's why you find my Division with--you know, I work for the Governor and I support the Governor's policies and here we have a Governor, an Attorney General who did vacillate for a while on this after he got some other data and the head of the State Police actively, vocally supported it--

ASSEMBLYMAN HERMAN: Do you have any data that's been gathered by any task force or any other agency in New Jersey that would empirically support raising the drinking age from 18 to 19?

MR. REGAN: Absolutely not and I think the data in Michigan and Dr. Douglas is an extremely good friend of mine--I became very close to these folks when I was chairing the establishment of the five year national plan for the country and reading off the problems with some of the epidemiological research in this area just indicates that we don't have good data in this area. But, I clearly can tell you that there are 36,000 kids with drinking problems today in New Jersey.

ASSEMBLYMAN HERMAN: But, that won't go away by raising the age to 19, will it?

MR. REGAN: It is certainly not going to go away right now.

ASSEMBLYMAN HERMAN: Because we both know, as students of this subject, you certainly more than I, that those problem drinkers were created by a lot of economic and environmental factors that have nothing to do with raising the drinking age from 18 to 19, is that correct?

MR. REGAN: Even some of them were created by genetical inheritance.

ASSEMBLYMAN HERMAN: Which has nothing to do--if the age were 50, it wouldn't affect it one way or another, is that correct?

MR. REGAN: We've found that to be true.

ASSEMBLYMAN HERMAN: I believe I'm correct in my perception that the question of problem drinkers among teenagers doesn't emanate from a question of whether it is 18, 19, 20 or 21, but is related to a whole bunch of sociological and economical factors that take hold a lot many years prior than reaching 18.

MR. REGAN: Alcoholism is probably the most complex of all the public health problems that we deal with today. It is a microcosm of all the problems in society, the prejudices that we have experienced, the stereotypes, and no one really has very much definitive data on the subject.

ASSEMBLYMAN HERMAN: Assuming that this bill does get signed into law and the drinking age is raised from 18 to 19, what effect do you think it will have in our schools, if we don't have first a high intensity educational format to go along with it?

MR. REGAN: I think that has been the major problem across the country, when this has been debated and in most states it has stabilized. But, the major problem, as perceived by other states, is that without that high intensity education program, not just an educational program but an intervention program, where the school has the ability to refer a kid into a treatment program, you know some of the work that has been going on with the motor vehicles, their counter-measure program is beginning to pick up kids at a very early age, kids who are already experiencing some problems and just a referral into that system for a three session course is beginning to make some impact on the same people. You need both and I think the most important is the education, the intervention system and there is a network of treatment for the parents that are also affected.

ASSEMBLYMAN HERMAN: Without preventive education, in essence, if I can summarize, and I'm not trying to put words in your mouth, but the change in the age will have no effect.

MR. REGAN: Absolutely. I think the two really have to go hand in hand. What we require is a very comprehensive approach to this problem. I don't want to minimize the fact that no one really knows what this would do in terms of reducing the amount of accoholics.

ASSEMBLYMAN HERMAN: Let me pursue this for a minute, because there was an interesting study that was recently published, which you may be aware of, entitled "The Effects of Minimum Drinking Age Laws Upon Adolescent Alcohol Use and Problems", a joint study from Catholic University of America and the Boystown Center for Youth Development and School Social Services out of Catholic University. Are you familiar with that study?

MR. REGAN: No, I'm not.

ASSEMBLYMAN HERMAN: Well, that study seems to indicate--I just want to get your comment or your impression--that in most states, which have maintained a higher drinking age, that under the social theory that people will obtain what they are not supposed to have, the forbidden fruit theory, that in those particular states there is a greater problem with teenage alcohol abuse than in those states that have a lower drinking age. What is your impression of that?

MR. REGAN: I would have to see that study. I know the people at Catholic University School of Social Work. I don't know the people at Boys' Town too well.

ASSEMBLYMAN HERMAN: What is your impression of that group? Are they a reputable group?

MR. REGAN: Very clearly, they are a reputable group. I would have to look at that. That answers a lot of the questions that you have been asking me. I would really question a study that indicated that drinking problems were more prevalent in states where the age was 21 as compared to 18. But, I think that is a blatant example of how little data we have that has any definition at all about this problem and the kind of emotionality that is thrown in there. Researchers by and large will perform some very sophisticated research. I have a personal example of an emeritus professor at Hopkins, where I'm getting my Doctorate, where \$2.5 million of federal money was spent, I think, to demonstrate that you shouldn't have sex before marriage. He was really getting into some of his own sexual thoughts and he demonstrated how bad the birth control pill was and the epidemiology was terrible. In this study, the Vermont data that says that crashes and juvenile problems didn't go up when they lowered the drinking age and the Michigan data that said they did, two very different people did those studies.

ASSEMBLYMAN HERMAN: How about Rutgers University, do you know their position on it, the Division of Alcohol Abuse?

MR. REGAN: I think the internationally renowned Center for Alcohol Studies has taken a very--

ASSEMBLYMAN HERMAN: You're saying that Rutgers University's study for alcohol abuse is internationally renowned?

MR. REGAN: Right. Their center for alcohol studies came from Yale and is perhaps the one research center in the country that has some recognition both nationally and internationally.

ASSEMBLYMAN HERMAN: Do you know their position on this bill?

MR. REGAN: I think you ought to invite them down. I've been told that they are not in favor of this bill.

ASSEMBLYMAN HERMAN: That's what I've been told.

MR. REGAN: But, I'm not here to speak for Rutgers, nor am I here to speak for the New Jersey Alcoholism Association.

ASSEMBLYMAN HERMAN: But, you would think, based on your knowledge that they are internationally renowned, that their word is pretty good throughout this country, is that right?

MR. REGAN: I don't trust any researchers, to tell you the truth. I guess I've been on the street too long and I see the problems as they are and I know the way the real world works and research is an extremely difficult matter to--

ASSEMBLYMAN HERMAN: Just for a few minutes, let's talk about the problems as they are. I would just like to highlight a couple of them and ask you a question or two. To my information, cirrhosis of the liver in New Jersey is the 7th leading cause of death. We had over 1400 deaths in 1973 and 1974. In divorce cases, it is estimated that one out of five of all divorces in New Jersey are related to histories of alcohol in some form. For instance, in 1970, New Jersey had 117,000 divorces and I'm sure that it is a lot higher than that now and we have already discussed the problems of teenage alcoholics. How would the enactment of this particular piece of legislation, on that scale of 1-10 that we talked about, have any positive effect on all those problems?

MR. REGAN: Again I would have to say a four or five, I would have to go a little lower on that, because what we are talking about there and by the way, the population that you are most concerned with when you are talking about cirrhosis of the liver being 7th, I think you will find that most of the data indicates that it is now 6th, that it's 3rd among women aged 25-35. Now that is some real significance and most of the female alcoholism doesn't really begin until the middle stages. It happens and develops very rapidly, but during those periods of years where it is most significant. I think your data that one out of five of the divorces is extremely conservative. Most of the researchers and again that's a terrible thing to say that I didn't trust researchers because I keep saying most of the researchers, but most of the data that we seem to come up with is that about half of the divorces are related to alcohol abuse and you can get that from some of your friendly colleagues who handle a lot of the marital cases, you know, just some clinical observations indicate that it is extremely high. But, the cirrhotic liver, the marriage problems, the development of alcoholism exacerbated at the ages of 25-35 where a lot of that seems to take place would have less relationship to the drinking age.

ASSEMBLYMAN HERMAN: Just one or two last questions and I'll let Assemblyman Mays and Assemblyman Dowd, if they have any questions, ask them. In that same vein, do you think that just enacting the Graves legislation, without an intensive program of education and prevention, will have any dent or any effect on the so-called 5% of the 15-19 year old age group, who we say have an alcohol related problem?

MR. REGAN: In my opinion and in the opinion of our Division, it would have a very limited impact. This would require a total, comprehensive effort, including education, prevention, intervention and massive amounts of training for many of the organizations who are seeing juvenile drinking problems on a daily basis, but just don't know what the hell to do with it.

ASSEMBLYMAN HERMAN: In other words, with due respect to Senator Graves' good intentions, if we enacted this legislation alone and did nothing more, we would just be kidding the public?

MR. REGAN: I think the public is extremely concerned and it is not just good intentions on the part of Senator Graves. I think there is some real, deep emotional concern about this problem. The concern has been generated by his constituency; the concern has been generated by juvenile courts and the system has seen countless--

ASSEMBLYMAN HERMAN: I'm talking about responding to that concern and my question very simply is, taking that concern, which we all share very deeply and are looking for answers to, everybody that has a sense of common decency, are looking for responses and are looking for answers. But, in responding to that concern, if we did nothing else but enact the Graves legislation, we, in effect, would be kidding the public.

MR. REGAN: I think we would be tying the hands of movement that has to be much more comprehensive. We would have a facade that says, "Yes, we've done something", when in reality I'm not sure that we have.

ASSEMBLYMAN HERMAN: Is that exactly why the New Jersey Alcoholism Association opposes the Graves legislation, because they feel it's going to present a facade, not intended by Senator Graves, but because of a feeling that, we'll do this as a legislative process and then wind up doing nothing else?

MR. REGAN: Again, I can't talk for the NJAA, but there were some comments made by the Association that it could be counter-productive and that it would be too little and too late. Our Division, as I said, doesn't have any data to substantiate any of that. But, I would like to see a comprehensive effort on this problem, because it

happens to be, I think, New Jersey's number one problem among the youth today.

ASSEMBLYMAN HERMAN: Assemblyman Mays?

ASSEMBLYMAN MAYS: You made a statement that 36,000 people are alcoholic?

MR. REGAN: Yes, sir.

ASSEMBLYMAN MAYS: Now, in my studying with Don Newcombe--and you know Don Newcombe who pitched with the Dodgers, who was an alcoholic.

MR. REGAN: He's a good friend. We had him here in New Jersey last summer.

ASSEMBLYMAN MAYS: In my talk with him, he said the age he sees problems with going around the country and New Jersey is from the age of 11-16, not 18, not 17 and not 19. The change in age will not make a difference. He says that what we should do is have a law to train about alcohol in school, because of what it does to your body and how it destroys your mind, how it destroys your family. So, the age of 19, 20 and 21 is not the problem with alcohol. It is the kids that are 10 to 15 or 11 to 15. Even eight year olds, he says, are alcoholics.

MR. REGAN: I think Don Newcombe has really served the country as a crusader. Just the kind of visibility of a guy like him to come to terms with his alcoholism and to pass the message on, he must lecture three or four times a week across the country and he sees a lot more of this than I do. We've had a number of treatment programs and I hope the alcohol programs don't get into this--you can recall the days of "we've got the youngest drug addict in our treatment program and he's only 13" or "he's only 11" and California programs are claiming, "we've got an alcoholic age 7" and there is an awful lot of anecdotal data going around regarding that. But, I would have to support what Don says, that there are a tremendous amount of beginnings of kids at that age experiencing problems well below the 18 year old drinking age restraints.

ASSEMBLYMAN MAYS: Statistics have shown that kids who are drinking beer and wine at that age, 11, 12, are really not taking in that data.

MR. REGAN: Yeah. That's one of the real problems with this data collection system. We've spent, in the last year, a couple hundred thousand dollars formalizing our data collection system and the problem with the data collection system is that you only deal with the data that you are able to collect. The kind of problems we are talking about, unless they become known to the police department or juvenile services or whoever, we don't see them as a statistic and I say the 36,000 juvenile drinkers who have active alcohol problems, who are going to be the alcoholics tomorrow in this State, are clearly conservative data. We really think it is much higher.

ASSEMBLYMAN MAYS: Don't you think there should be a uniform drinking age throughout the United States, because, just take New York compared to the area where I come from, Hudson County, there is the Holland Tunnel, Lincoln Tunnel and George Washington Bridge and they can go over there and drink at the age of 18 and if this was raised to 19, the accident rate in New Jersey would probably become higher than that of New York.

MR. REGAN: Absolutely. I think you're bringing back some old memories for me of dashing from Baltimore to Washington to drink over there when you were 18. but you couldn't have a mixed drink and say that you brought a bottle in with you. There were the closing hours as well, where it closed at one place at twelve o'clock, and you drive like crazy to the next county where it is open until two, and the next county where it's open until four. I am not one to get involved with the Alcohol Beverage Control System and I think Attorney General Degnan has really begun to confront some of those issues. I personally would like to see uniform closing hours in the State, uniform sales hours and some uniform age, regardless of the age.

ASSEMBLYMAN DOWD: Of the approximately 36,000 problem drinkers, would this bill address itself to any of those?

MR. REGAN: Yes.

ASSEMBLYMAN DOWD: In what way?

MR. REGAN: The largest majority of those kids already with drinking problems are in the high school system. The bill would address itself --

ASSEMBLYMAN FLYNN: As a practical matter, do you know whether even one of those problem drinkers will stop drinking and stop having his problem if this passes?

MR. REGAN: One of the most difficult things I've had to do in my life as a private therapist, and I'm not a private therapist in New Jersey, but I'm still seeing people who are referred to make other referrals, is to be working for several months with a family and a 16 year old kid with a drinking problem who stops drinking and then comes back to you in treatment with the drinking problem exacerbated. All my brilliance, all the legal restraints, everything in the world, all the parental controls and love didn't stop that. We're dealing with a chronic, progressive disease.

ASSEMBLYMAN HERMAN: Riley, with due respect to you, I think what he would like is a direct answer. How would the change in the law from 18 to 19 change that?

MR. REGAN: I'm saying that we are dealing with those 36,000 kids who are already experiencing problems, have already got a start. It won't hit them at all if a kid refuses to abide by the 19 year old drinking law and still has availability to alcohol. I think it will and could have some effect on the individual who is already in high school at that age, who already hasn't started to have those problems.

ASSEMBLYMAN FLYNN: You indicated earlier that you are street wise, so to speak, right?

MR. REGAN: Sort of.

ASSEMBLYMAN FLYNN: Don't you really feel that those 35,000 are still going to get their alcohol and they are not going to abide by the change from 18 to 19? Isn't that really going to be what happens out in the street?

MR. REGAN: That's what I'm trying to say.

ASSEMBLYMAN FLYNN: As Assemblyman Mays said, they will go to New York, they will drive to New York. So, instead of driving two blocks to get their load on, they are going to drive ten miles to get their load on and doesn't that increase the dangers?

MR. REGAN: The long drawn out answer was a means of saying that it's very frustrating that all the controls in the world and I talked about therapy included, that the individual comes back drinking anyway at age 16 and 17, once the problem has begun. The drinking age bill would not affect those individuals that may very clearly, may very well influence the others who are standing in line to be the next of the 36,000.

ASSEMBLYMAN MAYS: Of this 36,000, what is the percentage that is 18 and over.

MR. REGAN: I have some of that data. All I've got is they're 15-19. We don't have the information. I would have to take a look at the numbers.

ASSEMBLYMAN MAYS: Would you say the majority of them are between the ages of 15 to 17?

MR. REGAN: Yes. I think that's the group we are most concerned about in high school.

ASSEMBLYMAN HERMAN: Riley, I just want to thank you for coming. I would just like to make one final comment or observation.

MR. REGAN: I talk too much?

ASSEMBLYMAN HERMAN: No, I think on this subject, you didn't talk enough. There's not enough to be said here today or we don't have enough time to say all that should be said with reference to this issue. We're only scheduling four witnesses to appear for the entire day.

You know and I know that the Gloucester Alcohol Abuse Center, for lack of funding has been shut down. I highlight that point that that program in the last couple of years helped 600 people. We now don't have an alcohol abuse center because the State and the counties and the municipalities around them in their wisdom, although they support this bill, don't support helping alcoholics and that, unfortunately, is a shame. Thank you again.

MR. REGAN: Thank you.

ASSEMBLYMAN HERMAN: I would now like to call Senator Graves.

F R A N K X. G R A V E S: Good morning.

ASSEMBLYMAN HERMAN: Senator, thank you for coming down this morning.

SENATOR GRAVES: It appears it is going to be an upward battle from the questions that you asked, but I will do my very best.

ASSEMBLYMAN HERMAN: Senator, let me just advise you, I realize you couldn't be here when we first began and you so advised us, but part of my opening remarks indicated that you and I had a prior discussion and that pursuant to that discussion, I withheld the December hearing until January and that I gave you my word that I would do everything that I could to encourage other people to release the bill, as well as give you my vote to release it in whatever form this Committee sees fit to finally adopt it and release it. You still have my word to that degree and you weren't here when I said that and I just want to reassure you of that. But, that has nothing to do with discussing the merits or demerits and getting to the truth and the problems that are here and as I also told you, we would have a frank interchange and dialogue this morning, which I hope that we can do. So, with that in mind, the floor is yours, sir.

SENATOR GRAVES: I submit myself to any questions that either you or any member of the Committee wishes to ask. I will try to relate what this is all about as briefly as possible and not to bore you with statistics and facts, because I think the previous speaker did say something which I totally agree with, that we can get statistics and facts to win this case in either direction. They are available and either side can be taken and run for a touchdown. I'm going to try to approach this bill on the practicality of what is in New Jersey today and what this bill and this law has done to the school system in the State of New Jersey. My statistics and my facts are not bore out by accident statistics, because that isn't the reason for this particular bill and I have to take into consideration, with the introduction and passage of this bill in the Senate, the borderline states and what they offer and what the problem might be as far as age anticipation is concerned and who is backing this bill and why I think they are backing the bill.

Number one, in June, 110,000 seniors graduated from high schools throughout the State of New Jersey. Of the 110,000 students that graduated from high school, there is no computer that gives their age. The closest that we can statistically break down their ages is from the Secondary Principals Association, which feels that their background leads them to believe that 74% of the graduates of our high schools in June are age 18. That means that some 70,000 or 80,000 18 year olds could legally purchase from 13,000 licensed outlets in the State of New Jersey all the alcoholic beverage they could afford to purchase and all the alcoholic beverages they could carry out of those premises. Now, what's important about that statistic and that factual statistic? They are in daily touch with the high schools such as Newark and Patterson, which have the four year high schools and other municipalities which have the three year high schools, they are in touch with over 300,000 youngsters a day. They share the same corridor, the same library, the same gymnasium, the same playground facilities, the same classroom facilities and they are,

in mass totals, making available to the 14, 15, 16 and 17 year old who would never have that opportunity to have made available to them, alcoholic beverages. That's one of the tragic parts of having lowered the age to 18. Only five percent of the students in the high schools in the State of New Jersey are age 19. So, why the magic age? There is no magic about it. The input of this legislation was to remove the legal availability of alcoholic beverages from the high schools, from the school systems of the State of New Jersey and it will do it. Sure, there will be the parent who makes available to his child, alcoholic beverage, and he is under the child's influence rather than the child being under his influence and he will be able to into the liquor cabinet, but it will be minimal. There won't be 80,000 time bombs legally walking the corridors of our schools in the State of New Jersey. It will be minimized.

Now, what other things were taken into consideration with this so-called age of 19? Was the practicality the overwhelming concensus of those I have appeared before, the PTA's, the Chiefs of Police Association, etc. They want 21. They were not ready to settle for anything. Your home district, Assemblyman Herman, appeared in overwhelming numbers before our Committee, demanding that we raise the age to 21. But, we have a problem, those of us from Northern New Jersey, that if we raise the age to 21, we will cause slaughter on the highways. We've got slaughter in the schools, but we will have slaughter on the highways. Now, what do I mean by that? Those that have cars available to them, or those who have friends who are older, will hop into the cars on a Friday night and exit across Greenwood Lake, over the Staten Island Bridge, through the tunnels, over the George Washington Bridge and yes, it will be a problem. It will be a weekend problem and will suffer statistics. But, the statistics will be absolutely minimized if you will give this bill a chance. That's all I am asking you to do, give this bill a chance. Give it a year and if the three members who sponsored this legislation are wrong, we will pick up our tracks and reverse ourselves. But, there is one thing that we can certainly say, that it was wrong to have lowered it to age 18.

Let's talk about where the people get a chance to vote on this. Wasn't it the State of Michigan where the legislators just increased the age to 19 and over there the people of that state have the right of popular referendum. They petitioned and went on the ballot and it was to take effect on December 4 to go to age 19 and the people of that state went on the referendum and they changed it to age 21. They wouldn't settle for the age 19 that the legislators passed. The Governor of Massachusetts vetoed legislation increasing the age. He lost the election. The Governor who was elected came out in favor of raising the age.

ASSEMBLYMAN HERMAN: You are not saying that we ought to do what is best politically, are you?

SENATOR GRAVES: No. I want all the questions that you can give and I want to respond to them and I know that you will give me that chance. Is doing what the people want political, in your estimation, sir?

ASSEMBLYMAN HERMAN: Not in mine.

SENATOR GRAVES: Now, who are some of the people that have endorsed this legislation? The Governor of the State of New Jersey and he has also given an indication that he would not be in favor of going above that particular age. The Attorney General appeared before the Committee and he endorsed raising the drinking age to 19 and he said forthrightly, at that time, before the Committee with the public hearing in Nutley, that he would not be supportive of going to 20 or 21. The Prosecutor of the County of Passaic has endorsed this particular legislation. The President of the Passaic County College has endorsed this legislation.

Let's talk about an article in the Newark Star-Ledger only this past Sunday, if you'll give me that permission. The article is an interview by one Dan Wiseman to the Chief Justice of the Supreme Court, Richard J. Hughes and it was about the difference of problems in alcohol and disease. Hughes laments the waste of lives and said, "The municipal judges tell me a lot of kids are coming before them as pre-alcoholics and they are finding alcoholism much more serious than drug addiction by far." This was this past Sunday in the Newark Star-Ledger by the Chief Justice of the Supreme Court of the State of New Jersey. Now, do all of these people come easy? I think those of us who serve in government know the Governor, the Attorney General, not that I am saying that the Chief Justice favors increasing the drinking age, but his statement says something and the Prosecutor, we have about fifty boards of education throughout the State of New Jersey who have endorsed this type of legislation. Mr. Herman and members of the Committee, I tell you the truth when I tell you that 2,647 parents have written me concerning this legislation. Only ten parents have written against this legislation. I tell you, again, the truth that as many as half of those are not necessarily supportive just of going to 19. They would like to see it go to 21, but they have typically said that this would be a step in the right direction. The Mayors' Association have given a statement and in their statement they have given claim that they too are of the opinion that it should be to 21, but they say in their paragraph that it's a step in the right direction to take it to age 19.

If we take it to age 21, in Northern New Jersey, we will have that particular problem. It may be alright for Trenton and Camden and those municipalities that border Pennsylvania, where the legal drinking age is 21. Well, they have the problem in reverse of what we would have in Northern New Jersey. You have the young people coming across the borders of Pennsylvania on weekends. I could sit here and name names and statistics and give you places where 17 year olds and 18 year olds under the influence of alcoholic beverage have died. I don't want to win this battle, because if it was my kid or my child I don't want to see his name in the newspaper tomorrow or anyplace else. I've lived and I've had it. Let's take for example, I have a daughter who is 17. Tomorrow she is going to be 18. Let's say she is a senior in the school system in Northern New Jersey. Tonight she goes to bed at age 17 and tomorrow she wakes up at age 18 with the awesome power and awesome right through this legislature to go to any one of these 13,000 outlets. If the parents, if my wife or myself might forbid her, but she has that legal right and she will have that legal right as a student for the next four months until she graduates from high school in June and I want to set these schools straight of being under the influence of the 18 year olds. It wasn't an arbitrary age that someone said. I read in the newspapers that some one said, "Governor, why have you picked that age?" What's magic about it? The magic about it is that that's the age where the breakoff comes.

Now, also, what about those statistics of 110,000 people that graduated from school? 60,000, approximately, went on to further education. But, some 34,000 of them went into the world. So, when we say that for those who are moving to take it to 19 and 20, to 20 and 21, we are talking about 35-40,000 people a year who are leaving their high school and going absolutely into the mainstream of life. I would never support legislation to take it to 21. I would support legislation in a compromise to take it to 20. But, I could never say that a person 20 years old is not in the mainstream of life. They are. How many people in your area at age 19 have made their way in life, have got a job, have picked a person who is going to be their mate for the rest of their life, know exactly what they are going to do? They pretty well abide by it. Sure there is divorce statistics. Sure there is alcoholism. But, what we're doing is we're setting these time bombs, legally, in all of our schools and we're letting the 18 year old have that influence.

There are those who have argued and said, "at 18, you get drafted and go in the army." Well, before you get drafted and before you go in the army you take a rigid medical and physical examination and then you go into an indoctrination course that lasts about 15 or 16 or 17 weeks and then if you are put into the field of battle, you do it under leadership, not where you make a decision, but where somebody else makes the decisions for you, and you are well past that particular age by that particular time.

ASSEMBLYMAN HERMAN: Maybe if you could extend that to marriage, it would be a new cure-all for divorce at 18.

SENATOR GRAVES: Well, how many statistically are getting married? I called my license, vital statistics bureau in the City of Patterson. It's negligible. How many people are buying their own business at age 18? What, less than 1% in the State of New Jersey? How many are getting married at age 18 in the State of New Jersey?

ASSEMBLYMAN HERMAN: I think you better check your overall statistics on that, because they are a lot higher than that. Between 40 and 50% between the ages of 18 and 21 or 22 are getting married sir.

SENATOR GRAVES: I already said that I'm against age 21 myself. Could we bring this down to what I said, to age 18 or 19? I would like to work with those statistics, because we have a couple 20 year olds in school in Patterson. There is one or two in a high school that has 7,000 in it. So, they are there. I don't think they should be frowned upon. If they are back in school and want to further their education, good. Maybe they dropped out and maybe they are coming back. But, we'll take them. So, these are the statistics. As I said before and the speaker before, a case could be made, Assemblyman, one way or the other. But, my case is solely based upon what I know and what is available.

ASSEMBLYMAN HERMAN: Let's chat about that for a few minutes, if you will bear with us for a few moments.

ASSEMBLYMAN FLYNN: I would like to basically zero in on the bill itself, because we all here recognize there are problems. People have different views as to how to solve the problem. Zeroing in on this bill, what are the practical goals that you hope to accomplish if this bill is successfully passed. I emphasize the word "practical".

SENATOR GRAVES: The absolute removing of the legal availability of alcoholic beverages in our high schools in the State of New Jersey.

ASSEMBLYMAN FLYNN: Will this bill remove those students from the alcohol problems?

SENATOR GRAVES: Legally?

ASSEMBLYMAN FLYNN: Don't talk about legally, because we have to talk about the real world.

SENATOR GRAVES: Alright, there was a companion bill of ours that was just introduced by five senators, three of them democrats and two of them republicans, because what you are striking at is that some people will still be able to buy alcoholic beverages in fake identity. We are asking that the origin of drivers' licenses in the State of New Jersey, for the first two years, have a picture on it. In other words, we know that Mr. Waddington and we have seen the Governor and we have seen other people are against having pictures on drivers licenses. There is the inconvenience, the cost, etc. But, we believe that the first drivers license in the State of New Jersey, the origin of the drivers license, and there is a degree of inconvenience on your first license anyhow, that it should be inclusive of a picture. If you want it beyond that, okay, but for the first two years it should have your picture on it so that a person who is making alcoholic beverages available can't say, "I thought that person was such and such an age."

ASSEMBLYMAN HERMAN: You certainly think that's more important than spending money changing the color of the license plates, don't you Senator?

SENATOR GRAVES: I'm not going to be critical of the Governor. He's supporting my bill.

ASSEMBLYMAN FLYNN: So, your goal than is to minimize the use of alcohol by high school students?

SENATOR GRAVES: Making it legally available to high school students.

ASSEMBLYMAN FLYNN: That's your goal?

SENATOR GRAVES: That's my goal.

ASSEMBLYMAN FLYNN: Any other goals, beside that?

SENATOR GRAVES: I haven't got into the statistics of the highway accidents. I know there has been an increase, but I also know the converse of that, if the rate goes up too high, there's going to be accident statistics in reverse, coming back from New York. I think this will minimize it. I think that a person age 19, when they are out of high school and they run off to college and we probably have all had that trip, and we come home at Christmas and the first thing we will do is we go back to the high school and we see some of the juniors who are now seniors and they say, hello, and the conversation doesn't last five minutes. That breakoff point from 18 to 19 is devastating as far as that person is concerned. We no longer have anything in common.

ASSEMBLYMAN FLYNN: Now, assuming this bill passes, assume that an 18 year old in Patterson High School, if you will, on a Friday night wants to drink beer. Do you think this bill will stop him?

SENATOR GRAVES: It will deter him.

ASSEMBLYMAN FLYNN: Will it deter him?

SENATOR GRAVES: It will absolutely deter him.

ASSEMBLYMAN FLYNN: Do you think there will be one Patterson High School student who wouldn't be able to get beer on a Friday night, because of this bill--in the real world?

SENATOR GRAVES: In the real world? I would say, yes, but, I will say also, more important than that, that Monday through Friday thousands of high school students throughout the State will not have it made available to them through legal sources.

ASSEMBLYMAN FLYNN: I'm not talking about legal sources. I'm just talking about sources. For example, marijuana, as far as I can see, is on the increase, with the figures I see, anywhere from 25%-35% of the high school students now trying marijuana, either regularly or periodically. That's completely illegal to purchase it, yet the figures there are staggering. Now, alcohol, which is even more readily available than marijuana, I think even with the passage of this bill, it is still going to be available to anyone who wants it. That's my trouble with the bill, that the bill will not accomplish what you want to accomplish.

SENATOR GRAVES: Isn't it worth a trial?

ASSEMBLYMAN FLYNN: When you say trial, do you mean put a self-destruct clause in it?

SENATOR GRAVES: I would be willing to do that.

ASSEMBLYMAN FLYNN: That may be an idea, may be two years. I think one year wouldn't be fair.

SENATOR GRAVES: No, one year wouldn't be fair.

ASSEMBLYMAN FLYNN: Two years would be enough time to see to see if it had some deterence. Obviously there are going to be some people still getting their alcohol. What you are hoping to do is minimize that.

SENATOR GRAVES: Not only to them. It's going to make it harder for them to get it, but it's going to make it almost impossible--this is the important part--it's going to make it almost impossible for them to get it available to those younger kids. On a television broadcast and a radio broadcast, the high school seniors were invited to both the broadcasts that we appeared on with the Superintendent of the State Police. The truth is that in both of these cases the 17 year olds vigorously were not supportive of this legislation, but in both cases all sides readily admitted that the number one problem in the high schools in the State of New Jersey today, in the high schools they represented in the Princeton area, and in the high schools they represented from the Bergen County area, was no longer drugs, but was alcohol. This is what the students themselves said.

ASSEMBLYMAN FLYNN: What would happen, let's assume that your bill has the kind of effect that you hope it has. What would happen to the incidence of marijuana use? Would those 18 year olds turn to marijuana in lieu of not being able to obtain the alcohol?

SENATOR GRAVES: Mine has to be a world education guess. None whatsoever.

ASSEMBLYMAN FLYNN: Why is that?

SENATOR GRAVES: Because they are not related as far as I can possibly point out or possibly can check on. There's no relationship to the person who wants to smoke or the person who wants to have a drink.

ASSEMBLYMAN FLYNN: The people who want to have a drink, they go to a party situation, that's the typical high school situation, they're at a party, a get-together and since they can't get beer, they're going to turn on with something because that's the social scene now. So, they are going to turn to something and it's going to be marijuana or pills or something else.

SENATOR GRAVES: Then, I would have to say that I feel that alcohol is much more dangerous than marijuana.

ASSEMBLYMAN HERMAN: I would say that there is some degree of support for that around here.

ASSEMBLYMAN FLYNN: You have acknowledged also that the problem of carnage on the highway is one that may reinstitute. We had it some eight or ten years ago, when we had the age of 21 and everyone was flocking over to Staten Island and Greenwood Lakes, as you say, and that may come back even if we only go to 19 because that 18 year old who wants to drink on Friday night is going to go over to New York or Staten Island.

SENATOR GRAVES: Assemblyman, like everyone else I've lost a couple nights' sleep on this bill, because I said there's going to be a headline. Somebody is going to get killed coming back from New York. But, when you weigh what is being killed in this State and what is being destroyed that we have no statistics on, because I'm not going to tell you that my daughter is an alcoholic and I'm not going to tell my next-door neighbor. I'm going to try to do something for him from the inside of my house and the parents aren't telling. A lot of other parents can't even cope with and can't even recognize it. "Gee, my kid must have put in a hard day at school. He comes home at 5 o'clock and goes to sleep for two hours." Their kid didn't put in a hard day. Their kid was cockeyed drunk, came home and went to bed and they didn't even know the difference. This is what I'm afraid of. All I'm asking is to give this a chance. Give this bill a chance. If you want to self-destruct it, you want my guarantee, I'll introduce legislation two years from today to rid ourselves of this problem, I'll be here two years from today to do it.

ASSEMBLYMAN DOWD: Senator, supposing we do that and at the end of two years it develops that there is a dramatic increase in the number of deaths from trips to New York and no appreciable decrease in the amounts of deaths in-state. Wouldn't that be

a pretty expensive experiment?

SENATOR GRAVES: No, because I can't lose this one. I can't lose this one because we've opened the doors to the availability of 350,000 high school students throughout this State to legally be able to get in touch with alcoholic beverages.

ASSEMBLYMAN HERMAN: If I understand, the essence of your effort is to make the high schools as alcohol free as possible, is that correct?

SENATOR GRAVES: Yes, it is.

ASSEMBLYMAN HERMAN: We're trying to stop people from bringing it in, in other words from purchasing it and bringing it in. So, in essence, if I understand you, your major effort is to stop the 18 year old from being able to go into the package goods store and take it out and share it with his peers and share it with people who are of younger age, is that correct? That really is your major concern?

SENATOR GRAVES: That's my major thrust.

ASSEMBLYMAN HERMAN: Now, you are also concerned with the potential problem of increasing the age to 19, what might happen in New York, people coming in and going out, those potential accidents, but you say it's a balance. Wouldn't that balance just as well be served by allowing as they do in some states--and there are a number of states that permit this and I think there are bills in the Legislature suggesting this, one in the Assembly minority party's legislators--that we allow the drinking age at 18 in the tavern, where you go in and you can have a drink, but increase your ability to buy package goods to age 19? Wouldn't that serve the same purpose?

SENATOR GRAVES: No.

ASSEMBLYMAN HERMAN: Why?

SENATOR GRAVES: Because it would be totally unenforcable. It would be next to impossible to enforce.

ASSEMBLYMAN HERMAN: How do you enforce the present law? You card people, correct?

SENATOR GRAVES: Can I say this to you? I asked the superintendent of schools of one of the largest cities in New Jersey, "Superintendent, do you have an alcoholic problem in your high school?" He said, "minimum." He said, "But, wait, do you want the rest of my statement?" I said, "I sure do." He said the 18 year olds are cutting out of school at lunchtime and going putting their backs on a barroom stool, sitting there for the rest of the day, drinking.

ASSEMBLYMAN HERMAN: Let me ask you this. You said your major concern was stopping the rest of the students, those 300,000 or so, from being affected by the thirty or forty thousand who are in the schools. I'm quoting you.

SENATOR GRAVES: That's what I said.

ASSEMBLYMAN HERMAN: If they didn't have the ability--assuming every one of those 30,000 took 30,000 barstools in this State and sat there, but didn't have the ability to carry alcohol out, how would they be affecting the other 300,000?

SENATOR GRAVES: How can you enforce that I can legally sit at the bar and buy a drink--

ASSEMBLYMAN HERMAN: I'm asking for a response to my question. Forget enforcement for a moment. Just respond to my question.

SENATOR GRAVES: The answer to your question is, I say it's unenforcable.

ASSEMBLYMAN HERMAN: Let me ask you the question again. Maybe we just don't understand each other. Forgetting the question of enforcement, putting it aside, if I understand your major thrust, you said the major thrust of your effort was to keep alcohol out of the high schools. In other words, to stop 18 year olds from affecting their peer group and I'm asking you, aside from the question of enforcement,

if people were not permitted, were not of age to bring alcohol back into the schools, how would it then affect the other 300,000 kids?

SENATOR GRAVES: Evidently, I am answering to the best of my ability and I can see my ability is limited when it comes to--

ASSEMBLYMAN HERMAN: C'mon Senator. I'm asking you a very direct question which you are capable of giving me a very direct answer.

SENATOR GRAVES: Whenever you're ready, I'm ready to give you an answer.

ASSEMBLYMAN HERMAN: I'm ready.

SENATOR GRAVES: It's unenforcable. If I can legally sit at the bar and buy drinks, can you monitor whether I'm putting any one of those bottles of beer in one of my pockets? Can you monitor whether I'm taking some of that booze and pouring it into a flask and taking it out? No, you can't.

ASSEMBLYMAN HERMAN: You have to have a lot of little glasses to fill a flask, Senator.

SENATOR GRAVES: Well, you would have to have it, but how many pockets would you have to have to put a couple bottles of beer in? Not many. In other words, if I'm sitting there and I'm able to get my hands on some of it, I'm going to be able to get some of it off the premises. I'm going to be able to do it. It's the same thing if they put some peanuts on the bar. I'm going to get some of those in my pocket and I'm going to still be eating them when I get in the car and I'm starting to drive home.

ASSEMBLYMAN HERMAN: But, you and I know that it's against the law to take a glass or bottle that you purchase over the counter out.

SENATOR GRAVES: Well, we know it's against the law, but is it enforcable? Do we have enough policemen to put in every one of the 15,000 licensed outlets in the State of New Jersey. Give the bill a chance.

ASSEMBLYMAN HERMAN: Look, I'm not here to banter with you. I'm here to ask, as I told you, some hard questions to get your possible answer. How do we enforce the present law, whether it be 18, 19, 20 or 21, assuming we don't have enough policemen to put into those establishments, to see that those licensees are enforcing the law?

SENATOR GRAVES: There is always going to be some of those who are going to take a calculated risk. But, when the student is monitored in the school as being under the influence of alcohol, certainly they can get word to the proper law enforcement as to where that person goes and who is making those alcoholic beverages available. Right now, they can't for the simple reason that it is legal for these 18 year olds to get all the alcoholic beverages they want.

ASSEMBLYMAN HERMAN: Don't you think if we had a 19 year old going in and being able to purchase package goods, even assuming that 18 year olds were allowed to go into taverns, that that would have a substantial impact on lessening alcohol going into the schools?

SENATOR GRAVES: It's going to have an impact, yes, a favorable impact. But, is it going to dry up the problem? No. It would be absolutely unenforcable, unless we had the picture on the original drivers license. It would be totally unenforcable.

ASSEMBLYMAN HERMAN: Okay. Thank you. I'm going to go to Assemblyman Mays. I'm going to hold some of my questions and allow someone else to ask you some.

ASSEMBLYMAN MAYS: The thing I see that you are saying is that 18 year old people are all alcoholics, not the 13's, the 14's, not the 15's and that's what you're dealing with.

SENATOR GRAVES: Pardon me. I never said that 18 year olds were alcoholics.

ASSEMBLYMAN MAYS: You were saying that your daughter might turn 17 or

18--

SENATOR GRAVES: I'm saying that she will legally at age 18 be able to go to 15,000 licensed outlets and legally buy alcoholic beverages, while still in high school.

ASSEMBLYMAN MAYS: Let's straighten out what alcoholic beverages we're talking about. We're talking about beer and wine. I believe that's what we're talking about.

SENATOR GRAVES: Well, that's alcoholic beverages.

ASSEMBLYMAN MAYS: And I think we're talking about 19% down. That's what we're dealing with in high school, because I think we're trying to get the two together, marijuana and alcohol.

SENATOR GRAVES: No, I didn't.

ASSEMBLYMAN MAYS: Well, I hear that coming out. But, they didn't become alcoholics when they became 18. They became alcoholics when they were 13, 14, at home when they were given wine and they are given beer. There was no problem there. But, this bill doesn't address that. It addresses to the school system. They can go get the beer at a delicatessen now on a Saturday or Sunday and they hang on friends who are older than they are, 19 or 20 years old, while not in school and yet the 16 and 17 year old people hang out with them and the girlfriends hang out with them, but still I can't see where age 19 is going to stop a person or keep a person from being an alcoholic. I might see where the arrest record might go up. I didn't see no statistics when it went down from 21 to 18, if the arrest records went down, arresting someone for having liquor on them and being underage.

SENATOR GRAVES: Assemblyman, maybe we ought to lower the age then to 16.

ASSEMBLYMAN MAYS: My personal belief is--and I dealt with this and I went to Washington D.C. and talked to the prevention. They spend less money to get the pamphlets out and telling the kids what to do instead of informing them. We spend money on black history and everything in school. Why can't we spend money on alcoholism and everything else in school, instead of raising the age?

SENATOR GRAVES: You're right. That's important.

ASSEMBLYMAN MAYS: I think that's more important in terms of saving somebody's life, because at the age of 16 and 17, when you graduate from grammar school, you think you're on top of the world, but when you come to 17 or 18, you start thinking, what am I going to do with my life now. Now, that's when the problem is, 15, 16 and 17, not 18 and not 19.

SENATOR GRAVES: I agree with you, but I'm saying that that 18 year old high school student is legally making it available to that 14, 15, 16, or 17 year old. That's the only place we get off of the middle of the road together.

ASSEMBLYMAN HERMAN: How do they do that, through package goods?

SENATOR GRAVES: Through package goods.

ASSEMBLYMAN HERMAN: And that's the principal way, in your opinion?

SENATOR GRAVES: The fact that they will go and take them out with them and have a person with them of a lesser age and they are still 18 and they can buy for them right there and they buy two drinks for themselves and shove one aside to the person who isn't 18.

ASSEMBLYMAN HERMAN: Regardless of the age, whether it's 18, 19, 20 or 21, I get the impression, and maybe we're on common grounds here, that you believe that without some sort of identification, pictures or something visually, that for the law ever to be effective, that's required.

SENATOR GRAVES: In order to make this law 90% effective, it needs the picture. It will still pass 70% grades even without it, but it will be, the ultimate will be that original drivers licenses--

ASSEMBLYMAN HERMAN: Wouldn't you and I both agree--I think we do share common feelings on this--that to make any law, regardless whether the law is 18, 19, 20, or 21, or any combination there in between, that to really have effective enforcement those pictures on the licenses are of extreme importance?

SENATOR GRAVES: They are. That's why I've introduced legislation.

ASSEMBLYMAN HERMAN: Fine. Let me ask you just a few other questions. The Senator has agreed to stay and we invite you to stay throughout the rest of the day, by the way, and all other hearings. You are welcome to be as part of our Committee.

SENATOR GRAVES: I will not be able to stay for the whole day because we had a school burnt in eight different places last night. I will be here for at least two more hours.

ASSEMBLYMAN HERMAN: I just want you to know that for the purpose of all these hearings and for the opportunity to have last rebuttal after all the witnesses, you're certainly welcome.

SENATOR GRAVES: I hope that I can convince you enough that I won't have to rebut anything.

ASSEMBLYMAN HERMAN: Well, we're here discussing the issues. We have sort of taken a sort of a Committee posture that whether people are pro or con, we're going to ask the same questions, the same type of questions. We're information gathering right now, Senator. Senate bill 1126 amends the prior law enacted reducing the age of majority, which was Senate bill 992, Chapter 81 of the laws of 1972--by the way, interestingly, sponsored by Senator Turner and a few people who are still here, Maressa, Cafiero and Parker--which did more than reduce the age of drinking. It also reduced a lot of other majority rights and created a lot of other majority obligations of age 18. Now, this is the only one that you amend. I would like to go through them with you and ask you if you still support having age 18 as the age of majority for these particular rights that are outlined in your bill, the right to contract and to have contractual rights and obligations, do you still see that as something we should keep?

SENATOR GRAVES: Except where alcoholic beverages are involved.

ASSEMBLYMAN HERMAN: Well, I'm just trying to go through them. There are a lot of them. Your bill covers a lot of areas that still would carry the existing law and I just want to make sure, for the purpose of the record, that I understand where we've gone. You have no intention of changing the 18 year old majority law for the right to contract and the right to be sued and the right to have contractual obligations, is that correct?

SENATOR GRAVES: That's correct.

ASSEMBLYMAN HERMAN: You have no disagreement with an 18 year old having the right to buy a house or to make a mortgage?

SENATOR GRAVES: No, I have none.

ASSEMBLYMAN HERMAN: You have no problem with an 18 year old having the right of adoption of children?

SENATOR GRAVES: If they are married.

ASSEMBLYMAN HERMAN: And you have no problem with them serving on juries or voting?

SENATOR GRAVES: None whatsoever.

ASSEMBLYMAN HERMAN: You have no problem with them betting on legalized games of chance?

SENATOR GRAVES: I have a hang-up on it.

ASSEMBLYMAN HERMAN: It's still in your bill though, isn't it?

SENATOR GRAVES: I have a hang-up on it.

ASSEMBLYMAN HERMAN: Are you suggesting that we consider amending that provision?

SENATOR GRAVES: No.

ASSEMBLYMAN HERMAN: So, you're willing for that to stay and act as an incorporator, allow them to be a corporation?

SENATOR GRAVES: Except with alcoholic beverages.

ASSEMBLYMAN HERMAN: Well, let me ask you this. All those things being the same or we say that they have the right to be an adult, to marry; they have the right to hold a public job at age 18; they have the right to contract; they have the right to adopt; they have the right to serve on juries; they have the right to vote; they have the right to gamble, which a lot of people consider a very serious sickness if done to excess; they have all these rights and obligations at 18. Isn't there something inconsistent about not changing your bill because, this is, by the way, a bill involving the age of majority, if we're going to have the age of majority at 19, wouldn't it be better to have all these other rights be at age 19 too? If the Committee were so inclined, would you object if we amended it in that regard?

SENATOR GRAVES: I wouldn't support it.

ASSEMBLYMAN HERMAN: You wouldn't support it? Why not? Why are these rights of majority different or why can an 18 year old handle these same rights of majority, in other words, to have the right to get married at age 18, but not have the right to drink at your own wedding; or the right to work in a tavern at 18; or be a policeman at age 18 and respond to a call and break up a fight and use a gun and all the other things one might have to do inside the bar, but after work not have a right to go into that bar? Tell me why you see raising the age of majority to 19 for drinking as being consistent with all those other rights and not changing them all to be the same.

SENATOR GRAVES: Because I believe that statistics will prove that less than 5% of the 18 year olds in the State of New Jersey enjoy any of those emancipations that you spoke about, but yet 80% of the 18 year olds are taking advantage of the fact that they can legally buy alcoholic beverages and they, more so than any of the other things that you talk about, those other people don't come in daily contact with the 17, 16 and 14 year old. That's the big difference. The 18 year old that I'm after comes in daily contact with them.

ASSEMBLYMAN HERMAN: How about the 20% of the 18 year olds that don't come in contact with them? In other words, if I understand, your theory is that we will extend the rights of 18 year olds as long as only a small percentage of those people use those rights, but where they exercise the rights, if it's a large percentage, then we don't think they ought to have them. Is that what you're saying?

SENATOR GRAVES: That's what I'm saying.

ASSEMBLYMAN HERMAN: Do you see that as consistent, sir?

SENATOR GRAVES: I do. I respect you from wall-to-wall, but this is my belief.

SENATOR FRIEDLAND: Senator, how do you counteract the argument, if you're old enough to vote, you're old enough to fight for your country, you're old enough to make legal agreements, you're old enough to own property, you're old enough to marry, but then you're not old enough to have an alcoholic beverage?

SENATOR GRAVES: Do you know that 50% of the states in this country never lowered the drinking age, but gave all those other rights too? Do you know that five states in this country have reversed from 18 and gone back up? We're not unique.

ASSEMBLYMAN HERMAN: He's not asking you whether it's unique. He's asking whether you think it's right or wrong.

SENATOR FRIEDLAND: I'm not concerned with other states and their legislation and the mistakes they may make. I'm only interested in this state.

SENATOR GRAVES: Assemblyman, I have no problem within me of being for 18 year olds and being against buying alcoholic beverages for 18 year olds. I have no problem with me. My conscience doesn't bother me one iota on it.

ASSEMBLYMAN DOWD: Senator, you started off by saying that you wanted to avoid statistics and you indicated that you thought a good case could be made for either side of the argument, once you started using statistics. I would think if there is anyone in the state who would have statistics at his fingertips to justify raising the drinking age, it would be yourself and I'm asking you, is there a correlation between the 18 year age drinking law that now exists and any increase in any traffic fatalities in any age group, and can it be statistically proven?

SENATOR GRAVES: Yes, it can be statistically proven. I have statistics here with me and I will leave them with you.

ASSEMBLYMAN DOWD: Can you put them on the record, please?

SENATOR GRAVES: Sure.

ASSEMBLYMAN HERMAN: Are we talking about just the State of New Jersey or elsewhere?

SENATOR GRAVES: I'm just talking about the State of New Jersey.

ASSEMBLYMAN HERMAN: By the way, when you do that, read the statistics percentage-wise for the age 21-25 and tell me if they differ. If you don't have them, I do.

ASSEMBLYMAN DOWD: That's the focus of my concern, 18-19, Senator. You want to raise it to 19.

SENATOR GRAVES: This is from the Fatal Motor Vehicle Accident Report, Comparative Data Report, 1976. It's the most up-to-date one that I have, so it leaves a lot to be desired. The percentage of 18 and 20 year old drivers who were either drunk or impaired has increased since the inception of the age of majority law on January 1, 1973. Those who were drunk or impaired increased from 8.9 in 1972 to 16.3 in 1973 to 27.5 in 1974 to 29.2 in 1975.

ASSEMBLYMAN DOWD: Wait a minute. That's 18-20.

SENATOR GRAVES: Yes.

ASSEMBLYMAN DOWD: Will we solve anything by raising it to 19? What percentage of those people were between 19 and 20? If we don't have those facts, how can we act on this legislation, if that's one of your major concerns?

SENATOR GRAVES: I repeat to you that my major concern was ridding the legal availability to high school students at age 18 and buying alcoholic beverages, not driving. I never took that category.

ASSEMBLYMAN DOWD: Let's get into some facts there. Where are the statistics to show a demonstrable increase in high school drinking, either in the high schools or drinking among people under 18, as a result of the lower drinking age now, compared to before we lowered it?

SENATOR GRAVES: From the testimony we received from the PTA's and the Chiefs of Police Association, from the Secondary School Principal's Association, we took testimony day after day and week after week in public hearings and all that testimony

was brought out vividly painted by them. The PTA group that meets or has their headquarters in Trenton had a pretty well attended meeting about two months ago to which they invited me, but were not supportive of me, because they are insisting upon the fact that it should be raised to 21. I was hostile to that crowd because I'm not in favor of raising it to 21. But, there again, they brought out statistics and gave details of what was going on in our schools. I'm sure that you will elicit some of this testimony from those who are in the school system today.

ASSEMBLYMAN HERMAN: For the edification of Assemblyman Dowd, I would point out that I had a quote out of the New York Times, dated May 16, 1976 and I'm quoting now. "When New Jersey lowered its legal drinking age from 21 years old to 18 on January 1, 1973, opponents warned that drunken driving by youths would create a major hazard. It hasn't. The State Police say that recent statistics show that 18-20 year old drivers account for slightly more than 10% of all drunken driving arrests in the State. 'Nobody is concerned over that percent,' says Lt. Gordon Hector, Public Information Director for the State Police. It's not the problem that might have been projected originally." I might add, Assemblyman Dowd, that the recent statistics released by the State Police show, and I will read them for you, show a slight increase in New Jersey, percentage-wise. In '72 it was 8.9%; 16.3% in '73; '74, 27.5%; to 29.2% in '75; but a decrease in 1976 to 25.9% and we're just talking about the 18-20 year old group and I might add that those same statistics, without citing them chapter and verse, show an equal percentage of drivers, talking about drunk drivers, I'm talking about related fatalities, show that there is an equally solid argument for raising the drinking age to 25, based on driving statistics, as there is from 18-21. So, maybe Senator Graves makes a good point when he says that the primary thrust of this bill does not relate to the question of traffic statistics.

SENATOR GRAVES: Can I respond to you on the school problem?

ASSEMBLYMAN HERMAN: Yes, sir.

SENATOR GRAVES: You wanted some testimony on that. This is from the Secondary School Principals and Supervisors, 407 West State Street, Trenton, New Jersey, signed by Walter W. Chesner, Director of Governmental Affairs. Number one, principals have a problem with proms. If a prom is held in a place where a bar is available, it becomes difficult and sometimes, depending on the floor plan of the building, impossible to enforce no drinking laws.

Number two, when schools hold affairs such as athletic banquets and 18 year olds are included, once again, everyone is faced with the problem of how to discourage students who are 18 years of age from ordering alcoholic beverages.

Three, the incidence of alcohol coming into the school or into the school parking lots has increased considerably since the drinking age was lowered.

Four, the increase of alcoholism among teenagers is a serious societal problem which can not be ignored.

ASSEMBLYMAN DOWD: Senator, we're familiar with those arguments. The drinking age was 21 when I went to my high school prom and almost everybody drank and I'm sure that from a legitimate concern people in education are experiencing problems which may or may not be related to the lowered drinking age. One statistic which I think would be instructive would be, if it's available, the number of drinking related accidents involving 17 year olds, if, in fact, you're saying that because the age is 18, it's more available to those under the age of 18. Certainly, that would be some indication of the depth of the problem if we had a statistic showing fatalities or increases in that age group.

ASSEMBLYMAN MAYS: They have that and it's higher.

ASSEMBLYMAN DOWD: Well, let's hear it. What are the facts?

ASSEMBLYMAN HERMAN: In fact, wouldn't you agree, Senator, based on the statistics that are available that the primary reason for the decrease in the death rate has been the lowering of the speed limit, that New Jersey, as other states, has seen an appreciable decrease in the number of highway fatalities and those are primarily because of the combination of alcohol and speed and the reduction in speed?

SENATOR GRAVES: Okay. I heard what you said and I was almost going to break my own promise that I wasn't going to use names and I'm not going to. Believe me, 17 year olds and 18 year olds are statistically under the influence of liquor and are being killed and are killing on our highways.

ASSEMBLYMAN HERMAN: Aren't 19 year olds, 20 year olds, 21 year olds, 30 year olds, 40 year olds, 50 year olds being killed by the misuse of alcohol?

SENATOR GRAVES: They are.

ASSEMBLYMAN HERMAN: Is that any less? I think that's the essence of the question. I don't think anyone on this Committee that has any degree of common sense and sensitivity to the issue of alcohol abuse will deny that alcohol is a very serious problem in relation to fatalities on the highway, 50%, from what I understand, or better. Now, the question, I assume, zeroing in, is will it, do the statistics determine in the 18-21 year old group that there is an appreciable increase or decrease, depending on the age group, of alcohol related fatalities and serious accidents and if not, what will increasing the age from 18 to 19 do in that respect?

SENATOR GRAVES: The thrust of this legislation is based on what is going on in the high schools and the availability of alcohol in the high schools. There are accidents on the highway and we can make a case out one way or the other and I know that I stand a good chance of being rapped pretty hard if we do raise the drinking age and one 18 year old is killed coming back from New York. I understand those statistics.

ASSEMBLYMAN HERMAN: Your position is different from that of the Governor, then, right? I understand that the Governor's position is that he is in favor of this bill because it will serve as a life-saving mechanism on our highways. I believe that's his public statement.

SENATOR GRAVES: Well, I say not only on the highways, but it will as a life-saver in some of our problems in the schools. If I did start drinking at age 14 or 15 and it was never made available to me by my fellow students, maybe I wouldn't ever get to that point until I was more ready and able and understanding about it. There's one thing that has to be said and there was a companion resolution in the Senate that was supposed to be and I believe that it was passed that the Assemblymen talked about. Along with this bill, it is all for naught, if there isn't an educational process. If there isn't a packet made up by the State Education Commissioner and distributed and disbursed to all the educational systems in this State, about teaching about the problems of alcohol and what it does, then a lot of this bill could be for naught too.

ASSEMBLYMAN DOWD: Senator, would you agree that if we were meeting here today to set up a new state that nobody lived in yet and to establish a minimum drinking age that we would be a slightly different posture from the posture we're in, which is one in which we're dealing with the citizens who have a right and from whom we propose to take that right or privilege, whatever you want to call it, and wouldn't you agree that because we're in a situation in which for five years now we've had the lower drinking age and therefore an opportunity to assemble statistics and so forth, that the burden of proof is on you to justify removing that privilege from the overwhelming majority of 18 year olds who by your own admission obey the law and do not get into any difficulty?

SENATOR GRAVES: I didn't say that.

ASSEMBLYMAN DOWD: Are you saying that the overwhelming majority of 18 year olds are abusing the privilege?

SENATOR GRAVES: I'm saying that the overwhelming majority of the 18 year olds are making available alcoholic beverages.

ASSEMBLYMAN DOWD: They are taking advantage of the law, but are they abusing it? Is that your objection, the fact that they are drinking?

SENATOR GRAVES: When they make it available to their under-age friends, they are abusing it.

ASSEMBLYMAN DOWD: Are the majority of 18 year olds making it available to those under 18 or otherwise abusing the privilege and do you have any facts to support an assertion of that kind?

SENATOR GRAVES: Only the testimony that was brought out at the Committee hearings in proof of this.

ASSEMBLYMAN HERMAN: Well, perhaps you can leave us copies of that testimony which may be helpful to the Assemblymen, so that we can call these same folks before us and ask them just exactly where they got that information from. We would appreciate that. Assemblyman Kern?

ASSEMBLYMAN KERN: Your concern with the younger children in the school systems, what is the source, do you have any evidence any statistics of the source of the alcohol that these people under 18 are obtaining?

SENATOR GRAVES: Assemblyman, nobody, but nobody in the state knows the real statistics on this because it is not identified. The only thing that is known for a fact is that it's there. The professionals have admitted that it's there. There's no way of breaking down the actual statistics because you can't pinpoint that child that comes home from school and hops into bed and has to have a rest. That is not really identified by the parent and is not really identified by the teacher of being under the influence of alcoholic beverages.

ASSEMBLYMAN KERN: Would it be fair to say that many of these teenage alcoholics or teenage drinkers are receiving the alcohol from the home?

SENATOR GRAVES: There's no doubt in my mind that a minority of them, minority not by race, color or creed, but minority in number, are. There are some families who just open up everything to the child.

ASSEMBLYMAN HERMAN: I'll be happy to share some of my statistics with you, sir.

ASSEMBLYMAN KERN: If I can pursue this some more, would you be in favor of legislation with respect to stricter controls and enforcement of the drinking laws in the school system, such as automatic expulsion of anybody found in school who is intoxicated?

SENATOR GRAVES: What do you do with that child that you automatically expel from school? What do you do with him? Do you just drift him into society?

ASSEMBLYMAN KERN: What about suspension of anybody found intoxicated on school grounds?

SENATOR GRAVES: That should be automatic, but it doesn't solve the problem.

ASSEMBLYMAN HERMAN: In the prior testimony before the Senate Committee, did anybody come forward with any statistics to show the percentage of abuse and how many people were suspended, if at all, during the course of the school year, in the county, throughout the State or in the school system?

SENATOR GRAVES: No. What we did receive is, there is a hesitation among those who can make expulsions to do it, because what do you do with that child? What happens to that person? What do you do, just write him off and say, okay, or do you try to do something about it from within?

ASSEMBLYMAN KERN: Senator, we have a program with respect to those who have been convicted of drinking while driving, whereby they have to attend classes and they have to go to a program which hopefully has some effect and deters that kind of conduct in the future. Would you be in favor of that type of legislation with respect to student population in the State?

SENATOR GRAVES: Absolutely.

ASSEMBLYMAN KERN: Do you think that might be a preferential way of handling this problem?

SENATOR GRAVES: No. It could be a companion, but to rid ourselves of this bill and just substitute it for that, no.

ASSEMBLYMAN KERN: Do you think that the educational system is doing its job with respect to identifying potential alcoholics?

SENATOR GRAVES: No, I don't.

ASSEMBLYMAN KERN: What would you recommend should be done in that area?

SENATOR GRAVES: I think we make it almost impossible for them by making it legal for their students to buy alcoholic beverages. We're saying to them, on one hand, you can't do this and you better do this, and we're saying on the other hand, okay, but we're going to let them legally do it.

ASSEMBLYMAN HERMAN: Assemblyman Bate?

ASSEMBLYMAN BATE: Senator, before you arrived, the Chairman read a statement and included in that statement was something which I totally agree with and that is that this Committee will demand facts, not conjecture and opinion when offered or substantiated by hard, clinical information and I say very respectfully that most of your testimony, if you will, falls into the category of conjecture and opinions. Now, I agree with Assemblyman Dowd that the balance, the weight of the evidence has to be borne by you before I will report it out, before I vote to release any such bill, but I think, based on your testimony this morning, that you've indicted 18 year olds without any real proof. I think they've gotten a bum rap from you and being presented the case.

SENATOR GRAVES: Well, I don't agree with you whatsoever.

ASSEMBLYMAN HERMAN: He's just expressing an opinion.

SENATOR GRAVES: I think a case has been made and your whole background is totally against this type of legislation.

ASSEMBLYMAN HERMAN: Senator, we're here to engage in a hard exchange and dialogue.

SENATOR GRAVES: It's alright for him to say what he wants to say.

ASSEMBLYMAN HERMAN: No, he's not--

SENATOR GRAVES: I agree to your rules. I'm in your house and I'll play by your rules.

ASSEMBLYMAN HERMAN: I just don't want to engage in personalities. He's entitled to an opinion as to whether you proved or didn't prove your case.

SENATOR GRAVES: Well, our personalities are always in conflict with each other.

ASSEMBLYMAN HERMAN: I would ask, in that respect, that you both encourage that debate outside the Committee process. I would like to go down the line to Assemblyman Mays.

ASSEMBLYMAN MAYS: Would you be in favor of including an amendment to this bill saying that since the federal government provides a lot of money to private organizations for the prevention of drugs and alcoholics, that they include this in the school system, that they give the money to the school system and with this, when a freshman comes into high school, he is required, just like he is required to take gym, to take a course such as this in order to graduate from high school. In this way, in the four or five years

he is in school, you can find out whether that education helped him out , instead of letting that 19 year old drinking age die in two years like we just said.

We spend millions and millions of dollars and I think Mr. Riley can tell you that, because I know the federal government wanted to give my organization, The Hall of Fame, the money to have atheletes scored. Now, atheletes are one of the things that show you drinking beer, Lite Beer on television. They encourage these young kids to drink beer. We see it on television every day. So, at nineteen, I can't see it at all, personally, I really can't. Nobody is addressing the issue of the kids and that is really the problem.

SENATOR GRAVES: Seventh grade on up.

ASSEMBLYMAN MAYS: And the girlfriends who go out with the boys 18, who are usually 16 years old, "C'mon, take a drink."

SENATOR GRAVES: Do I support what you say? Yes.

ASSEMBLYMAN KERN: It would have to be like a package. You couldn't put it in this bill.

SENATOR GRAVES: I support the idea that you should have the training from the seventh grade on up.

ASSEMBLYMAN HERMAN: Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: First of all, Mr. Chairman, I would like to apologize for being late. You can blame that on Conrail. I am not an authority on New Jersey and every municipality, but I will say that in reference to this particular bill, this is not--

ASSEMBLYMAN HERMAN: Assemblyman, I don't mean to interrupt you, but what we're trying to do is save our general impressions of the bill until after we've had all of our hearings, and I would appreciate you restricting it to questions.

ASSEMBLYMAN THOMPSON: I'm getting to a point. It's not an inter-city problem, alcohol. Drugs are an inter-city problem. Let me ask you a hypothetical. It's not even a hypothetical. We have some problems with the volunteer army and suppose we go back to conscription again. If a person can be drafted at 18, this is one of the arguments, on the other side, when the bill was passed, in reference to, if he can die for his country at 18, then why shouldn't he be able to exercise the rights of an adult in other areas? Now, if we go back to conscription, how would this be enforced? How can you tell a soldier? When I was in the service 25 years ago, you had to carry a red card. Now, are we going to go back to that type of concept?

SENATOR GRAVES: Assemblyman, I guess I can best respond to that, that that soldier that you are talking about, number one, he takes a physical and a medical and he goes into basic training before he becomes that soldier. Number two, it could be that his training might be in a state where the legal drinking age is 21, not 18, 19 or 20. It could be that where his basic training is taking place is one of the states that never lowered it, because 50% of the states never lowered the drinking age.

ASSEMBLYMAN HERMAN: I think the question is, simply put, don't you see it as inconsistent with the concept of majority that you are old enough for some things and not for others. That's the question, is that correct Assemblyman Thompson?

ASSEMBLYMAN THOMPSON: That's correct.

SENATOR GRAVES: I respect what he said and I respected what everybody said, but--

ASSEMBLYMAN HERMAN: I'm asking you and I think he's asking you, don't you see it as inconsistent, splitting the concept that you're an adult for some things and not an adult for others.

SENATOR GRAVES: No, I don't.

ASSEMBLYMAN HERMAN: Alright, that's your opinion. Assemblyman Flynn?

ASSEMBLYMAN FLYNN: Do you have any reservations about an 18 year old who has graduated school, is out in the mainstream, has a job, as somebody said, a policeman, about him drinking?

SENATOR GRAVES: Well, there probably aren't ten 18 year olds in the State of New Jersey who are policemen.

ASSEMBLYMAN FLYNN: Well, don't let the example of a policeman change your answer.

SENATOR GRAVES: If they were, they are going to be so far advanced into their 18th year that they are going to be almost 19, for all practical purposes. So, this isn't going to interfere.

ASSEMBLYMAN FLYNN: How about the secretary that has a job, that just gets out of high school and she goes to work in my office or somebody else's office, using Assemblyman Flynn as an example? Would you be in favor of allowing them to drink?

SENATOR GRAVES: No.

ASSEMBLYMAN FLYNN: Why not?

SENATOR GRAVES: Because you can't have 18 year olds in one place able to drink and not in another. I think that you're going to just have to forego that privilege until you become age 19.

ASSEMBLYMAN KERN: What about the 18 year olds who are working in taverns and restaurants and serving alcoholic beverages, do you see any consistency in permitting them to do that type of work and prohibiting them from drinking?

SENATOR GRAVES: I believe that there is a law in the State of New Jersey that you can get working papers to work under the--you can't? You can't serve alcohol, but you can work in a particular place. To serve, you have to forego it until you are 19.

ASSEMBLYMAN FLYNN: Senator, your basic problem, and we keep getting back to the idea that the 18 year old is in school, 74% of them are in school, helping the younger ones to get liquor. Now, that's your basic problem.

SENATOR GRAVES: Yes, it is.

ASSEMBLYMAN FLYNN: Suppose we were to set up some kind of photo ID system whereby those who had graduated from school or had quit school and were 18 could have an ID card that would say that they were entitled to drink? Suppose we did that? We would obviate the problem of those in school giving to the others, because we're talking only about those who are out of school now.

SENATOR GRAVES: I thought about that aspect because I thought, as you probably did too, that it makes a lot of impact on my final deliberations, but I came to the bottom line and said, "How can we enforce it?" Maybe you could give me an idea of how that could be enforced.

ASSEMBLYMAN FLYNN: The same way we enforce the present law. The retail beverage dealer has to card them, and if we have the picture card--

SENATOR GRAVES: Are you familiar up in Bergen County, how the Clerk of that particular county said its just a big ballyhoo, that they are falsifying cards and changing them and the high school kids are running rampant.

ASSEMBLYMAN KERN: I want to bring that information before the Committee. That is true, but it is not a picture card. It is a name card and it is very easy to forge.

ASSEMBLYMAN FLYNN: But, with your bill, the same problem exists. They will just falsify it to be 19.

SENATOR GRAVES: But, Assemblyman, what percentage of 17 year olds get drivers licenses, 80%, 90%? I think they will have their drivers license and that will be their true identity. If we don't get the picture, this bill will be kind of rough to enforce.

ASSEMBLYMAN HERMAN: Let's reemphasize that point because I think it's a point worth re-emphasizing, the Senator's impression that if we don't have pictures on licenses, that this bill will be difficult to enforce. Let me just ask you two or three questions. Something you said earlier disturbed me to some degree. Now I'm going to be provincial and I'm going to be regionalistic. Not all of us live in North Jersey. Statistics say that more and more of us are living in South Jersey. Now, I heard you say that in North Jersey, one of your concerns in raising or considering raising the drinking age from 18 to 21 was your concern with the potential carnage on the highways of kids going from North Jersey into New York. Now, as you know, you aptly noted, for many reasons, that a number of people in my district, which is Gloucester and Salem Counties are very, very much concerned and in fact, want to see the law returned to 21. In fact, the majority of the people who have written to you from my district and testified would like to see it returned to 21.

SENATOR GRAVES: Everyone in your district wants to see it returned to 21.

ASSEMBLYMAN HERMAN: Right. Now, here we are having--and their concern is having the 18 year old come in from Delaware and come in from Pennsylvania, into New Jersey and I think that's what they testified to and the potential carnage based on the travelling of distance. Now, will you tell me, for all the people who are so duly concerned in my district and in my area, what changing the law from 18 to 19, rather than considering an amendment from this bill to 18 to 21 will do for them and the carnage on the roads that they perceive to be in South Jersey?

SENATOR GRAVES: Number one, I would be totally acceptable to raising it to 20. Number two, the main thrust of this legislation is to rid this availability, legally, to high school students.

ASSEMBLYMAN HERMAN: Okay. I was just commenting on your previous comments, because you said that you were very, very much concerned about the potential carnage on the highways, 18 to 21. By the way, 20 and 21 still wouldn't mesh Senator. People would still be coming over the bridges. Are you familiar with the Attorney General's Task Force Report?

SENATOR GRAVES: Yes, I have it.

ASSEMBLYMAN HERMAN: There were some pretty good people on that Committee, correct?

SENATOR GRAVES: Right.

ASSEMBLYMAN HERMAN: Richard Berg, Deputy Attorney General, Division of Criminal Justice; Leonard Harrison, Police Training Commission; Dennis Helms, Special Assistant to the Attorney General; Inspector George Hendrickson, Division of Alcohol Beverage Control; Charlotte Kidder, Deputy Attorney General, Division of Law; Patrick Scheffer, Alcohol Countermeasures Program, Division of Motor Vehicles; Captain George Thomas, Division of State Police. I would like to just refer to this and in this Task Force Report, they say on page 2, "The Task Force also considered the issue of raising the drinking age, a suggestion that appears to be attracting interest and found it to be, at best, of questionable efficacy." They then went on in amplification of those comments on page 10 and part of 11 and I would like to quote it so we can get your total impression. They say, "Recent reports of a rising number of automobile accidents involving young drivers and the large number of young drivers involved in fatal crashes, who were under the influence of alcohol have caused concern that lowering the drinking age to 18 may have had the effect of producing an extraordinary increase in traffic accidents among young people. It has been suggested that the Legislature consider the possibility of raising the drinking age, in order to cut down the incidence of highway accidents associated with youthful drivers. The relevant studies thusfar published, however, are neither extensive

nor conclusive. Analyses of the data tend to vary. At the present stage, it seems that the available statistics may merely reflect changes in reporting and normal fluctuations in teenage accidents, rather than demonstrate the influence of lowering the drinking age. It is not yet possible to draw any firm conclusions about the effect the 18 year old drinking age has had in this area and is even more difficult to forecast the reaction that raising that age might have. Drinking at the lower age appears to have become socially acceptable and reinstating the former drinking age could meet with such resistance as to make the action impossible for practical enforcement. In view of the lack of definitive data, at this time, and the potential problems that could make raising the drinking age counterproductive, the Task Force will not make a recommendation concerning the age of majority. Instead, we re-emphasize the need for increased enforcement and education." Now, taking into consideration that comment about questionable efficacy and what has just been said and taking into consideration the qualifications and talent and background of the people that have come up with what appears to be one of the most comprehensive reports that I've ever read issued out of this State concerning alcohol and its related problems, what are your impressions and how do you respond?

SENATOR GRAVES: I believe that this is based on driving. The basis of my bill was upon education. They did not go into any part of the thrust of my bill and they also said that they were not drawing any conclusions. At no part did they say anything about the high school problem.

ASSEMBLYMAN HERMAN: I don't want to get into a debate with you on the issue, but isn't there an extensive portion of the report directed to the need for extensive education in the high schools?

SENATOR GRAVES: Absolutely.

ASSEMBLYMAN HERMAN: And doesn't it also say that that is primary and essential if this problem is to have, in other words to lessen the impact of this problem, that that is the essential ingredient, the educational process?

SENATOR GRAVES: To just raise the drinking age without putting some education into it--

ASSEMBLYMAN HERMAN: Isn't that what that report says?

SENATOR GRAVES: That's not my conclusion.

ASSEMBLYMAN HERMAN: You and I will have to discuss those pages.

SENATOR GRAVES: It's the former attorney general, not the present attorney general.

ASSEMBLYMAN FLYNN: I think it's the date that is important.

ASSEMBLYMAN HERMAN: We will put that into the record later on.

SENATOR GRAVES: It was released on March 28 of 1978, about a year ago.

ASSEMBLYMAN HERMAN: When it was released, it was released for Executive consideration. It has not exactly been made public.

ASSEMBLYMAN KERN: Senator, you have concurred with my view that something has to be done with respect to the education process, that there has to be a program instituted in the high schools, that there has to be better law enforcement and that there has to be something done about the drivers license or identification cards in this State. All of these things will cost money, I would assume. Don't you think, then, that you are offering, by way of this legislation, a panacea which is going to place people's hopes in false areas and avoid the really concrete problem of spending money to attack this problem?

SENATOR GRAVES: Absolutely not. Number one, I don't think it will cost anything further in the educational process to do what the Assemblyman said. I think a packet could be made up by the State Education Commissioner, distributed to the 600

and something districts in the State of New Jersey and it will be enforced in the health and educational programs in the city. I don't think it will cost a cent. That's number one.

Number two, the enforcement is basically based upon the fact that the initial drivers license--now on the initial drivers license, there is a degree of inconvenience in getting your first license. I'm saying, this legislation is saying, tack a dollar on that. So, it will cost the State nothing and the degree of inconvenience will be minimal because you will be there to take your test either written or road test depending upon how far you took it in your high school.

Number three, it appears that I am antagonistic towards practically the majority of the questions that are here. It isn't based upon anything personal with any one of you or your beliefs. I'm still going to believe in you if you say this bill isn't of your liking. But if the bill isn't of your liking, I think we found out enough to prove that something has to be done as far as making alcohol beverages available to high school students. They're there. I don't know of any other solution except to raise that drinking age and it's based strictly on that particular category. I'm not trying to save the highway carnage. I know that I can't relate to that particular point.

ASSEMBLYMAN KERN: Well, Senator, the other answer was in the question, namely, we have to spend money for these other affirmative steps, namely, the ID cards or drivers license and the education programs, and there are people, I'm afraid, that are supporting this bill because they are using it as an excuse in order to avoid spending the money that has to be spent to do the job that needs to be done.

SENATOR GRAVES: But, I'm with you. I'm willing to meet that head-on.

ASSEMBLYMAN MAYS: Are you saying that these kids drink in school? Personally what I've found is that there are school age kids that are drinking, that are caught drinking, but not during school hours. It is maybe three or four o'clock and it is because of boredom. They don't have any formal recreation programs. They have nothing to do. Their parents are not home and they have nothing to do. This was proven in Washington D.C. It is not in school. It is when they get out of school at three o'clock and not twelve o'clock. It's after school when they get out. I live right next door to a high school and the kids get cases of beer and they just leave the beer bottles all over. I call the cops. The cops don't do nothing. They chase them away. They come back and do it again. That's what I'm saying. It's the problem of educating them and what they're doing. If they were working in a recreational program or any kind of program where their peers said, "It's not good for you to drink that," they wouldn't do it. They do it because their peers do it or their friends do it. This 19 year old bill is not the answer. We're not even getting to the meat of it. We have to get down to where it really is.

SENATOR GRAVES: Doesn't an undergraduate try to emulate the senior, whether it is the fact that he has a car, whether it is the fact that he has his drivers license? Some of those things are beyond his reach.

ASSEMBLYMAN HERMAN: I don't think there is any denying that there is a certain amount of peer group pressure and peer group identification. We've just begun to explore this. We will adjourn now and come back at 1:45. Thank you Senator.

(at which time a luncheon recess was had)

Afternoon Session

ASSEMBLYMAN HERMAN: Attorney General, thank you for coming. Do we have any time limitations upon us?

J O H N J. D E G N A N: I have to be in Mount Laurel to talk to some representatives of the liquor industry at 4:00 o'clock about the deregulation proposal. But other than that, I am here for as long as you think I can be helpful. If it is a choice between this Committee and that meeting, I would be glad to put it off.

ASSEMBLYMAN HERMAN: We would like at least to begin the conversation and go until perhaps 20 after 3:00 or so and hope you wouldn't mind returning. It seemed from our discussions this morning there were a number of questions raised that might not fit within that time frame.

MR. DEGNAN: I would be glad to come back at any time convenient to you.

ASSEMBLYMAN HERMAN: Why don't you begin.

MR. DEGNAN: I have a very short statement. I think my position and the reasons for it on this issue have been made in public on several prior occasions, including testimony before the Senate Committee on this issue and other public appearances.

Anyone who holds out an increase in the drinking age from 18 to 19, or from 18 to 21, as the answer to the problem of teenage alcohol abuse is misleading the people in New Jersey who have valid reason, I think, to be concerned about that problem. Unless an increase in the drinking age is attended by educational programs, the use of whatever pressure society allows those of us who wish to make others conform to our particular viewpoints of the nature of acceptable conduct in society, a mere increase in the drinking age will not in and of itself be a substantial contribution toward the problem of teenage alcohol abuse. And I would point out that the statistics which indicate that an increase in the drinking age might be advisable are relatively inconclusive and are susceptible to interpretations which will support or undermine arguments that the age should be increased.

My basic reason for supporting an increase from 18 to 19 is a recognition of the fact that drinking among high school, and sometimes pre-high school age students, has increased in New Jersey over the past several years. I don't have statistics to prove that to you, but I doubt that there are many people who would disagree with it. I have had conversations with officials in the Department of Education and local people, some of whom are parents, who are concerned about the problem, to support a generalized belief that that is the fact.

I think that an 18-year-old travels in a social peer group that includes kids of younger ages who are in lower grades in high school and junior high school and that the ability of an 18-year-old to purchase for off-premises consumption package goods is a commonly used device to distribute that commodity to kids much younger than 18.

I think that a balance has to be struck between society's recognition that an 18-year-old is capable of entering into legal contracts, serving his country and doing all of the things that we allow an adult in this society to do and society's interest to attempt to thwart illegal drinking by kids who are younger than 18. The way I would strike that balance in this particular case is to increase the age from 18 to 19. I think it represents a fairly minimal intrusion

on the legal rights of people in the age bracket between 18 and 21. And I think, given the possibility that it will cut down on the ripple effect of the consumption of liquor by kids who are getting it from 18-year-olds - although again I can't offer statistics to prove that that is how it happens - makes it worth a try.

I would point out that there are incidental things being done by the State government which would accompany such an initiative: for example, the Alcoholism Treatment and Rehabilitation Act in 1976 should improve our long-term education, training and enforcement efforts. The Division of Alcoholism - you may have heard from Riley Regan today - in the Department of Health has been working with the Alcoholism Association in developing a unified statewide system of alcohol education and counselling in schools and communities. The Alcohol Countermeasures Program in the Division of Motor Vehicles which the Legislature devised in 1977 has already resulted in a reduction in the recidivism rate for drunk driving offenses from 15 percent to 3 percent. The Division of ABC in my own department continues to face the difficult task of enforcing our alcohol regulations, with somewhat limited capacity to do it and with a lot of competing priorities in terms of enforcement obligations on the part of that division.

So I do think we are doing much of what needs to be done in that particular area to accompany an increase in the drinking age from 18 to 19, in order to make it meaningful. I think it is worth a try.

ASSEMBLYMAN HERMAN: I have, as you might imagine, a few questions on the subject.

ATTORNEY GENERAL DEGNAN: I am sure.

ASSEMBLYMAN HERMAN: Your comment about being part an adult and part not an adult, talking about the age of majority, seems to strike me - if I can make an analogy - as saying, "You are half pregnant." How do you rationalize the fact that this whole Act which we seek to amend deals with rights of majority, that that was the intent of the Act? How do you distinguish or discriminate to the extent that for some things you are an adult and for some things you are not? I will give you some examples - and I am sure you are aware of them - the fact that at 18 you can work in a bar or own a bar, but you can't drink in it; the example of being 18 and being able to get married, conceive and have children, which some might feel to be a greater responsibility than having a drink; the ability to hold public office and do a lot of things that you are aware of in the Act. How do you perceive this in view of the fact that we are dealing with an Act involving the age of majority?

ATTORNEY GENERAL DEGNAN: I think there are laws on the books in this State which recognize the validity of drawing some distinction based on age. For example, you can't be Governor of New Jersey unless you are, I believe, 35 years old.

ASSEMBLYMAN HERMAN: That is by the Constitution, I believe, isn't it?

ATTORNEY GENERAL DEGNAN: Assemblyman Herman, you may not be eligible. There are limitations on running for the office of Senator as well.

I think I tried to answer that in my initial statement by saying I would strike a balance and that, in my particular scheme of values, the intrusion on the age of majority by restricting the right to drink for one year from 18 to 19

is not a terribly substantial one when balanced against society's interest.

ASSEMBLYMAN HERMAN: You will agree that it is in essence ---

ATTORNEY GENERAL DEGNAN: --- an intrusion.

ASSEMBLYMAN HERMAN: (Continuing) --- a form of intrusion, a discrimination of sorts and an inconsistency in the philosophy ---

ATTORNEY GENERAL DEGNAN: Right. But, as you know, discrimination is not invidious if it is based on a rational classification.

ASSEMBLYMAN HERMAN: How about inconsistency? Don't you see this as being somewhat inconsistent to say you can get married, but you can't have a drink?

ATTORNEY GENERAL DEGNAN: But you or I hopefully can conceive a child long before you are 18. It is not inconsistent in the sense that it offends me.

ASSEMBLYMAN HERMAN: I can speak for myself, I can't conceive. I am using "you" in a broader sense.

The question that is bothering me is we are talking about enforcement and we are talking about consistency. This State has backed, as a matter of policy, the creation of casino gambling. Now, under the Act as it exists - and we heard from the sponsor this morning - he wouldn't be in favor of amending the age for gambling, for instance, which now is at 18. This means that presently, if I am an 18-year-old and I am supposedly an adult, I can work and spend my money and go to Atlantic City and, at this time, go to Resorts, as long as that will be there, or some other place. I can now spend my money. I can go up, for instance, to the Black Jack table and say to a waitress, "I want a drink," and she will bring it to me. From a commonsense enforcement, rational, or any other type sense, how do you think we are going to do in Atlantic City and what problems will be created there if 18-year-olds are going to be able to gamble, put their money on the table, and at the same time how are we going to enforce it with the cocktail waitresses saying, "Sir, you may be old enough to gamble, but I don't know if you are old enough to drink"? How are we going to handle that problem?

ATTORNEY GENERAL DEGNAN: With all due respect, I don't think that the general question whether the drinking age ought to be increased from 18 to 19 ought to turn on whether it imposes an additional inconvenience on a casino operator.

ASSEMBLYMAN HERMAN: I am asking how we are going to address that problem.

ATTORNEY GENERAL DEGNAN: I think if that casino operator is as competent as we are led to believe that he is able to make a differentiation between 18-year-olds in being allowed to gamble --- The important difference though is that you can't as an 18-year-old pick up the Black Jack table or the roulette wheel and take it out and let a 13-year-old engage in gambling outside, as you can in a package store where an 18-year-old can pick up a six-pack and take it out to a 13-year-old.

ASSEMBLYMAN HERMAN: That is a point well made, but let's stick with the gambling issue for a moment because we can't divorce one law from another. We will agree, I assume, that if there are violations of the ABC Law, that would constitute the potential suspension of a license and, with it, the suspension of revenues which the State may be relying on. And we are talking about tens of millions of dollars in investment. And we are talking about consistency. We are talking about reality. What I am asking you as the Attorney General of this State, recognizing that as a matter of practicality we are allowing 18-year-olds to gamble and that there is a large amount of alcohol made available at all those tables --- You have been to Resorts. You know the crowds and one shouldn't expect

them to decrease. What about that problem of enforcement? Are we going to say, for the better good, we are going to turn our cheek? Is there going to be enforcement?

ATTORNEY GENERAL DEGNAN: I would hope so. I haven't given this any forethought. But I would suggest that the answer is fairly simple. If a person looks young enough to be 18 and is only 18 in a casino, he ought to be carded anyway by the operator of the casino for purposes of determining whether he ought to be gambling. If he is carded and if his card demonstrates that he is 18 years old, there is no reason he couldn't be given some indicia of the fact that he is 18 for gambling and a cocktail waitress be required to ask any patron she thinks is young enough, which is what a cocktail waitress in a bar does.

ASSEMBLYMAN HERMAN: Let's carry this one step further. I go and get my chips - and you have to remember we are dealing with a lot of tables and a lot of different situations - and sit at a table. I am not just talking about a bar; I am talking about a table situation. Don't you think that it is going to be difficult to do that - for a cocktail waitress with everyone being seated at a table playing with chips and betting dollars or ten-dollar bills to go over and say, "Sir, I know you are old enough to gamble, but can I see your identification card so I can know if you are old enough to drink"?

ATTORNEY GENERAL DEGNAN: How is that any different from an 18-year-old sitting in a combination pizzeria and tavern with older friends and the waitress who goes to that table being called upon to make a judgment as to whether he is old enough or not and, if she thinks not, to ask him for proof of identification?

ASSEMBLYMAN HERMAN: Isn't that a problem we have even today under the existing law of being able to identify people to make sure that that person who has an identification card is who he or she says he is?

ATTORNEY GENERAL DEGNAN: That is a difficult problem under the existing scheme.

ASSEMBLYMAN HERMAN: --- which brings me to another question that you might have an idea of what it is.

ATTORNEY GENERAL DEGNAN: I can anticipate the question?

ASSEMBLYMAN HERMAN: The question I am asking - as a matter of judgment, the Governor has gone on record as opposing putting pictures of any kind in any fashion, as I know it, on licenses; and, on the other hand, we are going to spend two or three or four million dollars to change the color of our license plates. If we are talking about making this law effective - and I believe you said, without education and without enforcement, this law would be difficult to enforce - I would like your point of view on the state of priorities that we are dealing with. We are talking about a shortage of money. We don't have money to put pictures on drivers' licenses, but we do have money to change the color of license plates.

ATTORNEY GENERAL DEGNAN: First of all, I have asked somebody to go out and check so that I can correct your facts if they should be corrected. I don't think it will cost three or four million dollars to change the color of our license plates. I think it is a much less substantial figure.

ASSEMBLYMAN HERMAN: Even if it is a couple of million dollars ---

ATTORNEY GENERAL DEGNAN: We are doing it over a period of time, during which plates would have to be converted anyway in normal routine. We are simply putting different colors on them.

But let me try and be more responsive to the question. It is another bill. But I don't think that the convenience it affords liquor licensees or credit institutions, which are the two main beneficiaries of a photo on a driver's license, warrants the imposition of requesting four and one-half million licensed drivers in this State to appear at a Motor Vehicle Agency and stand on line and get their pictures taken every three to four years.

ASSEMBLYMAN HERMAN: Senator Graves conceived an idea which may merit some consideration by this Committee as it considers this bill.

ATTORNEY GENERAL DEGNAN: I know Senator Graves' bill. If that bill were amended to make the initial period of license four years rather than two and to require a photo on a driver's license of a person seeking a license for the first time who was 17 years old, I think there would be much to be said for that bill and I think you might find some receptivity to such a bill on the part of the Governor.

ASSEMBLYMAN HERMAN: I think the members of this Committee might be anxious to know the Governor's willingness to sign such a piece of legislation prior to its consideration of the release of this particular piece of legislation.

ATTORNEY GENERAL DEGNAN: I cannot make any commitment for the Governor. I can tell you that I have discussed the compromise with him and that he is open to it.

ASSEMBLYMAN HERMAN: I am publicly passing the message along that this Committee is most interested in knowing what likelihood for success ---

ATTORNEY GENERAL DEGNAN: I am sure the Governor is most interested in knowing what this Committee will do with the drinking age.

ASSEMBLYMAN HERMAN: Maybe we will be able to have a public dialogue and work something out.

You were kind enough to supply us with a copy of the Task Force Report and in it, just following the comments that we have here on the question of enforcement --- and, by the way, it is an excellent report. As I said earlier, I think it is one of the best reports I have read since I have been a legislator coming out of a State agency. The report mentioned that there is a concern about the ability to enforce, about having enough enforcement personnel. It talks about target enforcement and a number of other concerns in order to lessen the impact of highway deaths and fatalities and serious injuries. Don't you think that if we could work out a bill encompassing a modified form of picture and license, that would increase the enforcement capability of not serving those underage regardless of what that age would be?

ATTORNEY GENERAL DEGNAN: Since that obligation lies primarily upon the licensee and since a photo on a driver's license of initial issuance for four years would help, I think the answer to that is yes.

ASSEMBLYMAN HERMAN: Having reviewed this report quite extensively last evening, it appears that a number of the folks who helped prepare it are quite capable and the appropriate sections, 9, 10 and 11, on page 2 were read to Senator Graves. He said he was familiar with the report. Based on the comments contained in this report and the experts that you have had at your command, why in your opinion, in view of what they have stated about not changing the drinking age at this juncture, do you believe we ought to?

ATTORNEY GENERAL DEGNAN: With all due respect, you mischaracterized what they say in the report. They say they will not make a recommendation on the drinking age.

ASSEMBLYMAN HERMAN: I believe on page 2 it says - and I quote: "The

Task Force also considered the issue of raising the drinking age, a suggestion that appears to be attracting interest, and found it to be at best of questionable efficacy."

ATTORNEY GENERAL DEGNAN: I don't think that that negates the position that they took as a bottom line on pages 10 and 11 of the report, which is that they don't make a recommendation.

I would agree with them that merely raising the drinking age without attendant improvements in education and other things is of questionable efficacy.

ASSEMBLYMAN HERMAN: I just want to pursue a couple of things for a few more minutes and then I will turn the questioning over to the Committee.

Senator Graves characterized his primary concern in pushing this legislation as that of one of the schools.

ATTORNEY GENERAL DEGNAN: Assemblyman, if I could interrupt you for just a second, the Division of Motor Vehicles tells me that there is little or no cost to a change-over to new color plates.

ASSEMBLYMAN HERMAN: I believe I have an article which says a couple of million dollars. This comes from someone out of the Division. I will look for that and try to make it available.

ATTORNEY GENERAL DEGNAN: They are only being changed either at the option of a person who wants the new colors --- If you wanted the new colors, you could write away for a new license plate. Of course, then you would pay a fee to get the new license plates. Otherwise, you get the new color only when there is a change-over of registration.

ASSEMBLYMAN HERMAN: No different than my being willing to pay to have my picture on my license, right?

One of the primary concerns that you evidenced here today and Senator Graves before you was that you felt that the primary impact was the positive influence it would have in the schools - is that correct - the peer group pressure and below?

ATTORNEY GENERAL DEGNAN: School-age kids.

ASSEMBLYMAN HERMAN: Now that appears to be a problem with the package-goods distribution, correct?

ATTORNEY GENERAL DEGNAN: Primarily.

ASSEMBLYMAN HERMAN: Assuming that we didn't want to penalize emancipated 18-year-olds and assuming that there is a large amount of concern - and, without mentioning any legislators' names, I hear it especially from the North Jersey area, people not on this Committee who are very much concerned that if you amend the age from 18 to 19 that you are going to recreate some of the pre-1972 North Jersey to New York carnage - wouldn't this measure be as effectively served or almost as effectively served, taking these considerations into balance, by changing the age, as some states have done, solely on the package goods, even taking it to 20 if you have to, saying you couldn't go into a package store until you are 20, but you would still be permitted to go into a tavern if you are 18?

ATTORNEY GENERAL DEGNAN: I think that is the position that Governor Dukakis took just before he lost his re-election attempt. I think that is the position he took when he vetoed a bill which would have increased the drinking age on a flat basis there. He suggested that the Legislature consider that as an alternative. I would have no problem with that kind of a bill. It would create

some enforcement problems which are substantially more complicated probably than the casino model that you set up because some licensees have both an on premises ---

ASSEMBLYMAN HERMAN: We are just trying to be helpful.

ATTORNEY GENERAL DEGNAN: (Continuing) --- consumption license and the off-premises package tour licensing and can serve one under both groups.

ASSEMBLYMAN HERMAN: The broad C and the ordinary C.

ASSEMBLYMAN FLYNN: Most places have a broad C.

ATTORNEY GENERAL DEGNAN: It is not a bad idea.

ASSEMBLYMAN HERMAN: We will consider that and maybe we ought to consider it beyond 19, just so there is a greater diversity of age.

There is one other thing that Senator Graves suggested to us this morning.

ATTORNEY GENERAL DEGNAN: I don't want my silence to indicate agreement beyond 19. In my value system, when the balance gets to be more of an intrusion on the 18- to 21-year-old age group, it tilts.

ASSEMBLYMAN HERMAN: The position that we took, Mr. Attorney General, is that with every witness, whether pro, con or in between, we are going to explore every potential without coming to a judgment until the end.

I will let someone else ask a couple of questions.

ASSEMBLYMAN KERN: Pursuing what the Chairman has said with respect to distinction between service on premises and a package-goods store, wouldn't we be enlisting in effect, if we pursued that by way of legislation, the tavern owners in the effort of self-enforcement and have better enforcement because of their liability problems and things of that nature?

ATTORNEY GENERAL DEGNAN: I am not sure they would be any more liable than they are now.

ASSEMBLYMAN KERN: No, but that is an additional ---

ATTORNEY GENERAL DEGNAN: You would complicate their burden, I think.

ASSEMBLYMAN KERN: But it would also work on behalf of the State, would it not, because of those problems that they incur? So you would have an additional enforcer which you may not have with a package-goods store.

ATTORNEY GENERAL DEGNAN: If the package-store owner does not now adequately enforce the 18-year-old limit - and I am not sure whether he does or doesn't ---

ASSEMBLYMAN KERN: I agree with you on that.

ATTORNEY GENERAL DEGNAN: (Continuing) --- I don't see that there would be any greater likelihood that he would with a revision, but possibly.

ASSEMBLYMAN KERN: How do you take this from a constitutional aspect, that you have a series of rights and privileges which have been established in this State? How do you justify taking the right to drink away when you have the right to get married, execute contracts, shoulder arms, etc.?

ATTORNEY GENERAL DEGNAN: I think that society recognizes that a certain number of matters are privileges and not rights; for example, the driving privilege, which is certainly something which I think rises more to the level of a right than a privilege as compared to drinking. It is still nonetheless under the laws of this State a privilege which can be taken away and limited in society's greater interest.

ASSEMBLYMAN KERN: Pursuing that driving privilege, I happen to have had the experience of being underage in high school and having the 21-year-old statute at the time. I vividly recall many of my compatriots that went up to New York State

never came back, and it was a serious problem. The community of Greenwood Lake lived on the 21-year-old statute in this State. Once that statute was gone and everybody was allowed to drink at 18, Greenwood Lake burned its taverns down. Don't you see upping the drinking age to 19 as an additional problem for communities along the New York border?

ATTORNEY GENERAL DEGNAN: Possibly, but less so than an increase from 18 to 21, which is one of the reasons I would oppose the greater increase.

ASSEMBLYMAN HERMAN: Wouldn't that be obviated if we kept the 18 and just didn't allow them into the package stores? Wouldn't that eliminate many of the problems?

ATTORNEY GENERAL DEGNAN: Well it depends on where they consume what they go to New York to buy as 18-year-olds in a package store, whether they consume it in the parking lot of the package store and are drunk driving home ---

ASSEMBLYMAN HERMAN: Most of the problems historically have been visiting a tavern, back and forth.

ATTORNEY GENERAL DEGNAN: When I was 18 or 19, I was ingenious, as I am sure all of us were, in ways to acquire it; and patterns will change if the restrictions change.

ASSEMBLYMAN HERMAN: I have difficulty identifying that being a tomato juice drinker, as you know.

ASSEMBLYMAN KERN: You have said that the main thrust of this is to do something about the drinking in the schools or the influence of alcohol upon minors. In that area, have your investigations shown where these minors are getting their alcohol?

ATTORNEY GENERAL DEGNAN: I don't have statistics, as I indicated, to prove to you our suspicion that, among other devices, they are using their 18-year-old friends to procure for them.

ASSEMBLYMAN KERN: What about acquiring it from the home?

ATTORNEY GENERAL DEGNAN: I have no doubt but that that is a problem. The kids do have access to it at home.

ASSEMBLYMAN DOWD: General, you would admit as the chief law enforcement officer of our State that the burden of proof, to use a legalistic term, in a matter such as this, whether you call it a right or a privilege, where you propose to take from a class of citizens a right or a privilege which it now enjoys -- that the burden of proof rests with those who make such a proposition. Would you not admit that?

ATTORNEY GENERAL DEGNAN: I wouldn't impose any formal burden of proof on the Legislature. I would like to in a lot of instances.

ASSEMBLYMAN DOWD: Wouldn't you concede that where substantial numbers, hundreds or thousands of citizens, are going to be deprived of a privilege that they now have, the person proposing such a deprivation really does have some sort of an onus to come forward with some convincing evidence? Isn't that a fair statement?

ATTORNEY GENERAL DEGNAN: It depends on what you mean by convincing evidence.

ASSEMBLYMAN DOWD: Convincing to this Committee. Whatever standard - I am not trying to be legalistic.

ATTORNEY GENERAL DEGNAN: I think the Legislature has to meet some standard in deciding to take it away, yes. I suggest that there is ample reason there to do it.

But that is your judgment to make, not mine.

ASSEMBLYMAN DOWD: Do not the facts in possession of your department bear out that the overwhelming majority of young people between the age of 18 and 19 are handling their responsibility with respect to alcohol in a responsible fashion?

ATTORNEY GENERAL DEGNAN: What few statistics I have seen from the State Police indicate that the incidence of involvement of youths who have been drinking to excess in accidents has increased substantially in the past seven years -- rather four years.

ASSEMBLYMAN DOWD: Youth defined as 18 to 21.

ATTORNEY GENERAL DEGNAN: Yes.

ASSEMBLYMAN HERMAN: Excuse me for interrupting. But the statistics are no different between the ages of 21 and 25. If you are using that as your role model for increasing the drinking age, isn't there just as dramatic a statistical argument to raise the drinking age to 25?

ATTORNEY GENERAL DEGNAN: I think the increases are less dramatic in that age group. As I said, I don't want to argue statistics because they are not conclusive either way. I think if every legislative action were withheld until conclusive statistical data could be adduced to warrant its passage, you would do nothing.

ASSEMBLYMAN HERMAN: I am not suggesting that we do that. All I am suggesting is that you take a look at your own State Police report, the latest report, in that regard, which I will be happy to produce for you. It will produce a statistical argument consistent with raising the drinking age to 25 if we accept the fact that there has been a substantial increase in the 18- to 21-year-old fatalities. I might add there is just as good argument over the last two or three years under those same statistics to show that there has been a dramatic drop in deaths too.

ATTORNEY GENERAL DEGNAN: My own reasons for endorsing this are not to protect the 18- to 21-year-old, but to protect the 14-, 15-, or 16-year-olds who are being given liquor by the 18-year-olds.

ASSEMBLYMAN DOWD: A couple of questions: If it is a fact that the overwhelming majority of those between 18 and 19 years old are handling alcohol responsibly ---

ATTORNEY GENERAL DEGNAN: Do you have statistics to demonstrate that, Assemblyman?

ASSEMBLYMAN DOWD: The only statistic that you have mentioned and I have heard is one which has shown an increase among drinkers under 25 in automobile-alcohol related incidents. Now the increase, itself, even if you had one, for 18 to 19 would still show, would it not -- and the statistics from 18 to 21 would still demonstrate that the overwhelming majority are not involved in such incidents, are not arrested for drunkenness, and are not involved in any way with law enforcement. Isn't that a fair statement?

ATTORNEY GENERAL DEGNAN: I just don't know. I have no doubt that a lot of 18-year-olds in this State are buying liquor for younger kids.

ASSEMBLYMAN DOWD: If we don't know, if we have no idea, how can we justify raising the drinking age?

ATTORNEY GENERAL DEGNAN: I don't know specific statistics. What I am telling you is that based on personal experience and in discussions with educators and people who function in the schools, they tell me that they share my view, that

18-year olds are buying liquor for younger kids.

ASSEMBLYMAN HERMAN: Perhaps as a courtesy to the Committee - and we made the same request of Senator Graves - if you would provide your sources to the Committee so that we might ask them to appear before us, we could get first-hand benefit of their explanation.

ATTORNEY GENERAL DEGNAN: To the extent I can, I will. A lot of these are conversations at parties, at public appearances, and the like.

ASSEMBLYMAN HERMAN: I think the question was raised earlier by Assemblyman Kern, Assemblyman Dowd and others, as to whether or not there just appears to be a more dramatic increase by way of concern about all sorts of abuses, marijuana, drugs, alcohol, et al, in the schools in recent years and whether there was the same problem before the age was repealed and whether bringing it down to 18 or putting it at 21 or anywhere in between, is going to lessen the problem. I don't think anyone here is saying there isn't a problem. We are talking about whether this is the answer, or partial answer, to that problem. So please don't be misdirected where we are going.

ASSEMBLYMAN DOWD: With respect to enforcing existing statutes, has any effort been made to learn from the appropriate sources, such as the five hundred and some odd municipal magistrates, to what extent adults, those over 18, are being prosecuted who are providing alcohol to those under 18? And, if they are prosecuted, what kinds of fines are being meted out, what kind of punishment?

ATTORNEY GENERAL DEGNAN: I don't have statistics for you in that area. I imagine they are available in the annual reports that the Administrative Office of the Courts files on the operations of the municipal courts. I don't have them in front of me today. I would be glad to look through them for you and forward any specific references there. But I think it is unrealistic to expect this problem to be handled by doing what you have to do in a high school to find out what 18-year-olds are buying and giving or selling to what 14-year-olds. I am the last person who wants undercover agents functioning in high schools or even encouraging a system of reporting. It is very difficult to enforce.

ASSEMBLYMAN HERMAN: Don't you think the schools ought to be doing the job of watching their own shop though?

ATTORNEY GENERAL DEGNAN: Absolutely. But I think that they face all kinds of burdens already. I am not an expert on whether they are meeting their obligation.

ASSEMBLYMAN HERMAN: We will go straight down the line. Bill, do you have any questions?

ASSEMBLYMAN DOWD: I have one last question. Has any effort been made to ask the people who run the State of New York Liquor Authority and law enforcement personnel what their experience has been in the 40 some odd years they have operated under an 18-year-old age limit, which I understand has been their law since Prohibition was repealed; and ask them whether any attention has been given to this subject, whether any proposals have been advanced to raise the age, and what their fate has been? We have heard a lot about states far away from us. But we are talking about a state which is our next-door neighbor, considerably larger, and with 40 years of experience; we have only had five. Apparently, we have difficulty coming up with any facts at all to justify raising the drinking age, as far as I can see. I am wondering whether you can't get us some facts from our neighbors to the north.

ATTORNEY GENERAL DEGNAN: I had somebody look at the problem this summer

and he found to my knowledge no studies which would indicate that New York had statistics available which go one way or the other. I do know that in college I had a close friend who was from New York and who was an alcoholic by the time he was 17 and he started drinking at 14.

ASSEMBLYMAN HERMAN: I assume we could find that in all 50 states, regardless of age.

ATTORNEY GENERAL DEGNAN: I really sincerely doubt that you could show it in as many states as you could in one which had an 18-year-old drinking age.

ASSEMBLYMAN DOWD: General, that is very serious. That is the kind of thing we want to see supported by facts.

ATTORNEY GENERAL DEGNAN: There are no facts.

ASSEMBLYMAN DOWD: Because I think that is an absurd statement, with all due respect.

ATTORNEY GENERAL DEGNAN: I don't think it is absurd at all. It is based on personal experience. I am as entitled to my opinions as you are to yours.

ASSEMBLYMAN DOWD: That's correct.

ASSEMBLYMAN HERMAN: May I suggest that just for your edification, we will be happy to make available to you a study done by Catholic University, which supposedly, according to Mr. Regan, is a reputable institution, entitled, "The Effects of Minimum Drinking Age Laws upon Adolescent Alcoholic Use and Problems," the results of which study seem to indicate that under the theory of the so-called "forbidden fruit" that the higher the drinking age, the greater degree of chronic teenage alcoholism. I didn't prepare the study. I have a copy of it. It is supposedly a definitive study. I would make it available to you. I would also make available to you and your staff two volumes of information I have collected since May and June of 1978, which seem to indicate that nationally in all 50 states, regardless of the age, there is a serious drinking problem which has nothing to do with age of minimum drinking, and which I would like to explore with you in view of the fact that the Motor Vehicle Division and other agencies in this State are under you. We may not be able to have an opportunity to do that today.

I would like to go to Bill Bate and then on down the line.

ATTORNEY GENERAL DEGNAN: If I could just respond to that, as I said, I am aware of dozens of reports that have been done around the country. I find none of the ones I have seen conclusive.

ASSEMBLYMAN HERMAN: Maybe we have a few you haven't seen.

ATTORNEY GENERAL DEGNAN: Something is impelling the legislatures in state after state to increase the drinking age.

ASSEMBLYMAN DOWD: May I ask just one more question, General? I did not mean, by the way, to be in any way demeaning when I used the word "absurd." I am sure I make a lot of statements that I ---

ATTORNEY GENERAL DEGNAN: I have been called absurd before.

ASSEMBLYMAN DOWD: (Continuing) --- that I ultimately think are absurd. General, in light of our experience when we had the 21-year-old law with terrible fatalities - and a great number of them every year - is this State willing to risk a return to that highway carnage based on the gut conjecture that we seem to be getting time and again that somehow by raising the age we are going to keep it out

of the high schools?

ATTORNEY GENERAL DEGNAN: I opposed an increase from 18 to 21, as did the Governor. I don't think that you will see an increased carnage from an increase from 18 to 19.

ASSEMBLYMAN HERMAN: Let's go to other members of the Committee because we do have time constraints. Mr. Bate.

ASSEMBLYMAN BATE: This intrusion, Mr. Attorney General, that you spoke about, has it ever been litigated to the highest court in the land with a finding either way?

ATTORNEY GENERAL DEGNAN: Not to my knowledge. I know that the New Jersey Supreme Court has said on several occasions that the right to drink is a privilege and not a constitutionally protected right.

ASSEMBLYMAN BATE: But never in context of the 18-year-old?

ATTORNEY GENERAL DEGNAN: No, not to my knowledge.

ASSEMBLYMAN FLYNN: Has it gone to any court? In the states where it went from 18 back to 21, was it challenged and did it go to their Supreme Courts?

ATTORNEY GENERAL DEGNAN: I would be glad to get you that answer, but I can't give it to you unequivocally today.

ASSEMBLYMAN FLYNN: As I understand it now, in order to maintain the distinction that we are going to maintain with this bill, we would have to show a rational basis for the distinction, correct?

ATTORNEY GENERAL DEGNAN: Yes.

ASSEMBLYMAN FLYNN: In order to do that, wouldn't we have to have some hard statistical data to avoid a court challenge, to be successful in a court challenge?

ATTORNEY GENERAL DEGNAN: No. The court, in my judgment, would look for a rationale, not for hard statistics. I wouldn't encourage that if I were you, or me.

ASSEMBLYMAN HERMAN: Don't you think we ought to have something to back up the rationale for the purpose of the record? We do file Committee statements; we are having hearings.

ATTORNEY GENERAL DEGNAN: With all due respect, you have the opinions of a substantial number of people either way on this issue. I think there is a reasonableness to positions taken on either side. I think either decision could be supported legally.

ASSEMBLY FLYNN: Now it has been said today by others that you had originally vacillated on this particular issue. Maybe the word vacillated is not a good word. Maybe you were just unsure as to which way you wanted to go until you had all the facts. Do you have a very firm conviction as to this bill or are you somewhat luke warm on it?

ATTORNEY GENERAL DEGNAN: You may be referring to the Star Ledger article I think which quoted me as leaning toward a 19-year-old drinking age. That is simply because I wasn't prepared to say publicly yet that I endorsed it. I am now and I do without reservation.

ASSEMBLYMAN FLYNN: You have no reservation. One of my concerns with this bill - maybe you can help me on it - was that if we take away alcohol from the 18-year-olds, they may instead turn to marijuana, barbituates or some other turn-on. Have you considered the possibility that we may be creating a worse situation?

ATTORNEY GENERAL DEGNAN: Frankly, I think pot is probably easier to get in some parts of the State than liquor is. And I think it is as available now - and I say openly - as there are people who want it. I don't think that there is any

demonstrable proof that people will turn from liquor to pot who aren't already using pot. I don't think that is a real fear, but it is an understandable concern.

ASSEMBLYMAN FLYNN: Basically, from what you are saying, the enforcement problem of the legitimate purchases of the 18-year-olds giving it or selling it to the minors seems to be the thrust of the problem. Wouldn't we be better served to tighten up our enforcement procedures and come up with some answers, maybe stiffer penalties or maybe more prosecutions, rather than to deny to a whole class of people, the 18-year-olds, the right for the small percentage that are doing it illegally?

ATTORNEY GENERAL DEGNAN: It is a very difficult thing to enforce. We have about 70 Inspectors in the Division of Alcoholic Control at a statewide level checking all kinds of liquor establishment violations. It is a possible answer, but I think the cost of doing it and the difficulties that are inherent in that kind of enforcement-- you have to be on the scene unless it is reported by someone. You have to key in on those establishments which habitually serve ---

ASSEMBLYMAN HERMAN: How about the school problem then if the 18-year-old who looks like 19 is going to go in and get alcohol and bring it back to the school? You, yourself, suggested that in your youth you and those with whom you were associated were very ingenious. Do you think the social problem, in essence, is going to change by changing the law - the impact or the lessening of it?

ATTORNEY GENERAL DEGNAN: I don't think it is going to change dramatically. I think it may have a beneficial effect.

ASSEMBLYMAN HERMAN: We are trying to establish what that beneficial effect is.

ASSEMBLYMAN FLYNN: That was my next question also. Do you think that there will be any more than a de minimis decrease in the usage of alcohol by the 18-year-olds with the passage of this bill?

ATTORNEY GENERAL DEGNAN: I am sorry. Will there be any what?

ASSEMBLYMAN FLYNN: Any more than a de minimis decrease in the use of alcohol by the 18-year-olds with the passage of this bill?

ATTORNEY GENERAL DEGNAN: My concern is not necessarily the use of alcohol by 18-year-olds as it is the distribution of alcohol to kids who are younger than 18. My own gut feeling - and I have said I don't have statistics to prove it and I doubt there are statistics to disprove it - is that there would be a decrease in the incidence of the distribution of alcohol by 18-year-olds to younger kids.

ASSEMBLYMAN FLYNN: Also, it seems to me - and maybe you can comment on this - anomalous that on the one hand we are talking about decriminalizing marijuana - I think you are in favor of that, right?

ATTORNEY GENERAL DEGNAN: I am.

ASSEMBLYMAN FLYNN: (Continuing) --- decriminalizing marijuana and, at the same time, we are going to make 18-year-olds who want to drink and have to do it ingeniously criminals.

ATTORNEY GENERAL DEGNAN: When I was asked that question in the Senate Judiciary Committee, I invited them to consider how to restrict the use of marijuana, in the distribution of it, to people who are less than a certain age, which is deemed to be acceptable. I invite you to consider the same. It is easier to get pot than it is to get liquor.

ASSEMBLYMAN FLYNN: I don't have the answer to how to stop the marijuana.

What I am saying is that it seems anomalous. We are going to create a whole new class of criminals and that is the 18-year-olds who will continue to drink. And you can't tell me for one minute that one 18-year-old who drinks now is going to stop with the passage of this bill. As you said, you were ingenious. They are probably ten times more ingenious now. So, basically, we are going to create a new class of criminals on one hand and we are decriminalizing marijuana - or, at least, efforts are being made to decriminalize marijuana - on the other. That seems anomalous.

ATTORNEY GENERAL DEGNAN: I invite your comparison both in the actual sentences that can be imposed and in the level of actual enforcement - 50,000 some cases probably between 1972 and 1976 in the area of possession of small amounts of marijuana - with that of alcohol.

ASSEMBLYMAN FLYNN: One of the arguments for decriminalizing is that there is so much of it going on now that we can't stop it and it is a de facto situation. Wouldn't the same thing exist with 18-year-olds drinking?

ATTORNEY GENERAL DEGNAN: In all candor, I am not particularly interested in keeping 18-year-olds from drinking. I am interested in keeping 18-year-olds from buying it and distributing it. That is my own personal ---

ASSEMBLYMAN HERMAN: You are making a distinction between tavern consumption and distribution.

ASSEMBLYMAN FLYNN: We need an enforcement mechanism to enforce the prevention of the sale. We are throwing the baby out with the bath water by saying you can't have it at all because some of you give it to younger kids. That is the problem.

ASSEMBLYMAN MAYS: The purpose of this bill, as I read it, is to raise the age at which a person can sell, buy or consume alcoholic beverages from 18 to 19. We are all talking about 18-year-olds and that is not the problem as I see it. This bill is just saying we are going to raise it to 19. The problem I see goes back to the 7th grade kid who has been drinking while at home or wherever. We are saying that the 18-year-olds are responsible for these kids drinking. Do we have proof that when the age limit was 21 years of age there was less alcoholism among teenagers than there is today?

ATTORNEY GENERAL DEGNAN: To my knowledge, we don't have any proof of that. The distinction is that an 18-year-old is often a high school senior and hangs around with younger kids. The 19-year-old is usually out of high school and into other things: work or college, or whatever. They travel in a different peer group.

ASSEMBLYMAN MAYS: I have been hearing that everybody in the schools is concerned about this. Is this problem actually in the schools or does it happen after school or at the dances in the schools, at the discos, or where? Does it happen during the school hours from 9:00 to 3:00 or does it happen after school?

ATTORNEY GENERAL DEGNAN: I really am not qualified to answer that question.

ASSEMBLYMAN MAYS: That is what I have been hearing all day, that the schools are saying they have a problem with drinking in the schools. Is it at the school?

ATTORNEY GENERAL DEGNAN: I hear that too. But from firsthand knowledge, I am not prepared to say that it happens in the schools or after school. It just happens among school-age kids.

ASSEMBLYMAN MAYS: I happen to agree with you that this bill will do no good unless it is accompanied with something in the bill to say that the kids will have a course on alcoholism, just like they have physical education and health education in the schools.

ATTORNEY GENERAL DEGNAN: I agree with you. I think it won't mean a damn thing unless it is accompanied by education.

ASSEMBLYMAN HERMAN: Let's go to Assemblyman Thompson for a couple of questions.

ASSEMBLYMAN THOMPSON: I have a couple of questions. I agree with Assemblyman Flynn. I want you to show me where there is a balance when you are talking about a bill dealing with the decriminalization of marijuana and this Bill, S 1126. It seems to me that the bottom line behind the decriminalization of marijuana was basically to keep suburban kids from having records when they became adults because they just couldn't keep the marijuana away from them. That is my first question.

ASSEMBLYMAN HERMAN: Do you want to respond, Mr. Attorney General?

ATTORNEY GENERAL DEGNAN: I think the reasons for which I and my predecessor, Attorney General Hyland, and the Governor and numerous other people in the law enforcement community in this country and the reason why eleven states have decriminalized marijuana goes beyond the statement that you have just attributed to it. I would be glad to get into that at some length if the Committee wants to debate the decriminalization of marijuana.

ASSEMBLYMAN DOWD: This Committee agrees with you on that one.

ATTORNEY GENERAL DEGNAN: At least part of it.

ASSEMBLYMAN FLYNN: Not the whole Committee.

ASSEMBLYMAN HERMAN: See if we can stick to the subject matter.

ASSEMBLYMAN THOMPSON: My other question is: Isn't this teenage drinking problem a middle-class and suburban social problem rather than a statewide problem? I base this question on the fact that from my observations in Newark, East Orange, Orange, Passaic, Paterson and even Trenton where you have a very high concentration of Blacks and Spanish, the kids basically smoke marijuana and take pills; and in the Black community, you also have an additional factor, you have a very strong Islamic influence. They don't drink alcohol.

ATTORNEY GENERAL DEGNAN: I am really not the most qualified person to give you the demographic statistics on where alcohol abuse among kids is most prevalent.

ASSEMBLYMAN THOMPSON: The reason I asked you this is that I talked to some people in the tavern business. When you passed the law for 18-year-olds to drink and come in taverns, they lost money because what happened is that you had a younger group of people coming in and the people who were 30 years old left. They were the liquor drinkers. What happened was, the kids came in, they were high when they got there, and maybe they would order a frozen daiquiri. They had to go up on the price of that. Then they would sit there for two hours with that.

ASSEMBLYMAN HERMAN: So how come the tavern owners aren't supporting the increase in the drinking age?

ASSEMBLYMAN THOMPSON: I haven't talked to any. I wasn't allowed to talk to anybody.

ATTORNEY GENERAL DEGNAN: I doubt that this Committee would be motivated by the concern of the tavern owners, one way or the other.

ASSEMBLYMAN HERMAN: It was a rhetorical question. We have already discussed that point this morning in an opening statement which we will be happy to make available to you.

ATTORNEY GENERAL DEGNAN: I had an opportunity to glance at it on the way over.

ASSEMBLYMAN HERMAN: Before I turn it over to Mr. Kern for one or two closing questions - and we are going to ask you back again - Mr. Regan this morning who, by the way, seemed to me a very, very capable, dedicated, concerned individual, perhaps left a different impression than I appeared to get from you today on what this State is doing for alcohol education and the amount of dollars we are putting into it compared to the extent of the problem. I am not going to go into it at this juncture because I think I have a couple of dozen questions directed to that. I would just ask you for the purposes of our next fireside chat that you might perhaps, even in the context of this report, which seems to indicate that not a great deal is being done in the State about it - I am talking about the Task Force Report - be prepared to perhaps share with this Committee your views on how we can make sure that this bill which you seek the release of will be a meaningful piece of legislation and that we will not be doing something in a vacuum and not be kidding the public.

ATTORNEY GENERAL DEGNAN: I welcome the opportunity. I did not mean to suggest in my opening statement that I necessarily thought we were doing enough either. I just cited a few examples of things we were doing.

ASSEMBLYMAN HERMAN: We may have the enabling legislation. But we appear to have the pie shell and just are lacking the pie.

ATTORNEY GENERAL DEGNAN: Or the funds.

ASSEMBLYMAN HERMAN: Or the funds.

ASSEMBLYMAN KERN: Pursuing that, realizing that we are in a time of constraint, would you support the funding of an educational program similar to what we have with the drunken driver, which we could implement in our school system?

ATTORNEY GENERAL DEGNAN: I would have no objection to the funding. Yes, I could support the funding of that. It depends on what you are taking away from.

ASSEMBLYMAN KERN: That is a policy consideration.

ATTORNEY GENERAL DEGNAN: Right.

ASSEMBLYMAN KERN: With that in mind, don't you think that this bill without some proper supporting educational legislation and some sort of realistic enforcement procedures is just a panacea?

ASSEMBLYMAN HERMAN: Panacea I think is the wrong word. A panacea is a cure-all and I think the Attorney General has said ---

ASSEMBLYMAN KERN: It has been suggested as such.

ASSEMBLYMAN FLYNN: A cosmetic is what it is.

ATTORNEY GENERAL DEGNAN: Frankly, I am not prepared to address at this point whether we have adequate enabling legislation and it is simply a question of funding or whether we need additional legislation. I would be glad to address that point.

ASSEMBLYMAN HERMAN: We are pointing you in that direction because there is a concern, as you noted from our opening remarks, a vital concern by this Committee, about the whole question of alcohol abuse. We are concerned that

we not kid the public. We want to do the right thing. I think we all want to do the right thing. If anything has been demonstrated here today from the witnesses who have testified, Mr. Regan, Senator Graves and your testimony, it has been that without adequate prevention, without adequate education and without adequate enforcement, this bill doesn't mean very much.

We would like this bill to mean something. We would like to be able to go out and say, "we have done something to help this problem in whatever way we can." But we don't want to do it on the basis of that empty pie shell. We would hope that at the next round you might have some suggestions for us as to what can be done and what we can do as a Legislature and what you are willing to support to help make this a meaningful piece of legislation.

ATTORNEY GENERAL DEGNAN: The trouble is, Assemblyman, that in my experience so many of the little steps don't get taken because the larger steps can't be taken. One of the incredible arguments I heard against decriminalization was that, if it is really not a bad substance and we are not going to criminalize the use of it, why don't we legalize it. When I asked that particular legislator to address that question and suggested maybe the Legislature wanted to study it, he blanched. Frankly, the excuse for his not having to take a position on the small step was that he is not prepared to take the large step.

ASSEMBLYMAN HERMAN: I would put out to you respectfully that I don't think that that is the position of this Legislature. I don't think that we have called the witnesses and spent the time that we have ---

ATTORNEY GENERAL DEGNAN: I hope not.

ASSEMBLYMAN HERMAN: (Continuing) --- by not having that type of concern. But I don't intend, regardless of what bill comes out of this Committee, to be part of semi-fiction. I am not going to kid the public and I don't think you want to do that either.

ATTORNEY GENERAL DEGNAN: I don't think anybody has been more vocal along those lines than I have been over the last 8 months.

ASSEMBLYMAN HERMAN: This entire Committee process hopefully has been one of education. I think there have been many things put on the table here today that a lot of people on the Committee and in the media and, perhaps, those who represent the Executive, were not aware of. It is a whole continuous process of education which we intend to continue. And we will try to do what is right. All we are asking you is to try to help us make what we are doing meaningful.

Mr. Flynn has a last question and then we will adjourn.

ASSEMBLYMAN FLYNN: Earlier we had discussed with Senator Graves the possibility of putting a time frame in this bill so that in, say, two years or three years the bill would sunset, and at that time we could re-evaluate whether it did the job or whether it had a deleterious effect on the situation. What would be your view on that?

ASSEMBLYMAN HERMAN: Senator Graves supported that.

ASSEMBLYMAN FLYNN: He said it as a compromise if he had to do something like that to get it through. What would be your feelings of having a two- or three-year self-destructive feature, so there would have to be affirmative action again taken by the Legislature after you have had a chance to evaluate your two or three years' experience with the change?

ATTORNEY GENERAL DEGNAN: I really don't think I would have any problem

with that, except to point out that the lack of statistics now to demonstrate whether we should do it or shouldn't do it is likely to be the same situation then. But if the Legislature wants to review whatever impels it to act again - it is always an option ---

ASSEMBLYMAN HERMAN: You don't think we want to be continually flipping coins, do you?

ATTORNEY GENERAL DEGNAN: No. Sometimes I think you ought to follow your best judgment.

ASSEMBLYMAN FLYNN: The lack of statistics may be because nobody was concerned about it; knowing that two or three years down the line, we will be re-evaluating it, procedures can be set up.

ATTORNEY GENERAL DEGNAN: I have absolutely no problem with that.

ASSEMBLYMAN FLYNN: (Continuing) --- through your counties and the traffic enforcement ---

ATTORNEY GENERAL DEGNAN: Only if you fund them. I mean that seriously.

ASSEMBLYMAN HERMAN: That is a point well made.

ASSEMBLYMAN DOWD: The difficulty with all of this is that this Committee doesn't have the authority to guarantee that what we would like to see happen happens.

ASSEMBLYMAN HERMAN: To a degree we do.

ATTORNEY GENERAL DEGNAN: That is always the case in the Legislature. That is the way the system works.

ASSEMBLYMAN HERMAN: That is what we are trying to do, bring it together.

Mr. Attorney General, we thank you. We know you have a busy schedule and we appreciate your willingness to return and discuss this.

ATTORNEY GENERAL DEGNAN: Thank you.

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