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before

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

SENATE, No. 1126

(Raising the age at which a person can
sell, buy or consume alcoholic beverages
from 18 to 19.)

Held:

February 6, 1979

Assembly Chamber

State House

Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman William J. Bate (Acting Chairman)

Assemblyman William E. Flynn

Assemblyman Charles Mays

Assemblyman Eugene H. Thompson

Assemblyman William F. Dowd

ALSO:

Gayl R. Mazuco, Research Associate

Office of Legislative Services

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

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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 [thu.] 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.

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ASSEMBLYMAN WILLIAM J. BATE (Acting Chairman): We will begin the third day of hearings on S-1126. I am William J. Bate, the Acting Chairman in the absence of Mr. Herman who has a family commitment today.

The first witness is W. Patrick Scheffer.

W. P A T R I C K S C H E F F E R: Good morning. I would like to thank you for inviting me to testify. I am W. Patrick Scheffer, Chief of the Bureau of Alcoholic Counter Measures, New Jersey Division of Motor Vehicles.

For those in the audience who don't know, that is the State's drinking and driving program for convicted drunk drivers. It is a program of alcohol education and rehabilitation. It has been in existence since May of 1977. I have for the Committee's perusal a series of data sheets which we have prepared based on the New Jersey State Police fatal accident report which they compile each and every year. The comparative data report of 1977 is the latest.

As you can see, there are three sheets composing that report, one, the sheet entitled Alcoholic Counter Measures Project, Alcoholic Highway Safety Statistics, New Jersey. It gives the total number of fatal drivers, killed passengers and killed pedestrians for the years 1969 through 1977. There are three columns across the top. The first column shows the test for alcoholic content. That is the total number of persons in those three categories that were tested for alcohol in their blood system within a short period after their death. The second column is labeled "alcohol involved" and that shows where there was a trace, on up, of alcohol found in the blood. And that last column shows the blood alcohol concentration above .05%. And, .05% is the level of alcohol in the blood that indicates that alcohol may have been a significant factor in the accident.

You will notice in the last category "blood alcohol concentration" the percentage of the total number of drivers killed in New Jersey from 1969 through 1977. Between 32.1 in 1970, and 39.9 percent of the drivers - that was in 1974 - have had blood alcohol levels of .05% or higher. This is somewhat below the reported national average of 50% of drivers killed nationally of blood alcohol levels in excess of .05%. So, in that respect, New Jersey's drivers are less involved with alcohol.

I direct your attention to the other two pieces of paper, untitled, with years across the top. This is a breakdown, or break out, of this number, identifying the eighteen to twenty year olds, and then a repeat of the series of numbers for all other drivers. You will notice that in 1970, 25% of the eighteen to twenty year olds killed, or fourteen out of fifty-seven, had blood alcohol levels in excess of .05%. In 1971, 22% or nineteen out of eighty-six had blood alcohol levels in excess of .05%. In 1972, which is the number other persons have used as a base to compare what has happened since the change in the age of majority, which happened to be the best year, as far as a percentage goes, eighteen out of 202. But, I would direct your attention to that 202 figure. When you compare that to 1970's fifty-seven people and 1971's eighty-six people killed in that age category, it is obvious that something dramatic has happened. The numbers killed in that age category have more than doubled.

The third line of that first break out shows the percent of drivers killed that are in the age category eighteen to twenty. In 1970, 9% of the drivers killed were eighteen to twenty - in 1971, 15%. In 1972, we move to 32%, and we continue on up until we hit 1976 with 45% of the drivers killed being

eighteen to twenty. In 1977, 40% of the drivers killed were ages eighteen to twenty. That is indicative to me of a problem far more serious than the alcohol involvement in the drivers, and it is something that the State must take a look at. There are some programs that have been started recently which I will talk about just a little bit later, aimed at that driver, that particular driving population.

Now, another number we should look at is what percent of the DWI convictions does this age category represent. The next series of numbers on the sheet of paper with just the years across the top are the total DWI convictions and the age category eighteen to twenty compared against that. Now, in 1970, we only had 8349 persons convicted of drunk driving in New Jersey. Of that, 8% or 677 were eighteen to twenty years old. In 1977, we had 21,485 persons convicted of drunk driving. Of that, 12.7% were eighteen to twenty years old. Now, you notice that the representation of the eighteen to twenty year olds has increased by approximately 50% since 1970 and 1971 and 1972. So, there has in fact been an increase in the number of drivers in that age category convicted of drunk driving. But, there has also been a significant increase in the total number of convictions from 8300 to 21,500.

Why has the representation of that age group increased? One of the theories put forth is that this particular age category does the majority of its drinking outside the home and must drive a car to get home, and drive that car during the hours of 11 P.M. to 3 A.M. or 4 A.M. on Friday and Saturday nights, which is the hours during which the police are in most evidence in attempting to apprehend the drunk driver, which is as it should be, because they are also the hours in which the majority of the fatalities that are caused by the drunk driver occur. So, they are highly overrepresented in the population at risk during those particular hours. So, they are arrested more, and as we move down to the accident numbers, you will see they are involved in more accidents than you would expect if they were equally represented.

We have down at the bottom listed accidents, total crashes, 184,412 in 1970, and 36,902 of those crashes involved drivers eighteen to twenty. Now, so that you understand, the crash numbers do not reflect the total number of drivers involved. The total number of drivers involved is approximately double the crash number. But, we did use all of the drivers eighteen to twenty. So, to make a direct comparison you would have to either cut in half the eighteen to twenty year old number, or double the crash number, to see what percent of drivers involved in accidents they represent. But, what I have chosen to do is present what percent of the crashes involved drivers eighteen to twenty years old. As you can see, it is 20% to 23% from 1970 to 1977. Once again, we have a slight increase. During this period they have represented, between the age category eighteen to twenty, between 8% and 10% of the population. So, in every instance they are over-represented, but in my opinion, and I am not a statistician, they are not significantly over-represented.

One of the areas which we can say they are doing a better job in is fatalities and alcohol. In 1977, 32.4% of the drivers in the eighteen to twenty year olds that were killed had blood alcohol levels in excess of .05%. Of the total driver population, 38.1% of the drivers killed had blood alcohol levels in excess of .05%. So, they are doing better than the general driving population. This has been consistent from 1970 to 1977. Their alcohol involvement has been

better than the general driving population's alcohol involvement in fatal crashes.

I have presented a series of numbers to you. Now I suggest to you that these numbers probably mean no more or no less than any numbers that you have had presented to you. I would like to relate to you several things that are presently going on in the area of teenage drinking. The Division of Alcoholism, through the New Jersey Alcoholism Association and the National Council on Alcohol are presenting a program called "Jack's at Junior High," at the junior high schools and the middle schools throughout the State. They have twelve copies of this package and there are some 700 to 800 junior high schools in the State, so you can see the amount of coverage that is going to be possible through this program is somewhat limited. The program is a five-day program. It takes forty-five or fifty minutes a day, or one period per day for five days. The AAA, in cooperation with the New Jersey Division of Motor Vehicles Office of Highway Safety, is giving to all schools with seventh and eighth grades a program called AL-CO-HOL. Training of teachers will be provided by the faculty of Columbia University which developed this program during late April and early May. This training will also be provided free, including a lunch, and we hope that will attract more teachers than we would without lunch.

I am personally anxious to see the level of interest that is truly in existence, which was testified to yesterday by the representative of the New Jersey Association of Secondary School Principals and the President of the School Boards Association. If it is truly a problem, and if they are truly interested, I would think that every school would have a representative there to be trained, so that the package will be used throughout the State and not gather dust on the shelves as other packages have. I suspect, and I sincerely hope that I am wrong, that only 25% of the schools will be represented, and the representative will, in most cases, be the school nurse. Now, I sincerely hope that I am wrong, because this is a much more important issue than that. The programs will be given to the schools to be used by the schools within their existing curriculum. It will be given to them in April or May, so that they can provide time during the next school year to incorporate the program. Every piece of paper that is needed, every film that is needed, will be given to them free.

I can see no valid reason for them not coming to the training. We are providing training so they will know how to use the package. So, I can see no valid reason for them not coming, if they are truly interested in addressing this problem.

The State Safety Council has available a very short course, a two-hour course, on the dangers of drinking and driving that can be incorporated right into the schools that use the defensive driving program as it is intended as part of that overall package. It can also be used on its own. That program is available at a minimum cost from the State Safety Council. The AAA, additionally, has another program that is available for senior high schools. This program is a follow-up to the alcohol program and is designed for use in the driver education programs. The distribution of the program is dependent upon the interest and use of the first offering, the AL-CO-HOL Program. If that junior high school program is successful, and found to be used in large measure throughout the State, then the AAA is intending to try to make some arrangement so that the other program can be offered to the schools free of charge.

Additionally, the Division of Motor Vehicles has a probationary driver program developed that is scheduled to have its first session in the very near future. This program is aimed at new drivers, drivers in the first two years of licensure, who have demonstrated, either through excessive violations or through accidents, that they are not the best drivers on our highways, to correct any faults they may have and change, perhaps, their attitude, if it is an attitudinal problem, prior to them becoming well-practiced and developing poor skills.

My own program, aimed at persons convicted of drunk driving, has already demonstrated its efficacy, and I suspect a ripple effect from this program that will impact eventually upon this group, but we are much too early to see that impact. We also conduct a series of lectures throughout this State, and, at this point, have addressed some 300,000 high school and junior high school students this year.

You have already received a considerable amount of data. This proves that the data is available. The problem is it has not been analyzed in a manner that would lead you to a clear conclusion. I would like to suggest that you release the nineteen year old bill with some modifications. The first modification is, permit eighteen year olds to continue selling or serving alcoholic beverages, incorporate a sunset clause that would return the legal age to eighteen at some time in the future, but during this time, require the Departments of Education, and the Division of Alcohol, and the Division of State Police, and the Division of Motor Vehicles and the Coalition for Twenty-One to examine and evaluate this issue and return to you with a report that has examined all the questions which your hearings have raised. This requirement should be accompanied by some resources to complete this job satisfactorily. Finally, during this two or three year period, it might be possible for you to meet with representatives of the states contiguous to New Jersey for the purpose of arriving at some uniform drinking age or some other satisfactory agreement that would solve the border dilemma that will exist as long as there are differences between the states.

Once again, I thank you, and I am open to your questions.

ASSEMBLYMAN BATE: Thank you very much, Mr. Scheffer. During the course of your testimony we have been joined by another member of the Committee, Assemblyman Flynn.

You are the same W. Patrick Scheffer who serves as Chairman of the Task Force on Alcohol Treatment and Rehabilitation Act.

MR. SCHEFFER: Yes, sir.

ASSEMBLYMAN BATE: And when was your report completed, sir?

MR. SCHEFFER: Last spring.

ASSEMBLYMAN BATE: And you made certain recommendations pursuant to your study?

MR. SCHEFFER: Yes.

ASSEMBLYMAN BATE: According to what purports to be the first page of that report, 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.

MR. SCHEFFER: Yes, sir.

ASSEMBLYMAN BATE: Do you have anything that may have changed your viewpoint at this time?

MR. SCHEFFER: The question as it was originally posed last spring was raising the drinking age to twenty-one, and now I am still not in agreement with that proposition. But, as I indicated in my closing comments, I would say, let's move it to nineteen. That would address, at least, the problem that has been reported, but not documented, that persons eighteen years of age are supplying alcohol to younger citizens. It will address that problem. I am not sure it will solve that problem. As Mr. Regan testified at your first public hearing, one of my fears changing the drinking age is the problem will be considered solved. If we change the drinking age, I do not, and I hope you do not, think that is possible. That is another reason for saying, okay, do nineteen, but put a sunset clause in it, so that sometime in the future it is going to end, and we are going to return to eighteen, so somebody is going to have to do something in that period to examine the issue. If we just change it, it is liable to be forgotten.

ASSEMBLYMAN BATE: Now, there were seven prominent citizens on that Commission. Is there a minority report filed?

MR. SCHEFFER: No, there was not.

ASSEMBLYMAN BATE: You recommended, as well, educational programs. I was just wondering how many counties in New Jersey have embarked on these programs.

MR. SCHEFFER: To my knowledge, there are no official county programs aimed at the schools. There are several alcohol education and treatment programs that are in existence, or will be in existence, in a very short period. There are twelve national councils on alcoholism whose primary charge is alcohol education, and referral of persons with a problem. This is being done under the direction of Mr. Regan at the Division of Alcoholism.

One thing that I failed to cover in my comments was the particular bill that Assemblyman Van Wagner spoke to you about yesterday, introduced by Assemblymen Bornheimer and Van Wagner, calling for mandatory alcohol education K through 12, and providing funds for the development of such. I would suggest that that bill should receive some serious consideration. I have indicated to you several areas in which parts of that requirement are already being addressed. The only recommendation I would make on that bill is that the particular persons involved in developing the curriculum be expanded to include the Division of Alcoholism and the Division of Motor Vehicles, as we are allegedly the experts on alcoholism and alcohol and highway safety.

ASSEMBLYMAN BATE: But you agree that without the necessary educational input that increasing the age to nineteen or to twenty-one would have minimal effect.

MR. SCHEFFER: Without question, very minimal.

ASSEMBLYMAN BATE: Assemblyman Flynn.

ASSEMBLYMAN FLYNN: Yes. In looking at the figures, it seems that the number of crashes among the eighteen to twenty year old group seems to be holding steady, as compared to the general population over the last four or five years, and yet the number of fatalities seems to be steadily increasing. Can you give us some explanation of that?

MR. SCHEFFER: Well, you notice in 1974 there was a dramatic decrease in the fatal crashes; 1974 was the year in which we had the gasoline, energy shortage, and the lines at gas stations, and the tremendous rise in price. I propose to you that that situation has changed the driving behavior of those of

us who are more than eighteen or nineteen or twenty years old, and perhaps, twenty-one, twenty-two or twenty-three.

But, as I recall, fifteen years ago when I was in that age category, a lot of my driving was social driving and fun driving, and I suggest that they have not changed that. The energy crisis has not changed their use of the car. And, they are also, as I indicated, driving during the periods of high risk, the period of 11 P.M. to 3 A.M. or 4 A. M. on Friday and Saturday nights. So, you would expect them to be involved in the crashes because they are out there with the drunks more often.

ASSEMBLYMAN FLYNN: I am talking more in terms of fatals. In other words, you are saying because they are out there with the drunks, they are liable to have more fatal crashes as opposed to the general population percentage-wise.

MR. SCHEFFER: Right.

ASSEMBLYMAN FLYNN: Now, I also noticed that since 1970, if we look at the number of crashes, the eighteen to twenty bracket has increased approximately 67%, about two-thirds, from 36,000 crashes in 1970 to 58,000 in 1977.

MR. SCHEFFER: These are drivers in that age category involved in crashes.

ASSEMBLYMAN FLYNN: Drivers and crashes have gone up about 67%. Is that correct?

MR. SCHEFFER: Right.

ASSEMBLYMAN FLYNN: Now, in looking at the overall population, that has gone up less than 30%, from 184,000---

MR. SCHEFFER: Now, those are total crashes.

ASSEMBLYMAN FLYNN: So, in other words, it is not a fair comparison. Is that what you are saying?

MR. SCHEFFER: No, it is not a fair comparison.

ASSEMBLYMAN FLYNN: In actuality it has gone up, then, almost at the same ratio.

MR. SCHEFFER: I believe so.

ASSEMBLYMAN FLYNN: Because if we divide the eighteen to twenties, that brings the 67% down to 33% which is about the same as the non- eighteen to twenty year old drivers.

MR. SCHEFFER: Right, which is indicated by the percentages that you see next to the numbers, 23% and 20%.

ASSEMBLYMAN FLYNN: Then, basically, this data that you have shown us indicates that the eighteen to twenties are neither getting worse nor better. They are staying about the same, over the last four or five years; is that correct?

MR. SCHEFFER: As far as crashes go, that is correct.

ASSEMBLYMAN FLYNN: Now, your suggestion to pass the particular bill up for discussion, sunset it, and then do some studies thereafter intrigues me, but I wonder, do you think the kind of data that would be convincing is ever going to be available, or are we talking about something that is so intangible that it is going to always be a gut reaction, as opposed to something you can demonstrate?

MR. SCHEFFER: No, I personally feel that data is available if you provide the resources to get the data and analyze the data properly. I find it hard to believe that the individual school principals, for example, do not know

how many people they suspend during a particular year, or take some disciplinary action that have been using alcohol on the premises or at least are drunk on the premises. It is just as a matter of simple logic to me, as a principal, if I was a principal of a school, I would like to know. And, if I don't know today, and somebody tells me that they want to know, it would seem a simple matter for me to incorporate the collection of that information into my reporting mechanism.

ASSEMBLYMAN FLYNN: But, isn't that kind of information susceptible to the degree of enforcement. School "A" may not thoroughly enforce that kind of a regulation. They may look the other way. Instead of suspending, they may just send the youngster to the nurse or something like that. School "B" may take a hard line, and the figures really wouldn't be that relevant, would they?

MR. SCHEFFER: Well, yes, you always have difficulty when you don't have the same person making the counts, and making the evaluations. And a prime example of that is right on these pages in front of you in the column called DWI convictions. You notice in 1970, 1971, 1972, only 8% of the convictions were eighteen to twenty year olds, and then it started jumping to 10% and 11% and 12.7% in 1977.

Now, the police officers---

ASSEMBLYMAN FLYNN: That is because they were not legal.

MR. SCHEFFER: The police officers have told our bureau that they did not write tickets in many cases for DWI for that age category, because during that period, before it became legal for them to drink, if they were convicted of drunk driving, they were suspended until age twenty-one. That was the way the law read. So, a kid of eighteen years old arrested for drunk driving would be suspended until he was twenty-one. So, the police have said, "We were not as thorough on our enforcement prior to 1973, as we have been since 1973." It is understandable. Who, being a compassionate individual, and our police officers are compassionate human beings, would want to take a kid whose car is the most important thing to him in that age category in a lot of cases, and take him off the road legally for three years, and probably make a criminal out of him, because he is likely to drive his car without the license anyway.

ASSEMBLYMAN FLYNN: So, what you are saying, then, is the statistics prior to 1973 for eighteen to twenty could well have been as high as post-1973, had the same number of officers written the same kinds of tickets.

MR. SCHEFFER: Right. We have data which I have not presented to you, and which is really not in an analyzable form, but it indicates that the numbers of 15, 16, and 17 year olds arrested for drunk driving - now remember 15 and 16 year olds aren't even allowed to drive, let alone drink and drive - have remained pretty much the same from 1970 through 1977, which indicates that type of enforcement is still going on with those particular age groups.

ASSEMBLYMAN FLYNN: What happened between 1972 and 1973 that seemed to cause a great jump in the overall numbers of convictions, and then apparently it leveled off, thereafter?

MR. SCHEFFER: In 1972, that was the year the Bureau of Alcoholic Counter Measures began its pilot program, and we conducted seminars for all the municipal court judges around the State and some 1,000 police officers around the State trying to emphasize to them the importance of enforcing the drinking and driving laws, providing them with methods of gathering evidence for presentation in court, and in the four county area of Bergen, Hunterdon,

Middlesex and Warren we provided education and rehabilitation programs for persons convicted. So, we would like to think that one of the reasons for this big jump in enforcement was through our own efforts.

Now, today we have 21,485 persons arrested in 1977. In 1978, although the figures are not firm, they appear to be in the neighborhood of 26,000, and in January of 1979, we have a one-third increase over what we had in 1978. So, the enforcement of the drinking and driving laws is rising dramatically.

ASSEMBLYMAN FLYNN: So, what you are saying is that in 1972 and 1973 you instituted some of your task force programs---

MR. SCHEFFER: No, no. Alcoholic Counter Measures.

ASSEMBLYMAN FLYNN: Well, an intensive enforcement.

MR. SCHEFFER: Yes.

ASSEMBLYMAN FLYNN: Of course, you also may have in the '78 figures the change in the law in which an officer is more likely to now write a ticket for drunk driving, knowing it is a two-month revocation, most likely, as opposed to a two-year.

MR. SCHEFFER: Yes, without question.

ASSEMBLYMAN FLYNN: So, that is another reason why it has jumped dramatically. But, the jumps seem to be between the non-eighteen to twenties than the eighteen to twenties, and more or less in conformity with each other. There is no great disparity, is there?

MR. SCHEFFER: No, sir. Incidentally, another item that was added during 1972 and 1973 was the breathalyzer being made available to almost every police department around the State, so that also aided enforcement.

ASSEMBLYMAN FLYNN: So, convictions became simpler, also.

MR. SCHEFFER: Well, evidence gathering became simpler.

ASSEMBLYMAN FLYNN: Now, there are at least three major proposals being discussed around the State concerning this issue. We have one on our desk today, but we are not unmindful of several others. Now, what would be your reaction to the proposal to allow eighteen year olds to drink on premises but to ban them from purchasing liquor for off premises consumption, thereby stopping the so-called trickle down to the youngsters.

MR. SCHEFFER: Well, if the main problem is eighteen year olds buying it for those younger, and giving it to them, I would think that that proposal would address that to some measure.

ASSEMBLYMAN FLYNN: And from your figures, it would appear that you can't truly say that the eighteen year olds themselves drinking and then driving is any more serious a problem than any other age category.

MR. SCHEFFER: I would not say that at all.

ASSEMBLYMAN FLYNN: You would not say it or you would say it.

MR. SCHEFFER: I agree with you.

ASSEMBLYMAN FLYNN: So, basically, it would seem to me that if you had your druthers, the other bill, Mr. Hardwick's bill, would actually be more in line with what you are trying to prevent than the present bill. Is that a fair statement?

MR. SCHEFFER: I think it would satisfy--- Either bill would address the problem exactly the same. I don't think there is a significant difference, regardless of which one you chose.

ASSEMBLYMAN FLYNN: Well, one bill would take away from a group, and the other bill would leave some of that privilege with that group.

MR. SCHEFFER: Yes.

ASSEMBLYMAN FLYNN: Now, there is a third suggestion that has been made, and that is, to go all the way to twenty-one, but do it on a three step phase in, eighteen, nineteen, twenty, twenty-one, in three steps, and ultimately wind up at twenty-one. What is your reaction to that?

MR. SCHEFFER: I don't think the evidence supports that type of move. But, I am not saying that that move would be totally out of the question if the evidence was analyzed, and the information that you ask for and has not been provided because it is not possible to provide, were given to you, then maybe after those studies are done, maybe it would be clear to us that twenty-one is the right age. But, then, again it might be clear to us that eighteen is the right age. I don't think the evidence right now supports going to twenty-one at all.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN BATE: Assemblyman Mays has joined us. Do you have any questions, Assemblyman?

ASSEMBLYMAN MAYS: No, not at this time.

ASSEMBLYMAN BATE: Assemblyman Chuck Hardwick, please.

C H U C K H A R D W I C K: Good morning. Mr. Chairman, Committee members, I appreciate this opportunity to be here and speak to you not only as a fellow legislator, but as also the father of two teenaged children. I would like this opportunity to explain a little bit of the rationale of one of the alternatives that you have looked at, namely, A-1729.

This bill would prohibit a person under twenty-one from carrying alcoholic beverages off premises for consumption elsewhere. It is in response to what are two of the most frequently cited problems with New Jersey's current law, which permits unsupervised drinking at age eighteen.

Number one, the passing down of alcohol to even younger drinkers, such as a recent case in Westfield, where an eleven year old girl was found drunk at a school dance, and, secondly, drinking in automobiles, either while driving or parking.

The intent of A-1729 is to prohibit unsupervised drinking by teenagers by permitting eighteen, nineteen and twenty year olds to drink under the supervision of the retailer licensed to sell the beverage, or in a home setting, in which the beverages were purchased by someone at least twenty-one years old. For example, under my bill consumption would still be permitted in restaurants, discos, pubs, ball games and other events at which supervision is present. However, drinkers under age would be prohibited from carrying their beverages away from the point of purchase. I think by reducing the easy availability of carry outs, we would reduce the incidence of legal drinkers passing alcohol to younger drinkers. Of course, drinking prior to driving would still remain a problem just as it is with drinkers over twenty-one. But, by reducing the carry-out availability, we are at least making it less likely that excessive drinking while driving will occur. A side benefit of less drinking in cars would also be a reduction in littering. I think littering often occurs because teenagers can't carry the containers home for disposal without raising questions from their parents.

There have been several important questions people have asked me about this bill. Number one, can we rely on bartenders to police eighteen year olds not to carry out. The answer to that is, not completely. But the bartenders can control the vast majority of drinkers and make it very difficult for an eighteen

year old to sneak any measureable quantity of drinks out of a tavern. The second question, won't eighteen and nineteen year olds still be able to get drunk at a pub. And won't they do so. Well, the answer is, they may. The ABC seldom cites a bar for selling to an intoxicated patron. But the retailers are required by law not to serve anyone who even appears to be intoxicated, and it is their responsibility to determine sobriety before they serve.

As an aside, I think the Legislature should consider increased inspection of taverns, and if necessary, the increased costs could be financed by a small surcharge on drinks sold by the glass. The penalty usually imposed for selling to an intoxicated person is a twenty day suspension. This may or may not be an adequate deterrent.

Thirdly, doesn't this bill cause economic discrimination against package stores? I think it is time to get the economics of all the retail factions out of this issue. What is at stake is the very health of our young people. Many of you received correspondence stating that, and I am quoting from a letter you received from a legislative agent, "This bill would only serve to provide taverns with a monopoly and possibly put small retail package stores in economic jeopardy." I am confident this Committee will reject such a spurious argument.

Finally, won't eighteen year olds drive to New York to buy liquor for carry-outs? The answer is, they may. But they wouldn't have to in order to order a drink for themselves. If this bill is enacted, it would be a lot more difficult to buy beer for a seventeen year old friend.

In total, I think this bill would greatly reduce the incentive to drive across the State lines, when compared to other possible legislation. Also, young people from Pennsylvania couldn't carry the alcohol back home for illegal consumption in their State.

In closing, I do not think this proposal is an ideal solution to a very difficult problem. In my opinion, no ideal solution exists, but it is offered in the spirit of providing a realistic and workable alternative which may, in the long-run, be more useful than legislation that is unenforceable. I would also just like to add as an aside, this is a copy of the High's Eye, which is the newspaper of the Westfield High School, which recently came out devoting almost an entire issue to alcoholism in the schools. They conducted a survey, that is a follow-up from one they did in 1975, in which confidential questionnaires were distributed in home rooms, and students were asked not to sign them, but to simply fill them out and hand them back in. It provides some insight into drinking patterns because it is a follow up from a base survey.

Number one, I think it is especially distressing that 9% of the students up from only 1% four years ago reported they drank on a daily basis. That is a nine-fold increase in four years. I think it is very sad that 13% say they have consumed alcohol in high school, on the premises. I would be happy to leave this for the Committee, because it is filled with other stories and expressions of statistics.

ASSEMBLYMAN FLYNN: Do you have a copy of your bill? I haven't seen your bill yet.

ASSEMBLYMAN HARDWICK: Yes, I can get that for you.

ASSEMBLYMAN BATE: Now I want to understand you. Do you propose this bill to the Committee as a viable alternative? Are you for S-1126?

ASSEMBLYMAN HARDWICK: I believe that the bill that I am proposing, to

prohibit the carry out, instead of an across the board age hike, is a better alternative and is worth a try for a lot of reasons. One of them is that it pointedly addresses the two most serious problems, namely, handing down liquor to younger people and drinking while driving or parking. I think, and I am sure, this Committee will know more about the drinking issue than I do after all of the testimony, but I think a strong argument is made by college based eighteen year olds, and there are a significant number of them, that beer drinking is part of their social milieu and their social way of life, that if the drinking age is raised across the board, we are going to either make it very difficult for them to be part of the socialization of their colleges, or we are going to encourage them to be law breakers.

Most of us have gone to college, and I don't think it was unusual to see consumption of something alcoholic before the legal age. So, do we accomplish anything with an unenforceable law. I am not sure. If I thought that if we raised the drinking age to twenty-one that people under twenty-one would not drink, I would withdraw my bill in a second and vote to do that. But, I just don't think that would happen.

ASSEMBLYMAN FLYNN: Chuck, in your bill, will they be permitted to drink in the college dorms?

ASSEMBLYMAN HARDWICK: Yes. As an aside, my daughter last summer spent about half the summer in Spain studying at the University of Madrid and she came home and said that in Spain her experience was that the drinking age to go into a bar was twenty-one, and Spanish families in Madrid would often have wine, particularly, served to their children, and young people when accompanied by an adult were allowed to legally drink, and it seemed to work well. But, they could not go in on their own, and that is really what sparked my focusing on this solution.

What I envision this really unfolding is that a person going into a bar, a ball game, the former Princeton-Rutgers game that was attended, where there was supervision, and eighteen year old or a nineteen year old could continue to drink as they do now. But, what they could not do is go into a package store and ask for either a bottle of hard liquor or a case of beer to take out in the car and consume without supervision, which quite often means consuming it with under aged drinkers. In fact, the intent of this bill would permit a parent, if they have eighteen year old children who wish to have a party at home, to buy beer and letting them have the party at home, because a twenty-one year old would be buying the beer and taking it off premises and then having it in a home available for consumption. But, what I am trying to crack down on is the eighteen year old who simply at will can buy unlimited quantities of alcohol, take them out to a car filled with children of all ages, and then consume it without supervision. I think that is one of the most serious problems.

ASSEMBLYMAN MAYS: One kid came before us yesterday and said that he could get falsified identification. What identification would you want to be included in your bill? There is nothing in your bill at this time. This boy said he could send to Colorado, and get identification with a picture on it making his age twenty or twenty-one. Your bill doesn't address this.

ASSEMBLYMAN HARDWICK: No, I don't have a particular point. I understand the problem that you are talking about, Assemblyman Mays, but I don't personally try to address the I. D. problem. But, whatever the best solution the legislature

can come up with. I am a co-sponsor of Mr. Cali's bill to put a photograph on the driver's license. I understand that problem and I am supportive of it. I just see that the enforcement in that very grey area - and I have talked to package store owners, and I know it is a problem for them. It is one of the hazards of being in that business - the young people area. They have to go on a customer by customer basis, to the best of their ability, to determine that customer's age, whether it is to consume on premises, or whether it is to carry out, or whether it is to make no sell at all. That is the difficult problem.

ASSEMBLYMAN MAYS: I would like to see legislation that would permit programs in the schools to teach the thirteen year olds and the fourteen year olds what the hazards of drinking beer or wine are while they are in school or in later life. Raising the legal drinking age to nineteen doesn't address that.

Also, the Graves bill is switching the burden from one part of the State to another. Where I come from in Hudson County, they might go to New York, and drive. I would like to see a bill where they would change the driving and drinking age to nineteen, and less people would die on the roads.

ASSEMBLYMAN HARDWICK: I am glad you mentioned that problem, Assemblyman Mays. I think you would find under my bill less incentive, if this bill were enacted, for young people to have to drive to New York, because an eighteen year old could still go to a bar, pub, disco, restaurant and consume drinks, but they couldn't carry it out for unsupervised consumption in their own automobiles. Some could go across the bridge or tunnel to New York, but there is much less of an incentive.

ASSEMBLYMAN MAYS: You are just trying to address the school problem.

ASSEMBLYMAN HARDWICK: Well, I respectfully suggest that it is a little broader than that, and I am not trying to write the all encompassing, great American bill on the drinking problem here, Assemblyman Mays, and I strongly support increased education in high school.

I was just reading this article entitled, "Drinking to get wasted." And it is a case history of a young person from a very fine family in Westfield, and the person was asked, "Why do you drink on weekends?" He says, "I drink to get wasted. I want to forget my problems for a while." I don't know how legislators can address that issue, because this young man knows what it is doing to him, but he says, he can't knock it. Well, that is alcoholism, as far as I am concerned.

ASSEMBLYMAN MAYS: Being a former athlete, and being involved with the Hall of Fame, we did a study, and we went to Washington D. C., and it appears that the problem is at school. Kids are bored from three o'clock to say seven, and they don't have any formal recreational activities going, and their parents are not home, and there is beer and wine around. That is where they pick it up, not from their peers who are eighteen years old.

ASSEMBLYMAN HARDWICK: I am sure there is some of that. We tried a great experiment of prohibition. I don't know any way that this Legislature can tell parents to lock their liquor cabinet. I don't have an answer to that.

ASSEMBLYMAN BATE: Assemblyman Thompson has joined us now, as well as Assemblyman Dowd.

ASSEMBLYMAN THOMPSON: For the record, I am Eugene Thompson, Assemblyman from the 29th Assembly District. I have one problem. Is there any distinction in this bill dealing with eighteen year olds, as far as consumption off the premises, or perhaps an eighteen year old that is married, or perhaps someone in the service? Also, in reference to eighteen year olds, what about someone who may

be attending one of the universities in the State of New Jersey? I have a problem with that. Can you clarify that for me?

ASSEMBLYMAN HARDWICK: Are you saying, Assemblyman, that a person who is eighteen and married should be permitted to drink and someone who is eighteen and not married would not be permitted?

ASSEMBLYMAN THOMPSON: I am not saying that, but I want to find out whether this particular bill alludes to those distinctions, and then I will give you my opinion in reference to that.

ASSEMBLYMAN HARDWICK: All right, that is fair enough. Since I was married when I was eighteen, I thought of that when I was drafting this legislation. I am not sure of the answer to that.

I don't know that we would want to allow a married eighteen year old to drink and one that is unmarried not to drink. What do you do about the divorced eighteen year old? I just don't know. That thought crossed my mind. I can remember on my twenty-first birthday going into the liquor store and buying my first bottle of liquor. I certainly waited. I am not ready to advocate that. But, I don't feel strongly about it one way or another.

ASSEMBLYMAN THOMPSON: Do you think that by passing this type of legislation you would be opening up the door for a constitutional argument under due process and equal protection under the law?

If you follow that, you could possibly argue logically that if you are going to take away the rights of eighteen year olds with regard to off premises consumption of alcohol, then you can take away the right to make contractual agreements, to marry. And, a person could further argue, if you are taking that away, then I shouldn't be drafted. There are a lot of things in our statutory law that gives a person eighteen years of age certain rights.

ASSEMBLYMAN HARDWICK: I think you are focusing on one of the most troublesome aspects of this whole problem. I am not happy with that aspect of it, and I don't feel that comfortable with it. But I don't feel comfortable with what I consider a tragedy with the current drinking laws.

I am not standing up and saying that this bill is a perfect solution. I understand exactly what you are saying. Of course, there are precedents of other things where we have age restrictions. You cannot be President of the United States until you are thirty-five, or a United States Senator until you are thirty, and you can't be an Assemblyman, I don't think, until you are twenty-one. So, we have made some legal distinctions.

I don't know really how to respond to your question. I don't have a good answer to that.

ASSEMBLYMAN THOMPSON: We had several people testify about statistics taken from other states, such as Michigan. The testimony was pro and con, but I have not heard anyone give testimony in reference to New York State, which is across the border. I think it is important because eighteen year olds have been consuming alcohol in New York for a number of years. I would imagine it was right after the Volstead Act was repealed. I am not sure.

Do you have any statistics that you could give this Committee in reference to the pros and cons as far as the State of New York is concerned?

ASSEMBLYMAN HARDWICK: No, sir, I don't. I am not sure you were here when I referred to some statistics that I have from Westfield High School that show that 9% of the students are drinking on a daily basis, and 13% report that

they have had a drink while in school. I think 11% reported that they have gone to school while inebriated. We have a serious problem amongst 18, 17, 16 and 15 year olds that are drinking.

A few weeks ago in my home town an 11 year old girl was found intoxicated and had to be taken to the hospital because she got liquor in a girl's room at a school dance which ironically was being held for academic excellence. We have to find some solution, some answer, to address a serious public health problem. I don't know any better one than the one that I proposed. If I did have a better one, I would be here proposing it.

ASSEMBLYMAN THOMPSON: I realize the problem. I think you are bringing up a problem that may lie a little deeper than alcohol, and it might be a break down in the family structure, and a lot of other things that at this particular hearing we can't do anything about. We may make some suggestions, but the towns like Westfield and others will have to cope with that. One of the problems may be the consumption of alcohol, and we are here to deal with that, but I think it may be something deeper than that when a kid 11 years old is inebriated.

ASSEMBLYMAN BATE: Assemblyman Flynn.

ASSEMBLYMAN FLYNN: On the statistics from Westfield, does that mean that 13% drink in school, or while they are of school age.

ASSEMBLYMAN HARDWICK: I am reading the quote from the paper, "This year 11% admitted to coming to school inebriated, while 13% have taken a drink in school, on school property, not of school age.

ASSEMBLYMAN FLYNN: Now, in addressing your bill itself, I am looking at it, and it would appear to me that they couldn't drink on the college campus, at least, in the dorms, under your bill, because who would buy it for the eighteen to twenty year olds and then either sell it or give it to them. Wouldn't they be in violation?

ASSEMBLYMAN HARDWICK: Because they are under twenty-one and they would have carried it back to the dorms.

ASSEMBLYMAN FLYNN: Well, let's assume they got someone over twenty-one to buy it, because under your bill that is the only way you can get it. That person over twenty-one would have to go back to college, and unless he is very charitable, I assume he is going to sell it at least for what he paid; wouldn't that be a violation under your bill?

ASSEMBLYMAN HARDWICK: It is conceivable, Assemblyman Flynn, that the language for the special circumstances like that needs to be refined, and if you put your finger on one of the technical points, I would have no objections to any amendments along those lines.

ASSEMBLYMAN FLYNN: I am not looking for loopholes. What I want to do is get your intent. Your intent would be that college students could drink on campus, in the dorms, in the frat houses, at their beer blasts. That would be your intent, that they would be allowed to do that.

ASSEMBLYMAN HARDWICK: My intent would be that where it is now legally permitted for them to drink. I don't know if they are legally permitted to drink in the dorms or not. I just don't know what the dorm rules are. But, in the fraternity houses where they have either a permanent or a temporary license to dispense beer where they go to ball games and where it is now legal, I would not intend to have that removed.

ASSEMBLYMAN FLYNN: How about their parties? I assume that every Saturday night they have parties at these college dorms, and from what we have heard from

testimony, they all drink beer.

ASSEMBLYMAN HARDWICK: I guess they would have to get their house mother to go buy it for them. I don't know.

ASSEMBLYMAN FLYNN: But you would not want to make that illegal under your bill.

ASSEMBLYMAN HARDWICK: The problems I have seen on the drinking issue as an Assemblyman are not coming from college level parties. We have a college in our district. I am not hearing about those problems from them. I am hearing from the high schools.

As an aside, just let me say one thing about the language in my bill. I think that the age of twenty-one before you can carry out, if the Committee decides to put this bill out for the consideration of the Assembly, it should be amended downward. In retrospect, after I have introduced the bill, and I have talked to a lot of people, I think that if you prohibited carry-outs by eighteen and nineteen year olds, you would address the problems I am most aware of, which are really the high school and junior high school level.

ASSEMBLYMAN FLYNN: Well, take the person who is not going to college, but is nineteen years old, and he wants to have a backyard picnic with his friends, would you want to prohibit that?

ASSEMBLYMAN HARDWICK: No, if you recall what I said earlier, in the same way I said they could have the house mother buy it ---

ASSEMBLYMAN FLYNN: But you are talking about supervision now. There is no supervision.

ASSEMBLYMAN HARDWICK: If a twenty-one year old will buy the liquor or beer, and carry it out to a home for the nineteen year old who is not in college to have a party, I don't see that as being the key problem. Under the intent of my bill, that would still be permitted. In fact, under the intent of my bill, if the parent takes beer home and wants to let eighteen year olds drink at home, I don't think that is our problem. My bill would not prohibit that.

ASSEMBLYMAN FLYNN: Well, you do want to prohibit the seventeen year old from drinking.

ASSEMBLYMAN HARDWICK: That is State law now. I mean, a seventeen year old cannot legally drink. I don't think the police bust many homes, if a parent lets a seventeen year old drink a beer. But my bill just doesn't touch that issue one way or another.

ASSEMBLYMAN FLYNN: Now, are you aware of the Ohio study in which approximately 70% of those involved in accidents where drinking was involved were coming from a tavern situation, as opposed to an off premises consumption situation?

ASSEMBLYMAN HARDWICK: No.

ASSEMBLYMAN FLYNN: Would that make you think, possibly, your solution is not going to solve the problem of the carnage on the highways.

ASSEMBLYMAN HARDWICK: If you recall, and I have a copy of my comments for you, I admit up front that this bill will not address drinking prior to driving, admittedly. I am not trying to--- In the previous testimony we had here, the witness before me from the Division of Motor Vehicles said, if I understood him correctly - you were asking him some good questions - driving while intoxicated doesn't appear to be any worse among eighteen and nineteen and twenty year olds, than it does on other age groups.

ASSEMBLYMAN FLYNN: That was the import of his statistics, yes.

ASSEMBLYMAN HARDWICK: His statistics are certainly better than mine. So, I don't say it is necessarily just to pick on eighteen and nineteen year olds for drinking while driving when that is a problem that crosses all age groups.

ASSEMBLYMAN FLYNN: All right, now, if we were to pass your bill, when would we be actually stopping an eighteen and nineteen year old from drinking outside a tavern?

ASSEMBLYMAN HARDWICK: I don't have a copy of a bill in front of me. I think it says it will take effect within so many days.

ASSEMBLYMAN FLYNN: Under what circumstances?

ASSEMBLYMAN HARDWICK: Well, I did not write into this bill a gradual phase-in basis.

ASSEMBLYMAN FLYNN: I am not talking about a phase in. I am talking about under what set of circumstances, because with all the exceptions you have given us, it seems to me that the eighteen and nineteen year olds are going to have the opportunity to drink as much under your bill as they do now.

ASSEMBLYMAN HARDWICK: It depends upon what their drinking pattern is. I live near a big park in Westfield, and there is a fair amount of beer consumed in parked cars in that park, and I don't do driver's license checks on all of their ages or anything like that, but the consumption that I am focusing on most is, number one, consumption for those under eighteen years old, which is illegal which is causing us serious health problems. I think my bill would address that.

Remember the first two problems I said my bill was trying to address, handing it down for children under eighteen, and secondly, drinking while driving or parking. That is all the bill is trying to address. So, it certainly addresses the first one, Mr. Flynn.

ASSEMBLYMAN FLYNN: Your bill will allow a twenty or twenty-one year old, depending on whether you change it, to hand down to an eighteen or nineteen year old beer. But it won't allow them to hand it down to someone under eighteen.

ASSEMBLYMAN HARDWICK: Well, that is illegal now.

ASSEMBLYMAN FLYNN: That is what I am saying, what does your bill do to change the existing circumstances?

ASSEMBLYMAN HARDWICK: What my bill would do is prohibit an eighteen, nineteen, or twenty year old from going into a package store or a tavern that has carry out, buy liquor usually in a brown paper bag or a six pack or a case of beer and walking out of the store, getting in the car, and going out and having it consumed without any supervision. In some cases, a person may be taking it home and drinking it under supervision. We don't know that, but we do know in other cases it is being taken out and consumed by an eighteen year old, and others, some of which are under eighteen, without any supervision. That is the first part of the problem I am trying to address. This bill would make it much more difficult when you have an eighteen year old who is a senior in high school and that eighteen year old has peers who are still seventeen and sixteen and they are all driving now, or at least the seventeen and eighteen year olds are driving, it is not uncommon to have the eighteen year old go in and buy the beer or the bottle of wine, bring it out and the whole car group drive around, consume it, go park and throw their cans or bottles out the window when it is through. This bill would try to address that part of the problem. I am not offering it as the comprehensive, 1979, alcoholic consumption act, or anything like that.

ASSEMBLYMAN BATE: Before I call upon Mr. Dowd, I want to alert the Committee that we have just two pages of people here. Beginning with the next witness, Mr. Warager, we are going to insist upon fifteen minutes. Mr. Dowd.

ASSEMBLYMAN DOWD: Very briefly, Chuck, under your bill, it would be perfectly legitimate and lawful for a carload of eighteen year olds to be drinking beer as long as someone over twenty-one had purchased it for them in a package goods store.

ASSEMBLYMAN HARDWICK: Well, unless I am mistaken, it is unlawful to consume alcoholic beverages in a moving car.

ASSEMBLYMAN DOWD: Parked car.

ASSEMBLYMAN HARDWICK: Is that correct? You are an attorney.

ASSEMBLYMAN DOWD: Parked car.

ASSEMBLYMAN HARDWICK: Can you go and park and drink, I don't even know. I think you are not supposed to have an open container in a car. That is my understanding.

ASSEMBLYMAN DOWD: You are probably right. All right, suppose it is a picnic in your park in Westfield.

ASSEMBLYMAN HARDWICK: If they get a special permit, they can have beer at the picnic, yes.

ASSEMBLYMAN DOWD: In any place where an adult or anyone is permitted to consume alcoholic beverages, under your law, if we enacted it, it would be perfectly legitimate for a group of eighteen year olds to be drinking provided someone over twenty-one had purchased the package goods.

ASSEMBLYMAN HARDWICK: Yes, if they go to the Jaycee picnic and they have beer being sold there---

ASSEMBLYMAN DOWD: Just let us assume that someone over twenty-one had purchased it for them and had given them the case of beer, and they have gone to a lawful place, and there is nothing you can do about that, correct?

ASSEMBLYMAN HARDWICK: No, this bill doesn't address that.

ASSEMBLYMAN DOWD: All right, what I am getting at, Chuck, it is my impression that a bill of this sort that tells people between eighteen and twenty-one that you can drink in a bar and you can get it from your twenty-one year old friends, but the only thing you can't do yourself is walk in to a package goods store, because we think a significant number of you - talking now to the eighteen to twenty-one year olds - have been buying it and giving it to seventeen year olds. Don't you think that is going to breed a significant amount of disrespect for the law and a widespread disobedience to the law, forcing the group to do what it inevitably will do, namely resort to subterfuge and to go out and get their twenty-one year old friends to go in and buy it for them.

Is it really going to change anything?

ASSEMBLYMAN HARDWICK: I hope so, because we have widespread breaking of the law in this regard now.

ASSEMBLYMAN DOWD: How widespread is it? Is it your position that a majority of those between eighteen and twenty-one are providing alcohol to those under eighteen?

ASSEMBLYMAN HARDWICK: I certainly don't say a majority. I don't know. I just know that it is widespread enough that it is a problem. It is a health problem. To quantify it, I don't know how to quantify it.

ASSEMBLYMAN DOWD: But is our health problem with respect to teenage

drinking in the schools, or any place, any more significant than the health problem experienced, and the growth of that problem, by states which have retained a twenty-one year old drinking age?

ASSEMBLYMAN HARDWICK: Well, Mr. Dowd, I don't know if you were here when I gave out some statistics, but a study from Westfield High said that four years ago, one percent of the population admitted to drinking on a daily basis. Now nine percent admit to drinking on a daily basis. That is a nine-fold increase in four years. I hope the other states have not had comparable percentages.

ASSEMBLYMAN DOWD: How many students are in Westfield High School?

ASSEMBLYMAN HARDWICK: Fifteen hundred or two thousand. It is a pretty large school. I am not sure.

ASSEMBLYMAN DOWD: Okay. Now, my difficulty with reports of that kind, isolated reports, is knowing whether it is a secret poll or a ballot type situation, signed or unsigned. I don't know that you know. My point is, it is my position, and I ask you to respond to this, if we were to sit down and design the ideal drinking age, I might pick nineteen and you might pick twenty, and we might all be able to agree on whatever we agree would be an arbitrary line. But, that would be in a state that had no occupants and was about to be occupied by ten million people. We are dealing with a situation in which a group of citizens has a right, a legal right - you can call it a privilege, but it is a right under the law - to drink and to purchase alcoholic beverages.

My position is, one who proposes to take that right away from that group or modify it, or to take a portion of that right away, has the burden of making out a pretty strong case, the burden of proof, so to speak. Now, if all we have are what you have called a nine-fold increase in one high school, but which in effect turns out to be an increase from one percent to nine percent, and if what we have is an absolute absence of any indication that our problem in the high schools has grown any less serious or more seriously than the problems in states which have retained the age of twenty-one, you might come up with a similar poll from a similar high school in a state that has kept twenty-one and what would it prove? Nothing.

Now, faced with that complete dirth of information, how can this Committee in good conscience vote to either remove or modify that right?

ASSEMBLYMAN HARDWICK: I think this Committee has a very difficult job, and sometimes on some of my bills I have shouted from the rooftops that if this bill isn't passed it will come to an end. Mr. Dowd, I offer this bill with humility. It is an answer by one Assemblyman who is the father of two teenagers who is concerned about the problem. I hope you find a better answer. I don't have an ideal answer for it. I really don't.

ASSEMBLYMAN BATE: Thank you very much, Assemblyman Hardwick.

ASSEMBLYMAN HARDWICK: Thank you.

ASSEMBLYMAN BATE: Mr. David Warager.

D A V I D W A R A G E R: Good morning, Mr. Chairman, members of the Committee, my name is David Warager, and I am from Fairleigh Dickinson University. My title there is the President of the Student Union Board, and I am also a member of the Executive Committee which sort of governs student government. I also represent the coalition of the independent colleges and universities of the State of New Jersey who are against Senate Bill 726, or any other bill that proposes to raise the drinking age. I also wear a couple of other hats at the university. I am assistant

manager of the pub. And I am also a student--- I myself am twenty, but I am a contemporary of the age that is going to be affected, and I live in a community which will be greatly affected if this bill was passed.

I am against the bill on a number of grounds. First the philosophical grounds which we have all heard many times testified about, so I will not go into them, since I only have a short time to speak.

This bill in effect will take a problem that many of the high schools have and many groups and civic organizations have claimed are in the high schools, and dumped it right in the laps of the colleges and universities. I agree there is a problem and I only graduated from high school three years ago and I chaperone high school trips and I know the problem does exist. However, the passage of this bill first of all will put financial stress on those students that work in the pub. I work in the pub and support most of my college education through my job in the pub. It is a place that one can work who does not get financial aid, and we all know the problem there is between those who qualify for financial aid and those who are able to afford to pay for college, and there is a great distance in between those. A lot of students on our campus do work in the pub. And there are a number of other students who work down the shore during the summer to support their education.

On college campuses the pub is a place where it is a controlled environment. I would say that 85% of the people who come in there to drink you know, and you know the type of people they are. I am not going to say that people don't get drunk, because they do get drunk in the pub. Most of the students live on campus, and they can walk back to the dormitories. There is no problem with driving. Those who do live off campus, we have a health services on campus, and this is common with most universities. They can be taken there, and they can sleep over the night there. We have people who know the students and who care about them.

There are bars where the bartenders don't really know you, although people are supposed to stop you if you have too many. I think that should be stressed more, though. I have some suggestions that will hopefully alleviate this problem. I do not feel that Senator Graves' bill is going to. However, there must be a comprehensive alcohol education program. This should take place, I believe, beginning in grade six through grade twelve. It was proposed before that it start in the junior highs, but I think junior high is too late. By that time, you have peer pressure, and you have a lot of people who are drinking already at this point, and the pressure from their peers is sort of a little bit harder to overcome than the education that is being given to them at that point. If you start earlier, and you instruct them as to the problems in the abuse of alcohol, I believe that that problem will be helped a lot.

There should be stricter enforcement of taverns and package stores on checking I. D.'s. I know myself when I was that age, a lot of times you could walk into a bar and every high school student knows a list of the taverns in his area that are not going to check you, or where to get proof of age from someone who looks a lot like you. A remedy for this would be to put pictures on the licenses. There has been a bill brought up in the Senate that would sort of revise the ABC permit. I don't think that is the answer, because there are a lot of people who can falsify the ABC permit that is put out, and the ABC permit also states on it that it is not a proof of age. I think putting photo I.D.'s on the licenses is the only solution.

I think driver training should be increased as was stated by the two witnesses before myself. I support the steps the Department of Motor Vehicles has taken. I am originally from New York. In New York you get a driver's license at sixteen. You get a permit and then you get your license. So by the time you are eighteen you have been driving for two years, and two years experience is a lot more than one year experience, as had been in New Jersey. So, the more driver's training that is put into effect, you will have less accidents.

The other problem is the social life on campus, and beer blasts are a part of the social life. They do bring out a social interaction amongst the students. You do get a number of faculty and other people coming to these events. It is an important fact of student life, and I think that if this bill is put into effect, what you will actually do is you will almost end those type of activities, and you will send students back to the dorms. You will send students to New York State to drink. Being in Bergen County, we are five minutes from the George Washington Bridge, and twenty minutes from Rockland County.

In conclusion, I would like to say, even though only a few students are testifying before this Committee, I am just representing a coalition of the colleges as I stated before, and the students are in school now, and that is why a lot of them are unable to come and show their support. Thank you.

ASSEMBLYMAN BATE: Mr. Dowd.

ASSEMBLYMAN DOWD: What about Assemblyman Hardwick's suggestion, since the problem he is focusing on is preventing seventeen year olds from getting package goods particularly during school hours, he would like to modify existing law to prevent eighteen to twenty year olds from purchasing it in package goods stores. What do you think the response to that would be of yourself, speaking as an individual, and as someone who deals with young people who drink?

MR. WARAGER: If it was a choice between raising it to nineteen or raising it to twenty-one, or Assemblyman Hardwick's bill, I would support his bill. Raising it to nineteen is almost as bad as raising it to twenty-one as far as the colleges are concerned, because about thirty-three percent of college students are freshmen, because a lot drop out along the way, so it is more than one-fourth of the students who would be affected by this bill.

Therefore, you could not run the pub. You could not run the social activities that have alcohol.

ASSEMBLYMAN DOWD: Forget the alternatives. My question is, what ill effects, if any, do you see from a provision such as suggested by Assemblyman Hardwick?

MR. WARAGER: As I said, if it was a choice between raising it to nineteen, raising it to twenty-one or this, I would support---

ASSEMBLYMAN DOWD: Forget that, the proposal on the table, to prevent people between eighteen and twenty-one from buying it in package goods stores. Don't compare one evil with another. Tell me what you think, if in fact you think that is a bad idea.

MR. WARAGER: I think it is a bad idea, and on the same philosophical grounds that I think raising it to nineteen is a bad idea - at eighteen they can sue, and they can be sued, and they can contract and they can marry, et cetera, et cetera, et cetera. I don't see why they should not be able to buy package goods.

ASSEMBLYMAN BATE: Mr. Mays.

ASSEMBLYMAN MAYS: Do you drink?

MR. WARAGER: Yes, I do.

ASSEMBLYMAN MAYS: When did you drink your first can of beer, at what age?

ASSEMBLYMAN DOWD: You have the right not to answer that question. (Laughter)

MR. WARAGER: I guess around ten or eleven. I didn't like it.

ASSEMBLYMAN MAYS: Assemblyman Hardwick said that in 1973, 1% drank on a regular basis and now we are up to 9%. Do you think if they had a strong educational program back in 1973, when the drinking age was eighteen, that 1% would now be 9%?

MR. WARAGER: I agree. In the school I was in, there was a drug and alcoholic education program. I believe it could have been stronger, but it was important in that it did go through the effects. We did see films of the effects of people who were inebriated. We did see films of people who were in car accidents after drinking and it had a lot of effect on the students. I still remember sitting there watching them.

ASSEMBLYMAN MAYS: Thank you.

ASSEMBLYMAN BATE: That was in New York, though, wasn't it?

MR. WARAGER: Yes, that was New York.

ASSEMBLYMAN FLYNN: Are you familiar with some of the college students in other states other than New Jersey? Do you have some interplay with them?

MR. WARAGER: Yes, sir.

ASSEMBLYMAN MAYS: What kind of social life do they have in the states where the age is twenty-one?

MR. WARAGER: Well, I can think of an example, Lehigh University, which I have been to a couple of times, and out there fraternity houses rule. The basic reason is there is lack of housing, so everyone lives in fraternity houses. But, the drinking age there is twenty-one and every Friday and Saturday night and sometimes during the week, there is a party at almost every fraternity house, and there is beer and wine, and a lot of times there is hard liquor and there is something that really scares me a lot, and that is grain alcohol. A lot of times there is a punch made, and I am very happy that it is illegal in New Jersey, although I have seen a number of parties where grain alcohol was present.

ASSEMBLYMAN FLYNN: What you are saying then is that in states where the drinking age is twenty-one, the law doesn't really affect the college students in terms of them stopping their drinking habits.

MR. WARAGER: As far as stopping the drinking habits, no, because they will go to the fraternity houses and the private parties in the dormitories. But it does stop officially sanctioned social organizations from bringing all of the students together, because these are very special interest groups that get together. One fraternity might invite another fraternity, but you don't have the interaction that you have when you have one giant party with all the people intermingling.

ASSEMBLYMAN FLYNN: So, other than the officially sanctioned affairs, you don't think a bill such as this or the Graves' bill would stop such practices; is that correct?

MR. WARAGER: It wouldn't stop it. It would close down the pubs.

ASSEMBLYMAN FLYNN: Well, the officially sanctioned things like the pubs and the parties.

MR. WARAGER: No, it would not stop it at all.

ASSEMBLYMAN FLYNN: So, what we would be doing then by the passage of a bill such as this would be to, in effect, criminalize the drinking of beer among our college students.

MR. WARAGER: Right. You would also be turning people to such other controlled substances as pot and cocaine and other things that are prevalent on college campuses, but a lot of people are hesitant to use them because they can go out and have a drink.

ASSEMBLYMAN FLYNN: So, where one is legal and one is illegal, they opt for the legal at the present time. You would be afraid if we made them both illegal we may have more people tending toward the softer drugs.

MR. WARAGER: I think if the alcohol was illegal, then pot would be more easily accessible to them.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN THOMPSON: I have one question. Would you be in favor of an amendment to either one of these bills which would exempt college students with infallible proof and persons who are eighteen and emancipated by the reason which you so eloquently stated, and also persons in the military?

MR. WARAGER: Yes and no. As I said before, if it was a choice between that and totally outlawing it, yes, I would agree with that.

ASSEMBLYMAN BATE: Thank you very much. Michael Valentine.

M I C H A E L V A L E N T I N E: My name is Michael Valentine. I am employed in a position where I have a great deal of direct contact with students, and am responsible for providing opportunities for social interaction for these students. I speak today, however, as a private citizen of New Jersey.

It is easy to recognize the problems of under age drinking and its concomitant abuse of alcohol. This is not a new problem and it is laudible that the Legislature of the State of New Jersey is attempting to do something about this problem. I do feel, however, that Senate Bill 1126, which would raise the legal drinking age to nineteen does little to alleviate the problem which it is purported to address. I feel that this legislation is wrong on both philosophical and practical grounds.

Philosophically, it seems ludicrous to grant eighteen year olds all age of majority rights and responsibilities and then revoke just one aspect of those rights and responsibilities. Public Law 1972, c. 81 was specifically enacted to establish basic civil and contractual rights and obligations. Specifically enumerated, these rights include the right to sue and be sued, to apply for and be granted a license to engage in a business or profession, to serve on juries, marry, adopt children, execute a will, and to sell, purchase, and consume alcoholic beverages. To identify one specific right or obligation as inappropriate among these many rights, would seem to go against all logic. As was the case when the vote was extended to 18 year olds, how can some rights be granted and others arbitrarily denied? Senate Bill 1126 could create the ridiculous situation whereby an 18 year old could not drink at his or her own wedding, performed by a minister or priest who could also not have a glass of wine.

In practical terms, the raising of the drinking age to nineteen or even to twenty-one would probably not have the desired effect of reducing the accessibility of alcohol to those under nineteen. Indeed, there are powerful psychological inducements for the consumption of alcohol if this act is indeed illegal. Even worse, we would be recreating the environment prior to 1973 in which

18 year old New Jersey residents made the festive, but often fatal, journey to New York State in order to be able to consume alcohol legally. In an article printed in the January 2 issue of the Bergen Record, Sergeant Duane Whitaker of the Ramapo Police recalled the tragic fatalities of the 40 year period before 1973. In Sergeant Whitaker's own words, raising New Jersey's drinking age would be a "sad mistake."

Additionally, the raising of the drinking age would eliminate the controlled drinking situation which was created with the inception of college pubs on many of our New Jersey campuses. These pubs tend to be clean, attractive, and efficiently managed establishments, with a very real community atmosphere. Perhaps most significantly, the majority of those students who consume alcoholic beverages in the college pubs will be walking back to their dormitory rooms, rather than driving on the highway.

I applaud the efforts of the New Jersey Legislature in attempting to deal with the serious problem of underage drinking. But, Senate Bill 1126 would seem to be a singularly inefficient method of treating only one symptom of the overall problem. I strongly feel that a more effective and equitable manner in which to deal with this problem would be the approach suggested recently by the Honorable Mr. Hargraves. This bill would limit the sale of package goods to those under 21, while still retaining the option to serve 18 to 21 year olds on the premises. If the intent of S-1126 is to prevent 18 year old high school seniors from purchasing alcohol for their friends, then this limiting of package sales would seem to be an effective solution to this problem.

I would further respectfully suggest that a program designed to combat alcohol abuse should be buttressed by a re-doubled educational program on the problems of such abuse.

It seems evident that Senate Bill S-1126 does little to combat either the symptoms or the problems of teenage alcohol abuse. I would submit that a statute which limits package sales, plus an educational program on alcohol abuse, would be a much more sane, effective and equitable approach to this serious problem.

Thank you.

ASSEMBLYMAN BATE: Do you have a copy of that statement?

MR. VALENTINE: Yes. I also want to make one further amplification on a question Mr. Flynn raised earlier regarding the question about the college pubs. Indeed it is a very controlled situation. I think it is probably one of the best things which have happened on the college campuses in terms of increase in social life, and control of the situation. We know virtually everybody. The people who serve do indeed know everyone and try to control the situation and try to deal with it effectively.

ASSEMBLYMAN BATE: I am surprised to hear that you support Mr. Hardwick's bill because that does involve an intrusion on the adult status of the 18 year olds; does it not?

MR. VALENTINE: On philosophical grounds, I vehemently oppose Mr. Hardwick's bill. As Mr. Warager was stating before, I am trying to respond and provide an alternative or a solution to a very bad problem. Philosophically, the bill is quite aberrant to me, yes.

ASSEMBLYMAN FLYNN: On the campuses now, taking yours for an example, is drinking in a dormitory permitted, or is it strictly limited to the pub?

MR. VALENTINE: It is permitted in the dormitory under controlled situations.

If one wants to have a party for a group of friends in a room, one has to apply for that in advance and have supervision of one of the resident assistants present at all times while the party is going on.

ASSEMBLYMAN FLYNN: You can't just have a six pack in your room, if you get thirsty?

MR. VALENTINE: Yes, you can. On most campuses, I would say that is the case.

ASSEMBLYMAN FLYNN: Under Mr. Hardwick's bill, it would appear they would not be allowed to have somebody purchase that for them, and then in turn purchase from that person. You don't really agree with that premise, do you?

MR. VALENTINE: I oppose Mr. Hardwick's bill on that basis also. What I am suggesting is, if there is indeed some imminent change in the status of the drinking that seems to be a more acceptable alternative than solving the problem.

ASSEMBLYMAN FLYNN: Now, you say you have problems with the change from 18 to 19. Is that because of the inconsistency of ages for different rights, or is it because 18 is a magic age and you feel 18 should be the adult age?

MR. VALENTINE: There is nothing magic about 18, except that virtually all the other rights - the ones I enumerated are not the only ones listed in public law 1972, which granted the age of majority at 18 year olds.

ASSEMBLYMAN FLYNN: Suppose we changed all of the majority rights to 19 or 20 or 21, would you have a philosophical problem with that?

MR. VALENTINE: I guess my initial response to that would be, don't call us for the next war.

ASSEMBLYMAN FLYNN: Is that the only point?

MR. VALENTINE: No. In terms of when one graduates from high school, when one goes out and gets one's first job or goes to college, when one has to earn one's own living and so on, a number of these things tend to happen at 18. The real growing up happens about that time. Psychologically, for example, we seem to be growing up faster and faster in this society. I think to reverse that trend and to take away all age of majority rights at 18 would be not supported by any data which seems to exist today.

ASSEMBLYMAN BATE: Mr. Thompson.

ASSEMBLYMAN THOMPSON: I have one question. Don't you think that Senator Hardwick's bill really represents imposition for a remedy of a break-down of a value system on other people who really are not represented here in the State of New Jersey? In other words, do you think it is a suburban problem versus an urban problem?

MR. VALENTINE: I can't really comment on a breakdown of values in society. In the purest sense, I sometimes wonder about the appropriateness of any Legislature attempting to legislate social morality. This, I think, is part of that problem. As I have already stated, I am indeed opposed to Mr. Hardwick's bill on philosophical grounds, but view it as a less aberrant alternative.

ASSEMBLYMAN BATE: Thank you very much. Eric Keller.

ERIC KELLER: My name is Eric Keller. I am a sophomore at Princeton University. I am also the Vice-President of the sophomore class, and I am commissioned by the undergraduate student government at the university to represent the body here today.

At Princeton we are concerned about this bill, especially because it would seriously affect the social life of freshmen at the university, because the

major social life for freshmen is at the university pub, which is not an eating club or a fraternity on campus which would allow the freshmen to participate. Therefore, the freshmen have serious problems assimilating into the life at the university, per se, and would even have more difficulty if the drinking age was increased to 19 or 21.

When I was in high school, I was the student body president at Wayne Valley High School in Wayne, New Jersey. I was fairly close to the problems of alcohol abuse, and it seemed to me that it was a minority of students who were involved in abusing alcohol throughout the lunch period or after school, and they were the same people who didn't live up to our expectations concerning academics, or the normal expectations concerning behavior in the school. It just seemed very alien to me to have the drinking age increased to 19 to combat a problem which would involve the minority of youth, and perhaps we would have to look for more comprehensive solutions to the problem of alcohol abuse in general. I realize that it is a glamorous issue, and it makes a lot of press to raise the drinking age to 19, but we are probably not dealing with the serious problems.

I also understand that there has been a lack of conclusive statistical data on the issue and that perhaps the Committee is looking for some of that. I did some analysis of the State Police figures, and as you know, there were changes in the alcohol involvement and fatal accidents among youth in 1973 when the drinking age was decreased, and through to 1976. But, if we disregard the percentage changes which did show some increase, the numerical difference in alcohol involvement in fatal accidents was about 35 additional individuals per year, and it seems that if we put the percentages aside, the actual increase does not seem substantial and in fact it allows for alternative conclusions based on variations of the reporting techniques and other factors which seem very possible and even likely.

One of the factors is, included in the pre-1973 statistics there was nothing in those statistics which indicated the number of deaths which occurred in New York State by New Jersey residents who were driving into the State to consume liquor. It seems feasible that the number of deaths that occurred in New York State could be substantial enough to show that there was really no increase in alcohol involvement among these accidents.

There are some studies which involve teenagers from ages 14 to 18, and it seems that legal restrictions have little affect in their use of alcohol consumption which is made apparent by the absence of a marked increase in the number who drink at age 18. Conclusions based on studies made in New York and Kansas which have a legal age of 18, indicate that by the age of 17, the majority of those who are going to drink seem to have already started. In addition, the proportion of teenagers who have had at least minimal experience with alcohol was noticeably similar within New York and Kansas which have the 18 year old limit as in Wisconsin and Manitoba, Canada, where the age is 21.

In this study dealing with the effects of the age reduction, in Massachusetts and Maine, a researcher formerly at Rutgers University, Richard Zwillman notes that, "It is unlikely that lowering the age at which one can drink legally has an important effect, because most youth who want to drink have little difficulty obtaining their supply with or without sanction of law." This belief was supported by a recent nationwide survey of the National Traffic Safety Administration, in which it was found that where the State law specified 21 years, or some lower age, as the age at which one could drink legally made no difference. The same proportion of high

school students were found to be drinkers in states with a 21 year old limit, as in states with a lower limit.

A 1977 survey conducted among secondary school students notes that the majority of youthful drinkers cited a home as their source of alcohol. A recent Canadian study concludes that "No information is available which shows conclusively that reducing the drinking age has caused greater educational, family, or public order problems. And, I would like to conclude by stating that that was enacted by the Undergraduate Student Government at Princeton University in a letter to the Assembly. Studies indicate that an increase in the drinking age will not indeed significantly reduce alcohol related fatalities from drinking in secondary schools. Our public policy should encourage responsible drinking among those who choose to drink. There is much to be said for encouraging youth to drink near their homes. This legislation will prevent drinking and driving over long distances. There is much to be said for allowing youth to learn responsible drinking while they are still living at home, subject to parental scrutiny. The 18 year old drinking age permits this. Furthermore, it should be recognized that it is a minority of youth who drink irresponsibly, as is the case among citizens of all age groups.

There is no compelling reason why the privileges of this specific age group should be rescinded, nor is there sufficient rationale to justify a change in the status before the law. Certainly there are less offensive and more effective means of dealing with irresponsible drinking. A responsible policy in this area requires a lengthy re-evaluation of present efforts, a long and frustrating struggle for effective implementation, and certainly does not offer the immediate political recognition that this simple act of raising the drinking age provides for those who seek it. But, the citizens of this State deserve no less. We urge you to seek positive solutions to a complex problem. We urge you to act responsibly by defeating this bill. Are there any questions?

ASSEMBLYMAN BATE: Are there any questions?

ASSEMBLYMAN FLYNN: Do you think we ought to legalize marijuana in the State of New Jersey?

MR. KELLER: Well, actually, I have not come to any firm conclusions about that. I certainly favor decriminalization. I think that if we look at the amount of marijuana use that occurs, despite the lack of the sanction of law, we can certainly relate that to the problem of liquor abuse, and the fact that supply seems to meet demand in both areas, regardless of its legal sanction.

ASSEMBLYMAN FLYNN: The point I wanted to make was, there doesn't seem to be any difficulty in obtaining marijuana on college campuses. I am sure your campus is no different than any other, and yet using the same logic, we shouldn't have any legislation against marijuana, either, because we can't stop the supply and we can't stop the accessibility.

MR. KELLER: Well, of course, we have to take into account, not only the perception of the effects of the different drugs, but also marijuana use has not been studied effectively as opposed to alcohol use, and I think---

ASSEMBLYMAN FLYNN: What I am saying, though, one of your arguments against this bill is, you are saying the bill won't stop what is going on now, therefore, don't pass it, don't try. That is what you are saying. My statement to you is, we should then, using the same logic, do away with our laws against marijuana on the same basis. We shouldn't have any law and don't try it.

MR. KELLER: I am not sure that we should necessarily do away with them,

and perhaps one reason for that can be, the time might not be right. I think public acceptance of alcohol use is certainly much greater than that of marijuana use, and it certainly would be a period of years before it would seem the right time to legalize marijuana.

ASSEMBLYMAN FLYNN: Now, has your group given some consideration to the non-college population in the study of this problem? Most of your orientation, of course, has been to what effect it would have on the college person of 18. What is your position with regard to those who are 18 and still in the high school?

MR. KELLER: Well, it seems to me that with most graduations occurring in June that most students don't turn 18 until after they graduate from high school. Of course, there are exceptions, but it seems to me that it is a problem that concerns the minority of the students, and there should be other ways to define the problem, whether it is increased education, or increasing work study programs, and trying to use more imaginative approaches with this greater enforcement of non-drinking within the high schools.

ASSEMBLYMAN FLYNN: Now you are two years out of high school. When you were in high school, was there a problem with 18 year olds purchasing liquor and then passing it down to younger students?

MR. KELLER: Well, generally, it seemed to me that those who would go out during lunch time were generally 18 or 17. They seemed to be those who were in classes together and those who associated together a lot more, so usually, I would say the majority of groups would be groups of 18 year olds, and occasionally there would be a younger student thrown in if they were friends or neighbors and they got to know each other.

But, generally, there wasn't too much mingling between seniors and freshmen. It was more just the older students going out on their own.

ASSEMBLYMAN FLYNN: How about after school or at night? Did the seniors buy for the sophomores or juniors for their woods parties or beach parties, or whatever?

MR. KELLER: Well, I am sure that would occur, but in general, I would think that the patterns in social like identification, or the patterns of the friendships, would still be the same after hours as during lunch.

ASSEMBLYMAN FLYNN: Well, are you saying there wasn't that problem? You didn't see that problem when you were going to high school?

MR. KELLER: Well, actually I didn't see it too often. It wasn't that noticeable to me. There was a lot of drinking in the parking lots, but they seemed to be older people who had cars, and they would drink out of their vans in the parking lots.

ASSEMBLYMAN FLYNN: Do you have any practical solutions, other than the bills that are before us, that we might use to curb that practice of the pass down?

MR. KELLER: Well, I am not convinced that there has been sufficient enforcement of non-drinking by administrators who are in high schools, and sufficient supervision. I understand that our alcohol education programs have been cut back in recent years, and they probably were cut back to levels which were not sufficient. Perhaps within a driver education program there should be more emphasis on alcohol abuse, and I believe that Gail Millgrim, who is a reasearcher from Rutgers University, suggested that there wasn't sufficient alcohol education incorporated into driver education programs in the high schools when she spoke before the Senate Committee on this.

We should consider stiffer penalties for those who are found to be drinking and driving. Perhaps there should be a definite period when a license should be rescinded. Perhaps as a qualification for getting a license, you would have to pass some kind of alcohol education test - knowledge about the dangers, knowledge of statistics, or what have you. Perhaps photographs should be placed on driver's licenses for greater enforcement of those who are 18.

But, it comes down to a social problem. I don't think prohibition is really going to get to the problem. I think we have to look for other solutions. There are family problems, societal problems, and it is not a problem that is limited to young people. It is a problem throughout our society. It strikes us as a problem which we should confront, and we should debate, because we are concerned about young people and we are concerned for the future society, and that is what they represent. We would like to have them making fine judgments, but people don't learn to accept the responsibility until it is given to them. It seems to me that we have to allow them to have the responsibility and just try to use other means, other than prohibition to have them learn to accept that responsibility.

ASSEMBLYMAN BATE: Thank you. Before I call Robert Wilinski, I am going to go through the list for this afternoon. Dr. Robert Pandina, Frank Hill, Joseph Brunello, Dr. Claudio Arrington, Stewart Goldstein, Derry Michael, Mayor Jerome Greco, Richard Bagger, Brian Mc Donald, Frank Gorman.

All right, we will now hear from Mr. Wilinski, and then we will accommodate Mr. Brunello.

R O B E R T W I L I N S K I: Mr. Chairman, gentlemen, my name is Robert Wilinski. I am an Attorney at Law. I represent the New Jersey Licensed Beverage Association. The New Jersey Licensed Beverage Association is the Association that represents the plenary retail consumption licensees in the State. Now, the plenary retail consumption licensees, as you well know, are the people that have the "C" licenses and operate the taverns, the bars, and the restaurants, and sell primarily over the bar.

In the last several months of discussion, there have been a lot of innuendos about the so-called liquor lobby. Before I go into what I consider the crux of the presentation, I would like to clear up the misconception, or perhaps, the misunderstanding as to just what the liquor lobby is, or what our segment of the industry represents and is. There are in the State of New Jersey at the present time 8367 plenary retail consumption licensees and there are 1970 "D" licenses. They are the people who operate the package stores. But there are basically 8367 tavern licenses issued in the State of New Jersey. Now, who are these people?

Well, for the most part, they are your neighbors, and mine, and people who have tremendous investments in their businesses. They are people who pay a tremendous amount of taxes to their community and to their state and people who usually work a 12 to 16 hour day, 6 and 7 days a week, and they are people who are vitally interested in helping others in their community, as evidenced by the scholarship funds that most of the associations have, the raising of funds to help the handicapped, and the retarded, and in many areas, these people are the last vestige of the small, independent businessman that is left in this State.

For instance, in the City of Camden, where I come from, there are presently 166 "C" licensees, and all but about 10 of these are what we consider the corner Mom and Pop operations. In the city alone, the city takes in over \$99,000 just

in license fees from these tavern owners and the State takes in approximately over \$8,000 just in processing fees on these particular licenses. Now this represents in the City of Camden, and I am sure many other urban areas, the largest single group of business people and taxpayers left in the city. They are really the only businessmen left in the City of Camden. And in many neighborhoods, they are the only places where you can still get a check cashed, where you can see a light at night. Otherwise, Camden would be a ghost town, if it were not for the few tavern lights that are still on.

So, they are really the poor man or the workingman's social or country clubs. And this is the part of the so-called liquor lobby that our group represents. I have represented these people for 25 years. I have represented other groups, trade groups, trade associations, but I am proud to say that I represent these people, and I am proud to have them as my clients and as my personal friends. They are all decent, honest, hard working citizens and taxpayers and it is inaccurate and unfair to portray at least this segment of the industry as the so-called liquor lobby.

I wish to direct my remarks to the problem at hand. In order to do so, I think that we have to ask ourselves several questions. The first one is, have the proponents of the changes established that their proposed changes in the law would alleviate or eliminate the problem. A few years ago, the Legislature saw fit to give all 18 year olds the rights and obligations of adults. If some or all of these rights and obligations are now going to be taken away from them, it is incumbent upon the proponent to establish beyond a reasonable doubt, or by clear and convincing evidence, that their proposed changes will help to alleviate or help cure the problem.

What have the proponents shown to you. You have heard their general statements. You have heard figures. You have heard cliches, and you have heard a lot of political rhetoric. But I think there has been no clear and cogent establishment of any facts upon which you could base a change in the law. Now, on the contrary, what, then, do you have before you?

I submit that the only real evidence or facts you have before you is what is found in the Attorney General's Task Force Report. This was a report that was released by the Attorney General's Task Force, on March 28, 1978, after the Committee had been appointed on January 5, 1977. So, it represents approximately 15 months of hard work, investigation, by a hand picked group of top flight state officials, consisting of a representative of the Attorney General's Office, the Motor Vehicle Department, the ABC Department, the State Police. These 7 people were all top flight people, none of whom would have any allegiance to the alcoholic beverage industry or to the tavern owners, none of whom would owe anything to any other group other than to do a good job that they are asked to do.

In the report on page 10, where they talk about the effect of changing the legal drinking age, I think that is significant. They concluded that "It has been suggested that the Legislature can serve the possibility of raising the drinking age, in order to cut down the incidence of highway accidents associated with useful drivers.

"The relevant studies thus far published, however, are neither extensive nor conclusive. In conclusion, 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 it is even more difficult to forecast the reaction that raising that age might have. Drinking at the lowered age appears to have become socially acceptable and reinstating the former drinking age could meet with such resistance to make the action impossible for practical enforcement. Instead, we re-emphasize the need for increased

enforcement and education."

What do you have that you could fly in the face of this objective report? I suggest that this is the key to the problem, and this is really the only concrete, unobjective, unbiased evidence that you have before you.

The next question I would like to address myself to is, suppose the law is changed. What will the result be? I submit to you that it will have no real effect. From my personal experience, going back into the late sixties or seventies, I had occasion to spend some time in the State of Alabama which prided itself on being at that time a dry State, and there was never any problem of obtaining alcoholic beverages. It was available in the clubs and in the bars and in the restaurants, and I saw many more drunks in the State of Alabama in the finest nightclubs and clubs than I have ever seen in the State of New Jersey. Why was this so? Because you cannot effectively prohibit something that is socially acceptable on such a wide scale.

Also, I recall some experiences in World War II in the State of Kansas. I was only 19 years old. That, again, is a so-called dry State. We never had any trouble at all getting alcoholic beverages, because it was openly available. The laws were on the books, but nobody paid any attention. The vast majority of the people did not pay any attention to them, unless it was available, and I as a 19 year older could not understand how you could have a law and not have anybody pay any attention to it. It really made me wonder what the effect of this was, what can be done about it.

Since this problem has arisen, I have interviewed and talked to many high school students, scores of them. I have talked to people from the city high schools, suburban high schools, male and female, parochial and public school students, and all without exception feel that it is terribly unfair to discriminate against them, and that is, to give them certain rights and then take them away. They all feel, almost without exception, that it will have no effect at all on their drinking habits. Those that want to drink stated that they will continue to be able to get the alcoholic beverages and the drinking will not in any way be affected. One young man told me, "Who do they think they are kidding? We are going to be able to get it if we want it. We always have and we always will. Changing the law is not going to create any problem at all for those that want to get the alcoholic beverages."

The other problem I see that will be caused by changing the law is it will breed confusion and disrespect for the law. One of the big problems today, in my opinion, is getting the young people to appreciate and respect the law. You can't expect them to have respect for the law if you tell them they are adults in some areas and minors in others. If they are old enough to vote and to buy a home, and to buy a car, to enter into a contract, or even perhaps buy an alcoholic beverage business, they may not be able to drink in the place if this law goes into effect.

How can you give them full rights on everything except one item. This then in their minds breeds disrespect for the law. They just don't understand it, and they won't pay any attention to it.

I see in the Attorney General's Report that there are 375,000 alcoholics in the State of New Jersey. The New York Times on February 4, 1979, stated that there are 375,000 compulsive gamblers in the State of New Jersey. Apparently, the gambling problem in the State of New Jersey is just as serious as the drinking problem, but we don't have the clamor, and you don't have bills being introduced

to raise the age for gambling. We all know the terrible tragedies that young people have in automobile accidents. From my personal experience many of these are not alcohol related. I think it is just due to a primary lack of experience. But there is no clamor to raise the driving age, so I say if you are going to be consistent and you want to have people understand and respect the law, you have to be consistent. As a relative and a parent, I have a teenager in high school. If I thought that this change in the law would do any good, I certainly would be for it. But I cannot see, from all that I have studied, all the people I have talked to, that this proposed change would do any good at all. It would not attack the problem. I think the only way you are going to eventually correct this, or help to alleviate this most serious problem, is through an education process that must begin at the very early stages. I have heard discussions, or people have said, that it should start at 10 years old, or above, or in junior high school. I think it is too late at that point. I think the time to begin is right at the first grade. I speak from my own personal experience with one of my own daughters who is taught by a nun in the first grade that smoking was bad. That seemed to be the policy at that time. Today, she thinks that smoking is the worst thing you can do. These children have to be taught at the right age and indoctrinated at that point. It is not going to be done through any change in the law that is going to be discriminatory and unfair. It is going to be done through a vast educational process.

I thank you for your considerations to my presentation. If you have any questions, I will try to answer them.

ASSEMBLYMAN MAYS: In your opening statement you said you are going to cure the problem, and the key problem. In your opinion, what is the problem?

MR. WILINSKI: My point was, if the proposed bill--- In order for a change to remain effective, you should be convinced that the proposed change would either alleviate or cure the problem, teenage drinking and drinking in school.

ASSEMBLYMAN MAYS: You mean 18 years and younger.

MR. WILINSKI: If that is a real problem that can be cured by changing the law.

ASSEMBLYMAN MAYS: What you are saying is it is a problem for those kids 17 and younger. That is the problem you see?

MR. WILINSKI: I don't recognize it as strictly an age problem. I say that the problem is it is more widespread. It could be that it is just as much a problem at age 52 as it is at 17, in my opinion.

ASSEMBLYMAN MAYS: Why is there such an outcry now? Is it because the kids are drinking so much in school now?

MR. WILINSKI: No, I think the outcry was because the bill was presented hoping to alleviate the problem, which I don't think it is going to do.

ASSEMBLYMAN MAYS: You represent 166 taverns in Camden. How many of them have ever been caught serving liquor to minors?

MR. WILINSKI: I think in the State of New Jersey---

ASSEMBLYMAN MAYS: Camden. You said there are 166 in Camden. How many have been caught in Camden?

MR. WILINSKI: In the last year there were three or four.

ASSEMBLYMAN MAYS: What happened to them?

MR. WILINSKI: If it was a first offense, they were fined. If it was a more serious offense, they would have been suspended.

ASSEMBLYMAN MAYS: Were any of them closed or suspended?

MR. WILINSKI: Not for selling to minors, no. Not to my knowledge.

ASSEMBLYMAN BATE: Mr. Thompson.

ASSEMBLYMAN THOMPSON: If Senator Graves or Senator Hardwick's bills are passed, what effect would they have economically on inner city package goods stores and taverns, which are really the Mom and Pop stores?

MR. WILINSKI: I don't know the economic effect it will have on the sale of package goods, but it would certainly have to have an effect on the over the bar sales.

ASSEMBLYMAN THOMPSON: You mentioned social acceptability. Are you saying that the resistance, if any of these bills are passed, would be comparable to the Volstead Act, which was passed by Congress in the twenties, I believe?

MR. WILINSKI: I think at least that much effect. Because at that point it was a question of whether we were going to drink or not. Here we have a situation where presently they are able to drink and purchase alcoholic beverages legally. Now the proposal is to take that away from him, so it is going to have a terrible effect, a drastic effect.

ASSEMBLYMAN FLYNN: Do you have any figures as to what kind of a percentage volume your group that you represent sells to the 18 to 20 year old?

MR. WILINSKI: No, we don't.

ASSEMBLYMAN FLYNN: Can you give us some kind of a guesstimate? Would it be 10% or more than 10%?

MR. WILINSKI: I really have no idea. I don't know that there is any way that we could get those figures or compile them.

ASSEMBLYMAN FLYNN: Well, for example, you have 166 in Camden; is that correct?

MR. WILINSKI: There are 166 "C" licensees, yes.

ASSEMBLYMAN FLYNN: I assume you are more familiar with Camden than the rest of the State. Of that 166, how many are dependent upon the 18 to 20 year olds for, say, more than half of their sales?

MR. WILINSKI: I would say very few, if any.

ASSEMBLYMAN FLYNN: So, in Camden, at least, there would not be a significant impact if this bill were to pass, an economic impact.

MR. WILINSKI: Not an economic impact, no.

ASSEMBLYMAN FLYNN: Thank you.

ASSEMBLYMAN MAYS: You said your organization gives to certain charity organizations. Have you ever thought about starting the fund and give to the prevention of drinking at a young age?

MR. WILINSKI: Not to my knowledge, no.

ASSEMBLYMAN BATE: Thank you very much.

MR. WILINSKI: Thank you for your attention.

ASSEMBLYMAN BATE: Mr. Brunello is here. Joseph Brunello.

J O S E P H B R U N E L L O: My name is Joseph Brunello from the Woodbridge Township Board of Education. Members of the Assembly, thank you for granting me this opportunity to address you. The Board of Education of Woodbridge Township is concerned. We are told that we are responsible for the quality of education, that the children of our community receive. We are told that we are subject to,

and accountable to the Legislature and the Commissioner of Education. We have been told to establish goals for our district. We have been told to involve the community in the establishment of these goals. We have been required to follow a day to day procedure for planning ways of reaching these goals. We have been told that children are expected to learn how to read and do arithmetic. To make sure of this, the State will give a test. The results of that test will be published and our schools will be approved or unapproved on the basis of how our students will do on the test.

If all of the above are true and if we accept it as both the law and what is right, then you have an obligation to listen to us.

Accountability cannot exist without some kind of communication. There must be a willingness to "listen" as well as a willingness to "tell."

Recently the Legislature expressed its concern about vandalism. It has mandated that we collect information and report it to the Commissioner so that the people who are ultimately responsible can make the best decision.

We are concentrating our efforts on helping our students. The schools cannot be all things to all people. You have made a significant difference between the way in which you have mandated laws connected with "the thorough and efficient law" and vandalism. We accept the responsibility for teaching basic skills, but you wisely did not hold us accountable for the vandalism, just for the reporting of it.

The budget CAPS that have been established for municipalities as well as for school systems have either caused a cut-back in services or prevented expanding services to meet expanding needs. Vandalism is a community problem. It is a community problem because the schools belong to the community and by and large the people who cause these incidents are from the community.

Research from around the State indicates that there is a significant relationship between teenage alcoholism and acts of vandalism. While this is certainly not the primary cause, empty bottles and cans are regularly found on school grounds each morning. This problem is most acute the day following an evening student event. Public parks, which are subject to vandalism, as are the schools, also contain witnesses to nighttime and daytime drinking.

Experience in our own areas indicates that a significant increase in drunk driving has occurred since the 18 year old law was passed. We are aware also of the fact that more students between the ages of 14 and 17 are consuming alcoholic beverages in our community. These teenagers are easily able to get alcohol from their 18 year old friends who purchase it for them. The incidence of malicious mischief has doubled in our area because of the number of young teenagers who are able to get and consume alcoholic beverages. On occasion, a student will even arrive at school intoxicated. Needless to say, this condition is not conducive to learning.

It appears obvious that we have not found a way to curb the excesses of teenage drinking. We recognize that even though people who participate in acts of vandalism and malicious mischief are in the minority. We also recognize that teenagers who get into automobile accidents as a result of drinking are in the minority, but you only need to lose one life or have one building significantly destroyed for the issue to need attention.

It is our contention that lowering the drinking age to 18 has not worked. Our communities and our society are not able to practice the control necessary to allow teenagers to experiment with alcohol. If the law is changed so that you must be 21 to purchase or publicly partake of alcohol, it may not stop the abuses, but it

will make it more difficult and it will give our regular control procedures a chance to function. Families that have trust in their children will still be allowed to let their children drink at home. Those who, because of the law, are able to join the armed forces will still be able to drink under control.

Since it is the Legislature that establishes the law, then the legislature must hold itself accountable for the results of the law. When the Legislature mandates that the schools do something, they build some teeth into the law to punish those who do not comply. On behalf of the Woodbridge Board of Education, we believe the law should be changed to 21. If it does not change the law, the Legislature should also be prepared to accept the penalties of not creating a healthy and decent society. Thank you.

ASSEMBLYMAN THOMPSON: I agree with your statement when you said, all schools cannot be all things to all people. That is one of our major arguments in Newark with the Board of Education.

I want to find out whether you would accept the concept of a vicarious liability. You mentioned vandalism, and I am not quite sure what your definition is, but would you accept the concept of vicarious liability in that situation, where the parent is liable for damages by their children, whether they attend the school, or have dropped out, as long as the act happened on school property?

MR. BRUNELLO: Yes, I would accept it. It should be. The parents should be responsible for any student, teenager, or any person breaking into our schools. If they are apprehended, they should be held liable for their particular actions.

ASSEMBLYMAN THOMPSON: Also, I have a problem with this word, vandalism. Journalists have a way of using words. When it is in the suburbs, it is vandalism, but when it happens in Newark, it is theft. Usually in Newark when we have problems with teenagers breaking into the schools - they were stealing typewriters to pawn them, you know, and that was related to narcotics. I just want to know if there is a distinction. I have read the papers, as to what happens in certain suburban communities, and they steal things when they go to school, not just tear them up. I fail to see the connection to alcohol in all instances.

MR. BRUNELLO: The alcohol itself is the cause of many of the instances of vandalism in Woodbridge Township. Those that are breaking in are breaking in because they are on some sort of a high, which could be attributed to alcohol.

ASSEMBLYMAN THOMPSON: They don't take any of the IBM typewriters and things that are in the schools that can be pawned?

MR. BRUNELLO: There is a difference between vandalism and stealing. We have both conditions. There are break-ins and robberies.

ASSEMBLYMAN MAYS: As a member of the Board in Woodbridge, do you have a strong prevention of alcohol program, or a weak program, or do you have a program at all?

MR. BRUNELLO: We are teaching the effects of drugs and alcohol and smoking of cigarettes in the primary grades, and we continue it through our health classes all the way to the twelfth grade. I would say it is a fairly good program.

ASSEMBLYMAN MAYS: I know, and alcohol is a drug. But I am talking specifically about alcohol now, not marijuana, not cocaine, or anything else.

MR. BRUNELLO: It is a combination of both. I would say they are both fairly good programs.

ASSEMBLYMAN MAYS: You say you have a great problem in Woodbridge of teenagers drinking.

MR. BRUNELLO: Our health program with its new emphasis on both drugs and alcohol is in its third year now. We think we are making progress through it.

ASSEMBLYMAN MAYS: You still didn't answer my question. My question is, do you have a strong alcohol program there?

MR. BRUNELLO: I said we have a fair alcohol program and a drug program in our school. When you say strong, I don't know what you mean.

ASSEMBLYMAN MAYS: All right, is there a problem with drugs in your area?

MR. BRUNELLO: Yes, we do.

ASSEMBLYMAN MAYS: The same as alcohol?

MR. BRUNELLO: Right.

ASSEMBLYMAN MAYS: Have any taverns or package goods stores been caught serving youth under 18 years old?

MR. BRUNELLO: I don't know.

ASSEMBLYMAN MAYS: Has any principal or superintendent come to your board and said they have a great problem in the school system?

MR. BRUNELLO: Yes.

ASSEMBLYMAN MAYS: They have caught students drinking in school?

MR. BRUNELLO: Yes, they have.

ASSEMBLYMAN MAYS: Did they throw them out of school?

MR. BRUNELLO: Yes, they have been suspended.

ASSEMBLYMAN MAYS: When they are suspended do they send a report to the Commissioner of Education?

MR. BRUNELLO: Well, if it is a three-day suspension, they do not have to file a report. That is done only when they are expelled. Expulsion would be handled by the Commissioner of Education.

ASSEMBLYMAN MAYS: How would the Commissioner of Education here in the State of New Jersey know about the problem that exists in Woodbridge, or any other part of the State if they don't send reports?

MR. BRUNELLO: As of right now, there will be reports on vandalism, and that just started.

ASSEMBLYMAN MAYS: I think there is a smoke screen here. Everything seems to be aimed at the 18 and 19 year olds, but we are not dealing with the entire problem. There are 12 year olds and 13 year olds who are getting the beer and wine at home, easily. That is what we should be talking about. In my study of 1973, I found out that the beer and wine industry has blossomed since the 18 year olds have been permitted to drink.

I live in Jersey City, and I live next to a school where the kids do drink regularly, and they leave their beer cans, and I have to do more than call the police, because the police don't do anything, but I do find that we do that are parents, and we do that as members of our board of education. We don't press our legislators to pass stricter laws, but we should enforce laws on the parents, and we should enforce greater laws on the Commissioner of Education to have a requirement that alcohol be taught about in the schools, similarly to physical education, and health.

Do you agree?

MR. BRUNELLO: Yes, I do. And we do have those programs, because we believe in them.

ASSEMBLYMAN DOWD: Sir, were any young people from Woodbridge ever killed on their way to Staten Island or to Manhattan when we had a 21 year old drinking age?

MR. BRUNELLO: I don't have any knowledge of it, but I would assume that not to be true.

ASSEMBLYMAN DOWD: Does that bother you that if the drinking age is raised to 21 we may resume that kind of long distance highway travel, which is the worst kind of alcohol abuse?

MR. BRUNELLO: No, I think the fact that some students would be traveling back and forth, but they would be, again, in the minority. I think we have a bigger problem in our township because of the effect and the easily accessible amount of alcohol that could be gotten right within our own town.

ASSEMBLYMAN DOWD: But you concede, don't you, that the overwhelming majority of those between 18 and 21 are handling their right to consume alcohol responsibly.

MR. BRUNELLO: Those that are traveling, you are saying?

ASSEMBLYMAN DOWD: The question is, do you not concede that the overwhelming majority of our adult citizens between 18 and 21 are handling their legal right to purchase and consume alcohol in a responsible fashion?

MR. BRUNELLO: I would say, yes, I agree with that. However, I think the 18 year old and 19 year old, the minority of those that are providing the 17, 16, and 15 year old is outrageous, and that is the problem.

ASSEMBLYMAN DOWD: Do you think a 17 year old who wants alcohol is going to have any difficulty if we raise the age to 21?

MR. BRUNELLO: Yes, I do. I think he would have difficulty.

ASSEMBLYMAN DOWD: I have nothing further.

ASSEMBLYMAN BATE: Thank you. We will break for lunch, and we will be back at one thirty, promptly.

(Whereupon a luncheon recess was taken.)

AFTERNOON SESSION

ASSEMBLYMAN BATE: Dr. Robert Pandina will be our first witness this afternoon.

D R. R O B E R T P A N D I N A: First I would like to bring regards from Dr. Carpenter who is the Director of the Center for Alcohol Studies. He sends his regrets that he won't be able to be here today. He has a commitment out of state and he asked me to testify for the Center in his behalf.

In general, my feeling is that this is a bill which the Assembly should not support. I think that is generally the feeling of my colleagues at the Center of Alcohol Studies.

ASSEMBLYMAN BATE: What is your position there?

DR. PANDINA: I am an Associate Professor for Applied Research and I am also Associate Director of the Center of Alcohol Studies. I am a psychologist by training, a psychopharmacologist, someone specializing in drugs and behavior.

ASSEMBLYMAN BATE: Fine. Go ahead.

DR. PANDINA: In general, I feel that this is a bad bill which will, in fact, have very little impact on the drinking practices or the problems related to drinking in the adolescent population. I base my conclusions on studies which we have conducted here in New Jersey and from my study of reseach that has been conducted in other areas of the country, both in states surrounding New Jersey, such as, New York, Delaware, Pennsylvania, and national studies of this particular problem.

In general, we found that drinking patterns are fairly well established, at least in this State and other states similar to New Jersey, especially on the eastern seaboard, by the time adolescents reach the age of eighteen. In fact, we begin to see adult-like drinking patterns in adolescents between the ages of 15 and 16. I think we are very concerned with the problems that are related to adolescent drinking and the drinking of young adults. And I think we appreciate the Legislature's, especially the Assembly's, concern over the problems of drinking and the problems that spring from drinking behavior, including public drunkenness, crimes which result from drinking, and driving while intoxicated. However, we do not feel that a bill such as this will significantly impact either drinking patterns or problems associated with drinking in this particular age group. The fact is we seriously question whether or not raising the age to 21 would have any impact on these particular drinking patterns.

Again, we are very concerned that the Assembly not take this as a sign that there are no problems attendant to drinking of alcoholic beverages in these particular age groups. The fact is that the problems are significant. They are severe. We would hope that the Assembly would turn its attention to other forms of remedy of this problem, other than simply a token act of changing the drinking age. We feel, with the amount of effort that the Assembly would have to put into passing such a bill - the amount of money involved, the amount of time and effort - it would only serve to dissipate the energies of the Assembly, which we feel could be better placed in other directions. In fact, we would encourage the Assembly to establish a special study commission on the problems of alochol and drug use in adolescents, to look for more effective means of controlling these problem behaviors amongst their adolescent population.

ASSEMBLYMAN BATE: You made reference to studies that your institution has made. Can this Committee have those available.

DR. PANDINA: Do you have a copy of some of our studies?

MS. MAZUCO: I don't believe so.

DR. PANDINA: I will forward those studies to you.

ASSEMBLYMAN BATE: You have or you will?

DR. PANDINA: I will. I thought at one point I had forwarded them to Assemblyman Herman on different issues several months ago. I will be glad to forward those studies to you. They were done with the cooperation of the Department of Health, Division of Narcotic and Drug Abuse Control and the Division on Alcoholism. Specifically, the studies are examining the instance and prevalence of drinking behavior and problems related to alcohol and drug use in a fairly large sample, about two thousand young people in Central New Jersey. I think while it is not a definitive study by any means nor is it a study which is statistically indicative of practices of drinking amongst adolescents throughout New Jersey, it does have significant bearing on this particular question and can be considered a representative sample for most of urban-suburban New Jersey.

What we essentially find in this particular study is that there is a fair amount of drinking which mirrors adult patterns by the age of 16 and 17 in our adolescent population. We also find that even amongst our 14- and 15-year-olds, when we ask them the question, "How difficult would it be for you to find alcohol if you really wanted to obtain it," they would find no problem in finding this. They could either obtain it from their friends, from their peers, from older brothers and sisters and, in fact, from their own parents. So these are some of the findings in the study. I know you have other witnesses and you don't want me to elaborate. But it was a fairly extensive study which we conducted over a three-year period, beginning around 1974.

ASSEMBLYMAN MAYS: When you said you talked to 15- and 16-year-old people, what part of New Jersey were they from?

DR. PANDINA: The people in our particular study were from Central New Jersey, Middlesex County.

ASSEMBLYMAN MAYS: A smaller rural county?

DR. PANDINA: No, Middlesex County, as you probably know -- I wish it were rural -- but it is certainly not. It is perhaps one of the fastest growing urban-suburban areas. It includes places such as Perth Amboy. It includes places like New Brunswick, Highland Park, Woodbridge, very densely populated areas, areas which I understand have increased in population in the last ten years by 100 and 150 percent. It is a fairly dense county, as I understand it.

ASSEMBLYMAN MAYS: Do you find 16-year-old girls drinking more than boys because of peer pressure?

DR. PANDINA: No. What we have seen is a trend which is similar to the rest of the county; and, that is, females are catching up to males in terms of the beginning age of alcohol use, the frequency of alcohol use, and the extent, the number of adolescent young women who are drinking alcohol. We are finding this primarily or predominantly with suburban white females, to be specific.

ASSEMBLYMAN MAYS: You are talking about those over 18 years old.

DR. PANDINA: No. I am talking about younger ages. I am talking about those 15 or 16 years of age. This is a trend which we have seen nationally. Up to the early '70's, it appeared that males were significantly ahead of females in

terms of the numbers drinking and the frequency of their drinking. But we have discovered - and I think this is a national trend - that, in fact, females are now catching up to males in terms of the extent of use of alcohol. So I think New Jersey's problem is quite consistent with the rest of the country.

ASSEMBLYMAN BATE: Thank you.

Is Frank Hill here? (No response.)

Dr. Claudio Arrington. (No response.)

Gary Michael. (No response.)

Is Mayor Jerome Greco here? (No response.)

Richard Bagger. (No response.)

Brian McDonald. (No response.)

Frank Gorman. (No response.)

Is there anyone whose name is not on the list who intends to offer testimony? Do you want to come up. State your name and whom you represent.

D O N B R O W N: My name is Don Brown. I am from Willingboro, New Jersey. I have a small tavern in Burlington County.

I am concerned with the 18-year-old bill, going from 18 to 19, for the simple reason no one has told me how I am going to police this, how I am going to stop an 18-year-old who has been coming in my bar for five or six months, giving me no trouble or problem, and all of a sudden the law goes to 19; all of a sudden if the law goes to 19, what do I do with the 18-year-old who now is unable to drink?

I admit the 18-year-old to 20-year-old creates problems in bars because maybe sometimes they don't know how to handle it. But I feel that if anyone is able to go into the armed services and defend the country, we should have to educate them also to drink. It is simple as that. I am amazed that none of our politicians have ever come to the trade itself and asked them to form a committee and ask us: Do you people that make your living and work 18 and 19 hours a day have any solutions? I think we do and I think they make a lot more sense than just passing a law that if a guy is going to serve a minor he is going to serve him anyway, whether he is 18, 19 or 21, and cause a hardship. I think there is way of stopping a kid coming in my bar because I cannot prosecute him. I have no protection. If I catch a minor drinking in my bar, I cannot prosecute him as a minor because my license is now in jeopardy. So the best thing I can do is get him out the back door and hope that no one caught me serving this kid. That is not a very nice way to run a business.

I think our legislators ought to look into this and say, "Look, if we have an 18-year-old law, what can we do to make the tavern owner do his job and, in turn, what can the tavern owner do to make sure it is done?" I don't want to be repetitious because Mr. Hill and others who are coming to speak and who also belong to the State Association are going to touch on these points. I was amazed that Bob Wilinski who also represents us, said that they have people -- the Board of Education man was here from Ridgewood saying that they don't want anyone killed --- According to my insurance man the biggest rate of death is between 17 and 19 years old in car accidents, not necessarily involved with drinking, more marijuana, not drinking. I see no indication at all where they are going to say, "If that is the case, let's take their driving privilege away from them until they are 19." My insurance rates would drop and the death rate on the highway would drop. I think the Committee ought to consider that. Thank you.

ASSEMBLYMAN BATE: Any questions?

ASSEMBLYMAN THOMPSON: I have one question. In reference to taking away their driving privileges until they reach the age of 19, say, hypothetically, do you think this is feasible in reference to the whole industrial thrust in this State where you have industrial parks that are located quite a distance from urban areas and in many cases they are not located that close to the suburban areas, as far as employment is concerned?

MR. BROWN: No, I don't think it is feasible at all, just the way that I don't think moving the age limit up to 19 is feasible. It is just as idiotic to do that as it is to change age limit. I am saying that if you are going to let a kid drink at 18 years old, start the educational program down in the grade schools in the lower grades, strongly educate the child on the dangers of alcohol, tell him the dangers involved, and let him know that this is a problem. Changing the law to 19 is not going to solve the problem. It is just making a lot of paperwork and making a lot of politicians look like they are active voting, or whatever they do up here. It is not going to solve the problem. It is going to create a problem.

ASSEMBLYMAN THOMPSON: One more question: Since the passage of the present law in 1973, what economic impact would the repeal of the present law have on your particular business? The subpart of that question is - perhaps I should have asked it first: Since 1973, have you geared your business to take in a certain percentage of 18-year-olds?

MR. BROWN: I am located in a river town which is this side of Philadelphia. We are located between two bridges. At any given weekend in our town, which is Riverside, it looks like Sommer's Point. We have so many 18- and 19-year-olds coming over from Philadelphia. A lot of bar businesses have definitely geared their business to accept these kids. I say - and I know this to be a fact - if we had that many adults, full-grown men, drinking in our town, we would have just as much trouble as we do with the 18-year-olds. In our town, we police our own. We go after it. When any kind of fighting or disorder occurs, we are under orders from the Township Committee to sign the complaints against these kids and they nail them. I don't think anyone realizes what it would be like to operate in a town with five or six thousand people and have a thousand kids come in and drink. It is not a picnic. But we are all in business to make money. I feel they should eye this up and consider how many people are going to lose jobs out of this when they lose the 18-year-olds. I have a barmaid, one of the better ones I have had in a long time, who is 18 1/2. What do I do with her?

ASSEMBLYMAN THOMPSON: In the local bars, which is what we are talking about, isn't it true that they have their regular customers who come in there all the time and sometimes the customers don't want the young kids, whether they are 18, 19 or 20 to come in?

MR. BROWN: I have a shot-and-beer bar. The big problem when I have the 18- and 19-year-olds come from Philly, they seem to have a little more money. This kind of bothers my local customers that are on pension checks or whatever. At the rate we are going in this industry, the neighborhood bar is no longer going to be a shot-and-beer bar. The price is getting out of hand. We have a crucial insurance bill facing us. In my little bar alone for liquor liability, it costs \$1200 for a third party suit. We have asked legislators to look at this. This is not

This is not right. You are asking for a \$16 million budget that you count on to spend to absorb all these costs. When these kids come in, they do not quibble over price. If I have a regular customer come in and buy a 30-cent glass of beer, he screams bloody murder. I have an 18- or 19-year-old come in - 50 cents, no problem; one dollar, no problem. I am in a bind. My weekend trade picks up Friday and Saturday nights with the Pennsylvania kids. Through the week, my customers are all local. The weekly business that I do almost equals what I get with the 18-year-olds on Friday and Saturday nights.

ASSEMBLYMAN MAYS: You live and deal with politics in your community. Do you find you have a lot of child abuse connected with drinking in your area? Do the families allow them to drink beer or do they serve wine at the dinner tables, or what?

MR. BROWN: Well, I am 42 years old. I have seen alcohol all my life in my home. I am the only one in my whole family who is in the tavern business; everyone else is in the construction business. My father introduced my brother and myself to alcohol at an early age at home. I think he instilled in me the responsibility that goes with the use of alcohol. I can honestly say that I have never been out and out flagged in a bar because of the fact I was told how to drink and how to handle it. I am just under that age group, incidentally, that respects ownership. Today people do not understand drinking is a privilege; it is not a law. I have a terrible time telling a kid I can't serve him. They throw stools around. This is also true of adults. If I say to a guy, "You have had too much to drink so that's it for tonight," you almost would think I took his manhood away. He says, "What do you mean? You have to give me something to drink." These are problems that the industry has constantly.

Now we are talking about full-grown men. In our town, we have had special meetings on how to handle it when I tell a man, "You have had enough to drink. I think you have had enough." How do I keep him on a calm, even keel after that? And I have one of the adult bars in town. My business only picks up on the weekends with the kids, for the simple reason I get overflow. Every bar in town will have a lot of kids in them and they are riding around looking for somewhere to drink. We have eleven bars in one square mile. We have all varieties of bars. I know each and every owner personally. Not one owner would deliberately sell a six-pack, knowing it was going to go back to a school. He would stop the sale. These are the ones I know and deal with. These are the ones I go and get \$100 from each year to donate money to the Cerebral Palsy Clinic in Burlington County. Last year we collected \$4100; the year before that, \$3900; the year before that, \$3800. These are all hard working people I know. Some of them even sacrificed to come to this thing, to give this dance. So you are talking about hard working people.

The impression most people have of those in the tavern industry is that the minute you own a bar because it is a protected business and it is a privilege, you are automatically a millionaire. That couldn't be further from the truth.

ASSEMBLYMAN BATE: Thank you.

Is Dr. Claudio Arrington here?

D R. C L A U D I O E. A R R I N G T O N: I would like to introduce Sol Kirschner, Legal Counsel, New Jersey School Administrators.

Members of the Committee, I am Claudio E. Arrington. I am here representing

the New Jersey School Administrators. The Association is in favor of S 1126, which basically raises the drinking age from 18 to 19 years.

I am the Superintendent of Schools in the City of Woodbury and have been for the past four years. I have been a school administrator for twenty-three years.

You may ask why the drinking law should be changed and, really, would one year make a difference? I feel very confident that it will. The 18-year-old high school student has one set of peers, namely, the 15-to-17-year-old group. After graduating from high school, his peer group becomes an older group, whether he be at work or at college. There are approximately 80,000 18-year-old students in our schools and they become the main source of alcohol for the 15-to 17-year-old group.

Since August, 1973, there has not been in any State a move to lower the drinking age. On the contrary, some states have moved to raise the limit, namely, Minnesota, Maine, Michigan and Iowa. Also certain sections in Illinois, the area around Chicago, have moved to increase the age for drinking.

When a group of parents from Pennsylvania asked New Jersey officials if it would be wise to permit their 18-year-olds to drink so they wouldn't visit New Jersey bars - would it save lives - would it reduce accidents? - the New Jersey officials had to admit that they could not support such an idea. If this is true, how can these same officials support an 18-year-old drinking law for our own children? According to newspaper reports, the State officials included persons from the State Police and the Attorney General.

To state that students in Woodbury don't drink would be foolish. But I am sure that we don't compare with a school in New York State where one-third of the students admit to be heavy drinkers, heavy drinkers being those students who felt that they were drunk once a month. In the past four years at Woodbury High School, we have only found one student in the possession of alcohol.

Our school dances are well chaperoned and our policy is that you cannot leave and return without paying a second admission. Suspension from school will result if a student is found to have alcohol at any school event.

Many researchers blame the growth of teenage drinking on the permissiveness of parents and the affluence of the student. A large number of our parents are tolerant of drinking among the young, convinced that at least it is better than having them on drugs.

In education, we are essentially responsible for preparing our students for life and, although I admit that our curriculum has been ineffective thus far in the area of alcohol education, we need help from others - parents, church, community - and, in this case, the Legislature in making the law more difficult for our students to secure alcohol.

Research and experience about drinking practices demonstrate that children begin to form attitudes about alcohol at an early age. Fifth and sixth graders are already sorting out their thinking and making assessments about the use of alcohol. Therefore, the time to introduce the subject is during the elementary school. At that age, children can learn skills in responsible decision-making and basic, accurate information about drinking.

During seventh and eighth grades, students should be taught about the alcohol content of various drinks and how much it is safe to drink. If we think that we can wait and teach teenagers about drinking, forget it, it is too late;

they have already learned.

In King County, Washington, children are introduced to the problem of alcoholism as early as kindergarten, and by high school the students are exposed to traffic safety and community resources available to problem drinkers. This program was developed under a grant from the National Institute on Alcohol and Alcoholism and is now being used in Utah, North Carolina, Nevada and Michigan.

In Dade County, Florida, the program there trains high school students to serve as counselors to their peer group of students who are having problems. In this way, they try to provide them with alternatives to alcohol and other drugs. Massachusetts also uses a peer program.

In Woodbury, our pupils are given instruction beginning in fifth grade on alcohol awareness. This year, we also had the New Jersey Council on Alcohol Problems present a program to some of our fifth graders.

In seventh and eighth grade, our curriculum includes a unit on alcohol, drugs and tobacco; and during Driver Education classes in tenth grade, our students are taught about the effects of drinking and driving.

One of our third grade teachers has developed a unit on alcohol and this program is used in one of our schools.

I only mention Woodbury's curriculum because I feel this might give you an overview of the typical curriculum used in New Jersey schools.

It is important that New Jersey begin to develop an alcohol awareness program for our students and also for our non-school residents. We are spending very little on research on this problem compared to the vast amount of money that changes hands. From newspaper accounts, there is a great deal of time and effort being spent presently on meeting with groups about the deregulation of alcohol. Could we spend some of this energy in helping our young people?

The problem of drinking and driving by high school students should be of grave concern to all of us. We know that it takes a few years of driving experience to be able to handle most emergency situations that we encounter on the roads. We also know that the high school student who drinks and is inexperienced in drinking, will not know the effects of alcohol on his body. Therefore, we have in essence permitted an inexperienced driver and an inexperienced drinker to join forces and that force can be deadly.

Two or three cans of beer triples your chances of getting into an automobile accident. But yet 66 percent of our teenagers interviewed claimed they could drink four beers and still drive safely; 15 percent felt that they could drink eight beers and still feel no effects.

Woodbury has not been immune from teenage drinking and driving. About a year ago, some of our boys were involved in a serious accident in which two were killed and one was maimed for life. Alcohol was a contributing factor. Would a higher drinking age have prevented the tragedy? I don't know. But it is certainly clear that the lower age did permit them to secure alcohol from someone under age 21.

I have not taken your time to repeat statistics about the number of deaths caused by teenage drinking because I know that many other presentations have given you this information. But I would be remiss if I didn't at least repeat the State Police statistics that showed in 1972, the year before the 18-year-old drinking law, that 18 persons between the ages of 18 to 20 were killed in automobile accidents. By 1975, the figure was 63; and in 1976, the figure was reported to be 55.

In summary, I believe we can control drinking in our schools, but we can't keep it out of the cars. We can't control the Saturday night party where 18-year-olds mingle with 15, 16 and 17 year olds.

We need to raise the drinking age in New Jersey. I solicit your help on behalf of the parents, teachers and administrators of our school children. Thank you very much.

ASSEMBLYMAN BATE: Dr. Arrington, that was a very complete statement. Touching particularly on the education involved, are you satisfied that in Gloucester County, you have realized the problem to the extent of having an adequate program there?

DR. ARRINGTON: I don't believe we do, Mr. Bate. We need to do more in development. As I mentioned in the article, we have one teacher who has just recently developed her own third-grade program which we are piloting and we are going to explore that in other schools.

We are now requesting from the State of Washington the King County Report and the curricular materials involved in that. So, in the City of Woodbury, we will be refining our program somewhat, although alcohol has not been a day-to-day problem in schools, at least in Gloucester County and in Woodbury particularly.

ASSEMBLYMAN BATE: Is that as a result of the educational program you have? It is very significant, I think, that in four years you had only one person found in possession of alcohol. I think that is a very remarkable figure.

DR. ARRINGTON: I don't know if that is a result of our program. Let me say that we have one bar located on our campus, practically in the City of Woodbury. Right next door to the campus is a bar. Across the street is a bar. But we also have a very limited lunchtime in that our students only have 26 minutes plus 4 minutes for passing. So they don't have a great deal of time to leave at lunchtime and become inebriated and return, although some students do leave the school property.

ASSEMBLYMAN MAYS: In your statement, you said that you had 80,000 18-year-olds in your school system?

DR. ARRINGTON: In the State of New Jersey, yes.

ASSEMBLYMAN MAYS: How many 19-year-olds do you have?

DR. ARRINGTON: I can speak for the City of Woodbury where we have, say, 200 seniors. We will probably have two or three 19-year-olds. So we will have almost no 19-year-olds in school.

ASSEMBLYMAN MAYS: How about 20-year-olds?

DR. ARRINGTON: No 20-year-olds at all.

ASSEMBLYMAN MAYS: What is the drop-out rate of kids from school? Do some quit at 16 and 17 years old?

DR. ARRINGTON: Yes.

ASSEMBLYMAN MAYS: Do they hang around the school?

DR. ARRINGTON: Not usually, no, sir.

ASSEMBLYMAN MAYS: Do they get jobs?

DR. ARRINGTON: Yes, sir.

ASSEMBLYMAN MAYS: You say you only have three 19-year-olds. If we changed the age to 19, do you think that will have any effect? It wouldn't affect Woodbury because you only have a few.

DR. ARRINGTON: It would still affect the Saturday night party.

I do feel that after students become a little older, they change peer groups, and the 18-year-old high school student has a certain peer group. The 19-year-old who is off working or is in college has another peer group. Now the 19-year-old who is still in school is a person who has been probably retained once during his school life. So, again, his social contacts are normally, although he may be in school, with that group that has already departed the school setting.

ASSEMBLYMAN THOMPSON: Dr. Arrington, the thing that troubles me with your endorsement of S 1126 is that it seems that the legislation is inclusive and, basically, we are talking about three classifications of youth who have a vested interest in this type of legislation.

You were addressing yourself to peer groups. Hypothetically, you have a senior who is 18, a junior who is 17, a sophomore who is 16, and a freshman who is 15. On the other hand, you might have an 18-year-old who dropped out or graduated and is emancipated and who is probably employed, married and owns a car. He is able to enter into contracts and have children legitimately. He has taken on a completely different value system. Then you have a college student. Certainly he doesn't regard himself as a high school senior. What I am trying to find is a balance here somewhere of the three classes of young people, living in three different worlds. How can you apply one standard to these three classifications of young people who live in three different worlds? A freshman in Princeton is perhaps light years away from the senior at Central High School in Newark, as far as value system, background, exposure, and past environment. I don't see how you can apply a broad solution in this type of legislation.

DR. ARRINGTON: When you speak about the emancipated student that he can marry, enter into contracts and do all those kinds of things --- Of course, our courts permit you to be divorced if it is an unsuccessful marriage. They permit you to file for bankruptcy if you have an unfortunate business experience. But yet if you are in an automobile with someone and you get killed, there is no tomorrow. So although I would agree that they can enter into contracts and get married, etc., I do have to disagree that 18-year-olds should be permitted to drink and share this alcohol with younger students.

I also realize that you are saying that there are different classes of people and that you do have the high school dropout who is 18, a college person who is 18, and a person who is maybe capable of handling a certain reduced amount of liquor. But I feel that the percentage of 18-year-olds who would be able to handle it would be in the minority.

I think that in campus towns, such as Glassboro, Jersey City, where schools are located, if you checked with the police departments they would say that there are a large number of college freshmen who do get involved as a result of drinking. Although they are at college, maybe they are still not ready to face and be exposed to alcohol on a continuous basis.

ASSEMBLYMAN THOMPSON: Just one last question. You are in favor of this bill then?

DR. ARRINGTON: I am in favor of this bill because the NJASA's position is to be in favor of raising the limit from 18 to 19. If you were asking, am I in favor of raising it to 21, that is not a position that the Association has taken.

ASSEMBLYMAN THOMPSON: I am just saying to 19.

DR. ARRINGTON: Yes.

ASSEMBLYMAN MAYS: The reason why you are in favor of it is because they are drinking and driving.

DR. ARRINGTON: Yes, sir, more so than the day-to-day operation of a school.

ASSEMBLYMAN MAYS: Would you favor raising the driving age to 19 also?

DR. ARRINGTON: No.

ASSEMBLYMAN MAYS: Can you give me a reason why?

DR. ARRINGTON: Because in drinking, I think the drinking and the driving is the conflict. A 17-year-old driver who has been through driver education - although I don't have the statistics here in front of me - I think that that group of students probably have a safer driving record than any other 3 to 5 age group.

ASSEMBLYMAN MAYS: Excuse me. But there were 222 people who got killed between 18 and 20. If the age were 19, do you think half of them would have been saved and would be living today?

DR. ARRINGTON: This is the total number of people killed, this 220.

ASSEMBLYMAN MAYS: Seventy-two people got killed between 18 and 20 in 1977. Do you think that would have been cut in half if you raised the drinking age to 19 and the driving age to 19?

DR. ARRINGTON: I think it certainly would have made some significant difference because in 1972 we had considerably less deaths in that 18 to 20 age group than we had in 1975-76. So the figure tripled from 1972 when the law was 21 to '75 and '76, which are the latest figures I had. So I don't know if it would be half, but it certainly would seem to me that it would be one-third, all things being equal, without a statistical background on it.

ASSEMBLYMAN THOMPSON: Excuse me. But following your analogy now, it seems that a tremendous amount of testimony has been offered here that one of the problems connected with alcohol is the accidents we have on the highways in the State of New Jersey. If you take it to its final conclusion and say - which you have said - that 18-year-olds are not mature enough to drink, then I think perhaps we should follow that by raising the age of operating a motor vehicle to 19, so it would coincide with the drinking age in this State. What do you say to that?

DR. ARRINGTON: I would not agree with that. I would not agree with your conclusion because when we have a 17-year-old who drives and when we have an 18-year-old or a 19-year-old who drives and drinks, I don't think we can really compare them. I think that the 17-year-old, as I mentioned in my testimony, is just learning to drive and all of us know the hazards on the road. I think that when we then introduce another element, alcohol, that is what compounds the problem. I don't think that it is the 17-year-old driver.

ASSEMBLYMAN THOMPSON: In other words, you are saying there are different degrees of maturity.

DR. ARRINGTON: Yes, I am.

ASSEMBLYMAN BATE: Thank you very much, Doctor.

Is Frank Hill here yet? (No response.)

Is Derry Michael here?

D E R R Y M I C H A E L: I guess I am a little early. I had a colleague who was going to be with me. But I will carry on from here.

I am Derry Michael, Assistant Principal and Director of Athletics at Whippany Park High School, Whippany, New Jersey. My professional experience in

education spans some 30 years, with many of those years involved in coaching as well as administration of athletics. I have been fortunate to also have been involved in job-related organizations, such as, New Jersey State Directors of Athletics Association, their executive committee and Past President. I have been the Past President of our National Council of Secondary School Athletic Directors, also the Executive Committee. I have also served on the Executive Committee of the New Jersey State Interscholastic Athletic Association. The reason I have reviewed my background is to hopefully establish some degree of credibility to my testimony regarding the raising of the drinking age in the State of New Jersey.

At today's hearing, I represent the New Jersey State Directors of Athletic Association which includes over 280 members from New Jersey's secondary schools. This organization has been in existence for the past nineteen years.

In March of 1978, at our athletic directors annual workshop, a resolution was unanimously adopted to endorse legislative efforts at the State level to raise the legal age for the purchase, possession and consumption of alcoholic beverages. During the discussion period and before the adoption of the resolution, many athletic directors spoke of increased problems in their school programs that had developed since the lowering of the drinking age.

We believe that the growing up process comes fast enough. We want our young people to be more interested in being a member of an athletic team or other school-sponsored activities during their free time. The attraction of the readily available adult beverages to impressionable teenagers coupled with that all powerful peer group pressure to be a part on the "in" crowd who drink has been a detrimental effect on the wise use of leisure time. As an example, we have noted a drop-off in attendance at our athletic contests throughout the State.

The position we have taken to endorse the raising of the drinking age is a result of close observation of the increase in alcohol problems affecting our young people since the drinking age was lowered. As you are aware, many of our students become 18 before graduating from secondary school. The 18-year-old, according to our law, now assumes the age of majority, although he or she remains in that same school environment with the adolescent. The 18-year-old continues that close association with younger people and often becomes the buyer and supplier of their alcoholic beverages.

The arguments for raising the drinking age far outweigh those who would wave the flag of individual rights by pointing to possible drafting into service or the right to vote. As you probably are aware, the State of Michigan has raised the drinking age to 21. The United States District Court for the Eastern District of Michigan, Judge Ralph Guy, in a statement that I have read, ruled that states did indeed have the power to establish the drinking age at 21, while granting other rights and privileges at the age of majority at 18. His ruling was based on a United States Supreme Court decision related to the 14th amendment.

To further support our position, I have the following correspondence that I would like to share with you. This is dated November 6, 1978.

(Reading)

"Mr. Derry Michael, Athletic Director, Whippany Park High School,
Whippany, New Jersey

"Dear Mr. Michael:

"The Executive Committee, at their meeting on October 30, 1978, considered your request for support from the NJSIAA for your resolution to raise the legal age

for the consumption of alcoholic beverages in the State of New Jersey.

"The Executive Committee strongly supports said resolution and they unanimously endorse any resolution which would raise the legal age for the consumption of alcoholic beverages in the State of New Jersey to 21 years of age.

"Thank you for your interest and concern in this matter.

"Sincerely yours, James G. Growney, Executive Secretary-Treasurer,
New Jersey State Interscholastic Athletic Association."

To further support our position, I have the following correspondence that I would also like to share with you. The National Association of Secondary School Principals Convention is being held this week in Houston, Texas. One of their resolutions being proposed reads as follows:

A reaffirmation of the National Association of Secondary School Principals Resolution on the use of alcohol.

"RESOLVED, That the National Association of Secondary School Principals continues to endorse legislative efforts at the state level to raise the legal age for the purchase, possession, and consumption of alcoholic beverages to 21 years of age; and furthermore, that states currently requiring age 21 for legal purchase should be commended for their judgment and foresight.

"Tragic experience daily demonstrates that many young lives are lost as a result of the deadly combination of drinking and driving; further, older students who drink, purchase and provide alcoholic beverages for younger students. This often results in severe community and school problems and criminal conviction records that mar and hinder the future of youth."

This resolution was submitted by the Illinois Principals Association to that national body.

The New Jersey State Directors of Athletics Association reaffirms its position on raising the drinking age in the State of New Jersey to 21 and calls on our Governor and legislators to ignore the powerful lobbies that would be in opposition to such a change and to think first of the millions of young lives they can affect in our State.

I appreciate this opportunity to be here with you today.

ASSEMBLYMAN THOMPSON: Could we have a copy of the judge's decision, Honorable Ralph Guy, for the Eastern District of Michigan?

MR. MICHAEL: Yes. I think you may have received that in previous testimony.

ASSEMBLYMAN FLYNN: It is about a 50-page opinion. We have a couple of excerpts from it. But it is a 52-page opinion.

ASSEMBLYMAN MAYS: Being in athletics, isn't it true that after basketball games or football games or football practice, the 18-year-olds attend and go out and get a pitcher of beer?

MR. MICHAEL: Is it true?

ASSEMBLYMAN MAYS: Yes.

MR. MICHAEL: I would expect that unfortunately that could well be true.

ASSEMBLYMAN MAYS: It doesn't matter what age they are, but it is a matter of how well they play, whether they can go out with the "big shots." If you are a super star at 15 years old, you can go out with the guys 18 years old. So you drink beer. It is the peer structure.

MR. MICHAEL: I disagree with that because I think we have made it available in the last few years since we changed our law. I don't think it was like that eight to ten years ago. Sure it could have occurred and I am not so

naive as to think that drinking didn't go on before the law was changed with those under 21 years of age and those under 18, and perhaps those under 15. But the availability and the easiness to acquire it, I think has changed considerably. I think you would agree with that.

ASSEMBLYMAN MAYS: My background goes back further than ten years ago. I am one of the top runners in New Jersey. I made the Olympic Team.

MR. MICHAEL: I remember your name.

ASSEMBLYMAN MAYS: However, at the finish of some practices and track meets, I have seen kids 14 and 15 years of age that could run hang out with 18-year-olds and 21-year-olds at that time. It comes down to the point where the coaches play a part.

MR. MICHAEL: No question.

ASSEMBLYMAN MAYS: And it comes down to the point where the parents play a part.

MR. MICHAEL: No question.

ASSEMBLYMAN MAYS: And it comes down to the point where the teachers play a part. Whatever law we pass, whether it is 18, 19, 20 or 21, is not the problem. If you have a strict coach who says, "If I catch you drinking beer, you are off the team and also out of school," you are going to see a change in that kid's attitude.

MR. MICHAEL: But doesn't it make it difficult for those of us who are attempting to teach the evils of drugs, alcohol and tobacco in our State? And it is somewhat hypocritical on our part to condone it. When it is put at the 18-year-old limit where you have those students in the school with you, it just makes it that much more difficult. When the law was passed, as was done, to put it at 18 years old, you then made our job that much more difficult. Don't you agree to that?

ASSEMBLYMAN MAYS: Are you asking me a question?

MR. MICHAEL: Yes.

ASSEMBLYMAN MAYS: I didn't make your lives more difficult; no, I didn't. In your statement also you stated that there has been a dropoff in attendance at athletic events.

MR. MICHAEL: Yes there has been a dropoff.

ASSEMBLYMAN MAYS: I know a lot of athletic directors have changed the dates of football games. They have them Friday after school, and now on a Saturday and a Sunday when the parents can go and participate also. I found out that is where the change came in. In athletics, instead of being strict and hard on those participating, they got more lenient with them. If they catch them with a can of beer, they say, "Don't drink it anymore." They don't want the kids to make any disturbance or fight at the football or baseball games. I have seen this happen at track meets and other places. When I was in school, I had a strict coach and strict teachers and you couldn't do anything - you couldn't even move. Somewhere down the line we have lost that. We lost it at home. We lost it in the school system. And maybe the Legislature made it easier for them also. I think perhaps we should go back to being a little harder and tough on these kids today. They get money today under these social programs and they make more money than some of the people on welfare. I feel if we put pressure on the coaches, who play a great part in this, the mothers and fathers, and the school teachers,

we won't have to worry about this. The 18-year-olds probably wouldn't even bother drinking. They would probably wait until they are 21 years of age.

MR. MICHAEL: I think that could probably be said about many laws that are passed. There would be a lot of laws we probably wouldn't need if we had the self-discipline of the average citizen. But you pass laws every day, I believe, for those kinds of controls and the same thing does occur. So it makes our job that much more difficult. It makes the parent's job that much more difficult because if you have an 18-year-old in your home, it is a lot easier to say yes than no. I think those of you who have children realize that. It is very easy to say, yes. It is difficult to say, no. Then when you put this in the hands of that age level, 18 --- You see, I am not really overexcited about the problems of those 18, 19, 20 and 21. I am really concerned about the 14- and 15-year-olds. Those are the kids that really bother me and I am concerned what kinds of problems they are going to have because they want to associate with those top athletes. And top athletes often are drawn in because they add a little class to a particular group. It is kind of nice to get Joe or Bill who is that all-star to come on in and have a few beers.

ASSEMBLYMAN MAYS: But if your body is in shape by running, say, five miles a day, you take one can of beer, you are high. You are actually high because your body is not used to consuming alcohol.

MR. MICHAEL: Correct.

ASSEMBLYMAN MAYS: If they do this, they would be foolish. If the coach trained them hard enough and got them tired enough, they would want to go home and sleep. We blame this all on the 18- and 19-year-olds, but we can't. Let's face the issue - it is us. It is the parents. I have a 13-year-old and when they get in high school, that is when they have the problem. That is when they think they are on the top of the world. When you are 17 or 18, you are thinking about what college you are going to - you are becoming a man or a woman. But the problem is with the 13- and 14-year-olds.

MR. MICHAEL: If we had that same kind of attitude from every home, then we wouldn't have too many problems. You wouldn't need all the laws that you do have. But we don't. We do not.

ASSEMBLYMAN FLYNN: One quick question, and I don't think anybody has asked this on this particular bill: Do you think that it would do harm if we phased this particular bill for one year and delayed the implementation for one year? In other words, now you have somebody who is 18 years old and he can have a drink. On the day the bill passes the Assembly if the Governor signs it that day and he has a drink that night, he is a criminal. What I am saying is, if we delay the implementation for one year, all those that presently are allowed to drink would then become 19 and it would only be those who weren't allowed to drink at the time. Would there be any harm in that kind of phasing in?

MR. MICHAEL: Our State organization is supporting - and I indicated I was speaking for them, personally - the Coalition for Twenty-one. Now if there is a light at the end of the tunnel and that is the direction you are going and we can see it, great - let's do it.

ASSEMBLYMAN FLYNN: You see, Senator Orechio has a bill phasing it in up to 21, in three steps. I am thinking now just with respect to this bill, phasing this one in.

MR. MICHAEL: Our executive body has not met since this particular bill

has come out. We will be having another State Directors' Workshop coming up next month which I will report to. As I have indicated, we are talking about 280 Directors of Athletics from one end of this State to the other. We are concerned about our young athletes.

ASSEMBLYMAN MAYS: You were saying you favor 19 or maybe 21. I still live in Jersey City in Hudson County. These young people are going over to these discos and drinking in New York over the George Washington Bridge. If they have an accident in New Jersey, we get the statistics. But we don't get the statistics when they get killed in New York driving around because they have to go over to New York to drink.

MR. MICHAEL: But don't we also have a moral responsibility for the length and breadth of our own State, to the west and to the south? Don't we have them from Pennsylvania now at 21 coming across? Don't we have them from Delaware coming up at 20?

ASSEMBLYMAN MAYS: So you are saying pass the buck down to Hudson County.

MR. MICHAEL: Listen, take care of them at home and that is what I believe in doing. We are not concerned apparently then with Pennsylvania with the way that you are ---

ASSEMBLYMAN MAYS: Let's take care of our youth starting in the school system and teaching them not to take a drink and holding the parents accountable for what they do.

MR. MICHAEL: If we could ever reach that point, that would be fantastic, I agree with you.

Thank you very much.

ASSEMBLYMAN BATE: Thank you.

Is Mayor Greco here? (No response.)

Is Richard Bagger here? (No response.)

Brian McDonald. (No response.)

Frank Gorman.

F R A N K G O R M A N: My name is Frank Gorman from Paterson, New Jersey. I am representing the Young Citizens Alliance. The Young Citizens Alliance was a group that was formed last spring and it was in response to Senator Graves' Bill-1126. We had done some, I guess it would be considered lobbying or encouraging of youth to write their Senators in opposition to this Bill. Then because of financial and just educational obligations that most of the members had, since most are in school or college, we disbanded. Presently, we see that there is a need for reorganizing and we intend to do so.

At the time of our organization, the Young Citizens Alliance proposed several measures that we gave to State Senators. These consisted of five proposals: Number one, a continuous study of the problem of alcohol abuse by young students be conducted. The findings of this study would be utilized for information in formulating legislation, based upon facts, not emotions. This study should be regionalized so that uniform legislation may be enacted by neighboring states.

Number two, a comprehensive program of alcohol abuse prevention be instituted in the public schools after careful study and planning.

Three, pictures are to be placed upon drivers' licenses in order to prevent the possibility of young students obtaining alcohol with false identification.

Four, the general public is to be made aware of the crisis youth are

experiencing because of alcohol abuse and provide assistance through civic organizations, church and family groups.

Five, stricter enforcement of existing laws.

The Young Citizens Alliance was very happy to see that several of our proposals have been presented before the Senate and the Assembly as laws or proposed laws. We see that there is a proposal that pictures be placed upon drivers' licenses. We also note that Senator Dodd proposed a program of education concerning alcohol abuse. We are encouraged that many of our proposals are presently being considered.

We are definitely against the raising of the drinking age. I speak not only for the Young Citizens Alliance, but also for myself as an educator. As an educator, I have been teacher and principal of two private schools. So I have a very good background, I feel, in the field of education. I have a Bachelor's degree, a Master's degree in Education and Administration Supervision, and currently am studying for a Doctorate in the field of Education.

I feel that the statistics presented concerning 18-year-olds within the school system here in New Jersey are definitely erroneous and misleading. There have been no statistics concerning age gathered for the past five years by the State Department of Education. In 1973-74 statistics which I have here, there were 1,555,231 students enrolled in the schools in the State of New Jersey. Of that, 38,761 were 18 years of age. Five thousand five hundred and eighty-eight were 19 years of age and 2,618 were 20 years of age. They are statistics that we secured from the State Department of Education. They definitely show that there are not that many 18-year-olds within the schools of the State of New Jersey.

The proponents of Senator Graves' Bill-1126 have been claiming that 18-year-olds are providing youth with alcohol. We feel that with the small numbers of 18-year-olds within the school systems, this does not provide for good sound judgment on why all of the 18-year-olds should be deprived of their right to drink.

Also, on one TV program, it was mentioned by a news commentator that children in the schools of New Jersey are staggering from one class to another. If this is so in our high schools - I have no experience in high schools; I have an elementary school background --- but if it is so that students are staggering from one class to another, I believe it is an indictment of our total public education system if this cannot be prevented. Educators in New Jersey, I feel, are much more responsible and aware of the problems of youth than to allow situations such as this to go on. I feel that the idea that youth in our schools are drunk or are drinking excessively to be overstated. Educators have responded in the past to problems. And drinking is a serious problem. It is not only a problem with youth; it is a problem with adults.

The Young Citizens Alliance is not claiming that drinking is not a problem in New Jersey or throughout the country. But we are claiming that it is a problem that has been taken out of context and enlarged out of proportion. We feel that in the past educators of New Jersey have responded to problems, such as drug education and sexual abuse, by instituting programs within the school systems, such as drug ed. and sex ed. Once these programs have been instituted, they have definitely alleviated and responded to problems and situations.

After hearing testimony presented, I find a conspicuous absence of documented, hard facts concerning alcohol abuse within the public school system. Many of the statements that people have made, even educators, responsible educators,

have been based upon emotions and have not been based upon fact. They have not presented facts and figures to correlate or correspond to their statements. I feel that educators in New Jersey are responsible. I believe we have a very good public school system and I feel that we can meet any problem, such as alcohol abuse, if it is approached properly by both legislators and the Department of Education.

In conclusion, I would like to say that the rights of 18-year-olds at present, I do not believe and the Young Citizens Alliance does not believe should be abridged or in any way taken away. Eighteen-year-olds at present are claimed to be apathetic and, indeed, many of them are. As a group who are sponsoring a proposal defending the rights of 18-year-olds, we found it difficult to get 18-year-olds enthused or aroused to defend their own rights. Many of the responses of 18-year-olds were, no matter what they do, politicians will do as they choose, that the political system is corrupt. I am sorry that I am saying this to such a prestigious body, but these are the responses that we have gotten from 18-year-olds. This would be only one additional reinforcing fact, we feel, that 18-year-olds would have to be apolitical or to be disrespectful of laws when they see - I can't think of a better terminology than one that an 18-year-old would use - they are getting screwed by the system again. Pardon the expression, but that is exactly what they would feel.

I think within the State of New Jersey, we are a modern society. We are living in a very cosmopolitan area and we should do what is right by our 18-year-olds and not respond to emotionalism.

I note that the State of Connecticut has studied this problem and they issued in 1978 the recommendations of the Task Force on Youthful Drinking of the Connecticut Alcohol and Drug Abuse Council. Looking over the people who are on it or the membership of the Task Force, which is a very prestigious body, it includes members of their legislative body, their State Department of Education, Alcohol Abuse Centers, youth and educators. Their recommendation was that the drinking age should remain at 18 in the State of Connecticut and that a study should be conducted concerning all aspects of alcohol abuse. I would urge that the State of New Jersey respond in like manner. We definitely understand that there is a problem with alcohol abuse, but we feel that raising the drinking age by one year will definitely not be a very positive step; it would be negative. We think that there are many positive things that can be done and studies such as the on-going study by the Connecticut Alcohol Abuse Council will be productive and not counterproductive. Thank you.

ASSEMBLYMAN BATE: Do you have an extra copy of that report?

MR. GORMAN: We have a portfolio of quite a few different articles and copies of this that we will provide to you. Give us 48 hours and we will have enough for the total Assembly.

ASSEMBLYMAN BATE: We will give you to February 15th; is that okay?

MR. GORMAN: Okay.

ASSEMBLYMAN FLYNN: What are the benefits of allowing 18-year-olds to have the right to drink alcohol now?

MR. GORMAN: The benefits are that we feel they are entitled to by law and, personally, I feel ---

ASSEMBLYMAN FLYNN: They are only entitled to it because five years ago the Legislature said they were.

MR. GORMAN: Right.

ASSEMBLYMAN FLYNN: What we gave, we can take away. So assuming we have that power, what are the benefits to allow them to drink at 18?

MR. GORMAN: Eighteen-year-olds primarily are out of high school. The age group - let's say 18 or 19 to 21 - what will you have them do? Socially, they are not children anymore. They are not going to high school sock-hops. That is outdated. Where will they go? I know there was a problem that many high schools faced with having teenagers, including 18-year-olds but mostly 16- and 17-year-olds, congregating in their parking lots at night or in the playgrounds. Eighteen-year-olds are in the clubs. The clubs are supervised to some degree. As you may notice, one of the recommendations of the Task Force is stricter enforcement of the existing laws. We feel the 18-year-olds that are abusing the right to drink or the clubs that are serving them and getting them drunk should be prosecuted. We don't feel that 18-year-olds or anyone should get drunk. Personally, I don't feel that there is any benefit to anyone drinking. It was only a short time ago that the Federal government allowed anyone to drink. Existing laws were changed possibly five years ago in New Jersey. But they were only changed less than 30 years ago throughout the whole United States. So there is no benefit for anyone to drink in my eyes.

ASSEMBLYMAN FLYNN: Why do you want to keep that non-benefit for the 18-year-olds? Maybe we ought to even take it away from other people, 19, 20 and 21?

MR. GORMAN: And those 23, 24, 34 and 44. If we are going to take away rights from any group of individuals that are entitled to these rights, they must take it away from everyone. I, personally, feel there is no benefit to 18-year-olds drinking. But I don't believe there is any benefit to 31-year-olds or 41-year-olds drinking either. They have that right and I do not believe that right should be abridged.

ASSEMBLYMAN FLYNN: If we take this right away, what detriments will there be to the 18-year-olds?

MR. GORMAN: As I said, they will be in a social vacuum. They are adults.

ASSEMBLYMAN FLYNN: Is this country so devoid of things to do that unless people can go out and drink every night, they have nothing to do? Have we come that far?

MR. GORMAN: No, I would not agree to that. But socially, to be realistic, within the State we don't even have enough funding for programs for our children who are in school. If you speak to most educators or most social workers, they will present the problem that our school systems now and our recreation systems do not have enough money provided them, and that could be a wonderful thing that you gentlemen could do positively. Instead of negatively taking away their rights, you could positively supply some more money for youth programs. If you are going to do something constructive, then you could possibly take away their right. But do you have a constructive benefit that you can provide us for taking away their right?

ASSEMBLYMAN FLYNN: We are talking about 18-year-olds now, 18 to 19-year-olds. What you are saying is that if they can't drink, they have nothing else to do after work or after school. Is that what you are telling us?

MR. GORMAN: Partially. But I think that that is not only 18-year-olds; that is the rest of our society. I know that, as an adult, I socialize in a club

setting. And if there were not clubs to go to, where would there be to go? I believe 18-year-olds who are adults have that same right unless the Assembly and the Senate wish to provide our educational and recreational facilities throughout the State additional funding.

ASSEMBLYMAN THOMPSON: Mr. Gorman, suppose hypothetically that we amended S 1126 to exclude college students and out-of-school youngsters with validated proof, how would you feel about that? In other words, save the children.

MR. GORMAN: Only those who were in high school?

ASSEMBLYMAN THOMPSON: A lot of testimony has been geared toward the high school students.

MR. GORMAN: Those high school students who are above 18 years of age - then the ones 19 and 20 are included also, so that no high school student then may obtain alcohol?

ASSEMBLYMAN THOMPSON: Correct. The reason I would penalize the ones 19 and 20 is because the average student graduates from high school at 17 or 18.

MR. GORMAN: I agree with you that they graduate from high school. But I would disagree with that because the enforcement problem would be so immense and unwieldy that it would only generate more disrespect for the law, because the enforcement problem that we have now is very difficult in our State. If we were to say that only high school students who are currently in high school could not obtain alcohol, I believe the enforcement problem would be so impossible to handle that it wouldn't be effective. And ineffectual law, I think, can only breed contempt for law.

ASSEMBLYMAN THOMPSON: Thank you.

ASSEMBLYMAN MAYS: Mr. Gorman, you said you were a principal?

MR. GORMAN: Yes.

ASSEMBLYMAN MAYS: In what city?

MR. GORMAN: Bergen County - two private schools.

ASSEMBLYMAN MAYS: Are you still principal now?

MR. GORMAN: No. Currently, I am studying for my Doctorate, doing research for my doctoral studies.

ASSEMBLYMAN MAYS: Do you do most of your studying up in Paterson?

MR. GORMAN: Most of my studying or most of my teaching?

ASSEMBLYMAN MAYS: Teaching.

MR. GORMAN: My public school teaching was in Paterson, yes.

ASSEMBLYMAN MAYS: The reason I asked this question is that Paterson might have a drug problem more so than an alcohol problem versus what you find in Southern New Jersey. You said that the drug programs and sex programs in school worked.

MR. GORMAN: They are very effective. Also you have to consider the social context of the times we are living in. Culturally, it is very different now than it was possibly five years ago when these laws were changed. With effective - and, by effective, I mean programs that are developed by the State Department of Education in conjunction with the State Legislature and then funded properly - programs, they could be very, very effective in controlling the problem.

ASSEMBLYMAN MAYS: Haven't you found, based on your comment that 18-year-olds are bored, that since recreation funds have been cut in cities and school activities have been cut in half, that the use of alcohol has increased because of that boredom?

MR. GORMAN: Definitely. When youth have nothing to do, you find not only alcohol abuse, but also vandalism and the problem of youths just roaming the streets. This can happen when federal and State funds for recreation have been cut back. Possibly in the cities we see it first and we see it to a greater degree. But there is definitely a rise in vandalism and in many youth-related problems.

ASSEMBLYMAN BATE: Thank you very much. And you will get that report to us?

MR. GORMAN: Yes, definitely.

ASSEMBLYMAN BATE: Frank Hill.

F R A N K H I L L: My name is Frank Hill. I am President of the Bayonne Licensed Beverage Association. That is in Hudson County.

At the outset, ladies and gentlemen, I want to commend the Committee for convening this type of a committee to really look into the problem that confronts all of us. I also want to thank the committee for allowing me the opportunity of appearing before it.

I have been in business for 25 years, ladies and gentlemen, and I happen to be in a town that is very close to the Bayonne Bridge which goes into Staten Island. Within five minutes from Bayonne, the young of our city could be in Staten Island in a tavern drinking alcoholic beverages. Prior to 1973, in the City of Bayonne, there were seven young people under the age of 21 who were fatally injured coming back from Staten Island to Bayonne after they had spent the evening over there drinking. One carload consisted of three fellows, who coming back off of the bridge into Bayonne went right through a cyclone fence, impaling themselves to the point that a Catholic priest administering the last rites became quite ill. The Policemen, themselves, and those people quite accustomed to seeing violence and accidents were quite sick over what they had to witness. This was the result of a 21-year-old drinking law at the time. We chased our young people out of the City of Bayonne over to Staten Island and forced them to travel in order to consume alcoholic beverages.

It has been our experience since - and these statements can be verified by the Bayonne Police Department - there has not been one fatality in the City of Bayonne of young people coming off of that bridge since this 18-year-old law was put into effect in 1973. So it certainly has done one thing. It has stopped the youth of the City of Bayonne from killing themselves coming back from Staten Island into Bayonne.

We have taken note - and I have been listening very intently to some of the witnesses here - about how it affects other areas. Let's remember one thing: There is no way that we are going to stop a 16-, or 17-, or 18-, or 19- or a 20-year old from obtaining alcoholic beverages today if he really wants them.

I played some football back in my youth and I happened to be 18 years old playing with a semi-pro football team. There wasn't anybody on that team who was in my age category. They were all in their 20's - 21, 25, what have you. And when that team finished playing football, we all went back to a tavern - and I went back with them - at the age of 18 and 19 and I drank with these older people and consumed alcoholic beverages illegally. So the association is there. Eighteen-year-olds will associate with 19-, 25-year-olds, and what have you. They tell you about the 18-year-olds in the schools being an influence on those

16 and 17. Well, is there anybody who can tell me that a 16- or a 17-year-old will not associate with a 19-year-old? No, because they will, regardless of whether he is a football hero or a basketball star. It is just human nature to associate with older people. Bear in mind that when you take this 18-year-old into your tavern, he is now associating also with people in the age group of 30, 35, 40 and 50. He is learning their habits also, ladies and gentlemen. He is also maturing faster than he would if he were out on the streets not being allowed to associate with these different age brackets.

So it has a lot of good points. Ninety percent of the 18-year-olds that are coming into the taverns handle themselves like gentlemen. They are not in there to see how drunk they can get; they are in there to consume a few glasses of beer, or whatever. They don't come in there to get stoned. They come in there to relax. This is a society today, regardless of the age and what particular category they are in, whether they are working on Wall Street or whether they are out there with a pick and shovel, in which this business is a necessity. It is a rat race out there and everybody is out there trying to make a buck and make it as fast as they can and as much as they can. They have to have some sort of relaxation. And they do come into the taverns to have a cocktail. What is wrong with it? What is wrong with having a couple of glasses of beer or a couple of pitchers of beer? You know what you can handle and the people in this business today aren't talking about saloon keepers anymore where it is \$2500 for a license or \$5000 for a license. The majority of people in the liquor business today are business people who have a lot to lose if they are doing something wrong.

There is nothing wrong with the 18-year-old law, except the lack of enforcement. Let's put it in its right perspective. If it goes to 19 or to 25, can anybody tell me how it is going to insure that those 17, 18, 19, or whatever it is, is not going to be able to obtain alcoholic beverages? What teeth are going to be put into the law? What preventive measures are going to be taken? This is a lot of our problem today. How easily is it obtainable? Can a kid when mom and pop go out and say, "Here is ten dollars have a good time," pick up the phone and order a case of beer? Yes, he can. Are the package stores open at nine in the morning? How many taverns are open at eight or nine in the morning before school convenes? Where are they getting this? They are taking it in in thermos bottles or any way that they can. And how easily obtainable is it? It is there and it is evident.

We need enforcement. Twice we came before the legislators here. Twice the legislators voted for an ID program with a picture on the driver's license. Twice it was vetoed. Why I can't imagine. This then would have been a big help in preventing the wrong people from getting the alcoholic beverages, those 15, 16 and 17, about which some of the other people before me spoke. There is no question that this is going on. If you change the law to 19, an 18-year-old coming into my place of business will be a violator of the law and he has been accustomed for the last six years of seeing other people at the age of 18 come in and legally obtain what they want.

The more we put another law on the book, the more times we make violators out of them.

We are not going to resolve one thing by raising the age to 19. We are not going to resolve it by raising the age to 35 if we don't do something to help

us identify and make sure that the perpetrator who fraudulently presents some kind of evidence that he is of age is punished.

I can walk into my tavern when a barmaid is working or some other employee and she or he has unwittingly served someone and I walk over and ask them for their proof and they will show me two or three types of different proofs. I'll say, "I'm sorry. I don't believe you are 18. You have to leave." What have I got to defend myself with if that person who has obtained alcoholic beverage in my place is not 18 and says, "I will call the Police Department. You have already served me"? There is no protection whatsoever here. There is no way that I can discern between an 18-year old and a 19-year-old. There is no way I can discern between a 17- and 18-year-old right now. The only thing I have going in my favor today is the fact that a six-year transition period has set in. At least we have an idea. After six years from 1973 - and we are now going into '79 - at least the people in our industry have an idea as to who might be 17 and who might be 18, without any help. We are left as the sole judge. We are not lawyers. We are not doctors. When that person comes in, we have to depend on our own eyes and our own intelligence to discern whether it is a 17- or 18-year-old coming in. If you raise this to 19, you are only going to make the condition that much worse.

I would submit to this Committee that there is no substance to this bill introduced by that fellow up in Passaic County. And he knows that there is no substance to this bill. We are not going to resolve one iota of our problems if this bill goes through and the age is raised to 19. There is no way that this can resolve any of the problems of an athletic director. There is no way this can resolve any problems in our schools. And there is no way it is going to resolve any problems whatsoever. All we are doing is passing the political buck here.

ASSEMBLYMAN BATE: You have made your point.

ASSEMBLYMAN FLYNN: If we were to provide the mechanism for proper identification and then raised it to 19, coupled with stricter enforcement, wouldn't we achieve the goals or at least some of the goals that we are trying to achieve?

MR. HILL: I would say that if you do give us the proper identification, the proper protection to any licensee in the State of New Jersey - the proper identification, the proper leeway, the proper protection - then if I violate that law, I say to you, "Close me down." But at least give me something basically to put my teeth into.

ASSEMBLYMAN FLYNN: You haven't answered my question though. My question is: If we give you that and we have stricter enforcement, wouldn't this bill achieve some of the goals that the bill attempts to achieve?

MR. HILL: It wouldn't achieve anything; no, sir, it would not.

ASSEMBLYMAN FLYNN: Number one, we would have 18-year-olds no longer drinking in taverns, wouldn't we?

MR. HILL: When you take the 18-year-old out of the tavern, what you do is take his education away also, because he is learning at the age of 18 by associating with those 35, 40 and older, how to conduct himself and conform to this society.

ASSEMBLYMAN FLYNN: What kind of economic impact would this particular bill have on the average tavern in Bayonne?

MR. HILL: The average tavern economically?

ASSEMBLYMAN FLYNN: Yes.

MR. HILL: I don't think it would have that type of an impact on the average tavern at all.

ASSEMBLYMAN FLYNN: In other words, the gross volume of what the 18-year-old spends would not make that significant an impact on the average tavern.

MR. HILL: On the average tavern, no. On some of the taverns that cater to the younger people, yes. And let me remind you of something, my friend, that there aren't too many taverns that want to cater to the youth of the towns or of the State because, right away, there is a stigma attached to it that that is a trouble place and the Police Department wants to be there and make sure. The least complaint about that establishment that is made, it is marked a trouble spot. So you see there is a stigma that is attached to the tavern and it shouldn't be that way. The reason these things are done is because of the people who want to change things and want to up the age. They want to point at a tavern, they want to point at a business, and they want to point at an age group, such as 18, and say, "It is all their fault," when in reality it is not their fault at all. It is their own fault. A lot of people want to pass on to us what they have shirked and what they have failed to do.

ASSEMBLYMAN FLYNN: Do these trouble spots that you have in your town ---

MR. HILL: We don't have trouble spots.

ASSEMBLYMAN FLYNN: You don't have trouble spots in Bayonne?

MR. HILL: No, sir.

ASSEMBLYMAN FLYNN: Then what town are you talking about?

MR. HILL: Bayonne.

ASSEMBLYMAN FLYNN: No. What town were you talking about where they do have trouble spots with those who cater to 18-year-olds?

MR. HILL: I didn't say trouble spots. I said they are stigmatized. They are pointed out by the Police Department; that is, any place where the youth are going to gather. You raise it to 19 and I say to you, "Go ahead and raise it, but what does the 18-year-old do now?" Let five or ten of them congregate on the corner and where are they? They are up before the magistrate for loitering or littering, or whatever.

ASSEMBLYMAN FLYNN: It is a good point. (Applause.)

ASSEMBLYMAN THOMPSON: I would like to just ask you one question. At the beginning of your testimony, you mentioned the Bayonne Bridge which connects Bayonne with Staten Island. I see approximately five or six counties involved in an analagous situation to that: Bergen, Hudson, Essex, Union, Somerset and some of the other counties that border them. We have bridges and tunnels connecting us with New York: the George Washington Bridge, the Holland Tunnel, the Lincoln Tunnel, the Verrazano Bridge, Bayonne Bridge, and the Tapan Zee Bridge up near Nyack, New York. My question is: Human nature being what it is, would there be an increase in traffic, as there was prior to '73, of young people going to our sister State of New York to consume alcohol if this type of legislation is passed?

MR. HILL: No doubt about it.

ASSEMBLYMAN MAYS: You can tell this man is from Hudson County. I have one question to ask. I was watching Channel 2 news where the parents were trying to get along with their kids, so they started smoking pot with them.

MR. HILL: I watched that too.

ASSEMBLYMAN MAYS: Also the parents are trying to go along with their kids drinking beer because they think nothing is wrong with drinking beer. I am Assemblyman in District 31 in Hudson County and I don't think the 18-year-olds there are the ones having the problem. It is the 13-, 14-, and 15-year-olds. This is what I am trying to get across. The problem is that the parents are not as strong as they used to be when we were growing up. The teachers are not as strong as they used to be. The principals are not as strong. And sometimes law enforcement people turn their heads when they see kids drinking beer on the corner. That is where the 18-year-olds are drinking the beer.

I live on Seaview Avenue in Jersey City and they drink cases of beer there.

ASSEMBLYMAN BATE: Do you have a question?

ASSEMBLYMAN MAYS: Yes. Do you think setting it at any age - 18, 19, 20 or what - will help solve the problem of our youth today?

MR. HILL: No, sir, I do not. The reason I say that is this: If the age went back, say, to 21, again I have to reiterate there is no way that we are going to stop a 17-, 18-, 19- or 20-year old from obtaining what he wants unless we have strict enforcement of the law. There has to be some way to make these people think twice before they go out and violate the law. Again, I will tell you that there is no way that we in the industry can discern between the age groups now of 17 and 18. And, gentlemen, it would be virtually an impossibility to even try to distinguish between an 18- and a 19-year-old.

ASSEMBLYMAN BATE: Thank you very much.

MR. HILL: Thank you. (Applause.)

ASSEMBLYMAN BATE: I will ask you please to refrain from any demonstration in either direction.

Mayor Jerome Greco.

J E R O M E D. G R E C O: Good afternoon. Thank you for the opportunity to speak to you on behalf of the Conference of Mayors of New Jersey and the Coalition for 21.

The reasons for raising the minimum legal drinking age in New Jersey from 18 to 21 are manifold. All one has to do is look at the shocking highway accident statistics or talk to those who know the problem best - the parents, teachers, coaches, police - who all agree that the time to raise the drinking age is now.

There are few, if any, persuasive reasons for preserving the status quo. Vested interests would have us believe that to raise the drinking age is an affront to youth and their constitutional rights; that this issue is a litmus test of enlightened liberalism versus reactionary prohibitionism. This is cited as empirical proof of our faith or lack of faith in the youth of our State. A smokescreen has been thrown up and an attempt has been made to make this a political debate. It is not.

The current 18-year-old drinking law, enacted in 1973, was a hasty response by the Legislature to the social, cultural and political milieu of the late sixties and early seventies, with the conscription of 18-year-olds into Vietnam combat and the Supreme Court's 1970 edict enfranchising 18-year-olds with voting rights. Drinking privileges seemed the next logical step: "If they're old enough to fight, they're old enough to drink" was a constant refrain. Health and

psychological aspects were not considered and suddenly it was a political cause celebre to be for 18-year-old drinking. We still suffer vestiges of this thinking today which hampers our goal of raising the drinking age. But the "Coalition of 21" is not a narrow-gauged ideological group but a broad spectrum of involved citizens who are responding pragmatically to the disturbing ramifications of teenage drinking.

No one would argue that the period prior to 1973 was devoid of serious teenage alcohol abuse. But the period that has followed has seen a shocking rise in teenage alcohol-related problems. The statistics tell the tale: the 18 to 20 year-old-teenage auto fatality rate in 1972, before the age was lowered, was 8.9 percent of all fatalities. After the age was lowered in 1973, the rate began climbing: 16.3 percent in 1973; 27.5 percent in 1974; 29.2 percent in 1975; and 25.9 percent in 1976 (the year the 55 mph speed limit was inaugurated). Other teenage alcohol and auto-related statistics rose precipitously during this period.

The lowering of the drinking age has also had its unforeseen consequences. Studies have shown that availability affects usage of alcohol. With about 70 percent of all eighteen-year-olds in high school, a situation has been created whereby older students have become buyers of alcohol for younger students, thus increasing, or at least aggravating alcohol-related school problems, such as vandalism, disruptive behavior and teenage alcoholism. Clearly raising the drinking age would make access of alcohol by all high school students more difficult.

In a recent Gallup poll, teenagers named alcohol as the number one problem among teens. The story of the growing problem of teenage alcoholism has been well documented on television and in the printed media. Adolescents would do well to have a few more years in which to develop a more restrained and reflective perspective on alcohol.

So the situation as it stands is this: Our highways are now more vulnerable to inexperienced drinkers and inexperienced drivers than ever before, as the statistics demonstrate. More younger students than ever have access to alcohol through high school seniors and authorities say that this has been manifested in a number of ways: vandalism, behavior problems in school, teenage alcohol abuse and a litany of teenage alcohol-related problems that have increased dramatically since the inception of the lower drinking age.

"The Coalition for 21" recognizes that raising the legal drinking age is not a panacea; the specter of teenage alcohol-related problems will continue to haunt us, but raising the age is a necessary step towards recognizing and addressing what everyone agrees is a very serious problem. It should go a long way towards mitigating alcohol and auto-related accidents and lessen the availability of alcohol to younger kids. Coupled with an educational program, it would be a message to the young that alcohol abuse is not sanctioned by society, that it requires maturity to be able to handle intelligently. The young need those extra transitional years to achieve this.

Aside from the previously mentioned political questions, the courts, for example, Michigan, have upheld the states rights to raise the drinking age, thus laying to rest the constitutional question. All that remains is the question of our resolve.

The "Coalition of 21" believes that raising the drinking age is the direction that a wise and committed society should go.

I might add to that, that the bill that Senator Orechio has suggested

in the Senate, gradually increasing the age to 21.-- the problems that might come as a result of going directly to 21 could be greater than the cure. So as to the possibility of the gradual increase, I think what I am suggesting to you is that the 19-year-old bill should be amended to read 19 this year, 20 next year, and finally 21.

Lastly, I would leave with you this suggestion: If there is a feeling in the Legislature that this kind of legislation ought perhaps be left to the citizenry of New Jersey to vote upon in a referendum, then the citizens could vote once and for all and every citizen, the 18-year-old as well as the senior citizen would have the opportunity to express their views as to whether or not the drinking age should be increased to 21.

Again, thank you very much.

ASSEMBLYMAN BATE: Thank you, Mayor.

You are the Mayor of Verona?

MAYOR GRECO: Yes.

ASSEMBLYMAN BATE: How much have you put aside in your budget this year for alcohol abuse?

MAYOR GRECO: A good deal. We have several programs. It is manifested in our Health-Education Department - our Health Officer. A second place where it is manifested is in our Recreation Department where we have increased the kind of programming that would attract teenagers. I can cite one thing I started three years ago with the senior class. We know June is a very dramatic time and a very sorrowful time when we pick up the paper and read of the young people killed celebrating a prom or a graduation. What we have done is simply made an arrangement with our graduating seniors whereby we open the community pool to them, under supervision, and we lock the doors to it until 4:30 in the morning. At that time, we walk them up to the high school where another group of volunteers in Verona cooks breakfast, again with no one leaving. So that has been an effective program. We have put dollars into the program. In addition, our Health Officer has been directed to work with the school system and has had seminars for the faculty with a view to making alcohol education a part of the curriculum.

As I said, raising the age is only part of it. I don't view it as a panacea, nor do the other mayors.

ASSEMBLYMAN FLYNN: The last speaker raised an interesting question. He said if we go up to 21 and these 18-, 19-, and 20-year-old people can't congregate in a disco club, a tavern or a social club, where are they going to go because they can no longer hang out on the street corner or they will get arrested? Do you have any answers to that kind of a query?

MAYOR GRECO: Yes. I think it has to manifest itself, as it did before, in the quality of the programs that a community would offer. I don't think that a tavern is a viable excuse as an activity for a youngster's leisure hours. I would prefer to see additional moneys in recreation programs and in programs of that type.

By the way, I agreed with a good deal of what the previous speaker said in terms of the difference between the 18- and 19-year-old. That is why I feel it should be amended to 21 because there is a vast difference between that 18- and 21-year-old and the 15- and 16- and 21-year-old.

ASSEMBLYMAN FLYNN: Realistically speaking now, a young person 18 through

20, what does he do recreationally? When they are 19 years old and they are holding down a fulltime job in a factory, they are not looking for recreation at night.

MAYOR GRECO: Right.

ASSEMBLYMAN FLYNN: They are looking for what the gentleman spoke about, I think, unfortunately. Realistically speaking, in the real world, what do those people do?

MAYOR GRECO: I would suggest that only a small portion of them are in the taverns and nightclubs in New Jersey. I think they do what every other citizen does. If they are in school, they are studying, or they are home, or they are into some kind of athletic or recreational pursuit. I don't view drinking as something that we as a society should set as a leisure-time activity.

ASSEMBLYMAN FLYNN: I don't advocate it as our leading activity. But, realistically, it seems to be the leading activity.

MAYOR GRECO: You are right.

ASSEMBLYMAN FLYNN: For example, I am familiar with Route 35 in Middlesex County - Monmouth County. There is a whole strip, one after the other, of teen discos that feature 18-, 19-, and 20-year-olds. They cater to them and they are full every night. Now where do those people go if we suddenly go to 21?

MAYOR GRECO: I guess the answer to that might be ---

ASSEMBLYMAN FLYNN: I know where they went before. They went to Staten Island. From Middlesex County, they went to Tottenville and they went to St. George and all the disco places there, which thereafter had to close down.

MAYOR GRECO: Some did. But I think if you look at the overall picture, Assemblyman, you will find with all of the increases that I have cited in terms of vandalism, in terms of problems, in terms of 13- and 14-year-olds drinking, it is a tough choice. There is no question that we have a problem of young people going across the line. There is no question whatsoever. They go across the line anyway now if New York City is an attraction because of clubs and activity. The point of the matter is to make an overall choice in terms of looking where we are going. I submit that when you consider what happens to a 13- or 14-year-old youngster that is using alcohol that was not using alcohol before, that is the problem, and we are growing in those problems. That kind of usage is increasing. So what I am saying is that if we cut it off, if we move it to 21, that we are going to have beneficial effects. We are going to have less and less of what we have been talking about in future generations.

ASSEMBLYMAN FLYNN: You have indicated your preference is for the Orechio phase-in. If we can only get a bill going no higher than 19, would you have vehement opposition to phasing that in, in a one-year period, so that those who now legally can drink at 18 wouldn't suddenly become criminals?

MAYOR GRECO: I would agree with that.

ASSEMBLYMAN FLYNN: Secondly, would you be willing to have a sunset feature in such a bill that the bill would self-destruct after three years - that is an arbitrary number; it could be two or four years - during which time we will enlist the aid of the PTA's and the State School Board and the State Police and try to ascertain whether the bill had some positive effect? Would you have any vehement objection to a sunset feature in the bill?

MAYOR GRECO: I never considered that before. I think we might find ourselves with a good deal of this same kind of acrimony and concern after three years.

See, again, my basic premise is 21. I think perhaps some additional piece of legislation or some amendment that might call for a detailed review of the bill at 19 might be beneficial. But in terms of repealing it after it is on the books, I think I would rather let the statistics show us that.

ASSEMBLYMAN FLYNN: Finally, one problem that a lot of people seem to be having with the bill, at least a lot of the speakers, is that we are really dealing with different categories of people at age 18. We have the college students with a whole set of values and problems. We have the person who is actually out in the world working. And we have the person still in high school. We have three different categories at least. Do you think it is feasible to exempt two of those three categories by some kind of an ID card that they will be eligible to receive if they showed proof of either going to college or having graduated from high school, or having left high school at age 18?

MAYOR GRECO: No. But I think the one exemption - and this has been turned into an argument against this - is it should have nothing to do with where a youngster works. The fact that an 18-year-old youngster serves as a waitress should not be any part of the bill. They should be guaranteed that. No, I don't think that because a person is in college would make a difference. I still think the social circle would be the same. I still think that we would continue to have alcohol being abused by 14- and 15-year-olds as a result.

ASSEMBLYMAN THOMPSON: First, I would like to say, hello, Mayor Greco.

MAYOR GRECO: Hello, Assemblyman.

ASSEMBLYMAN THOMPSON: You are a trustee of Essex County College and you are a former instructor at the same institution which is situated in the center of Newark. I would like to ask one question. Wouldn't you agree if there has been any abuse at that particular institution, it is with narcotics rather than alcohol, because of a different culture value and a strong Islamic influence among the young students attending that institution?

MAYOR GRECO: Well, I wouldn't be able to speak about that with any great authority. But I might indicate too that, as we get beyond the alcohol and get into the educational program, certainly drug abuse should be part of that program. It should not be limited just to alcohol.

The student body of Essex County College is not by and large the typical student body; it is a lot older. I think our average age last year was 25. We have a lot of people returning to school and part-time students. It is not the normal progression of high school graduates into college, to a great extent, although we have some of that. From that standpoint, I think we may be atypical. I certainly believe that substance abuse should be part of the curriculum as well as alcohol education.

ASSEMBLYMAN MAYS: Mayor Greco, has your Police Department ever arrested any 18- or 19-year-old for giving alcohol or beer to a minor?

MAYOR GRECO: Yes, sir.

ASSEMBLYMAN MAYS: And what happened to that youth?

MAYOR GRECO: Very little has happened to the youth and that gets into the whole area of our juvenile justice system.

ASSEMBLYMAN MAYS: I am talking now about the 18- or 19-year-old who gave it to him.

MAYOR GRECO: What happened to him? Very little. It is a misdemeanor.

By the time the case is tried, you are talking about sometimes six months before it even reaches the court. The impact on the community has not been major. In the Essex County Court system with a backlog and a shortage of judges, it is the kind of offense that unfortunately takes a back burner. What our Police Department has made is arrests of 17-year-olds with 13- and 14-year-olds in the car with alcoholic beverages in the car.

ASSEMBLYMAN MAYS: What happens if an 18-year-old gives a 13- or 16-year-old some marijuana, or some heroine, or some strong drug? What happens to him? Is there a stronger penalty?

MAYOR GRECO: I would think so. We haven't had that substantial a drug problem. However, again, there is the problem of the juvenile justice system.

ASSEMBLYMAN MAYS: I am talking about the 18-year-old. He is not a juvenile.

MAYOR GRECO: Okay - the entire system. The time frame is too long in terms of any impact back into the community.

ASSEMBLYMAN MAYS: What happens to the 18-year-old or 19-year-old who gives that drug to that young person, that 16-year-old?

MAYOR GRECO: Well, he is obviously arrested and prosecuted.

ASSEMBLYMAN MAYS: For a longer term than he would get if he gave him a can of beer or some alcohol?

MAYOR GRECO: Oh, sure. I would agree with that.

ASSEMBLYMAN MAYS: Yet alcohol is considered a drug.

MAYOR GRECO: Yes, sir.

ASSEMBLYMAN MAYS: So why don't the penalties coincide? If one is caught giving either, why isn't the penalty the same?

MAYOR GRECO: I have no problem with that. I agree with you. That is a problem. It is a difficult thing to enforce, number one, because the young people are very sophisticated in terms of how the alcohol is given to a young person, everything from walking in and purchasing a case of beer and leaving it in the woods, or dropping it behind someone's house. So it is very, very difficult to enforce that premise. But I agree with you, when someone is apprehended, I think that the penalty should be severe because he is passing along a drug.

ASSEMBLYMAN MAYS: If any of these bills pass, you do agree there should be an educational program.

MAYOR GRECO: Absolutely, sir.

ASSEMBLYMAN MAYS: Or none of these bills should be passed at all.

MAYOR GRECO: I agree with that.

ASSEMBLYMAN BATE: Thank you very much, Mayor Greco.

MAYOR GRECO: Thank you.

ASSEMBLYMAN BATE: Richard Bagger. (Not present.)

Brian McDonald. (Not present)

ASSEMBLYMAN FLYNN: Mr. Chairman, I wonder if I could ask a question of one of the previous witnesses - I see she is still here - as to one of the ideas I have been espousing.

ASSEMBLYMAN BATE: All right.

ASSEMBLYMAN FLYNN: Mrs. Scheps, I wonder if you could come back up here. I would like to ask a question.

I believe you represent the State PTA's.

P H Y L L I S S C H E P S: That is right.

ASSEMBLYMAN FLYNN: I asked the previous witness, the Mayor, the question concerning whether he would go along with a phasing in of the Graves' bill, so that the effective date would be one year from now, as opposed to immediately, so that those who are presently legally able to obtain alcohol wouldn't suddenly become criminals.

Would your organization - and I don't know whether you could speak for them at this point - be vehemently opposed to that kind of a phase-in?

MS. SCHEPS: I am just trying to think now, just putting it in the context of how it would affect the present 20-year-old.

ASSEMBLYMAN FLYNN: If there was a one-year delay in implementation from the day of the signing of the bill, no one who on one day was legally able to drink, the next day would become a criminal if he went to the same tavern and asked for a beer.

MS. SCHEPS: I am speaking for myself and I would have to go back to the Coalition to discuss this with them and get an overall, a unanimous, opinion. Our original intent and our contention all along has been for 21.

ASSEMBLYMAN FLYNN: I realize that.

MS. SCHEPS: As far as phasing in, frankly, the idea of the phase-in did originate with the Coalition for 21 because we agree with each and every one of you, and that was something we struggled with from the very beginning until the idea came to us of a phase-in. We do not want to make criminals out of the young people who are drinking now. It is unfair to them. And it would be very, very difficult to do it. So the idea of a phase-in has been extremely appealing to all of us.

From my own personal point of view - and I am not speaking for the Coalition now - I would love to see the phase-in go to 21. This way, anyone who is legally drinking now is not going to have anything happen to him. We are realistic enough to know that if the law went to 21 tomorrow, it would take - and I think I said it yesterday - a minimum of three to four years before the dust settles, because those who are already drinking are not going to stop because the law changes. This way, no youngster will have anything taken away from him. Yesterday, I think perhaps I was misquoted in what I said. I do have a concern for all young children. What I did say yesterday was that my concern was not for the present 13-, 14- and 15-year-olds who are waiting for that privilege to drink. That is not our concern right now. Our concern is the ones who are currently drinking. We don't want to make criminals out of them; there is no question in the world about that. I think the problem of the constitutionality as discussed in Michigan several times - and, incidentally, I will make a phone call to Michigan and get a copy of the full decision --- It was as excerpted in that article. I can get a copy and I will forward it by the 15th.

ASSEMBLYMAN FLYNN: You have answered the question I had.

ASSEMBLYMAN BATE: Thank you.

We will terminate the hearing at this time.

- - - - -

(Hearing Concluded)

ROSS ALFIERI
23 JONES COURT
CLIFTON, N. J. 07013

Aug 25, 1978

Dear Mr. Gorman,

Thank you for believing in
and helping as the director
of the Young Citizens Alliance.

I am the mother of
two young adults. A girl of
eighteen and a young man
of 20. They are both responsible
adults who do not abuse
the drinking of alcoholic
beverages.

I am opposed to
changing the drinking
age to 19 or 21.

Eighteen year olds
are able to vote, our
young men are able to
fight in wars.

Senator Murkin claims
youths from Pa go into N.J.
for booze. Before the age
change our youngsters

were going into N.Y. State.

At any age, if they desire alcoholic beverages, they will get them. It will not take it out of N.S. like he claims.

Educators do their best in Schools, the responsibility lies in the home, (parents).

Mr. Merline claims the age charge will take alcoholic beverages out of High School, he is wrong. Alcoholic Beverages are at parties, cars, parks etc.

There should be some kind of identification, other than a drivers license as proof of age. Each town should have a card, with the persons picture when they reach eighteen. The politicians will say it costs too much.

Hoping and praying we win

P.S. encloses please send \$10. to help with the cost of materials, stamps etc.

Sincerely,
Grace Alfieri

TESTIMONY OF RICHARD BAGGER ON BEHALF OF ASSEMBLY BILL
#1729 BEFORE THE ASSEMBLY JUDICIARY COMMITTEE ON 2/7/79

My name is Richard Bagger and I come before the committee to testify on behalf of Assembly bill #1729 as a compromise alternative to the Senate drinking bill. These proposed measures directly affect the young people of New Jersey - - and it is as one of our state's young voters that I'm here today. I believe that my opinions, analyses, and conclusions regarding the youth drinking problem may reflect those of our state's eighteen year-old population. As a student at Westfield High School and now at Princeton University I've had varied experiences in academic, athletic, editorial, social and political endeavors which have exposed me to diverse groups of young people. As an almost nineteen year-old New Jerseyan let me try to give you a youth perspective on teenage drinking restrictions.

My first inclination as an eighteen year-old drinker would be to have the drinking age remain at eighteen. There is some validity in the traditional argument that once a citizen has reached the age of majority for the draft, the vote, and business contracts it is illogical to withhold the drinking privilege. Also, as I'm sure you know, taking away rights and privileges is a tricky business. Telling the eighteen year-old that he can no longer drink and telling the seventeen year-old that he will have to wait another year will doubtless provoke unrest among many young people and will further increase these young citizens' distrust of the institutions of American democracy. All this will lead to greater youth apathy towards politics, a trait these voters will retain as they get older.

However, no one can deny that some eighteen

year-old drinkers have abused the privilege--killing innocent motorists and providing liquor to minors. Nevertheless, it is my opinion that drug use, particularly marijuana and cocaine, poses more of a problem in our schools and on our highways than does alcohol. The drinking and drugs situation is sparked by numerous problems in our high schools. The only permanent solution rests in reaching the social and emotional roots of these ills through our educational system. Even if alcohol is made less available to the twelve through seventeen age group, drugs will still be available on the black market. This is a problem which must be dealt with in the future. However, one small step can be made by taking alcohol out of our high schools.

As with all political decisions, there is a tradeoff involved here. The Legislature must attack the problem without penalizing the huge majority of responsible young people who do not abuse alcohol. The Senate bill, which raises the drinking age to nineteen for all cases, is a needless overprescription to this social ill. The best solution to the teenage drinking problem is to make it impossible for eighteen year-olds to buy alcohol for minors. The under age drinkers are dependent upon adults to buy their alcohol because it is very difficult for minors to be served in liquor stores. Thus they are forced to ask their older friends to buy it for them. However, there is no need to ban eighteen year-olds from having a drink at a bar or any other place where alcohol is served.

This is why I urge the Judiciary Committee to release Assembly bill #1729 to the floor for a vote.

It leaves eighteen year-olds with the privilege to drink but prohibits them from carry-out purchases which can be used to get younger teenagers drunk and in trouble. The highway problem would be eased because seventeen year-olds would be unable to drink and bartenders would still have their legal responsibility for keeping older drivers from getting drunk. This compromise bill would remove alcohol from our high schools and junior high schools without overpenalizing our eighteen year-olds.

I would prefer, however, that Assembly bill #1729 be amended so that the legal age for carry-out purchases would be nineteen instead of the proposed twenty-one. The reason that the compromise I have endorsed would be effective is that most minors know many eighteen year-old high school seniors who will buy them alcohol. On the other hand minors know few if any nineteen year-olds since they are away at college or involved with a job.

Most young people favor no change in the drinking laws, but those intelligent and responsible young citizens to whom I have explained the compromise accept it as a realistic solution. I urge this committee on behalf of all the well-intentioned young voters of this state to release Assembly bill #1729 on teenage drinking to the full Assembly.

Given the political climate of today in which distrust, disinterest, and detachment are standard features and voter turnout plummets as each new age cohort enters the electorate; young people need to be

shown a sign that government is responsive, that the system works, and that intelligent men capable of rational compromise author the laws of our state.

With me today is Brian McDonald, President of the freshman class of Princeton University, who will explain the possible impact of these pieces of legislation on the college community. Before he testifies, I will take any questions that you might have at this point.

Thank-you.

TESTIMONY OF BRIAN J. McDONALD ON BEHALF OF ASSEMBLY BILL
1729 BEFORE THE ASSEMBLY JUDICIARY COMMITTEE ON 2/6/79

My name is Brian McDonald and I am currently the President of the Freshman class at Princeton University. As President of the class of 1982, I feel that my views represent the interest of Freshmen at Princeton.

I have reviewed the arguments both for and against the bill which would raise the drinking age in New Jersey from eighteen to nineteen years of age. While I am sympathetic with the aims of the bill: stopping drinking and alcoholism in high schools and lowering the number of fatalities that result from drunken driving, I still have many reservations concerning the bill. I am against the bill as proposed, but I support Assembly bill #1729, Assemblyman Hardwick's compromise bill.

At Princeton University, the result of raising the drinking age to nineteen would have many severe effects on the social life of undergraduates. The Princeton social life exists largely at the campus pub and at the private eating clubs which are in many ways like Fraternities. If these facilities had to refrain from admitting all Freshmen and some Sophomores who would still be eighteen years-old, the undergraduate community would be fractured in regard to many social activities and functions, separating one entire class from the other three. I am sure this splitting of

the undergraduate community would also occur at Rutgers University, Fairleigh Dickenson University and the rest of New Jersey's colleges and universities.

For this reason I believe that Assembly bill #1729 would offer the most viable solution to all problems. It would prohibit the sale of carry-out liquor to anyone underage, but at the same time it would allow any person above eighteen years of age to be served liquor at any bar or on-campus pub or social establishment.

It is my hope that the legislature will remember the vast majority of young people who are not causing the teenage drinking problem when they consider its solution. I believe that the compromise measure is the fairest way of getting at the roots of teenage drinking without alienating our state's college population.

I am very sorry that I could not appear before the committee but I hope that you will accept and consider my testimony anyway. Thank you for your time and consideration

Sincerely,

Brian J. McDonald

ALAN C. MARCUS ASSOCIATES

SIXTY PARK PLACE

NEWARK, NEW JERSEY 07102

(201) 622-4700

February 14, 1979

Honorable Martin Herman, Chairman
Assembly Judiciary Committee
Room 128
State House
Trenton NJ 08625

Dear Marty:

Please note the attached (1) statement which will supplement my testimony of February 5, 1979 on Senate Bill 1126 and (2) a position paper submitted by the New Jersey Package Stores Association last July to the Senate Committee on Law, Public Safety, and Defense. We would request that both documents be made part of the record of the hearings recently conducted by the Assembly Judiciary Committee.

Our supplemental testimony responds directly to questions posed by you and other members of the Committee. Specifically, on page 2 we recommend "strict" penalties for purchasing for minors or consumption by minors. We hope that the Committee will give these recommendations careful consideration. The penalties we propose are not philosophical but rather practical deterrents.

I would like to again thank you and the members of the Committee for the courtesies extended to me on February 5.

Thank you very much for your consideration.

Sincerely,

ALAN C. MARCUS ASSOCIATES



Alan C. Marcus

ACM/jmh

Enclosures

cc: Hon. W. Flynn Hon. C. Mays
 Hon. W. Dowd Hon. E. Thompson
 Hon. W. Bate Ms. G. Mazuco
 Hon. W. Kern

New Jersey Package
Stores Associations

60 Park Place
Suite 1500
Newark, N.J. 07102
(201) 624-7077

NJPSA

State President
Nicholas DeNova
(201) 345-4640

SUPPLEMENTAL STATEMENT TO ASSEMBLY JUDICIARY COMMITTEE

ON SENATE BILL 1126 AND ASSEMBLY BILL 1729

We appreciate having the opportunity to supplement our testimony of February 5 in reference to Senate Bill 1126 and by reference Assembly Bill 1729.

During the course of that testimony I referred to a position paper submitted by the New Jersey Package Stores Association to the Senate Committee on Law, Public Safety, and Defense following a similar public hearing last June. I have attached a copy of that paper for your review. The second paragraph may be of particular interest where we note that "neither the Committee, the Legislature as a whole, or other interested parties have been able to state definitive positions based on a true set of facts. Much of the testimony taken at the Committee's June 12 public hearing was in conflict. No two sets of statistics are consistent."

It would appear that this same statement can be used to describe the hearings most recently concluded by the Assembly Judiciary Committee.

The underlying theme of the paper was that simply raising the drinking age by one year would not in itself curb alcohol abuse among teenagers. We suggested that if the drinking age were to be increased that 21 and not 19 would be a more realistic figure. But in raising the drinking age other steps would have to be taken. I would refer you specifically to points 4, 5, and 6. They

are: increase penalties for serving or purchasing for minors; adopt strict standards for schools and parents to follow when instances of underage drinking are detected; and enact legislation (such as S-599) which will assist enforcement. This final point has been addressed by Senate Bill 3044 which was released by the Senate Law, Public Safety, and Defense Committee on February 13 and appears to have an excellent chance of passage and enactment into law. The first two points were discussed in some detail at the February 5 hearing.

We were asked what increased penalties for serving or purchasing for minors would be appropriate. We pointed out that the licensee presently has full responsibility for a sale to a minor. We accept this responsibility in assuming our license. However, there is little we can do to control the purchase for minors by "adults". It has been suggested that much of this purchasing is presently done by 18 year olds who then pass the alcoholic beverages along to younger "peers". As a deterrent we would suggest the following: anyone caught purchasing alcoholic beverages and passing same to a minor would be subject to revocation of his or her drivers license or a fine of at least \$500. Any minor consuming alcoholic beverages purchased for him by an "adult" would be subject to similar penalties. Any minor attempting to purchase alcoholic beverages with "phoney" proof of identification would be subject to these same penalties.

It is no secret that the drivers license is the most coveted possession of a 17 year old. Teenagers begin planning for their 17th birthday years in advance. Few 17 year olds delay getting their permit application. The penalties we propose would be a real deterrent, How many 16 year olds will take an illegal drink at the risk of waiting an extra 2 years for their drivers license? Or, how many 16 year olds will want to risk paying up to \$500 for that drink?

The penalties we propose are stiff. But they are minor compared to the risk the license holder takes whenever a customer enters his store. Many of the fines imposed recently by the Division of Alcoholic Beverage Control for sale to minors exceed the net profit the store can make in the course of six months or a year's business time. We are not suggesting a lessening of these penalties but do ask that the burden be shared by all parties concerned.

It has been suggested that by raising the drinking age for off-premises consumption you will in effect halt the flow of alcohol to minors. This is questionable at best. If 18 year olds can no longer make these purchases for minors older people will. Teenagers are creative souls. Senior citizens are just as liable to make these purchases as teenagers. We have seen no facts which support the contention that alcoholic beverages are being passed to minors by people barely old enough to drink themselves. Assembly Bill 1729 proposes a drastic step which would discriminate against package store operators but would have quite possibly no impact at all on the alleged problem. Stiff penalties (such as the ones we propose) would. It would be irresponsible to experiment at the expense of small retail businessmen who are about to endure the full impact of price deregulation which will force them to completely reverse the way they have conducted their businesses for the past 45 years.

Point 5 of our position paper is probably the most important. Strict standards for schools and parents to follow where instances of underage drinking are detected will be the greatest deterrent of all if these educators and parents will show the same concern that others have (namely the coalition and legislators who have supported the age increase). Seminars alone will not help. The young

people who attend, pay attention and show concern are probably the same students who attend class every day, do not show up drunk, do their homework, participate in extracurricular activities, etc. Those who will not attend are probably habitual truants anyway or might be out in the corner bar having a drink between classes (if what we have heard in testimony is true). Truancy should be reported immediately to parents as the first step in the chain. For every student who shows up in school drunk there are probably many who do not show up at all. This is where emphasis must be placed. If parents and educators are not going to show proper concern and if disciplines are not going to be exercised then it is foolish for the Legislature to assume that it can attack this "shadow" problem in any meaningful manner.

In July we told the Committee "we share your concern and the concern which has been expressed by the people whose opinions we respect". We urged the Committee to develop facts and then make a judgment. We maintain that position today and pledge the continued cooperation of the New Jersey Package Stores Association.

Alan C. Marcus
Legislative Representative
February 14, 1979

STATEMENT OF NEW JERSEY PACKAGE STORES ASSOCIATION

JULY, 1978

The Senate Committee on Law, Public Safety and Defense is presently considering legislation which is a reaction to what has been termed an epidemic of teenage drinking and alcohol abuse in New Jersey. We do not believe that this particular item of legislation addresses the overall problem in its totality and we would therefore urge the Committee to consider a more far-reaching program which has been developed by our Association consistent with the doctrine of temperance which is the basis for New Jersey's alcoholic beverage control law.

Initially, it should be noted that neither the Committee, the Legislature as a whole or other interested parties have been able to state definitive positions based on a true set of facts. Much of the testimony taken at the Committee's June 12 public hearing was in conflict. No two sets of statistics are consistent. However, we recognize the urgent need of many to respond to what appears to be a major problem. The public need is in itself a compelling reason to act. We support this concept so long as your final determination impacts positively on the entire community.

Our mutual objective should be to strengthen our existing laws, amend where appropriate, and provide the tools to assure the strictest possible enforcement. To this end we ask that you consider the following.

1. Increase the minimum age for the consumption of alcoholic beverages to 21.
2. Revoke all special "pub" licenses now in existence and remove this classification.

3. Limit the sale of alcoholic beverages to the following licensed premises: Package stores, taverns, restaurants. Limit the issuance of club licenses and one day permits. Prohibit the issuance of off-premises consumption licenses to establishments frequented by minors, including supermarkets and convenience stores. Prohibit the issuance of on-premises consumption licenses to establishments frequented by minors including fast food restaurants.
4. Increase penalties for serving or purchasing for minors.
5. Adopt strict standards for schools and parents to follow when instances of underage drinking are detected.
6. Enact legislation (such as S-599) which will assist enforcement.

We recognize that this proposal far exceeds those presently under consideration by the Committee. However, we believe that enactment of anything short of these recommendations will only serve as a catalyst for confusion.

Morality cannot be legislated. You cannot merely say that those under nineteen will no longer drink. The peer group has been fractured but not broken. Twenty-one is a more basic level. And you must go further. You must make it difficult to break this law by limiting the source. And you must invoke a discipline which will be shared by all involved including retailers, minors, adults, parents and educators.

Does the problem which allegedly exists warrant such far-reaching action? We believe that it does. Certainly, raising the minimum drinking age to nineteen is not a solution or even a partial answer.

The action we propose could prove costly to the State of New Jersey. Tax dollars will be lost. Sales will decrease. Jobs may be lost. The impact will be felt by all facets of our industry. We are prepared to accept this fact.

We share your concern and the concern which has been expressed by people whose opinions we respect. We urge you to develop the facts necessary to make a judgment and, if action is mandated, adopt the recommendations which we have offered.

Testimony given to The Public Health and Safety Committee of the New Jersey State Assembly by Scott Zwerver on February 14, 1979, concerning Senate Bill 1126.

I am 21 years old and taking time to fight all of the proposed drinking age bills which I feel unjustly deal with the young adults. Being 21, I'll be virtually unaffected by any of the drinking-age bills. However, raising the drinking age will affect many social situations that are a major part of life for not only the 18-21 year old adults, but any other group of adults. A few of these social situations are weddings, parties, a night out for dinner, bars, nightclubs, and family gatherings. Yet, when young adults seek these same pleasures, they are criticized by their fellow adults. If we are to eliminate these pleasures that alcohol plays a major part in, from the young adults lives, why then are their fellow adults unwilling to do the same? These bills handle young adults lives with unfair, hypocritical opinions from people who are no better than their young adult counterparts.

The 18 through 21 year old body is more capable of handling alcohol and their reflexes are far superior to older adults. Why then are young adults told they aren't capable of drinking with their fellow adults? Because they give alcohol to minors? If so, aren't older adults also responsible!? I can't think of any home I entered where there was a lock on the family liquor cabinet.

These bills are a disgrace and the Assembly should kill them. This problem should be handled in an intelligent manner, rather than the hypocritical, prejudiced, and unequal way of these bills. Educate the minors and their parents. Have the State and adults show some responsibility instead of immaturely pinning this social problem on the young adults.

Governor Byrne says, "raise the drinking age to 21." This has to make me wonder how in the world, with a 19-year old drinking age bill, having only one legitimate thought behind it; that is, keeping alcohol out of the high schools, could the Governor of the State of New Jersey jump on the bandwagon of hypocritical adults.

In addition to this, it doesn't make me wonder why Senator Graves originally introduced his drinking-age bill. The bill is an excellent opportunity for the Senator to have his first bill passed. It seems logical that, at this time in our state, a drinking-age bill would be a popular and easy victory over a nonpolitically involved group of young adults. These bills have gone off the track of a rational solution to the problem. They have become a means for furthering political careers because of their popularity and have bred unjust feeling of the older adult being superior to the younger adult.

Adults are adults as long as they are 18 or older in the state of New Jersey. No group of adults should be labeled inferior or unequal to any other group of adults in our society. I honestly believe that any 18 year old, on the average, can drink and perform any job in our society on an equal level with any older aged adult.

In the college community, resentment will build because of the unfairness of these bills. If drinking isn't permitted as a part of the social life on the college campus, college adults will find these measures hypocritical and immature. This will lead to continued use of alcohol, and the beer bottles that were once thrown in the garbage cans of the pubs, will now be thrown on the streets, at buildings, and on citizens' properties because of their illegitimacy.

In conclusion, I'd like to add that people in today's society are relating more like equals than they were prior to the lowering of the age at which an individual is considered an adult. Double standards, such as all of the proposed drinking-age bills, harm our society much more than they help.

