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LEGAL ADULTHOOD IN THE DISTRICT OF COLUMBIA

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HEARING

BEFORE THE

SUBCOMMITTEE ON THE JUDICIARY

OF THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 7112

TO LOWER THE LEGAL AGE OF MAJORITY IN THE
DISTRICT OF COLUMBIA

FEBRUARY 5, 1974

Serial No. 93-22

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LEGAL ADULTHOOD IN THE DISTRICT OF COLUMBIA

TUESDAY, FEBRUARY 5, 1974

HOUSE OF REPRESENTATIVES,
JUDICIARY SUBCOMMITTEE OF THE
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice at 10:00 a.m. in room 1310, Longworth Building, the Hon. Walter E. Fauntroy (Chairman of the subcommittee) presiding.

Present: Delegate Fauntroy (Chairman), Representatives Rangel and Breckinridge.

Also present: James T. Clark, Counsel; Daniel M. Freeman, Counsel; John E. Hogan, Minority Counsel; Ralph E. Ulmer and Leonard O. Hilder, Minority Staff Members; Muriel Pugh, Subcommittee Staff Members; and Keith Jackson, Legislative Assistant to Congressman Rangel.

Mr. FAUNTROY. I am pleased to call to order this hearing by the District of Columbia Judiciary Subcommittee on H.R. 7112, a bill to set the legal age of majority in the District of Columbia at 18.

[H.R. 7112 follows:]

[H.R. 7112, 93d Cong., 1st. sess. by Mr. Rangel, on April 17, 1973]

A BILL to provide that in the District of Columbia any person who has attained the age of eighteen years shall be held and considered to be a person of full legal age

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other law, or rule of law, no person in the District of Columbia who has attained the age of eighteen years shall be denied any right or privilege, or shall be able to avoid any duty imposed by law, solely on account of his age, except nothing in this Act shall affect the qualifications to be elected a Delegate to the House of Representatives from the District of Columbia specified in section 202 of the District of Columbia Delegate Act (D.C. Code, sec. 1-291).

SEC. 2. This Act shall take effect on and after the sixtieth day after the date of enactment of this Act.

BACKGROUND

Mr. FAUNTROY. Since ratification of the 26th Amendment in 1970, there has been increased interest across the country in asking to what extent those 18 persons and older should be granted the full rights and responsibilities of adulthood. The 26th Amendment was a landmark in American history because of its acknowledgement that if young people are to die in wars, to pay taxes on their earnings and in most jurisdictions to answer as adults for their criminal acts after reaching 18, then it is time to grant them the right to elect public officials who are to govern them.

A Supreme Court decision in 1971 held that the 26th Amendment enfranchised 18-year-olds for Federal elections but that their vote

status in local and State elections must be a matter of State decision. It is fortunate, I believe, that in the District of Columbia 18-year-olds have the right to vote in all elections for the School Board as well as elections for Delegate to the House of Representatives, and of course the Presidential election.

Under the recently enacted Home Rule measure, 18-year-olds will also be permitted to vote for the City's Mayor and City Council.

With the voting rights of our young people 18 and older thus clearly established, it is fitting that we should discuss the other rights and responsibilities which may be appropriate to extend to them. For this reason the subcommittee views this hearing on H.R. 7112 as an opportunity for some of the social, political and legal ramifications of this legislation to be given an airing through the comments and suggestions of interested parents, City officials and legal observers.

With that introduction, I would like to turn now to any initial comments which the author of this significant legislation, the distinguished Member from New York, Mr. Charles Rangel, wishes to present.

Mr. RANGEL. Thank you, Mr. Chairman, and thank you for calling up this bill.

It seems to me and many of my colleagues that there is no moral or legal reasons to distinguish between an 18-year-old, a 19- or 20-year-old, and a 21-year-old which has just been selected as a cut off period to determine when a person should be emancipated.

It seems to me since one's government calls upon people below the ages of 21 and above the ages of 18 to assume so much responsibility as an adult, we should give them all of the benefits, rights and privileges that go with this responsibility. Therefore, this would be a hearing to get the ideas of those people who live within the District of Columbia, and we hope soon to be able to report the bill to the Full Committee. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you, Congressman Rangel, and thank you also for your foresight in introducing this legislation which can be of great significance for the young people of our city.

We are very pleased to have a long list of witnesses for our hearing today, and we are grateful to you for coming. We are appreciative also of the testimony that many of you have submitted in advance. Any of you may choose if you wish to submit that for the record, and make your salient points as you wish extemporaneously, if that is your desire.

Our first witness is Mr. C. Francis Murphy, Corporation Counsel for the District of Columbia. As he comes forward I want to insert in the record three communications which we have received supportive of the legislation, first from the Northeast-Southeast Business Association, in letter of November 29th, the D.C. Bar Association, which will have representation here during the course of the hearings also has a letter which I should like to now insert in the record, and the Washington Bar Association, a supportive letter which at this time will be inserted in the record.

[The information referred to was not received in time to be included in the record.]

Mr. FAUNTROY. Thank you very, very much, Mr. Murphy, for your presence at our hearing. You may proceed at this time.

STATEMENT OF C. FRANCIS MURPHY, CORPORATION COUNSEL,
DISTRICT OF COLUMBIA, ACCOMPANIED BY WILLIAM A. ROBIN-
SON, CHIEF, LEGISLATION DIVISION

Mr. MURPHY. Thank you.

Mr. Chairman and Members of the Committee, I am pleased to appear today on behalf of Mayor Washington to express the views of the Government of the District of Columbia on H.R. 7112, a bill "To provide that in the District of Columbia any person who has attained the age of eighteen years shall be held and considered to be a person of full legal age."

The District Government endorses and supports the concept of emancipation from the disabilities of minority for persons between the ages of eighteen and twenty-one so that they may enjoy, to the fullest extent feasible, the rights, benefits, privileges, and responsibilities of adults. We believe that minors of the age of eighteen are entitled to and deserve many of the legal rights long enjoyed by the adult population of the District of Columbia.

AMENDMENT PROPOSED

While our support of the concept of emancipation for the eighteen year old is unqualified, the District Government recommends that this Committee, in accord with the Committee's action on the D.C. Self Government and Governmental Reorganization Act, amend H.R. 7112 to provide that the District of Columbia Council be authorized to act on the question of whether to lower the age of majority to age 18 in the District of Columbia. We recognize this question has been addressed by different communities with different results. In our view, which is shared by the City Council, this decision should be made in a local forum. We have outlined our views in the Mayor's report to Chairman Diggs and have suggested language to achieve this.

Mr. Chairman, this concludes my statement. I will be happy to answer your questions.

Mr. FAUNTROY. I take note of your reference to the letter to Chairman Diggs from Mayor Washington, and at this point I should like to insert that in the record also.

[The letter referred to follows:]

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 31, 1974.

CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The government of the District of Columbia has for report H.R. 7112, a bill "To provide that in the District of Columbia any person who has attained the age of eighteen years shall be held and considered to be a person of full legal age."

The bill would modify the statutory and common law of the District of Columbia to provide that no person who has attained the age of eighteen years shall be denied any right or privilege or avoid any duty imposed by law solely on account of his age. Excepted from the provisions of the bill are the qualifications for election as Delegate to the House of Representatives from the District which will remain as specified by existing law. With certain exceptions, the age of majority in the District of Columbia is presently established by law at twenty-one years of age.

The District Government endorses and supports the concept of emancipation from the disabilities of minority for persons between the ages of eighteen and

twenty-one so that they may enjoy, to the fullest extent feasible, the rights, benefits, privileges, and responsibilities of adults. The District of Columbia is privileged to have been one of the first jurisdictions in the Nation to extend the right of voting in local elections to eighteen year old residents, a principle now embodied in the 26th Amendment to the Constitution. We believe that minors of the age of eighteen are entitled to and deserve many of the other legal rights long enjoyed by the adult population of the District of Columbia.

Although our support of the concept of emancipation for the eighteen year old is unqualified, we must recognize that in some areas of activity, especially those which afford certain rights and benefits for the protection of minors, a lowering of the age of majority may not necessarily be desirable or practical. H.R. 7112, with one exception, would lower the age of majority in the District of Columbia for all purposes, and thus would affect, among other things, contract and inheritance rights, and the receipt of government and support benefits by certain minors. Because of these and other possible effects which may result from the enactment of H.R. 7112, the District Government believes that the District of Columbia Council should be empowered to consider the issues and questions posed by lowering the age of majority.

In view of the recent enactment of the District of Columbia Self-Government and Governmental Reorganization Act, it is especially appropriate that the District of Columbia Council be authorized to hold public hearings to delineate the scope and extent of proposals to lower the age of majority in the District. In our view, the issues involved are local in nature and it would seem preferable that action be taken on these important matters only after representative community organizations, bar associations, government agencies, and the youths who are to be primarily affected have had a full and complete opportunity to express their views. Through such a complete airing of the issues involved, the Council would be in a position to ensure the preservation of any legal rights or benefits to which persons under the age of twenty-one are presently entitled and which it may be determined should be retained. In addition, the Council would be able to act expeditiously to restore to minors any rights or benefits that may have been inadvertently lost by a general lowering of the age of majority.

Accordingly, the District Government recommends that the purview of H.R. 7112 be amended to provide for a delegation of authority to the District of Columbia Council to conduct hearings and make determinations as to the age of majority in the District of Columbia by—

Striking out all after the enacting clause and inserting in lieu thereof the following:

"That notwithstanding any provision of law to the contrary the District of Columbia Council is authorized, after public hearing, to adopt such regulations as it determines necessary and appropriate to provide that no person in the District of Columbia who has attained the age of eighteen years shall be denied any right or privilege, or shall be able to avoid any duty imposed by law, solely on account of such age. Nothing in this Act shall be deemed to authorize the Council to change the qualifications for election as Delegate to the House of Representatives from the District of Columbia specified in section 202 of the District of Columbia Delegate Act (D.C. Code, sec. 1-291)."

The title of H.R. 7112 should be revised to reflect the suggested amended purview of the bill.

If amended as recommended herein, the District Government would favor the enactment of H.R. 7112.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. FAUNTROY. Thank you so very much, Mr. Murphy, for your very succinct statement here. It is, is it not, your opinion that without specific Congressional action the D.C. City Council cannot act to lower the age of majority here, at least until the Home Rule Bill's provisions become effective January 1st?

Mr. MURPHY. That is correct.

LEGAL EFFECT OF THE LEGISLATION

Mr. FAUNTROY. What effect would this legislation in your judgment have on the legal rights and responsibilities of 18- and 20-year-olds

regarding contractual arrangements, particularly those such as credit cards, car rentals and other commonly used consumer credit transactions?

Mr. MURPHY. It would place the 18-year-old in the same position that a 21-year-old is today. In other words, he would be fully responsible in all contractual matters as any adult is.

Mr. FAUNTROY. How then, would it affect especially students in this age range who are eligible for various support and pension benefits because of the combination of their age and student status?

Mr. MURPHY. I don't view the bill as intending, for example, to interfere with a right that someone would have because of a law which affords pension benefits or indeed support benefits. That would be an obligation, as I view it, which would affect another who has a duty towards a person. I doubt that this legislation is intended to interfere with those rights.

Mr. FAUNTROY. What would be your opinion of legislation which would set the age of majority at 18 for most purposes, but would specifically state that child support arrangements and eligibility for pension and retirement fund benefits would not be affected?

Mr. MURPHY. I think that would make it very clear then that the legislation did not intend to interfere with that type of a situation.

Mr. FAUNTROY. How would this legislation in your judgment affect divorce settlements, which call for support of a child say beyond 18?

Mr. MURPHY. If the divorce decree required support until the age of majority, then under those circumstances this law could well affect that, so that that obligation under that decree could expire at age 18.

Mr. FAUNTROY. Rather than 21?

Mr. MURPHY. Rather than 21.

Mr. FAUNTROY. All right, Mr. Rangel, would you have any questions?

Mr. RANGEL. Yes, I do, Mr. Chairman.

Mr. Murphy, it seems as though from the letter that was sent from the Mayor to Chairman Diggs, as well as your statement, that there is no problem in terms of the concept of having the 18-year-old age considered to be majority?

Mr. MURPHY. That is correct, Mr. Rangel.

Mr. RANGEL. If in fact this was referred to the City Council under the Home Rule provisions that have been enacted by the Congress, when do you think that the City Council will be able to act on such a concept?

Mr. MURPHY. I couldn't obviously commit the City Council. I would anticipate that the City Council would act expeditiously, if Congress chose or determined to authorize the City Council to enact such legislation.

Mr. RANGEL. That means you would not have to wait for Home Rule?

Mr. MURPHY. Not if the Congress specifically authorized the Council to adopt such regulations.

Mr. RANGEL. What violence would it do if the Congress enacted the law to the City Council?

Mr. MURPHY. In the ultimate, I don't see that it would do any violence.

Mr. RANGEL. So that really the only thing that Mayor Washington is saying, and I think you are saying, is that for political purposes it

might be better if the City Council did it, but other than that, it would make good law.

Mr. MURPHY. That is correct, sir.

Mr. RANGEL. Thank you.

TESTAMENTARY DISPOSITIONS

Mr. FAUNTROY. I just have one more question, Mr. Murphy, before yielding to Counsel for questions which may be asked. It is a question which will probably be asked of a number of witnesses. In a number of jurisdictions across the country including the District, males and females attain certain legal rights at different ages. For example, here in the District under current laws females may make valid wills at the age of 18 and males may not do that until they are 21. Similarly in 21 States and the District a female may get married without parental consent at an earlier age than males. What are the legal and policy reasons behind such provisions and are they worthy of preserving?

Mr. MURPHY. There are a number of areas like that. For example letters, testamentary of administration can be granted to females 18, and I don't know. It seems to me that in past history there has been some kind of a recognition that a female arrived at the age of responsibility at an earlier age than a male.

Mr. FAUNTROY. Do you suggest we move it down to 13 or so?

Mr. MURPHY. No, I suggest we equalize.

Mr. FAUNTROY. I guess my specific question is how do we account for this in this legislation if at all? Do we want to make clear that here after all are able to, for example, make wills at 18, that young men when they arrive at the age of 18 may get married without parental consent? Is that the judgment you have?

Mr. MURPHY. Yes, sir.

Mr. FAUNTROY. Thank you. Counsel.

ADMINISTRATIVE PROBLEMS

Mr. FREEMAN. Mr. Murphy, as Corporate Counsel of the District of Columbia, do you have any problems assuming that the Congress were to enact this legislation, with the legislation the way it is drafted currently? I mean assuming Congress would decide they want this type of legislation, do you have any problems with this draft?

Mr. MURPHY. Generally, no.

Mr. FREEMAN. How about specifically?

Mr. MURPHY. I think the only area that might cause a problem probably should be clarified is in the area of support, for example, or take a tax situation where under Federal law, I believe, a parent can claim a child as an exemption beyond the age of 18 if he is attending school, and I don't think there is any intent of interfering with that type of situation, but the law is broadly written, and perhaps there should be some clarification that the law does not intend to interfere with that, nor, for example, to interfere with the duty of a parent under appropriate circumstances to support a child beyond the age of 18.

Mr. RANGEL. May I just answer that. Clearly if there is any legal arrangement between government, parent and a child, or a person, and if they spell out the age 18, then certainly this language does not

change that. If there is a specific age, then certainly it would mean that the government has taken a position that for the purposes stated for the deduction, as the example you used, that will be it, because the 18 does not refer to majority.

Mr. MURPHY. Right. That is how I understood the legislation.

Mr. RANGEL. Then if in fact we were talking about a domestic relation situation, where of course most of them are contracted between the parties, the parties would determine just how long they would want one or the other to maintain that child, and as you pointed out, if they say majority, then it is clear that it would become 18 if this became the law, but there is nothing to prevent parties from entering into any type of agreement with any judge that could very easily make it 25, if there are other circumstances that the court believes that the parental obligation should be extended, so that in your specific examples, I fail to see how this would be in conflict. We merely say that we establish the age of the majority, but this does not allow anyone to establish any other age for whatever specific purpose they want in contractual relationships.

Mr. MURPHY. I would agree with that.

Mr. FREEMAN. I have one more question. What effect does this have on the Youth Corrections Act and Criminal Prosecutions in general in the District of Columbia?

Mr. MURPHY. On the Youth Corrections Act? I shouldn't think it would have any effect on that.

Mr. FREEMAN. I have no more questions, Mr. Chairman.

Mr. FAUNTROY. The distinguished gentleman from Kentucky, Mr. Breckinridge, has joined us. Mr. Breckinridge, would you care to question the witness at this point?

Mr. BRECKINRIDGE. I don't know that I want to impose on the witness because I was late and don't know what has gone before, but as I have just heard this last exchange I would like to make a very simple statement. I happen to come from a State that has gone through this sometimes agonizing process referred to facetiously as creating a wonderful practice for the professional. Kentucky, by constitutional amendment, provided many, many years ago that 18 would be the age of emancipation. We have had no problem with it except legal in nature.

It was my responsibility to review the effect of a statute generally drawn to make one 18 as distinguished from one Sui Juris, and then try to run that against the indexes of the Kentucky provided status, and we concluded that it did indeed create a problem and that our legislature should go back, and in each and every instance undertake a specific provision rather than a broad and general one. However, that goes to the mechanics of the problem and not the merits of the proposition and I would just like to go on record in supporting the merits of the proposition and say that the mechanical problems should not be allowed to stay in the way of the revision as proposed.

Mr. FAUNTROY. Thank you, Mr. Breckinridge, and thank you, Mr. Murphy. Counsel, any questions?

Mr. HILDER. No questions.

Mr. FAUNTROY. The next witness is Mrs. Floretta D. McKenzie, Deputy Superintendent for Educational Programs and Services of the D.C. Board of Education.

STATEMENT OF FLORETTA D. McKENZIE, DEPUTY SUPERINTENDENT FOR EDUCATIONAL PROGRAMS AND SERVICES, D.C. BOARD OF EDUCATION

Mrs. McKENZIE. I have with me Mr. Oavid Smith, Special Assistant to the Board of Education.

Mr. Chairman, Committee Members, Ladies and Gentlemen:

The administration of the District of Columbia Public Schools appreciates the opportunity to appear before the House District Committee to speak in support of House Rule 7112, the bill that provides for lowering the legal age in the District of Columbia to 18 years. In fact the Board of Education went on record in support of H.R. 7112 at its October 16th meeting. We believe that it is a timely, long overdue piece of legislation.

We have recognized the injustice done to our young adults in denying them the legal rights and privileges that adulthood properly claims. Therefore we enthusiastically applaud the intent of this bill, which would remedy a grievance that should indeed have been corrected some years ago.

This is a particularly appropriate moment in the District's history to extend the age of majority to include the 18-year-olds. We are now on the threshold of home rule. There would appear to be no better time to confer legal responsibility on this age group than when the District itself is coming, in a sense, of legal age.

NEED FOR LEGISLATION

As new employees in the labor market, as taxpayers, and as consumers in the community's (and the Nation's) economy, these young people have earned the right to enter, for example, the vital legal transaction all of us find necessary as productive, responsible citizens.

Mr. Chairman, there is a basic inconsistency, as has often been noted but bears reiteration here, between pressing our young men and women, some barely out of high school, into military service (and perhaps into the most lethal warfare) and telling them they are too young and immature to assume the rights and responsibilities or share the perquisites of adulthood.

Today's youth are much more advanced—biologically and psychologically—than their counterparts of a generation or two ago. First of all, they are far more knowledgeable about the world they live in, a world our technology has reduced to a global village. They are more knowledgeable about their own country and the nations of the world, which telecommunications has brought into the family room. They are also a more highly mobile generation, traveling easily and confidently throughout these United States and abroad to countries other generations came to know primarily from books, magazines, and movies. As a result they have acquired that spirit of independence and sobriety of judgment that come from experience and maturity, from testing themselves and their environment.

This is also a better informed generation of young people. They are better educated and more widely read than we were. They are more issues-oriented, more concerned, for example, about the consequences of national social and economic policies, about the moral ambiguities

of contemporary life, and about political contradictions of our times. Their social consciousness has a greater range and a greater commitment to act on and change than that of our generation. Our 18-year-olds, in a word, are a more intelligent and serious "breed" than we were as 21-years-olds.

The 18-year-old population of the District of Columbia is typical of this intelligent and serious breed. They want to be heard, to make their presence felt, to have a part in shaping the society they will eventually inherit. They want to be recognized as responsible adults, capable of assuming and satisfying the legal and social obligations that are the essence of adulthood. They want to participate in the political decisionmaking process. They want to have a significant voice in electing to public office the people who will represent their interests, concerns, and points of view on questions that profoundly touch their lives. These are reasonable and justifiable aspirations.

For the reasons set forth above, which are both moral and practical, we strongly endorse H.R. 7112. Social responsibility and maturity should carry with them commensurate rights and privileges. The present legislation, which would lower the age of majority in the District of Columbia to 18 years would bring these democratic concepts into greater harmony.

Thank you.

Mr. FAUNTROY. Thank you so very much, Ms. McKenzie, and we appreciate this very strong endorsement of what this bill attempts to do.

We will yield to questions from Mr. Rangel.

Mr. RANGEL. I just want to thank Ms. McKenzie, and I suppose the young people of the District would too. It's always exciting to see the Board of Education and those that represent it, actually instead of just representing the academic formulas that they are presenting, and spoonfeeding, they are also there to protect their interests, and they are to be congratulated.

Ms. McKENZIE. Thank you.

Mr. FAUNTROY. Congressman Breckinridge?

Mr. BRECKINRIDGE. No questions, thank you.

Mr. FAUNTROY. Counsel?

Mr. ULMER. No questions.

Mr. FAUNTROY. Thank you so very much.

Our next witness is Mr. Charles Mayer, Esq., Chairman, Domestic Relations Committee, District of Columbia Bar Association, accompanied by Mr. Armin U. Kuder.

Please proceed.

STATEMENT OF CHARLES H. MAYER, ESQ., CHAIRMAN, DOMESTIC RELATIONS COMMITTEE, D.C. BAR ASSOCIATION, ACCOMPANIED BY ARMIN U. KUDER

Mr. MAYER. The committee doesn't particularly want me to read my prepared statement? I prefer not to do that since you all have copies of it, but merely to speak about this problem in an extemporaneous manner. We, of course, have no objection whatever to the concept that youngsters of 18 should be allowed to vote. That is not the thrust of our position here.

We are more concerned with protection of youngsters largely in the field of economic matters. We view the bill as unfortunate in certain respects. We think though it speaks in terms of conferring benefits upon youngsters at 18, that the actual effect of it is to saddle them with serious detriment. With all due respect to Congressman Rangel, who is the author of the bill, from our standpoint it would be more appropriate to title a bill to emancipate parents from the obligation of supporting their children. That is precisely the effect that this bill would have.

LEGAL EFFECT OF THE LEGISLATION

There is no question in our minds if you pass a bill, which in the preamble, it says any person who obtains the age of 18 shall be held and considered to be a person of full legal age, that the legal effect of that would be to terminate the obligations of either parent to provide support for that child when he or she reaches 18. At present, the law provides that the age of majority is 21, and we have a case in our Court of Appeals, *Spence v. Spence*. I can furnish the citation later, if you wish, where the Court of Appeals has held clearly that once a child reaches the legal age of emancipation, that terminates any obligation of support from the parent for all purposes.

Now, it's true, as I believe Mr. Rangel indicated, that a parent can voluntarily bind himself to provide support beyond whatever the legal age might be. We are not so much concerned about that as we are enabling or continuing to enable our courts to require that support be provided. Age 18, as we all know, is the normal age for graduation from high school and for entering college. I can't think of a worse age when support may suddenly be ending. Many youngsters, I don't know if most do, but many youngsters do attend college. In the typical domestic situation that Mr. Kuder and I have a lot of experience with, where a home is broken and the father and mother are either separate or divorced, there is no agreement, and indeed that is true in a great many cases, the matter is for the court, and the court has placed an order of support on the father, that father cannot be counted on to be well motivated toward his child and voluntarily provide support beyond 18 if the law doesn't require him to do so.

Now, many children who would otherwise be able to go on to college and get an education are going to be deprived of that opportunity, or at least the task is going to be made a great deal more difficult for them. If the age for majority for support purposes is lowered to 18, there are a great many fathers who will stop that payment the minute the child becomes emancipated. This bill would emancipate children at 18. We think for that reason, it is extremely unwise. We think there are many other situations beyond those who go to college. A lot of youngsters who can't be counted on to be self-supporting at 18 and for other reasons, because of their own slowness, or the saturation, if you will, because of some disability or another, 18 is pretty young. I remember, of course, when I was 18, I felt I probably knew everything there was to know, and I was fully capable of doing anything anybody else was. Now that I am slightly over 18, I realize I wasn't wise in having that point of view.

GUARDIANSHIP

I am mindful of another point or two, if I may, which is not strictly within the gambit of the Domestic Relations Committee. I am in the process of settling a personal injury case for a young lady who is now approaching 12. As a result of this settlement, slightly over \$300,000 will become available to her in the form of a guardianship. Now, that guardianship will continue until this young lady reaches the age of emancipation, whatever that age may be.

I suggest to you that 18 is pretty young for a child to suddenly come into possession of a large sum of money, like \$300,000. As far as the rights of children to contract and that sort of thing, I think that many sound and reputable business firms will be slow to enter into contracts with youngsters between 18 and 21. This is whether they are legally capable of entering into contracts or not, whereas many unscrupulous business firms would be more than happy to be able to bind children of 18 or 19 to contracts. I don't think that youngsters of that age in general have the experience or the maturity to cope with a lot of economic matters that may end up causing them grief.

BAR'S POSITION

So our position, and I am happy to say I do speak here today for the entire D.C. Bar Association, not only for our committee, we are opposed to this bill insofar as it would affect children in these economic areas that I am speaking of. We again have no quarrel with the notion that children are old enough to go into the Army, they are old enough to vote, and that sort of thing. That is fine. Our area of interest, as I say, and as I have expressed it, and I think—if there are any questions, I will be happy to answer them, or you can hear Mr. Kuder now if you prefer.

MR. FAUNTROY. Thank you so much, Mr. Mayer. And Mr. Kuder would you—

MR. RANGEL. Mr. Chairman, rather than have their statements confused, I would prefer to ask some questions of Mr. Mayer now.

MR. FAUNTROY. Be very happy to do that.

MR. RANGEL. I was—were you going to say something?

MR. FAUNTROY. First of all, let me thank you for drawing to our attention some very serious questions, one which I attempted to get at in my questions with Mr. Murphy, that is to what extent can you suggest as ways in which on a specific economic matter or matters, this bill might be shaped to take care of your concerns?

AMENDMENTS PROPOSED

MR. MAYER. Well, there are two ways, in fact, in which it can be done, Mr. Chairman. One, of course, would be to have a proviso in the bill that the bill will not apply to the obligation of support which might be continued to age 21, and another approach, which Mr. Kuder favors, would be instead of having a broad-brush bill of this kind, which speaks for all purposes, children become adults at the age of 18, that someone might carefully go through the District of Columbia

Code, and on a case-by-case or situation-by-situation basis, decide for what purposes the child is emancipated at 18, and for what purposes he or she is not.

Mr. FAUNTROY. This to prevent your parental emancipation proclamation?

Mr. MAYER. That is correct, Mr. Chairman.

Mr. FAUNTROY. Mr. Rangel.

Mr. RANGEL. Yes, Mr. Chairman.

I assume that the lawyers are saying that they would want to protect the legal rights of those people between the ages of 18 and 21?

Mr. MAYER. That is correct.

Mr. RANGEL. And there is an assumption that college education would be adversely affected if a parent did not have a legal obligation to support this person beyond the age of 18?

Mr. MAYER. That is also correct.

Mr. RANGEL. And has it been your experience that in the majority of the cases handled by lawyers, that the 18- to 21-year-old is going to college?

Mr. MAYER. I think that certainly is true in many cases. I can't say that is true in all cases. Obviously we know that college is expensive, and unfortunately there are some families who don't have the means to send a child to college in any case. But in cases where the parties that we deal with are parties of reasonable means, I know that in the agreements that I work on and that Mr. Kuder works on, the matter of a college education is frequently a subject of separation agreement or property settlement agreement.

Mr. RANGEL. If I can interrupt at that point, if you say the cases we work on are people of reasonable means. Then you are not talking about a broad cloak of protection given by the courts. You are talking about those people that have come to lawyers to work out an agreement or agreements.

Mr. MAYER. Well, I am talking about both, because people who come before the court have also come to lawyers. Sometimes agreements are simply unable to be reached, and when agreements aren't reached, you go to court. Oftentimes the court has to decide these matters, how much alimony should be paid, how the property is to be divided, how much child support is to be provided.

Mr. RANGEL. In those cases, are a majority of those cases involved in the welfare of college students?

Mr. MAYER. Often they do. Often they do, yes. We have a number of cases in the District of Columbia where the Court of Appeals has spelled out that the matter of a child going to college is an appropriate matter for the court to order the father to pay for. This is where the showing can be made that the child is capable of receiving college education, and where the financial circumstances of the father will permit.

Now, that has been decided in at least a half dozen cases that I am aware of. It's a matter that does come up with some frequency.

Mr. RANGEL. But you are talking about the posture that the parent has a moral responsibility to send the child to college?

WHAT LEGAL AGE?

Mr. MAYER. In my opinion, Mr. Rangel, I can't think of any better use money can be put to than to educating one's children. I do think

it's a moral obligation, and I fail to see the legal obligation that now exists be shortened by 3 years. If you stop it at 18, nobody is going to go to college, or practically nobody.

Mr. RANGEL. Counsel, you said you could not pick a date that would be more disadvantageous than the cutoff date of 18. College still runs for 4 years, and if the cutoff date is 21, isn't that a more disastrous age, if you had to arbitrarily pick an age?

Mr. MAYER. If I had my way, I would provide that the age of majority be extended to 22 for the very reasons you are suggesting, but we are now dealing with an age that has long been established in the law, the age of majority at 21.

Mr. RANGEL. If you were talking about a law school or medical school, you could extend it to 31.

Mr. MAYER. Well, hopefully not that long. Law school might be 25.

Mr. RANGEL. You would support that?

Mr. MAYER. Pardon me?

Mr. RANGEL. You would support that? That would be for graduate studies, if they were involved, until such time as the child obtained the height of their professional educational goals?

Mr. MAYER. I think you have to have a rule of reason apply and I think you have to establish some age limit, and I think you are using that argument against my suggestion of keeping it at 21. I don't think that parents would have to support a child indefinitely. Not until they get grey hair like me, particularly, but I would—we do have an age of 21; whether that is right or wrong, it's a traditional age in this country. It has been for many years. Whether or not it ought to be made higher, to 22 for support purposes, is not before the committee today. The question is should it be lowered to 18.

Mr. RANGEL. On balance of person's rights and responsibilities, you would have to admit an 18-year-old responsibility has just increased dramatically since we have had these common law rules about the arbitrary age of 21, and to bring some balance without talking about just the parental support, certainly an 18-year-old should be able to involve themselves in more adult privileges?

Would you agree?

Mr. MAYER. Well, I don't know. It depends on whether you are talking about the right to vote, I am all for that. I have heard the general phrase used here by some of the witnesses about adult privileges entering into the public. I don't know what that means.

Mr. RANGEL. I could be specific. An 18-year-old wants to support himself and he wants to buy an automobile and sign an installment contract. That is as specific as you can get. He comes home on furlough and he wants to be able to purchase civilian clothes on credit. He wants to get an American Express card, he wants to get a Diner's Card. He wants to get married. Anything that a 21-year-old could do, with the exception of expecting a check from his father.

Mr. MAYER. There I would doubt the wisdom of 18-year-olds getting heavily involved in the matter of credit. Unless they are in fact employed and reasonably well employed.

Mr. RANGEL. Sir, you recognize this law does not allow someone to get instant credit. It just allows them to stand in the same shoes as a 50-year-old would in applying for credit.

Mr. MAYER. That is why I said what I did earlier, that I think many reputable firms would be quite slow to extend credit to an 18-year-old,

even though he may be of a legal age. I can foresee many unscrupulous businesses happy to take advantage of a child's immaturity at that age.

Mr. RANGEL. Did the Bar Association in their deliberations take into consideration that a law firm or lawyer normally monitors a domestic relations contract which would allow him to go into court more frequently between the age of 18 and 21 if the majority was cut back 3 years?

Mr. MAYER. I am sorry. I don't understand your question.

Mr. RANGEL. Well, as I understand it, and I am not a practicing lawyer, in most of these domestic relations agreements, there are provisions if one party fails to uphold it, then it normally is the wife, but I understand that is being changed too, that could have a counsel into the court and the husband would be responsible for legal fees, whether he won or lost.

Mr. MAYER. There is a power in our court to require that husband's pay the wife's counsel fee. It's discretionary with the judge under various circumstances. Is that what you are asking?

Mr. RANGEL. Aren't most of these provisions written into the contract between the parties?

Mr. MAYER. Mr. Kuder would like to answer that.

Mr. KUDER. If I might interject, the cases that get to court are really the tip of the very large iceberg, and most agreements, once signed, do not come back to the court. That would be my experience. And I would also then point out that Maryland last July changed this law in this broad fashion. It began a whole rash of actions, so far as I could see, to take a look at all of these agreements. What does it mean when it says emancipation in the agreement? Does that mean the age of emancipation when they signed the agreement? Does it mean now that the law has been changed? What do you do if you have one child 16 and one 19. Are you taking away vested rights from one or the other? I think every county court in Virginia in the last 2 years has had a case appealed, and I have seen, oh, a half dozen or so since July, which is quite remarkable, in Maryland, reported in the Maryland Daily Law Reporter. So I think that you have exposed more of a tip of the iceberg with legislation which is general in this nature and leaves that question to be decided in the courts than you would otherwise.

Mr. RANGEL. You mentioned that, counselor, because it would appear that the cases your colleague was talking about are just a few relatively small number of cases. There is nothing to deal with a 20-year-old lazy kid that is not going to school, that is not employed and still have his father or mother still has obligations to legally support him.

SUPPORT CASES

Mr. MAYER. Let me speak to that point, if I may. Perhaps I haven't made myself clear. If the age of majority is left at 21, it does not automatically follow that in all cases a father would continue to provide support to 21. If a child graduates from high school and does not go on to college and perhaps gets a job or something, he, assuming now a case under which he is under a support order from the court—and we have thousands of them here—the father can apply to the

court to have the support payments stopped. This is even though the child isn't 21. The matter of providing support is not automatic. It's discretionary with the court.

Mr. RANGEL. You include the magic phrase that the child has a job.

Mr. MAYER. A judge, of course, would be empowered to cut off support depending on the facts and circumstances at 18 or 19, whether he had a job or not. It depends on what the circumstances were. If a child—you are posing a situation where a child does nothing. He graduated from high school, he is lazy, he is not doing anything. Why should the father continue to support him?

Mr. RANGEL. Why should the father be in court?

Mr. MAYER. Well, the answer to that question is if the father has been supporting him up to 18 in a court order, it's open to the father to come into a court and this is on a simple motion, and ask to be relieved of this burden, and if the facts and circumstances were such that the court feels he should be, he can be, even though the child is not 21. If you lower the age to 18, there is no way in which he can be required to support beyond that age, no matter how worthy the circumstances are.

Mr. RANGEL. What is magic about the age of 18 that a father can come into court for a motion?

Mr. MAYER. He can come into court at any age. If the support started say, at age 12, or whatever the age of the child may be at the time the matter is litigated, if the circumstances become such that the father has a proper ground to present to the judge that he should not be required to make the payment, the judge has the power to relieve him of that. Whatever the circumstances might be. It's on a case-by-case basis, based upon the discretion of the court. So that, as I say, it does not automatically follow if you leave the age to 21, all fathers on support orders will have to continue to provide support until 21.

The circumstances dictate that they can be relieved at an earlier age.

Mr. RANGEL. That is saying that somebody who is indicated is not proved guilty, they could go to trial. But it means that the father still has to come into court. He has an obligation to be in court. You said this is the position of the entire Bar Association of the District of Columbia Association?

BAR'S POSITION

How did this come up? At a regular Board meeting or membership meeting?

Mr. MAYER. We were asked, I think Congressman Fauntroy and I believe Mayor Washington, addressed letters to the Bar Association, asking for comments on this bill. It was referred to a number of committees who the Board of Directors felt would have an interest in the matter, among them being the Domestic Relations Committee. We have acted on it more promptly than some of the other committees, who have not acted as fully as we have, because we were concerned about this matter of support. We acted on it at a meeting of our committee, in which we unanimously took the position we are advocating today. I appeared before the Board of Directors and pressed this position, and the Board of Directors authorized me to take this position

for the Association. The Board of Directors, in effect, speaks for the members of the Association. This is as Congress speaks for the people of the United States. When you have a particular matter before Congress, the entire population doesn't vote on it. Its representatives do. When there is a matter for the entire bar to speak on, its representatives, the Board of Directors, do.

Mr. RANGEL. So it's safe to say that the only discussion had was by the subcommittees, which you headed, and the Board of Directors, which had authority to take this position?

Mr. MAYER. It's not a subcommittee. It's a committee.

Mr. RANGEL. A committee.

Mr. MAYER. The Domestic Relations Committee, and then the Board of Directors, speaking for the Association.

Mr. RANGEL. Could the chairman expect to receive a letter from the chairman of the Board?

Mr. MAYER. Sir?

Mr. RANGEL. Could the chairman expect to receive a letter from the Chairman of the Board, explaining that this is the official position of the Bar Association?

Mr. MAYER. I have a copy of a letter that was addressed to Chairman Fauntroy by Mr. Canfield who is the President of the Association at the present time. I forget the date of it. I believe it is around the 24th of January.

Mr. FAUNTROY. The 23d, I believe, and that has been inserted in the record.

Mr. RANGEL. Thank you very much.

Mr. FAUNTROY. Congressman Breckinridge?

Mr. BRECKINRIDGE. Thank you, Mr. Chairman.

Mr. Mayer, I appreciate your testimony very much, and I really want to reaffirm my earlier statement and ask whether or not the Bar might see fit to let the Committee have the benefit of their detailed rather than their general voice in this connection, with reference to those sections of the statute which more particularly your committee and perhaps the Bar itself feel should be given attention by committee and any final legislation that may be reported out to the House.

Mr. MAYER. Mr. Breckinridge, I believe in Mr. Canfield's letter, he pointed out that the Probate Committee had been sent this bill for its views. That relates, I believe, to a matter similar to the one I mentioned earlier. That is where the money had been left by a testator to children. As you know, in many cases, the testator will set up a trust using an age far beyond 21 for the distribution—say 25, 30, whatever the testator wants to. But many times, many people die intestate, and a child is an heir at law, or next of kin, and eventually is going to become entitled to that decedent's estate.

The question rises at what age should he receive it, unless he is able to divest himself of it. I think you will get a report from the Probate Committee. Unfortunately I have to say that our Bar Association sometimes moves with the speed of a slow glacier, and that is what concerned my committee about getting this.

Mr. BRECKINRIDGE. I think that is rather rapid for most Bars.

Mr. MAYER. I would be hopeful that we get our position here before rather than after the bill is passed. I think, I am sorry to say that it may be that some of the other committees may not get it here until

after the bill is acted on. I will be glad to report back to Mr. Canfield that the committee would like to have whatever views there are from other committees. There are other areas of concern in the Bar involved in this criminal aspect as I mentioned. I believe you asked the question about the Youth Corrections Act, and I am pretty sure the bill has been submitted to the appropriate committee in the Association for that portion, and one or two other committees.

Mr. BRECKINRIDGE. I am not sufficiently familiar with the details of the D.C. Code, but I do recall giving out an assignment to co-map the Kentucky Advisement Indexes on a related question as to what in fact should or should not be treated specifically. It was a Mayor's list—not a Mayor's list. Someone testified in another hearing. It was a Mayor's hearing and the assignment I wish we could have to a computer. I think that this sort of detail job would be very useful.

Mr. KUDER. Mr. Breckinridge, I did participate with a small committee especially appointed by the Bar Association to see what was in the D.C. Code requiring direction of the Equal Rights Amendment should pass, and I was surprised at how short of a job it is. The D.C. Code is three volumes. Any other State Code would be six times as long, for whatever reason. With the assistance of a law student, I think we identified every area in which there was discrimination between sexes in the Code in a very brief period of time. I think the same thing could be done with respect to age. And then thoughtful consideration could be given to each of the ramifications of each case. That was my recommendation.

Mr. BRECKINRIDGE. I think that would be very useful.

Thank you, gentlemen.

Mr. FAUNTROY. Thank you.

I just have a couple of questions that relate to matters just raised. What period of time do you estimate it would take to comb the D.C. Code? I have been informed that the Library of Congress, in fact, identifies all references in the D.C. Code to age differentials, and I would say it doesn't seem to be very long.

Mr. MAYER. Mr. Fauntroy, I believe in the support area, I am not sure if that is one of the sections you are referring to, but Title 16 of the D.C. Code is a Title that deals with divorce, separation, and so forth. I think I am correct, and I am speaking solely from my memory. They use the term minor children, rather than any particular age.

Mr. FAUNTROY. Precisely.

Mr. MAYER. The husband can be required to pay support to the minor children committed to the care of the mother. I don't know if that would be flagged, if you are looking for specific age numbers as distinct from the word minors.

Mr. RANGEL. Minor is defined as anyone under the age of 21.

Mr. FAUNTROY. All right.

Counsel?

TUITION PAYMENTS

Mr. ULMER. Let me ask one question.

Mr. Mayer, I would appreciate a little clarification on your concept of support in connection with college education. I have a son and I live in the District. Legally I am required to support him to the age of 21. Is that my understanding of what you stated?

Mr. MAYER. I think that is correct, sir.

Mr. ULMER. Does that support include college, if I am financially able to provide it?

Mr. MAYER. Well, I don't mean to be personal. I am not sure if you are speaking about a situation in which you and your wife are separated, or what.

Mr. ULMER. No, sir.

Mr. MAYER. Within the family?

Mr. ULMER. Within the family.

Mr. MAYER. Well, the answer to that question, I guess as long as the family stays in one unit, that is strictly an intrafamily unit—

Mr. ULMER. Right.

Mr. MAYER. If your wife felt strongly your son should go to college, and you felt strongly you couldn't afford it, and you had enough of a falling out about it, that the separation and what not came up, and the matter got into court, a judge would want to look at your income, your financial situation, your assets, your liabilities, the needs of this child to go to school, whether he was able to get into college and accept a college education, and make a determination of how much money you ought to pay. The judge might also take into consideration your wife's ability to contribute toward it, and also the child's own ability to earn his own worth. Out of that maze of factual evidence and circumstances, the court would say you pay x dollars a month or x dollars a year for the child. In effect, he would be taking into account the need for the college education.

Mr. ULMER. This would only become an issue where a family dispute arose and it came into litigation?

Mr. MAYER. I suppose theoretically, a child acting on his own, could get someone else to bring a suit on his own. Typically it comes into play in the situation I have described.

Mr. ULMER. I think what you are trying to say, then, is that the change in the legal age does not change the moral obligations as far as advanced education?

Mr. MAYER. Not in my opinion. I think most well motivated fathers, such as yourself, could provide an education beyond college age, perhaps, as Congressman Rangel's situation, that of law school or medical school or others.

Mr. ULMER. Thank you.

Mr. FAUNTROY. Mr. Mayer, let me be very clear on this. You are telling me that at 20, a child could not sue his parents for his tuition, is that right?

Mr. MAYER. I think that is true, although—

Mr. KUDER. I would disagree with that opinion.

Mr. MAYER. You would have to do it for a guardian.

CHILD SUPPORT

Mr. KUDER. He cannot himself. Anyone, his best friend, claiming that he has a right to be supported by his father in this manner, could bring the action for this man. Maryland actually has a statute which permits children at the age of 16 who are unhappy with a relationship and arrangements between the parents and child, to bring an action for himself or herself to determine those actions. In all other things, the

existence of the rights, the existence of the law, doesn't necessarily only becomes implied in a court room or a legal case. The existence of those rights, I think, greatly affect how families deal with each other. At a time when 18-year-old children are expecting their independence in stronger and more noticeable ways, putting increased pressure on parents and their reactions to them, I think it would upset them more in this area to eliminate that bit of leverage which the children have. That is, that I do have these legal rights with you, and now let's sit down and talk about it, which in my practice and the families with which I deal, I think happens much more frequently than somebody running off to court to decide those things. That gets put into the balance and is very important.

BAR'S POSITION

Mr. FAUNTROY. Counsel?

Mr. RANGEL. I want to clarify the position of the Bar Association. As I read the letter of January 15th, which was signed by your President, they were not prepared to give any more than a partial report and they indicate that your committee is opposed to the bill, but they have not taken a position in opposition or support.

Mr. MAYER. I have spoken to Mr. Canfield since the letter was written and was advised by him that the Board had met and had approved the position of the Domestic Relations Committee, and therefore I was authorized to state I was to represent the views of the Association.

I was concerned about that in preparation of my statement and had that not taken place, I would have clearly stated in here that I was appearing solely as a practicing lawyer, representing solely the views of my committee. But that is not the case. You will have to take my word for it. The Board President has supported our position.

Mr. RANGEL. Well, it would help us, because certainly the Bar Association is respected by members of the House and many other people. If in fact, Mr. Canfield is prepared to say as a result of other reports from other committees, that this is still the posture, it would make a difference.

Mr. MAYER. As I said before, the problem is this bill affects different areas of the law, and the bill has been sent perhaps three or four or five committees who are acting on it. Unfortunately other committees have not acted as fast as we have. Perhaps they will—they haven't really been concerned about it as much as we were. That is what he said, a partial report, and I haven't heard from the Probate Committee, the Criminal Law Committee, and so on. We are anxious, Mr. Kuder and I, are anxious to act promptly. We recognize when you write a letter, which I believe you did, Mr. Fauntroy, in November, it's poor service to this committee not to have the answer until January. We regret that. We have done in our committee as much as we could do to move our aspect of it along. I am sorry that the others have not acted as strongly. We think when you write us a letter in November, you ought to have an answer by December sometime, particularly since we know that you intended to have these hearings.

Mr. RANGEL. It would be unfair, to the Bar Association, for us to have us believe that the other committees who have a deep concern for the rights of people that may disagree with a posture taken by the Do-

mestic Relations Committee. If we left it as a partial report, with the exception that the Board has directed you to speak in their view, we get the Board's testimony whether they all support you or differ with you. We would need their thinking. I would hate to have this letter and your statements conclude the thinking on the Bar Association, since only one committee acted on this, or actually studied the question.

Mr. MAYER. I think you should have the benefit of the other committees. I don't think it's at all likely or possible that the other committees will take a contrary view on the issue of support for the children.

Mr. RANGEL. There is no question about it, but certainly this law goes beyond support for children.

Mr. MAYER. You are quite right.

Mr. RANGEL. Thank you.

Mr. FAUNTROY. Counsel?

Mr. FREEMAN. Mr. Mayer, would you submit the *Spence* case so that we may have the benefit of it?

Mr. MAYER. Yes, I will.

GUARDIANSHIP

Mr. FREEMAN. I have one question as to a \$300,000 personal injury case; would it not be possible to construct into that settlement the fact that the money would only be turned over to the victim when they were 21, 22, or 25, instead of a guardianship?

Mr. MAYER. No, this happens to be a case that is in Virginia, in a Virginia court. Their law requires that money due a minor as a result of an accident be paid to a guardianship and the guardianship simply lasts as long as the law provides, and now under the Virginia law, it is unfortunately 18.

Mr. FREEMAN. That is in the District of Columbia?

Mr. MAYER. In the District of Columbia, a minor becoming entitled to a sum in excess of, it used to be \$3,000, it might have been raised to \$7,000, guardianship must be established, and that continues to the age of 21 under present law.

Mr. KUDER. I think it's to the age of majority, not to the age of 21, which under present law is 21.

Mr. MAYER. Correct.

Mr. KUDER. And the Uniform Gift to Minor's Act also has the same problem.

Mr. FAUNTROY. Thank you so much, Mr. Mayer, for your testimony. I just would make one request of you. We have in hand a list of some 17 of the statutes in that three-volume D.C. Code that prescribes a minimum age limit greater than 18 years, and I would appreciate it very much if you would take this and give us the benefit from the Bar Association and all of the committees, their judgment on how if at all these specific statutes should be exempted or included in the age majority proposed here. Now, Mr. Kuder, you have your statement. You may wish to read it or summarize.

Mr. KUDER. Thank you, Mr. Chairman. I think we covered just about every point made in my statement. I would submit it for the record and invite any questions that may arise from the committee, but not take the time of the committee to read the statement again.

Mr. FAUNTROY. Without objection, it will be submitted for the record.

Any questions of Mr. Kuder?

Mr. RANGEL. We have copies of the statement?

Mr. MAYER. Could I ask a question, please?

The gentleman on your right, could you give me your name and address to send the *Spence* case to?

Mr. FREEMAN. I will give you my card.

[The opinion requested and subsequently submitted, follows:]

District of Columbia Court of Appeals

No. 4938

WILLIAM THORTON SPENCE, APPELLANT,

v.

FRANCES A. SPENCE, APPELLEE

Appeal from the District of Columbia
Court of General Sessions

(Argued March 13, 1970)

Decided June 10, 1970)

Elizabeth Guhring for appellant.

Matthew A. Kane for appellee.

Before HOOD, Chief Judge, and KELLY and NEBEKER, Associate Judges.

HOOD, *Chief Judge*: This appeal presents the question whether a father legally may be compelled to pay for the support and education of his child after the child has reached the age of 21 years. More specifically, the question is whether the Domestic Relations Branch of the trial court has jurisdiction during a child's minority to order the father to make payments for the fourth year of college education for the child when that fourth year will not occur until after the child becomes 21 years of age. The facts giving rise to this question are as follows.

In 1966 the mother of the child sued the father for a divorce, for alimony, for custody of the three minor children, and for support for the children. Shortly after the action was filed, the father and mother entered into a separation agreement which provided among other things that the mother should have custody of the children, and that the father would pay her for the support of the children \$500 a month, such sum to be "reduced by One Hundred Sixty-six Dollars and Sixty-seven Cents (\$166.67) as each child reaches the age of 21 years, becomes emancipated by marriage, employment or military service, or becomes deceased."

Following execution of the agreement a consent judgment was entered, dismissing the wife's claim for divorce, awarding custody of the three children to the mother, and ordering the father to pay the mother for the "support and maintenance of the three minor children" \$500 a month, until further order of the court. In addition the judgment "ratified and confirmed" the separation agreement. Some time thereafter the mother obtained a divorce in the State of Nevada.

At the time the consent judgment was entered, the ages of the three children were respectively 11, 14 and 15. The oldest of the children, a daughter, commenced her first year at Sarah Lawrence College in September 1968. In December of 1968, the trial court, on motion of the mother, amended the original order for support by requiring that, in addition to the monthly award of \$500 for support of the children, the father "pay the sum of One Thousand Five Hundred (\$1,500.00) Dollars to the plaintiff [mother] on January 15, June 15, and September 15 of each and every year commencing January 15, 1969, so long as Anne Thornton Spence shall pursue a baccalaureate curriculum at Sarah Lawrence College."

The father sought to have the language above quoted amended by the addition of the following, "or until her twenty-first birthday, whichever occurs first, but excluding however the June 15 payment immediately preceding her twenty-first birthday." The court refused to order the proposed amendment and this appeal followed.

The father does not question his ability to pay for his daughter's college education or the daughter's capacity for such an education,¹ and he does not question the power of the trial court to order him to pay for such education during the daughter's minority. He questions only those payments of \$1,500 each which he would be required to pay on June 15, 1971, September 15, 1971, and January 15, 1972. These payments would be for the academic year commencing in September 1971, and the daughter will be 21 years of age on June 20, 1971. In short, the father contends he is not legally bound to support or educate his daughter after she has reached her majority.

Congress has given the Domestic Relations Branch of the trial court exclusive jurisdiction of actions "for support and custody of minor children", of "civil actions to enforce support of minor children", and of actions seeking "custody of minor children". D.C. Code 1967, § 11-1141. We find nothing in the statute authorizing the court to issue an order compelling a father to support an adult child. Indeed, the implication is to the contrary, and certainly the case law of this jurisdiction is to the contrary.

In *Bloedorn v. Bloedorn*, 67 App. D.C. 214, 216, 91 F.2d 245, 247 (1937), the highest court of this jurisdiction said:

No legal duty exists in this District by either the common law or statute requiring a father to provide for a child after that child has attained majority. . . .

The same thought runs through other cases. For example, in *Emrich v. McNeil*, 75 U.S. App. D.C. 307, 310, 126 F.2d 841, 844 (1942), the court speaks of a father's "primary obligation to maintain a minor child", and in *Thomason v. Thomason*, 107 U.S. App. D.C. 27, 29, 274 F.2d 89, 91 (1959), the court referring to the statute conferring jurisdiction on the Domestic Relations Branch, said one of the clear purposes of the statute "is to provide for the support of minor children who are involved in divorce proceedings." This court has recognized the same rule. For example, in *Jackson v. Jackson*, D.C. App., 200 A.2d 380, 382 (1964), we said:

The oldest child having passed the age of twenty-one years was, as the trial court recognized, no longer entitled to support from his father.

See also *Jones v. Jones*, D.C. App., 262 A.2d 601 (1970).

In support of her contention that the father may be compelled to complete the education of the daughter after majority, the mother relies strongly on *Maitzen v. Maitzen*, 24 Ill. App. 2d 32, 163 N.E.2d 840 (1959).² That case was based on an Illinois statute and we do not find it persuasive.

We hold that in this jurisdiction there is no authority that requires a father to support and educate an adult child.³ The case is remanded to the trial court with instructions to grant the father's motion to amend the judgment.

So ordered.

PREPARED STATEMENT OF CHARLES H. MAYER ON THE DISTRICT OF COLUMBIA

My name is Charles H. Meyer. I am a lawyer in active practice in the District of Columbia with a heavy concentration in domestic relations matters. I have been a member of the bar here since 1947. I am in my third year as Chairman of the Domestic Relations Committee of the District of Columbia Bar Association. I am authorized to state that the views I am presenting to you this morning are those not only of the Domestic Relations Committee but also of the Association.

We are strongly opposed to the pending legislation insofar as it would have the effect of terminating the obligation of either parent to support his or her child once the child turns 18 years of age. Under present law, that obligation continues, at least potentially, until age 21. For a great many youngsters, having the right to support from a parent taken away from him at age 18 could spell disaster. The most obvious group to whom this applies are those who go on to college after high school. Age 18 is the usual age for graduation from high school and entrance into college. For those who do go to college, this is the period when support is needed the most.

¹ See *Pincus v. Pincus*, D.C. App., 197 A.2d 854 (1964).

² See also *Crane v. Crane*, 45 Ill. App. 2d 316, 196 N.E.2d 27 (1964).

³ It may be noted that by statute a father may under specified circumstances be required to support an adult child in need of public assistance, and pay for the hospitalization of a mentally ill adult child. D.C. Code 1967, §§ 3-218 and 21-586.

Apart from youngsters going to college, there are many others who are not able to be self-supporting upon achieving their 18th birthday. Some are perhaps a year or two behind in school and are not even finished high school at age 18. Others may have a disability of some kind or another and may need a little more time to mature in order, hopefully, to achieve self-sustaining status.

Leaving the age of majority for support purposes at 21 does not necessarily mean that *all* parents will have to continue to provide support for *all* children to that age. As to those children who *do* become self-sustaining at age 18, the duty of support can be terminated. Thus, where a husband and wife have separated or divorced, the children are in the custody of the wife, and the husband is paying support, under present law the husband may be relieved of the support obligation at an age earlier than 21 if the circumstances justify it. But, under the proposed legislation nothing could be done to provide support once the 18th birthday is reached no matter how compelling the need for support.

This proposed bill has an aura about it of enlarging and enhancing the rights of young people at an early age. In truth, it is really an emancipation of parents from support obligations and a detriment to the children. For these reasons we respectfully but strongly oppose the bill.

Mr. FAUNTROY. Provide a copy of the Library of Congress statement.

Mr. Breckinridge?

Mr. BRECKINRIDGE. No further questions.

Mr. FAUNTROY. I will entertain any questions from counsel.

Mr. RANGEL. I have no questions.

Thank you very much.

Mr. MAYER. Thank you for permitting us to appear. We appreciate the opportunity.

Mr. FAUNTROY. Let's move on now to our next witness, who is Mr. James F. O'Donnell, General Counsel, Federation of Businessmen's Associations of the District of Columbia.

STATEMENT OF JAMES F. O'DONNELL, GENERAL COUNSEL, FEDERATION OF BUSINESSMEN'S ASSOCIATION OF THE DISTRICT OF COLUMBIA

Mr. O'DONNELL. Good morning. Mr. Chairman, and members of the committee. I have a very brief statement. I am James F. O'Donnell, a local attorney, with offices at 927 15th Street, Northwest, Washington, D.C. I am appearing today as the General Counsel for the Federation of Businessmen's Association, Inc., in Washington, D.C., in support of H.R. 7112, a bill setting the legal age of a majority in the District of Columbia at 18 years of age.

The Federation is comprised of local business associations of the District of Columbia, organized both by industry and by geographical areas of the city. Last year, the delegates of the Federation, after a considerable discussion of the bill, H.R. 7112, at a regular meeting, went on record unanimously in support of this enlightened legislation.

Eighteen rather than 21 is the age at which young adults are eligible to vote here in our Presidential election. Eighteen rather than 21 is a time of life when more and more young adults select and embark on their life careers. They go into their studies, college education, military careers, and it is also the age at which many make the serious decision to enter marriage.

At this age, young adults should be able to enter into binding contracts to serve as executors of their parents estates and enjoy all the rights and responsibilities which is the law's jurisdiction, which is

afforded other adults at the age of 21 years. This legislation recognizes the dignity and the maturing to the adults of our young people. What we have not hesitated to call upon the shoulders of responsibility of military and combat service in the recent Vietnam conflict. In affording the best recognition to the young adults between the 18- to 21-year-old bracket, we actually are encouraging respect for the law in general by fitting the law to the time, and thus we urge the passage of H.R. 7112 without delay.

Mr. FAUNTROY. Thank you very much, sir.

SALE OF ALCOHOLIC BEVERAGES

Sir, in jurisdictions where 18-year-olds are permitted to buy hard liquor, are there any statistical indications to the effect of this either on the alcoholism rate generally, the rate of alcoholism related to automobile accidents, in your judgment?

Mr. O'DONNELL. I would respectfully defer from that question at this time, as not being an authority on it. I know there are collections of statistics, and I am hopeful that one of the subsequent witnesses will be more on target with that question. I am not an authority in that area.

Mr. FAUNTROY. As you know, our present law permits 18-year-olds to buy, I guess, you say soft liquor, but not hard liquor.

Mr. O'DONNELL. In the District of Columbia, I am well familiar as a practicing attorney with the fact that the law here permits beer, light wine, I believe Champagne is not classified as a light wine, to be sold to those 18 years of age and older. There is a prohibition in that area of alcoholic beverages for distilled spirits and so forth. I recently tried a case in which one of the issues was the ability of a police officer to differentiate visually between a wine cooler in a 10-ounce frosted glass, which is apparently permitted to be served to the 20-year-old in question and a Singapore Sling, in the same type of glass, which would be prohibited by our present law. I might state that the problem enunciated there was that it was a question of whether or not the 22-year-old had actually made the glass available to the 20-year-old, the Singapore Sling, under our present law would have been illegal, and so forth, and the Alcoholic Beverage Board made the comment in front of the parents that we hope there will be some enlightenment in this area. But I am familiar with this kind of a problem, and I think again I have always been a subscriber for respectful law in general, and I think with the young people especially, they use the expression Mickey Mouse. When something doesn't ring realistically to them, it tends to generally promote a disrespect for law. In the area of alcoholic beverages and parking and traffic, that is the most important area of our legislature, because that touches on the general public. I am not an authority in the statistics area.

Mr. FAUNTROY. You want that—you entitled it a Singapore Sling?

Mr. O'DONNELL. The Singapore Sling is the rum drink with grenadine.

Mr. FAUNTROY. I don't know too much about that.

Mr. RANGEL. I see the Chair is not familiar with the drink.

Mr. FAUNTROY. Mr. Rangel.

Mr. RANGEL. Well, sir, one of the previous witnesses indicated that unscrupulous business people would prey on the 18- to 21-year-old. Do you see where the age of the person that would be dealing with this type of businessman would be a factor?

Mr. O'DONNELL. I am sure as people live, human beings live, some people will always be unscrupulous and there will always be some people that will try to take advantage of any law or to size up the law or abrogate it on the basis of the statute. But I think in a day when we are having an emphasis on consumerism, I hope the schools themselves with this enlightened legislation in the District of Columbia would take it upon themselves, the responsibility for an educational program in Civics to—I'll tell you. Young people, I have teenagers myself, and some of these young people do a heck of a lot better job filling out income taxes than the adults. I think the schools have done a wonderful job in that area, but in this area I take the opposite view. I think the opposite is also true. I think they will be more smart, more quick, the young people.

Mr. RANGEL. I have no further questions.

Mr. FAUNTROY. One branch of government needs some advice on filling out income tax forms, and I would like you to refer those to them.

Mr. Breckinridge.

STATES' EXPERIENCE UNDER SIMILAR LEGISLATION

Mr. BRECKINRIDGE. Following Mr. Rangel's question up a little further, Mr. O'Donnell, and recognizing that you are a private practitioner and not here testifying for the Congress as an economist, I wonder as a matter of information, in those States, 19, I gather, which allow an 18-year-old to enter into a fully binding contract, I wonder if we have any studies as to whether or not there is any pattern as to whether or not the 18-year-olds have been honoring their obligations?

Mr. O'DONNELL. Here again—I am not an authority. I am not qualified to answer this question properly. I have had some experiences administering contracts, both in the District of Columbia, and fundamentally I am a contract lawyer. This has been both in the District of Columbia, and I have had some experience in wrestling with the problem of majority of commitment, but I have no information, and I doubt that anybody has really made any kind of a study of this area, any study to indicate whether or not in the States where the majority is below 21, I understand it might be 19 or 20 in some jurisdictions, and 18 in many, there has been any disadvantages to those in the bracket between 18 and 21 in the contract. As a matter of fact, I would tend to think when they get before the counsel and when they get into court, that more or less the law constricts one generally speaking prevail in the court in that area. I think the adult, the adult, the person, the business of contracting with a 19-year-old or even today with a 21-year-old, I think the courts in general look closely at the contract with respect to the intention of the parties, and then finally give strict instructions.

Mr. BRECKINRIDGE. This is off the record.

(Discussion off the record.)

Mr. FAUNTROY. Back on the record.

Thank you.
Counsel?

Mr. FREEMAN. No questions.

Mr. FAUNTROY. Thank you so very much.

I would like now to have the remaining witnesses to testify.

Mr. Douglas Kellner, Director, Neighborhood Planning Council Number 6, and Ms. Cindy Rainey, Student, Georgetown Day School. Would you come together? We are very happy to have you.

STATEMENT OF DOUGLAS KELLNER, DIRECTOR, NEIGHBORHOOD PLANNING COUNCIL NUMBER 6; AND CINDY RAINEY, STUDENT, GEORGETOWN DAY SCHOOL

Mr. KELLNER. Mr. Chairman, I submitted a statement beforehand which was written by the D.C. Federation of Students, and that statement was written by that committee, and I am also president of the Student Body of Georgetown University.

I will comment on some of the points I made in the statement.

NEED FOR THIS LEGISLATION

The first is that the law itself would be a very useful thing for students who are studying at Washington between the ages of 18 and 21. Already the D.C. Council has made it illegal to discriminate against students and discriminate on account of age. And they have defined age as being over 18. This was a very enlightened statute by the City Council, but we found the last 3 or 4 months, as we have begun efforts to try and enforce these statutes that the contractual limitations by the age of majority are now becoming a bar instead of the actual discrimination before. So this bill is required, I think, in order to allow students who are often studying in Washington without the benefit of having parents living nearby sign contracts for them, and engaging in the kind of activities that are needed for survival.

In order to rent a house or an apartment and in order to do other kinds of rental agreements and to make loans and so forth. Particularly loans related to college education.

So I think the law is useful on that point.

With respect to the obligations that the law entails, I don't see they are a problem. That was brought out by the Bar Association before. Frankly, the issue of college support I think has been a very sticky one. As far as college students that I am aware of, I know considerable number of people who have been cut off by their parents, even though their parents do have the means to support them, even though the legal age may be as high as 21. The parent feels it's within their prerogative that support does not include a college education. It merely means keeping the child alive until he reaches the age of majority.

I think the Congress is also to blame for the bind which it has put students in and I realize the Education Committee is the one where these decisions have been made, which requires that for the purposes of filling out financial aid forms, that the students do have to account for the income that they receive from their parents. So whether they are emancipated, whether they reach the age of majority or not, this is going into the professional graduate schools above college educations,

and of course the parents have complete discretion once the child reaches to already to cut off a student particularly for professional schools and this has become an increasing problem, and it's difficult to deal with. I think the Congress has to determine the policy on financial support and whether or not parents will be required to give financial support and if they are required to give financial support, then it's fine to keep the laws as they are now. The students cannot receive Federal aid to education if their parents have sufficient income. However, the Congress is not prepared to enact legislation that requires support. Then I think they should really attack the question by redrawing their aid to education guidelines and also try to urge schools in their individual guidelines to remedy that situation.

Frankly, however, I don't think that is really a major issue in this bill because the kind of cases that we are talking about, or the Bar was talking about, are relatively rare where a few students go into court to challenge their parents to support and so forth. And I am not a lawyer and I don't know the cases behind them, but I have never heard of a successful student challenging his parents, where the parents did not want to support him through college. I also think students rise to the obligations that are imposed upon them. If you give them contractual rights, if they are old enough to use those contractual rights properly, and I think the same is true with inheritances of large sums of money, if we give them these rights, they will use them properly and with respect.

ALCOHOLIC BEVERAGES

It is a matter of treating them with respect as adults and if you do treat them as adults, they rise to that. There were some other problems that we considered that I wanted to bring out. The first is that you should be realistic about the alcoholic beverage ages and what is actually being enforced. You set the age for obtaining soft liquor at 18, and if that is the case, you will have students from the age of 15 and above will be drinking. Of course, this is what is happening in our high schools right now. Alcohol is the number one drug problem, and I think you should consider that with respect to lowering the age for distilled liquor. Now, everyone who is 18 in the District of Columbia can get all of the distilled liquor he wants. Do you want high school students who are at the age of 15 to be able to go into liquor stores and be able to secure more easily large quantities of hard liquor which can be dangerous at that kind of an age, where they are improperly used.

DRUG ABUSE

Further, on this problem of drug abuse, I think you have to realize that the laws that you make do have implications on the drug usage and the drug abuse and facts that go on within students, and I think you should examine very closely the differences between marihuana and alcohol. You realize that marihuana is far less of a problem being used, and that if anything, the Congress should be encouraging students to use marihuana as opposed to alcohol as a method for relaxation. I am very serious in this. I think any policy which encourages the use of hard alcohol by high school students, by reducing the age down to 15, will be very dangerous when the current policies against mari-

huana are left in effect, and indeed hard liquor becomes much more of an attractive intoxicant than marihuana. I think the dangers are far greater in that kind of policy.

Mr. FAUNTROY. Thank you so much, Mr. Kellner. I would follow the same procedure. I would entertain questions to you and go on then to Miss Rainey.

You have indicated at least one area which you think is perhaps, with specificity, ought to be put into the bill, and that is with respect to alcoholic beverages. Are you suggesting that the age of majority on that question be retained at 21?

Mr. KELLNER. Now, sir. I think that the best thing would be to leave it at 18, but to greatly increase the enforcement against alcohol for minors. I think you have that obligation already. It is a very serious problem in high schools. The other possibility is to allow drinking in bars at 18, but not to allow the sale of hard liquor in stores until age 21. I really don't like the idea of imposing an exception. The Federation of Students in voting on the matter did not wish to ask that that section be included in the bill, but merely that it be brought to your attention.

Mr. FAUNTROY. Let me add this point. You indicate in your statement—well, first, let me say that the Federation of Students letter will be placed in the record.

Mr. KELLNER. Thank you.

[The document referred to follows:]

PREPARED STATEMENT OF DOUGLAS KELLNER ON BEHALF OF THE STUDENTS OF
GEORGETOWN UNIVERSITY AND THE FEDERATION OF D.C. AREA STUDENTS BEFORE
THE HOUSE DISTRICT OF COLUMBIA SUBCOMMITTEE ON THE JUDICIARY

I am addressing you today in behalf of the Student Body of Georgetown University and the Federation of D.C. Area Students which represents about 45,000 college and university students who study in the District of Columbia. We are very strongly in favor of this legislation for two reasons. First, we feel the legislation will substantially benefit Washington area students, and second, because the bill will place new responsibilities upon the shoulders of the District's younger citizens which we believe they are capable of bearing. May I explain each point:

Washington's large youth population sorely needs the relief which a reduced legal age will provide. The effect of the reduced age will allow young Washingtonians, and students who reside here while they attend college to contract for the vital services which they need. At the current time students have difficulty obtaining leases and loans, primarily on the grounds that they are too young to make binding contracts. In the case of students who are living far away from home it can be difficult to obtain the required parental signatures. It also seems ridiculous for those who are living on their own, often earning their own income and leading their own life style to have to go home to plead for a required parental signature. The D.C. City Council has already been most responsive when they included in their recent Human Rights Act of 1973 a prohibition against discrimination on the basis of age (defined as over 18) or status as a student. Yet the legal barrier of the right to make a contract still stands in the way of complete effectuation of these provisions. The legislation which you are considering today would eliminate that roadblock.

We are not unaware that this legislation would also impose new burdens on 18-21 year-olds. Just as they would be given the right to contract, they would now be required by law to fulfill their bargains. We also not that this also might affect privileges bestowed under the Youth Offenders Act, and other protections which minors now have. Nonetheless, we believe that young people are prepared to accept these responsibilities. In fact, it is my feeling that people will rise to the responsibilities given them. More people between 18 and 21 are living by themselves and earning their own living than at any time since World War II, and the trend is continuing.

One aspect of this bill does trouble us, however. We are very concerned about the pressure which the alcoholic beverages lobby has been putting on us to get behind this bill. Obviously they want to peddle even more distilled liquor to an even younger group of consumers. We think you should realize that in the case of enforcing drinking age limits there is generally a three year age differential in the stated legal limit and that which can be enforced in fact. Today there are few eighteen year-olds who cannot purchase distilled liquor and most older high school students can get all the beer and wine they want. Lowering the age for distilled liquor will not affect college students—its effect will be seen in the consumption of high school age students.

We are concerned about the pressure of the alcohol lobby because we think that it would be a severe mistake to have high school students using hard liquor. If you lawmakers were really concerned about young people, you would realize that substantial research shows that it is healthier to relax with marijuana than it is to use alcohol. We would strongly urge you to heed the recommendations of the President's Commission on the Use of Marijuana by reforming the District laws as the Commission recommended.

Mr. FAUNTROY. You have also heard me interpret the remarks of Mr. Mayer indicating this might be a rental Emancipation Proclamation. Are there any aspects of the proposed legislation which you think should be tempered to protect the rights of minors between the ages of 18 and 21 to the benefits of parental care that presently is obtained?

Mr. KELLNER. No, sir. I don't think that exceptions are required in this bill. I would, however, recommend to Congress and it is probably the Education Committee's responsibility, to make a policy with respect to college education in which they determine whether or not a young person has a right to a college education. Who is to pay for that right, whether it be his parents, State, the Government, or the Federal Government.

Mr. FAUNTROY. Thank you, Mr. Kellner.

Mr. Rangel?

Mr. RANGEL. No. Thank you for a very thoughtful statement.

Mr. FAUNTROY. Mr. Breckinridge?

Mr. BRECKINRIDGE. I have no questions, thank you.

Mr. HILDER. No questions.

Mr. FAUNTROY. Thank you.

Miss Rainey, would you care to make your statement?

Miss RAINEY. I have submitted my statement, and I would like to add a few points. I am also very concerned about the use of hard liquor among people my age, in my age group, and I do think this is an issue, but I think there are so many more important privileges that will be given by this bill to people 18 and over that I look forward to having the bill to be independent of my parents at the age of 18. If I go away to college or if I stay here in the District, I think it's very important for many people to have this option, and I will answer any questions you have.

PREPARED STATEMENT OF CINDY RAINEY, SECRETARY OF NEIGHBORHOOD PLANNING COUNCIL

My name is Cindy Rainey and I am a resident of Georgetown in the District of Columbia. I am 15 years old and I am a student at Georgetown Day School. I am also a member of the Board of Neighborhood Planning Council No. 6.

I am here because the issue of lowering the legal age to 18 is very important and relevant. This is a time when people are accepting responsibilities at an increasingly younger age. I am in favor of this legislation. It is particularly

needed in the District of Columbia in which there are many young college undergraduates at the universities, and where so many young Washingtonians go on their own after graduation from high school.

This bill would give financial privileges to people eighteen and over. These important rights would allow persons to sign leases and take out loans. It would enable a college student to take out a loan on his or her tuition if required. If this bill is passed it will enable people 18-21 to be held to these contracts; without lowering the age banks are unwilling to loan funds, and some landlords are reluctant to rent. Lowering the legal age will give young people more responsibilities and privileges which I think they can handle as well as other responsibilities they now have.

The proposed legislation will also give this age group the privilege of purchasing liquor. This privilege allows 18-21 year olds the ability to decide for themselves. This is a decision which I feel this age group should make, and can make possibly even better than many adults can if they are given the freedom to decide.

The ethics involved in lowering the legal age are very important. The responsibilities that this age group already takes on are very large. Many go to college where the cost is continually skyrocketing. Many work to put themselves through college.

Men can be drafted and serve in the Armed Forces. If they risk their lives for their country, they should have the rights and privileges that go along. This age group has the responsibility of self discipline. Many manage their own money when away from home. Some 18 year olds take on the responsibility of marriage and children. If they can take upon themselves these responsibilities, they should have the right to be able to make decisions on handling their finances, without the law forcing a decision on them.

The ability to purchase alcohol is really not the important issue here. If it is an issue at all, it has been blown out of proportion. It is an individual decision to be made by each person. If you are old enough to die in war, you are old enough to make a decision concerning liquor.

If a man or woman can work at age 18, they should be given the ability to invest and save the money they earn as well as spend it. They should have the opportunity through investments, to increase its value.

Between ages 18 and 21, people accept many new and large responsibilities which, in some instances, are forced upon them. They should have the opportunity of making decisions related to these responsibilities. It is for the betterment of our system that this age group be given this opportunity.

Mr. FAUNTROY. You know, since 18-year-olds are now voting in our elections, and they will be voting in the forthcoming home rule, in which ways do you think this legislation affect the political involvement and participation of young people?

Mr. RAINEY. I think that in the past few years young people have become very much interested in politics, and I just don't see the effect this bill will have on their participation. But I think it does have an effect on their interest in matters concerning politics.

Mr. FAUNTROY. Mr. Rangel.

Mr. RANGEL. No questions. Thank you very much.

Mr. FAUNTROY. Mr. Breckinridge?

Mr. BRECKINRIDGE. I have no questions. I appreciate your testimony.

Mr. FAUNTROY. Mr. Hilder.

Mr. HILDER. Thank you, Mr. Chairman. No question.

Mr. FAUNTROY. Thank you so much. I am going to ask our next witnesses to come up together.

Dr. Leon A. Greenberg, Director of Laboratory Research, Center of Alcohol Studies, Rutgers University, and I understand Mr. Richard Zylman has submitted his testimony for the record.

STATEMENT OF LEON A. GREENBERG, DIRECTOR OF LABORATORY
RESEARCH, CENTER ON ALCOHOL STUDIES, RUTGERS UNIVER-
SITY

Dr. GREENBERG. Mr. Chairman, and members of the committee, I appreciate the invitation to address the present hearings concerning the age of majority. I also welcome the opportunity to talk about some matters which I think are extremely relevant to this subject.

The question of when the maturing individual reaches the age when he or she may pursue the rights legally granted and socially sanctioned and the privileges, and assume the responsibilities of what we call adulthood, this has been legend in our society. There is nothing new about this discussion.

The spectrum of activities which this question embraces I think you all appreciate is exceedingly broad, and I believe that neither I nor any other one individual has the knowledge or the experience or the wisdom to deal in any kind of depth with all of these activities. So I have decided, as my contribution to the present hearings, to deal primarily with questions of the legal drinking age, and this has been just touched on in passing by a number of the people who have testified today. This is a matter which is inevitably and unavoidably involved in the broader question of the age of majority.

SALE OF ALCOHOLIC BEVERAGES

At what age, at what age does the sale of alcoholic beverages be sanctioned legally has been a subject of controversial discussion for many, many years. And too often I think we all are aware that the discussions have been emotionally rather than factually based. More often than not, the views expressed have stemmed from strong biases about drinking altogether or have been based on a lack of information or misinformation and common misconceptions, and there have certainly been a lot of them in connection with the very old institution of drinking.

Now, during the past several decades, there has been an enormous amount of scientific research in the field of our—I call it the field of alcoholic studies. These researchers have been in disciplines like physiology, psychology, psychiatry, sociology, epidemiology, I could name a long list of disciplines that have concerned themselves with alcoholic studies. So that today there is a very large reservoir of documented scientific information relative to the whole subject of alcohol and its use.

To approach the complex question of a legal drinking age without considering this accumulation of information, and I think it would certainly be less than realistic. Having been in the field of alcohol studies as a researcher, as a teacher, for almost 40 years, 29 years at Yale University as one of the founders of the Yale Center of Alcohol Studies, and followed by 11 years at Rutgers University as Director of Research in the Rutgers Center of Alcohol Studies, I do feel qualified to bring to you some of the scientific facts that I believe are closely relevant to the subject of the present hearing.

I don't hesitate to tell you that in doing this, I do not propose to prevail upon you any position that I may hold or that you may think I hold on the subject of the minimal legal drinking age.

Now, within the context of the present hearing is the question of whether the age at which alcoholic beverages should be allowed by law to be sold at 18. This is unavoidably one of the questions involved in the broader subject of your bill. Repeated debates on the minimum age question over many years have been dominated by certain key propositions. Apart from the view of those who are opposed to drinking altogether, there are such people we know, regardless of age, these propositions are, let me enumerate them. They are as follows:

One, legalizing the sale of alcoholic beverage at an earlier age will increase the number of drinkers.

Two, lowering the legal drinking age will cause a higher rate of juvenile delinquency.

Third, an earlier legal drinking age increases the liability of alcoholism.

Again, these were very briefly suggested by some of the presentations of the others who testified.

Fourth, that the drug or pharmacological action of alcohol is more profound in the 18-year-old individual than in people at 21 and above.

Five, people who are 18 are not sufficiently matured to exercise moderation in drinking.

These are the propositions that one has heard over and over in connection with this question. My intention today is to briefly review for you the present state of knowledge, documented by scholars and by researchers, in any event, in the behavioral and the biological field as related to these propositions.

First as to the question of law, custom and alcohol use. Let me point out that the law neither abets nor prevents the use of alcoholic beverages among young people. It doesn't even do it among young adults. We have gone through the noble experiments of prohibition.

The law merely grants or withholds legal sanctions. This conclusion has been supported by every scientific discipline study that has ever been made of teenage drinking in the United States. Dr. Herman Goldberg of Oxford College did a very large study on drinking among high school students in three different States, one in the East, two in the Middle West. He found that the percentage of students that drank, that used alcoholic beverages closely reflected the drinking customs of the communities that they came from.

The percentage of drinking in high school was closely related to the percentage of drinking by adults in the area from which they came or resided. The study shows conclusively by the age of 18, the drinking pattern and frequency among the population of that age has already been clearly established. Dr. Goldberd concluded that whether a minimum law is 21 or 18 of anything, you name it, that this has no measurable real influence on the age at which youngsters start drinking, since this is determined mainly by parental and community adult drinking. One is an image of the other. Similar conclusions were drawn from studies of teenage drinking by Dr. George Maddox at Duke University, by Dr. Perody at Wayne State University, by others. Young people do not invent the idea of drinking or abstaining. They see moderate drinking as an acceptable adult function involving sociability, conviviality and celebration. So this is what they do.

LEGAL DRINKING AGE ANALYSIS

Now, these studies that I referred to so far deal mainly with those at the high school level and are therefore below the age of 18. The most comprehensive analysis of the use of alcohol by people in the 18- to 21-year-old population was conducted some years ago at our Center of Alcohol Studies at Yale. This was by Strauss and Bacon, at Yale University. It was published under the title "Drinking in College." This is a well known text.

In this study, some 17,000 college students participated and they were from widely different parts of the country, strictly all over the country. And in this population which is predominantly an 18- to 21-year-old group, 74 percent drank, 26 percent did not. Keeping in mind that this population does represent all parts of the country in which the vast majority of States at that time had a 21-year-old law, you might very well ask whether this law restrained drinking among 18- to 21-year-old population. The answer is obviously in the negative. Of all of the studies, indeed, in all of the studies, appear to confirm the concept that the law can sanction but it cannot alter drinking practices among 18- to 21-year-olds any more than it does in so-called adults.

JUVENILE DELINQUENCIES

Now, to the next point. What is the evidence that leads to a conclusion that lowering the age at which alcoholic beverages may legally be sold will cause a higher rate of juvenile delinquency? In the reality of things, this question is really inacademic, since I pointed out the pattern of youthful drinking is quite independent of the existing drinking age laws. But what about alcohol and crime? That has been studied a great deal for a long time, and I must say that treaties that have been written on this subject can best be measured in terms of tons of paper and gallons of ink. Opinions about the percentage of crime caused by drinking have ranged anywhere from 5 percent to 95 percent. This is depending on what your interests are and where you are located. In many instances, these opinions have invoked the classic error in logic (Latin phrase) which means after this therefore because of this. B follows A, therefore A is the cause of B.

John Doe steals automobiles. Steals an automobile. John Doe drinks. Therefore drinking is the cause of stealing automobiles. You know, I have often thought on this, I have often thought it can certainly be shown by the same logic that eating is the cause of crime. I am sure it can be proven that most crimes have been preceded by eating. This is the kind of logic that very often has been incorporated into the conclusions that have been reached about the relationship between crime and drinking.

Whatever delinquency, misdemeanors or crimes are causally related to drinking at all ages are related to the abusive use of alcohol. There is no evidence whatsoever that this is either over or under represented in the 18- to 21-year category of drinkers. Among youthful drinkers who are delinquent, it is more likely that their abuse of drinking is not the cause of their delinquency, but rather the result of the same conditions which caused the delinquency. It was mentioned very briefly in passing by one of the people who testified today, the subject of what I

will call a particular area of demeanors connected with drinking, and I am referring to the matter of violation drinking-driving laws. Drunken driving.

DRIVING

During the past several decades, several years, rather, and right up and continuing right now, 18 researchers at our center, Rutgers, Rutgers University, that team has been headed by Richard Zylman. They have been studying the national phenomenon of drinking, driving and accidents, and I would just mention very briefly that this would again relate to the questions that were raised by somebody a short time ago, that the finding in this study, right up to the present time, clearly indicates that the frequency of drinking, driving violations is no greater in the 18- to 21-year-old population than among adults. As a matter of fact, very recently a conversation with Mr. Zylman about this, he said it was even lower.

DRINKING HABITS

Is there a relationship between the age when a person starts to drink and the likelihood of incurring alcoholism? In the rather long history of efforts to deny the use of alcoholic beverages to younger people, it has presently been declared that earlier drinking, starting to drink at least to a greater eventual amount of alcoholism. Now, such assertions are entirely unsupported by facts, deduced through sociological and epidemiological researchers. Thus among certain ethnic groups where the very early and almost unanimous use of alcoholic beverages is part of the culture, and there are such groups, the Jews, the Italians, in those culture groups, drinking starts at a very young age and is almost unanimous in those groups. The frequency of alcoholism oddly enough happens to be the lowest. Statistics inquiring into the age at which the drinking first started among alcoholics and nonalcoholics, this question has been put to alcoholics and nonalcoholics. A large group of them. What does it reveal? It reveals that the alcoholic started at a later average age than the nonalcoholic drinkers. Now, don't misinterpret me. This doesn't mean that starting to drink early will prevent alcoholism, and I am not implying that at all. It means there is no correlation between the frequency of occurrence of this illness called alcoholism and when you started drinking. But it does mean that the causation of alcoholism is not related to the age at which drinking starts.

In seeking to establish a reasonable age below which the use of alcoholic beverages should be denied, the popular assertion has often been made that a given amount of alcohol has a much more profound effect physiologically, pharmacologically and has a much greater impact on youngsters than on adults. And a very large amount of scientific research that has been conducted on the effects of various amounts of alcohol, there is not one shred of evidence that any reaction on bodily functions and performance that it's more severe in those who are 18 than those who are older. Quite to the contrary. At the age of 18, physiological, the neurological status of the individual is at a peak. The peak of its development. Sensory acuities are keenest, motor responses are most rapid, reflexes are sharpest at this age. Metabolic processes are most efficient. If anything, the disabilities imposed upon

such functions by alcohol can reasonably be expected to be the least in the people who are in the prime of condition with respect to those factors. So that from a physiological or from a pharmacological point of view, it makes no more sense to mandate against drinking among 18-year-old people than it would to mandate against drinking by those who are, say, over 60 years of age whose physiological and neurological functions are long past their greatest efficiencies.

Finally, I would like to speak briefly on the matter, in general, of the age of maturity as a criterion for the legal sanctioning of the purchase of alcoholic beverages. Our people in the age category of, let's say, 18 to 21, do they drink in less moderation than those who are older? The most direct answer to this lies from the documented figures on problem drinking of alcoholics. There have been numerous studies of this phenomenon. And in none of these has there been even a suggestion that the frequency of problem drinking is higher among 18- to 21-year-old drinkers than it is in people who are older.

Now, when I make the statement, I use the word problem drinking, I am excluding the problem that the drinker—the problem the younger drinkers have because of the views that the adults take. They are punished for it, and this is a problem for the young. I am talking about problem drinking in terms of compulsive drinking, excessive drinking. Invoking maturity as a criteria for legal mandates certainly imposes the responsibility of accurately defining the terms that we are using. Maturity. And for such a definition, I think we can best turn to many scholars and researchers who have addressed their thinking and their studies and thoughts to this point. I am thinking of people as Dr. Hirsch, former Dean of Student Affairs at the Albert Einstein College of Medicine in New York, Dr. Goldberg, the man who ran these high school drinking studies, Dr. Allan, former Professor of Economics at New York City College of Education, Dr. Pittman in his highly regarded book of teenage drinking, and so forth. Dr. Maddox of Duke University, Dr. Margaret Meads, well known anthropologist from Columbia University. They have all declared themselves on just this point, and all of these leaders in their field have been unanimous in their view on the age—what is meant by the age of maturity. The ages of 18 to 21 are the ages at which young people assume and are expected to exercise adult responsibilities.

We expect this of these people. It is the age at which they may operate a motor vehicle, it's the age at which they may marry and raise families. It's the age when today they may vote. It is the age when the dependent behavior of childhood is transformed into independent behavior and responsibility which society expects in adults. To demand exception to this concept in the case of drinking requires better justification than the reason that have been offered for it. Finally, I would say in conclusion that I do believe that I have dealt with the matter, given serious consideration, which is unavoidable in the full context of the subject of the present hearing.

Thank you.

Mr. FAUNTROY. Thank you so very much, Dr. Greenberg. We certainly appreciate the tremendous contribution to our understanding of this aspect of the legislation which is before us, and I want to say on behalf of the committee to you and Mr. Zylman how much we appreciate the scientific and verified reliable information on this

subject. You have answered my questions, and we are particularly in your debt, inasmuch as you two gentlemen, I understand, came all the way from New Brunswick, N.J.

Dr. GREENBERG. With the gas shortage, we traveled less time than it took somebody to get gas and come here locally.

Mr. FAUNTROY. Beautiful. Thank you so much.

Also, Mr. Zylman, I want to thank you for your work in this regard. We have read with great interest articles that you have provided, and we will make them part of the record, and at this time, I will take questions from Congressman Rangel.

[The articles referred to follow:]

EFFECTS OF THE LOWERED LEGAL DRINKING AGE ON "ALCOHOL-INVOLVED" FATAL CRASHES AMONG YOUTH

(By Richard Zylman, Associate Research Specialist, Center of Alcohol Studies, Rutgers University, New Brunswick, New Jersey 08903)

There does not seem to be much difficulty granting youths the right to vote, sign contracts, be married or serve in public office at the age of 18, but there is a great deal of disagreement whether citizens as young as 18 should be given the right to buy, sell and use alcoholic beverages. Although this concern may be steeped in morality, it finds expression mainly in the possibility that many young people will combine the right to drink with the license to drive; a concern which has, no doubt, prevented some state from giving young people that right. In other states the right to drink at age 18 has been granted but there is or was great furor over what the results of such a change in law might be.

This furor reflected moral and emotional preconceptions which were reinforced and sometimes instigated by reports from Michigan where the lower drinking age had been in effect for less than a year.

My own prediction was that: (1) there would be little change in drinking practices among young adults, and, consequently, little change in the driving-after-drinking habits and (2), that changes in police arrest and reporting practices would make it look as though the problem of drinking and driving among youth had become much worse when, in fact, their drinking and driving-after-drinking habits may not have changed at all.

Data * are now available on 21 months of experience with the 18 year old legal drinking age in Michigan. These data may be sufficient to determine whether the problems with youthful drivers who drive after excessive drinking had actually developed as anticipated and whether most of what has been said about the increase in "alcohol-involved" crashes among 18 to 20 year old drivers in Michigan had actually occurred.

"Alcohol-involvement" in fatal crashes

Table 1 shows that there was, indeed, a major increase in "alcohol-involvement" in fatal crashes reported among 18 to 20 year old drivers: an increase of 83.6 percent in the first nine months of 1973 over the same period in 1971. The change in the law appears to have had its expected effect; i.e., many more 18 to 20 year old drivers were reported to be involved in "drinking" crashes.

TABLE 1—FATAL CRASH EXPERIENCE OF DRIVERS 18- TO 20-YEARS OF AGE IN MICHIGAN, 1st 9 MONTHS OF 1971, 1972, AND 1973¹

	1971	1972	1973	Percent change 1971-73
Alcohol involved fatal crashes.....	61	103	112	+83.6
Actual involvement in fatal crashes.....	271	357	336	+24.0

¹ Taken from tables prepared by Michigan Department of State Police Safety and Traffic Division in cooperation with Michigan Office of Highway Safety Planning, Nov. 20, 1973.

Note: These data were provided with the cooperation of Col. John R. Plants, director, department of State police, Capt. John C. Amthor, commander of the safety and traffic division, Mr. Noel Bufe, director of the office of highway safety planning and Thomas O. Reel, chief, program liaison, office of highway, safety planning, department of State police, Lansing, Mich. The views expressed here are those of the author.

*Footnote on p. 37.

It should be noted, however, that a *reported* increase in "alcohol-involvement" in fatal crashes is not the same as an *actual* increase in fatal crash involvement. Whether this increase in reported "alcohol-involvement" reflects (1) a change in drinking practices among 18 to 20 year old drivers, or (2) a change in driving-after-drinking practices for this age group, or (3) a change in reporting practices on the part of officials or (4) a combination of these factors, is a point for conjecture. It is my opinion that the third explanation is the more likely.

Policemen in Michigan, as in other states, traditionally have not recorded the fact that a victim or driver in a crash had been drinking. With the advent of the emotionally charged change in legal drinking age it may be surmised that there was a clamor on the part of safety official, news media, legislators and others, to determine whether the change in legal drinking age was having its expected effect, i.e. mass tragedy on the highway. Under pressure of such demands the police collision investigators were suddenly faced with the need to record whether or not a driver had been drinking, and, whereas in the past the presence of alcohol was recorded only in the most criminally negligent cases, many police officers *now* record *any* evidence of alcohol whether it is thought to be a causal factor or not. As a result, the number of crashes "involving alcohol" has increased markedly. This would have happened even if young drivers had not changed their driving-after-drinking practices and whether or not alcohol had anything at all to do with the crash, and even without an increase in fatal crashes. Such a change in reporting practices might very well result in a large increase in "alcohol-involvement" in fatal crashes for this age group.

In this respect it may be noted that the number of 18 to 20 year old drivers involved in fatal crashes and reported to have been drinking in the 1st quarter of 1973 had increased by 164 percent over the same period in 1971; by the end of the first half of 1973 the increase in reported "alcohol-involved" fatal crashes for this age group had dropped back to 112 percent, and, as shown in Table I, by the end of the 3rd quarter of 1973 the number of 18 to 20 year old drivers who were reported to have been drinking and who were involved in fatal crashes was down to an increase of 84 percent over the same period in the year before it became legal to drink at 18 in Michigan.

If these extraordinary changes in "alcohol-involvement" in fatal crashes reflect a change in police reporting, as described above, rather than a change in drinking behavior as was feared, it can be anticipated that as the novelty wears off and the interest dies down, reported "alcohol-involvement" will continue downward. Policemen will revert to reporting as they had in the past, and "alcohol-involvement" in collisions will return to normal."

Actual involvement in fatal crashes

Now, if the amount of drinking before fatal crashes had actually increased by 164 percent or 112 percent or even 84 percent, and *if* the practice of driving after drinking is as dangerous as it is believed to be, there should have been a commensurate increase in *actual* involvement (as opposed to *reported* "alcohol-involvement") in fatal crashes involving this age group.

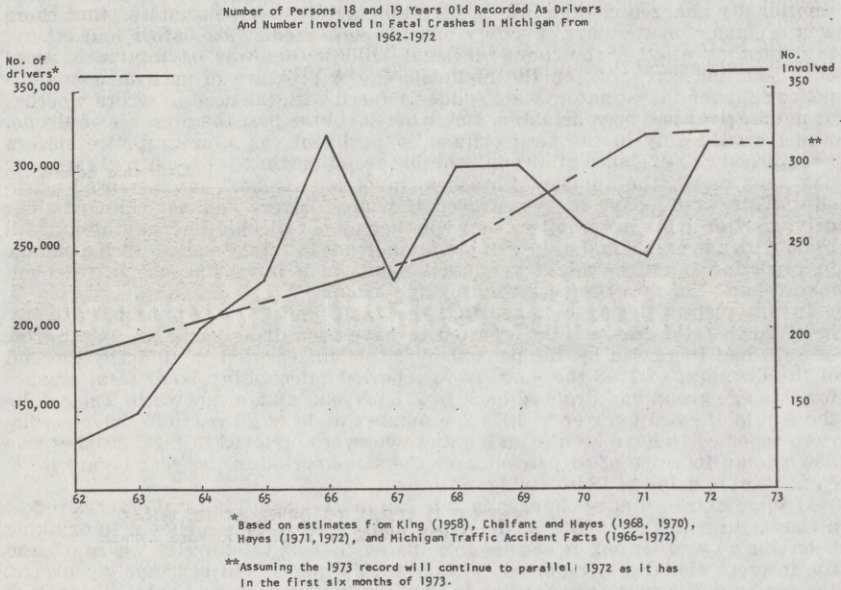
Table I shows that the number of fatal crashes involving this age group in the first three-quarters of 1973 did increase; an increase of 24 percent over the same period in 1971—the year before it became legal to drink at 18 in Michigan—and down 6 percent from the same period in 1972. It should be noted that this is not the kind of increase that might be expected if "alcohol-involvement" had, in fact, increased by 84 percent. Furthermore, Table 2 shows that *in the past 10 years there were no less than 5 year-to-year changes in fatal crash involvement for 18 and 19 year old drivers** which were equal to or greater than the change from 1971 to 1972, and none of them were related to the change in the legal drinking age.

TABLE 2.—NUMBER OF 18- TO 19-YEAR-OLD DRIVERS INVOLVED IN FATAL CRASHES SHOWING YEAR-BY-YEAR CHANGES FROM 1962 TO 1972 IN MICHIGAN

Year	Number Involved	Percent Change	Year	Number Involved	Percent Change
1962.....	133	-----	1968.....	301	+31.4
1963.....	148	+11.3	1969.....	302	+0.3
1964.....	200	+35.1	1970.....	264	-12.6
1965.....	231	+15.5	1971.....	246	-6.8
1966.....	323	+39.8	1972.....	318	+29.3
1967.....	229	-29.1			

*Although current interest centers on the 18 to 20 year old driver, available data for prior years lists the age group as 15 years and under, 16, 17, 18-19, 20-24, etc.

This is demonstrated more clearly in Chart I which also shows that, although there has been a persistent increase in the number of 18-19 year old drivers involved in fatal crashes in the past 10 years, this increase corresponds, in general, with the increase in the number of licensed drivers in this age group; an increase of about 72,500 just in the last 5 years. *Thus, the 24 percent increase in actual involvement represents a normal year-to-year fluctuation which could very easily have occurred even without a change in legal drinking age.*



Conclusion

In the absence of compelling evidence, and pending a longer time span over which to measure changes, it must be concluded that (1) the large increase in "alcohol-involvement" in fatal crashes more likely reflects a change in reporting practices than changes in driving-after-drinking behavior on the part of 18 to 20 year old drivers; (2) based on an analysis of the crash experience of 18 and 19 year old drivers, the changes in actual numbers of young drivers involved in fatal crashes in Michigan since the advent of the 18 year old legal drinking age appear to reflect normal year-to-year fluctuations; and (3) young adults deserve more confidence than the older generation has been willing to accord them.

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**WHEN IT IS LEGAL TO DRINK AT 18: WHAT
SHOULD WE EXPECT?** by Richard Zylman

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Mr. RANGEL. Thank you. I just want to thank you for making the trip and knocking down strawmen that have been raised in the past, and you have erased a lot of myths people have lived with. It's a document that I am going to study and read very diligently.

Thank you very much.

Dr. GREENBERG. I have been knocking down myths all my life.

Mr. RANGEL. Thank you for sharing your views with us.

Mr. FAUNTROY. Congressman Breckinridge?

When It Is Legal To Drink At 18: What Should We Expect?

by RICHARD ZYLMAN

Research Specialist

Center of Alcoholic Studies, Rutgers University

Since the U. S. Constitution has been changed, giving 18 to 20 year old citizens the rights of adults, many states have found it appropriate to bring their laws into conformity with the Constitution. There doesn't seem to be much difficulty in granting youths the right to vote, sign contracts, be married or serve in public office at the age of 18, but there is a great deal of disagreement whether citizens as young as 18 should be given the right to buy, sell and use alcoholic beverages. Although this concern may be steeped in morality, it finds expression mainly in the possibility that many young people will combine the right to drink with the license to drive; a concern which has, no doubt, prevented some states from giving young people that right. In other states the right to drink at age 18 has been granted but there is great furor over what the results of such a change in law might be.

The state of New Jersey, for example, has granted the right to drink to those who are 18 years old but now, one month before its effective date, seems to be having second thoughts. Some groups in the state seem to be in a frenzy over the "massacre" that is to occur when the 18 to 20 year old drivers achieve the age of

majority on January 1, 1973. Within the past week a judge advised this writer that he was going to lock himself in his office on January 2 to protect himself from the slaughter that would take place on the highway when 18 year-olds get the right to drink, and a clerk of the court said he hated to see January come because of all the extra drunk driving cases that he will have to process. State police and safety officials are conducting a hurried campaign in high schools throughout the state to warn young drivers about drinking and driving and to advise them of their rights and responsibilities, and newspaper editorials are warning of catastrophic death rates on the highway. In short, the citizenry is being deluged with dire warnings of impending disaster.

The panic, of course, derives from the widespread belief that these young drivers will indulge in a drinking orgy, the likes of which has never been seen, and then go careening down the highway to smash themselves against the nearest bridge abutment or tree, or perhaps to crash head-on into a family of five going to visit their grandmother. This belief has been reinforced by widely distributed newspaper accounts of the "skyrocketing" alcohol-involvement in youthful collisions in Michigan since the law was changed on January 1, 1972; accounts which are based on incomplete, short-term data and on subjective observations which will quite likely not withstand scientific scrutiny.

What Will Happen?

It might be worthwhile to speculate from a more rational point of view as to what might actually be expected when the legal drinking age is lowered to 18.

It should be noted that about the worst possible date that could have been picked to make the law effective is January 1. This is the one date above all others that has always stood for revelry and drinking — frequently the heaviest drinking of the year for most people. To have set 12:01 a.m. on January 1 as the effective date when many thousands of young citizens will suddenly be permitted to drink amounts to an invitation to

disaster. If a problem does emerge temporarily during the first few days or weeks in January it might very well be because of the timing of the effective date and all the attendant publicity and an inferred challenge rather than the desire to drink.

In addition, three things might happen which would seem to substantiate the fears of those who have so little confidence in our youth: (1) some young people might, in fact, change their behavior which would lead to more drinking and subsequent driving after drinking which would lead to an increase in collision-involvement; (2) there might be a change in society's response to the supposed problem, which would show an increase in drinking and driving; this increase would occur even without a change in behavior on the part of 18 to 20 year old drivers; and (3) both of the above could occur.

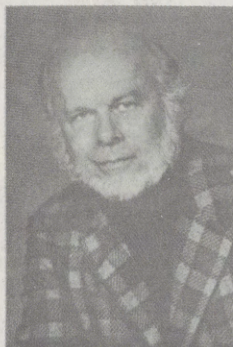
Little Change Anticipated In Drinking Habits of Youth

Is it likely that large numbers of young drivers will indulge in orgy-like drinking as soon as they become "legal?"

It is doubtful that any young drivers who have a desire to drink find it difficult to obtain alcoholic beverages just because they haven't reached the magic age. It is equally doubtful that large numbers of them will suddenly become heavy, or even moderately frequent drinkers just because the legal age has been lowered to age 18.

Research has shown that drinking by youth reflects their cultural and religious backgrounds as well as the attitudes and practices of their parents, and that the majority of young persons do drink. Furthermore, except for perhaps 5 or 6 percent of them, they drink in moderation. It should be noted that this occurs quite apart from and in spite of any legal limitations on youthful drinking.

Drinking among youth, like drinking among adults, is a societal function and, as among adults, a small minority drink intemperately. This small minority of problem people frequently engages in other anti-social behavior as well. It is doubtful that this group will change its



RICHARD ZYLMAN

drinking habits because of the change in the law. *It is even quite possible that they will drink less because, for them, the challenge will cease to exist.*

What is the worst that might be expected?

It is the belief of this writer that, at worst, a minority of the newly legal drinkers, who for some reason may have been blocked from drinking, will drink more than their usual amount, at least while the idea is new, and that a very small minority of them will drive after drinking. (It should be noted that drinking is one behavior, that driving is another, and that driving after drinking is still a third behavior. It should further be noted that either of the first two does not necessarily result in the third.) With more youthful drivers driving after drinking there is likely to be a moderate increase in alcohol-involved collisions — here it should be noted that an increase in nonfatal collision-involvement need not be synonymous with an increase in fatal crashes — and there may, indeed, be a few more fatal crashes.

That is the worst that could happen regarding a change in behavior by a minority of young drivers. However, if that moderate change in behavior is accompanied by an emotional and irrational response on the part of society, then the problem will be blown all out of proportion, its elements will be obscured and the problem will be more difficult to control. There will be hastily amended laws and new programs to counter the new "problem."

How could the second situation described above occur?

Change In Reporting Rather Than Involvement

Policemen in most parts of the United States have always been very reticent about noting on a collision report form as to whether a collision-involved driver had been drinking. In some police agencies it is actually a stated policy that the investigating officer will *not* make an entry on the collision report form in the boxes designated for evidence of alcohol. It is a common practice to mark the box "not known if drinking" or, "had not been drinking" or, most often, to leave that portion of the form blank. In many agencies the appropriate entry is made only if the driver is, in fact, charged with driving while impaired or intoxicated. The reasons for this are that officers do not want to indicate that the driver was drinking because he (the officer) may later be confronted with the question, either by his superiors or in court, as to why he did not charge the driver with drunk driving, or because his judgment may later be challenged

for some other reason, or because the officer may not want to cause complications between the driver and his insurance company. At any rate, police officers, more often than not, fail to record accurate information regarding the presence of alcohol in a collision-involved driver.

It is plain to see that with all the publicity about youthful drinking and driving the officer is much more likely to record the questionable fact that such young drivers had been drinking; now, instead of expecting to be challenged by the social forces he can give these social forces what they expect; this is especially true if the supervising officers order the patrolmen to pay special attention to young drivers to see if the change in law had its expected effect. The officer will now check the block "had been drinking" where he wouldn't have before. *In this way the change in law will have its expected effect, i.e., much greater involvement of alcohol in youthful collisions, even though young drivers had done nothing different. The expected effect will be the product of a change in policy rather than a change in behavior among young drivers. In other words, the expected change in the problem will take place because a change is expected, not because of the change in the law.*

Another way in which this "expected effect" could come about without a change in behavior was expressed in an interview with a young police officer this past week. He was asked about his present policy in dealing with underage drivers found to have been drinking, to which he replied that he charges them as a "disorderly person for illegal possession or consumption." "Why?" "Because I don't want to spoil his record." "What will you do with such cases after January 1?" "I won't be able to charge him with illegal possession so if he wants to be an adult I'll charge him like an adult." This is another clear example of how the manifestation of the problem can change without a change in behavior on the part of young drivers.

Fewer "Illegal Possession" Violations

What is the *least* that could happen to the traffic problem after young drivers are given the right to drink?

The least that could be expected is also the most likely to occur; the majority of young people will continue to drink as they have before and there will be a serendipitous benefit in that there will be a remarkable decline in charges resulting from the illegal possession of alcoholic beverages.

Even this non-problem could be accompanied, however, by the emotional response described under situation 2 above, and there will be great excitement,

at least for several months, until policemen revert to their former methods of reporting.

Before ending this discussion, one more point must be raised. Although, in general, blood alcohol concentrations associated with one or two drinks, i.e., .01% to .04%, are not related to collision-involvement, this is not true about young drivers. Drivers under 18 have the worst collision-involvement index without alcohol — worse than drivers between 25 and 55 years old, for example, with a BAC of .05% to .09% — and after one or two beers their collision-involvement multiplies by 3-fold. Drivers who are 18 or 19 years old have a little better record but not nearly as good as for those drivers between 25 and 55 years old. For them, too, the equivalent of two or three beers in their system should be considered very hazardous. This message should be gotten to young drivers in some believable and unemotional way.

In conclusion, most of the 18 to 20 year old drivers already drink with some regularity; the legal restrictions are more of a challenge than an obstacle. It is doubtful that any large number of them will change their habits. A minority of young people can be expected to cause some problems but the large majority of young drivers are entitled to more confidence than adults are inclined to have in them. If the problem with alcohol-involved crashes appears to become more severe after the legal age for drinking is lowered to 18, safety officials, police and legislators should be certain that they are dealing with a real problem rather than a "paper" problem before taking hasty action. They should not be found, like Don Quixote, charging off after yet another imaginary evil.

Post Script

The above article was written in early December before the "age of majority" law became effective in New Jersey. It may be of interest to know what actually transpired during the first two months after the law became effective.

First week in January:

A newspaper article appeared under the headline "New Jersey's newest drinkers quietly mix in," which was followed with the statement, "Just as New Jersey survived an election with 18-year-old voters, it has also survived a New Year's with 18-year-old drinkers. From first reports of tavern owners and police agencies, the predicted jump in drunk drivers, highway havoc and packed barrooms simply did not happen."

March 15:

In a nationally syndicated column under the headline "Many American youth

(Continued on page 35)

WHAT SHOULD WE EXPECT?—

(Continued from page 10)

shifting from drugs to alcohol" Guy Halverson of the Christian Science Monitor, reported "In New Jersey, which lowered its drinking age to 18 early this year, there already is disquieting evidence of the new legislation. According to New Jersey state police, drunk driving summons to drivers 18 to 20 shot up from 30 in January, 1972, to 49 in January, 1973, when the new drinking limit was in effect." Mr. Halverson was either unaware of, or chose to ignore the fact that special Tactical Patrol Units became operative in the state during the summer of 1972; arrests could be expected to increase.

April 20, 1973:

Preliminary information from Michigan reveals that a comparison of the 1st quarter of 1973 — two years after drinking became legal at 18, and the 1st quarter of 1971, before it was legal to drink at 18, reveals that this age group is involved in fewer fatal crashes now than before they were permitted to drink legally.

Even though the number of 18 to 20 year old drivers who were reported to have been drinking when they were involved in fatal crashes went up by 164 per cent in the first quarter of 1973 over the 1st quarter of 1971, they were actually involved in ~~24 per cent fewer fatal~~ crashes than before it was legal to drink at 18. This appears to be a clear example of how the reporting procedure improved by 164 per cent without a change in behavior. In contrast, among all other age groups "alcohol involvement" in fatal crashes is reported to have increased by 38 per cent and the actual number of fatal crashes in which they were involved increased by 31 per cent.

Furthermore, although the involvement of 18 and 19 year old drivers in fatal crashes increased by 29 per cent during the first year of the age-of-majority, there were greater year to year increases three other times during the previous 10 years, and a 29 per cent decrease from 1967 to 1968. So these changes must be considered normal year to year fluctuations that have no relationship to the change in drinking age.

The importance of putting youthful involvement in fatal crashes in perspective with the other age groups is illustrated by data from Wisconsin. That state had lowered the drinking age to 18 years old about two years ago and can provide a more reliable comparison. The law was changed from a local "beer-only" option for 18 to 20 year old people to a state-wide total availability of alcoholic beverages at age 18. Jim Waydick, Chief of the accident data section, advised me

Another Threat To Driver And Traffic Safety Education

by DR. ROBERT H. KIRK, Head
Health and Safety Department
The University of Tennessee

The National Safety Council's Defensive Driving Course has received much publicity during the last several years. Local safety councils, industries and other units have publicized the course's worthiness. Thousands of citizens have taken the course who "swear" by its meaningfulness. In 1972, several local safety councils urged state legislators to propose the National Safety Council's Defensive Driving Course as a substitute for high school driver education. The writer, a member of the Board of Directors of the National Safety Council, spoke against these efforts at the council's business meeting during the 1972 Congress. The president of a local

Tennessee safety council convinced a state legislator to introduce a resolution requiring that the Defensive Driving Course be incorporated as a part of the high school driver education course. The resolution was adopted. Earlier this year (1973), some rather specific attempts were made to implement the DDC in schools.

Fearing that the DDC would be forced on high school instructors, the president of the National Safety Council was asked to outline NSC's position in a position paper. There had never been much doubt about the Council's position concerning DDC and high school driver education among its central office staff, but some of the state and local council people were overly impressed by DDC's effectiveness and its potential for public relations. They had not been specifically instructed by the Chicago office. The following statement clarifies the Council's position and can serve as a guide for local chapters.

National Safety Council Position Paper On High School Driver Education and the Defensive Driving Course April 1973

The National Safety Council has vigorously supported the inclusion of the standard driver education course in high schools. We believe that such a course is basically essential in preparing drivers to operate a vehicle in today's traffic. We also encourage driver simulation, multi-media instruction and multiple driving range experience as integral parts to effective education and training for new drivers.

The National Safety Council strongly recommends that all licensed drivers be afforded the opportunity to enroll in the Defensive Driving Course and have the benefits afforded in accident avoidance training.

The National Safety Council recommends that FOLLOWING the satisfactory completion of the high school driver education course, and AFTER a period of driving experience, and before the student graduates, the Defensive Driving Course should be provided. This additional education and training will enhance decision making and accident avoidance capabilities.

that during the first year there was an increase of 4.8 percent in the number of 18 to 20 year old drivers killed. Among those killed there was an increase of almost 31 percent in the number found to have been drinking. During the same period, however, all other traffic deaths increased by 8.4 percent — in spite of a 10.5 percent decrease in the number of fatal crash drivers who had been drinking. Whether the change in drinking age was reflected in the annual toll cannot be determined from these data. A literal interpretation is that the lower drinking age helped the young drivers rather than hindered them; while the number who had been drinking increased by 31 percent, the proportionate increase in deaths was only half that of older drivers. (It's strange how we shy away from such an heretical statement; "alcohol helped youth." Had the figures been reversed, showing a larger increase in deaths, the numbers would be emblazoned in bold headlines. The truth of the matter is that numbers need not represent the true picture: what is acceptable or not acceptable depends on whether the numbers support existing beliefs.) It may be suspected that this anomaly reflects changes in coroner reporting practices similar to the changes in police reporting practices discussed above, rather than changes in behavior.

The advice above bears repeating: If the problem with alcohol-involved crashes appears to become more severe after the legal age for drinking is lowered to 18, safety officials, police and legislators should be certain that they are dealing with a real problem rather than a "paper" problem before taking hasty action.

AGE IS MORE IMPORTANT THAN ALCOHOL IN THE COLLISION-INVOLVEMENT OF YOUNG AND OLD DRIVERS*

by RICHARD ZYLMAN

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Rutgers University, New Brunswick, New Jersey

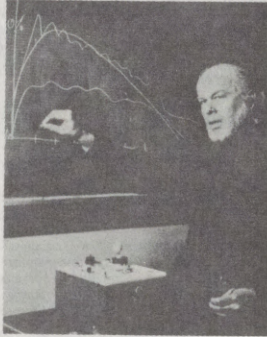
There is a rising crescendo of interest in the drinking, driving and collision-involvement of young drivers. Irrational and, sometimes, frenetic statements on this subject are found in news media, public information pamphlets, driver education manuals, and sometimes even in research papers. This article, hopefully, will put the problem in a more rational perspective.

The subject of collision-involvement among youthful drivers who have been drinking should not be discussed as a single problem phenomena. It must be recognized that the excessive use of alcohol by youth may be one problem and that collision-involvement by youth may be a totally different and unrelated problem. This article is concerned with the combination of those two problems, which results in the third: alcohol-related crashes involving youth. By definition, the third problem includes just those collisions which would not have occurred had the driver not been drinking. This may also include drinking that may not have been a problem if the drinker had not been driving.

Youthful Drinking

A survey of the literature on drinking among teenagers reveals that while there is great national concern about something called alcohol and youth, there is little in objective studies to show that excessive drinking is even as frequent in this age category as in any of the succeeding five year age brackets; in fact, the

*This article is based, to a large extent, on the paper entitled "Youth, Alcohol and Collision-Involvement" presented at the Joint Conference on Alcohol Abuse and Alcoholism; National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, Health Services and Mental Health Administration, Department of Justice; and the National Highway Traffic Safety Administration, Department of Transportation; at the University of Maryland, College Park, Maryland, February 21-23, 1972. Complete copies, including nine tables and a bibliography of 68 items are available from the author



RICHARD ZYLMAN

extent of such problems is markedly less among those usually labeled as youth or teenagers.

Many teenagers drink, and by the age of 18 or 19 a majority use beverage alcohol at least occasionally. It is well established that youthful drinking reflects the influence of their cultural and religious backgrounds, as well as attitudes and practices of their parents. Drinking among youth, like drinking among adults, is a societal function and, as among adults, a small minority drink intemperately. This minority frequently engages in other anti-social behavior as well. *There is no evidence that the anti-social behavior is caused by alcohol alone; rather, it is believed that both forms of deviant behavior reflect the same or similar underlying character or personality problems and the same or similar stressful situations.*

Youthful Driving After Drinking

Several studies show that the practice of driving after drinking by young people is not as wide-spread as generally believed. Under the age of 18, driving after drinking is quite rare; however, the frequency and intensity of driving after drinking increases rapidly for the 18 and 19 year-old drivers and the practice for those who are 20 to 25 years old resem-

bles those who are older than 25. The heaviest frequency and greatest intensity of driving after drinking, however, occurs in various age-groups between 25 and 54, depending on which studies are considered.

Measuring Exposure

Young drivers are involved in disproportionate numbers of collisions and fatal crashes. Although there has been general agreement with this statement, there is controversy about the methods used for achieving that conclusion and, consequently, about the magnitude of the disproportion. A usual answer to the question as to whether youth are involved in more collisions is provided in *Accident Facts of 1970* which shows that drivers under 25 years old held 21% of the drivers' licenses in the United States but were involved in 35% of all crashes. This traditional method for determining whether certain age groups are involved in disproportionate numbers of collisions consists of examining the distribution of age and sex groups among collision-involved drivers and comparing them with the same groups in drivers' license files. Using this measurement, it is plain to see that if drivers under 20 years old hold 7% of the drivers' licenses and are involved in 12% of the collisions for the year, they are obviously being involved in more than their share of collisions. By the same reasoning, if drivers over 65 hold 6% of the drivers' licenses and are involved in just 3% of the collisions, they are much safer than young drivers and aspersions cast upon the ability of these venerable drivers is unjustified. *The weakness in this reasoning is that any such conclusions are based on the assumption that because drivers under 20 hold just 7% of the drivers' licenses they also represent 7% of the driving population and that because senior citizens hold 6% of the licenses they also do 6% of the driving.*

When one considers the great differences in modes of life between youth, middle-age and old age, it must be suspected that young drivers operate vehicles more often and for different reasons than either middle-age or older drivers, and therefore experience more ex-

posure to risk and could be expected to be involved in more collisions. There is an obvious need to measure exposure.

One method for generating a control which allows for exposure is to randomly select and interview drivers who are using the highways and streets at the times and places where collisions occur but who are not involved in collisions (the population-at-risk), and compare characteristics of that group with the characteristics of those drivers involved in collisions. Theoretically, given this method of selection, each driver interviewed would have a chance of being stopped equal to that of being involved in a collision — if collision-involvement were a matter of chance. If collision-involvement were a matter of chance there should be about the same distribution of positive BACs (blood alcohol concentrations) and age groups among the collision-involved drivers as among the control drivers. (It should also be noted that if collision-involvement were a matter of chance we could call them "accidents".) On the other hand, if collision-involvement were not a matter of chance, but associated with alcohol and age, one would expect to find a different distribution of BACs and age groups in the collision group than in the control group.

Three such population-at-risk studies have been made in this country and Canada. The largest and most comprehensive was the Grand Rapids Study** which includes information about more than 9,300 drivers involved in collisions (including minor "fender-benders", as well as serious and fatal crashes) and more than 8,000 drivers randomly selected at times and places where collisions had occurred. It was a year-long, round-the-clock project. Alcohol was found to be the most important variable in predicting collision-involvement, followed by age, driving experience, education, race, marital status, occupation, drinking frequency and sex, in that order. Data from that study are the basis for the following discussion.

It was found that drivers under 25 appeared in the driving population considerably more often than in the drivers' license files and that drivers over 69 were found in the driving population less often than in the drivers' license files.

When allowances were made for exposure in this way, the reported over-involvement of young drivers in run-of-the-mill collisions was cut by half. At the same time, using this measurement, the collision-involvement index for drivers over 69 years old was increased sev-

eral-fold. Drivers between 25 and 69 had the best driving record. It has also been found that collision involvement of the different age groups varies widely over the time of day.

It is clear that the practice of evaluating age contribution to collision-involvement on the basis of drivers' records alone is grossly inadequate. Such methods over-estimate the involvement of young drivers and under-estimate the contribution of older drivers. In reply to the question as to whether young drivers are involved in disproportionate numbers of collisions, the answer is "Yes", but not to the extent that has generally been asserted.

Youth, Alcohol and Non-fatal Collision Involvement

Are young drivers involved in more collisions than middle-age drivers because of the use of alcohol? If that were the case one might expect to find that young drivers drive more often after drinking than older drivers, and that the collision-involvement index for young drivers would be worse when drinking and non-drinking drivers were considered together than when non-drinkers were considered separately. *Neither hypothesis is true; a greater number and proportion of drivers between 25 and 69 was found at every BAC above 0.00%, and the collision-involvement indices for both the very young and very old drivers were worse when just the non-drinkers were considered than when all drivers were included. In the absence of alcohol, age is an even more important predictor of collision-involvement. This happens because the higher BACs are concentrated among the middle-age or "best" driving groups, and it can be assumed that those high BACs are accompanied by some impairment. When the positive BACs are removed from the data the impaired drivers are also removed so the "best" age groups become better and the "worst" age groups show up relatively worse. It must be concluded that characteristics related to age are more important to the collision-involvement of youth and old-age than alcohol.*

Collision Involvement at Low BACs

If youthful drinking, per se, is not a problem of major concern, and if driving after drinking is not prevalent among youth, does it follow then, that there is no problem with drinking and driving among youth?

This is a very different question. It is known that alcohol may have a greater effect on people who are learning to drink and that learners might be affected differently from more experienced drinkers. It is also known that young drivers are involved in disproportionate numbers of collisions compared with more

experienced drivers. It is reasonable to assume then, that young drivers who are still learning to drive and learning to drink suffer considerably greater risk when engaging in these activities at the same time rather than separately.

There is an important relationship between alcohol and youth-involvement in collisions which sharply differentiates them from the other age categories up to age 69. This concerns the impact of small amounts of alcohol, i.e., the equivalent of about two or three beers for a 160-pound driver. Among teenagers such low concentrations are an important component in collision-involvement whereas in all other groups up to age 69 such concentrations are of no statistical significance at all. The graph shows that drivers under 18, who already have the worst collision-vulnerability ratio with nothing to drink, increase that vulnerability by three-fold after just two or three beers. At that level (10 mg to 40 mg) all age groups between 25 and 69 appeared in collisions less often than in the control. Drivers 75 and over, however, are very similar to teenagers.

Fatal Crashes

Drivers under 25 years old appear to be involved in disproportionate numbers of fatal crashes. However, whether or not that disproportion is attributable to the excessive use of alcohol is open to question on at least three points: (a) if allowances were made for exposure, the over-involvement of young drivers is reduced substantially; (b) some of the deaths among young drivers occur after light to moderate drinking — the kind of drinking that would not have led to a serious crash if the driver had been more experienced in either drinking or driving, or both; and (c) at least a portion of the youthful fatalities are attributable to problems associated with youth and inexperience rather than alcohol.

In summary, when allowances are made for exposure by comparing collision-involved drivers with the population-at-risk, youthful drivers still have the worst collision experience and drivers over 70 are very similar to teenagers. Is this over-involvement due to the use of alcohol? No, it is due more to the characteristics of age. On the other hand, the relatively few youthful drivers who do drive after drinking are much more likely to be involved in collisions at low BACs than their middle-age counterparts who are more experienced at both drinking and driving.

Alcohol has been found to be the most important factor in predicting collisions. However, alcohol is not only important in and of itself, but it is important in a very different way. It covers up or

(Continued on page 34)

**The author was the Supervisor of Field Research and a co-author of the Grand Rapids Study.

Research Report

PARENTAL INVOLVEMENT

by DR. JAMES W. COUNTS
Michigan State University

In 1968 legislation was passed in Michigan establishing that no operator's license would be issued until at least thirty days after a temporary instruction permit or a validated driver education certificate. This law was enacted in the hope that the beginning teenage driver would obtain additional supervised driving after completion of driver education and before driving an automobile alone. It was expected that this thirty-day experience would supplement those driving experiences received in driver education.

A study conducted by the writer was designed to gather and analyze data pertaining to the parental involvement in assisting their children in the development of driving skills and to determine the experiences youth received during the thirty-day supervised driving period.

Methods, Techniques and Data Used

A sample of 200 youth who had successfully completed driver education in one of the public high schools in Ingham County during the summer of 1971 was randomly selected from a total population of 1949 youth. Of the 200 selected for the sample, 180 youth were interviewed personally.

Interviews were conducted only in those schools that willingly participated and with students who were willing to contribute to the study.

A descriptive analysis of the data was made for pertinent information about the students, including the types and amount of driving experienced in the thirty-day period and in interim education. In addition, questions were asked to gain insight regarding their attitudes toward this thirty-day interim driving period.

The data were also analyzed to determine whether or not a relationship ex-

isted between the driving experience obtained during the thirty-day interim period and:

1. Educational level of parents or guardians.
2. Age of the youth.
3. The driving experience obtained in driver education.
4. Number of cars in the family available for the youth to drive during the thirty-day interim time.
5. Individuals the youth lived with.
6. Year in school.
7. Effect of having an older sibling driving.
8. The sex of the youth.

Conclusions

1. Only a limited number of youth had the opportunity to drive when darkness existed or when an adverse weather condition was present.

2. The majority of the youth did not receive any driving experience under adverse weather conditions in either the thirty-day interim period or in driver education.

3. Youth received only limited driving experience on freeways. Fifty-one percent of the sample drove a total of less than one hour during the interim period, and 70% drove less than an hour in driver education.

4. Most youth did not receive much driving on state highways. Half of the group logged less than an hour's driving during the interim period. While in driver education, 80% of the youth totaled less than an hour's driving.

5. The thirty-day interim period did not supplement the driver education experiences sufficiently in rural areas where most fatal accidents occur. In driver education, 61.7% of the youth drove less than an hour total. During the interim period, 41% of the youth drove for less than an hour.

6. The young drivers did a limited amount of driving in urban areas where nonfatal injury accidents and property damage accidents are the highest. While in driver education, 85% of the sample did not total more than an hour's driving time. Seventy-two percent of the youth drove for less than an hour during the interim period.

7. Neither the interim period nor driver education is providing adequate driving experience in residential areas at

night; and, as shown in other research, this is when youth drive most often after obtaining a driver's license. Almost half of the youth never drove in a residential area at night. Of those youth interviewed, no one reported having had residential night driving experience during driver education.

8. A lack of communication existed between parents and driver education teachers as to what the parents could do to help youth improve their driving during the interim period.

9. A third of the youth indicated that their parents or guardians had them change some aspect of their driving from that taught in driver education.

10. The concept that male youth might obtain more driving experience during the interim period than female youth could not be supported by the data obtained from the study. Both received approximately the same experience.

11. There is no relationship between having an older sibling in the family driving and the driving experience obtained during the interim period. However, a third of the youth revealed that they were of the opinion that having an older sibling driving influenced the amount of driving they obtained during this period.

12. As the number of cars available for the youth to drive increases, the experience the youth obtain during the interim period increases. This relationship is linear in nature.

13. As the level of education of parents or guardians increases, the driving experience obtained in the thirty-day interim period also increases.

14. The majority of the youth thought the concept of the thirty-day interim period desirable. *It was their opinion that driver education does not prepare them sufficiently to drive by themselves immediately after the completion of the course.* They felt this period should help build on the experience received in driver education.

Recommendations

1. A program explaining the purpose of the thirty-day interim period to parents or guardians should be conducted by driver education instructors.

2. A program discussing what is being taught in driver education should be developed for parents or guardians.

3. Driver education curriculums should include night driving.

4. Driver education instruction should provide youth experience in driving various types and sizes of cars.

5. Parents or guardians should be used to supplement the driver education experience while the youth are enrolled for the course.



Dr. James W. Counts earned a B.S. in Education from Bowling Green State University, M. Ed. from Ohio University and his doctoral degree from Michigan State University. He has taught at the secondary and col-

lege levels. Dr. Counts is a member of the Highway Traffic Safety Center at Michigan State University and will be joining the staff of Central Missouri State University this fall.

NHTSA Warns Of Steering Lock-Ups

The Department of Transportation's National Highway Traffic Safety Administration issued a Consumer Protection Bulletin on August 18 to warn owners of 1971 and 1972 General Motors automobiles that some models have been subject to steering lock-up. Named in the Bulletin are all full-sized Pontiacs, Buicks, Oldsmobiles and Chevrolets for the last two model years.

Douglas W. Toms, NHTSA Administrator, said that his agency's ongoing investigation of the problem included owner-reports that gravel or rocks can become lodged between the front lower frames of these vehicles and the steering coupling at the base of the steering column. Loss of steering and control is the result.

The Federal Bulletin advises all owners of these vehicles that General Motors Corporation has already advised its dealers to provide, under regular warranty coverage, an inexpensive "gravel shield" to owners who have had this problem or anticipate it. According to the Bulletin, steering lock-ups of this kind result from driving on gravel roadways and owners should, until they have procured a "shield," use these roads with extreme caution and reduced speeds. The Bulletin also advises frequent vehicle-inspection in order to keep lower frame members free of impacting stones and gravel.

The Federal Safety Agency asks that all owners experiencing this steering problem, regardless of model or year, contact the NHTSA to provide an account of the incident along with the serial number and make-model data.

This information will help to speed the investigation and enable the NHTSA to reach a prompt determination as to any subsequent action necessary to protect the public.

These owner reports should be sent to:

The Office of Consumer Affairs
National Highway Traffic Safety
Administration
400 Seventh Street, S.W., Rm. 5232
Washington, D. C. 20590

Collection, Analysis, and Interpretation of Data on Relationship Between Drugs and Driving. Final Report

by B. A. Moser, L. D. Bressler, and
R. B. Williams,
Research Triangle Inst., 1972

The purpose of this study was to determine if drug usage is related to driving history. Laboratory analysis of urine samples, in-depth interviews, and public driving records were studied to deter-

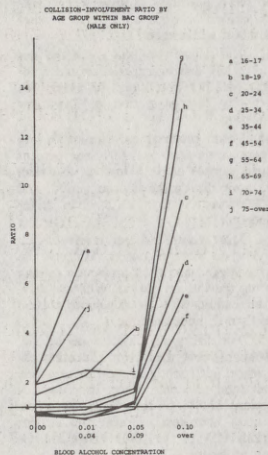
Age-Alcohol In Collision-Involvement of Drivers—

(Continued from page 8)

gates other variables which may be as important or more important than alcohol. As an example, there are certain times of day when drivers under 18 and over 70 without alcohol are involved in proportionately more collisions than drinking drivers after midnight.

It should be recognized that drinking among teenagers is a normal part of growing from adolescence to adulthood. If drinking among teenagers were regarded as normal rather than immoral, evil or unlawful, then we will have taken a long step toward a rational approach to identifying the minority who are more likely to become problem drinkers or problem drinking drivers.

The data suggest a need for greater emphasis on increasing driver proficiency and that younger people should be informed of the effects of small amounts of alcohol on those who are in the early stages of both their driving career and their drinking career. To ignore the existence of drinking among teenagers is to miss the boat altogether.



mine relationship of traffic accidents and violations to alcohol and drug use in male users and nonusers. Frequency and amount of drug use were analyzed in terms of driving performance for 1,889 persons arrested for serious crimes. In general, the results show that for this population, drug users have no worse driving records in terms of accidents and convictions than nondrug users.

THE "REALITY CRUNCH"—

(Continued from page 31)

It can be established to focus task analysis data and curricula content into a meaningful and teachable program.

A Classroom Teaching Program

In Maryland, an intermediate step is being taken this year to better equip students to effectively use time/distance/speed relationships in their everyday driving. In an attempt to beat the "reality crunch" and make a break from the more traditional method of teaching driving, i.e. driving as a series of well defined procedures, toward an approach that emphasizes the processing of information, the State Department of Education will soon provide a program of instructional materials to every high school within the State entitled "The IPDE System."

The IPDE System is a program that utilizes overhead transparencies and filmstrips to illustrate the many time/distance/speed relationships that are used in driving. The use of a two-second following distance is an example of one fundamental that is based on time/distance/speed relationships. The IPDE System uses the two second following distance as a point of departure. A system is presented that can better enable a driver to acquire and assess information pertinent to a driving environment (identify and predict). The second portion of the IPDE System addresses itself to the solution of problems that the driver may encounter (decide and execute). Once the student has completed this program of instruction, he should be able to approach driving systematically on an information processing basis. The second part of this article will describe the materials and rationale contained within the IPDE System.

Alcohol and Pedestrian Fatalities—

(Continued from page 32)

6. No two fatal collisions occurred at the same location.

7. Sixty percent of the collisions studied involved pedestrians walking outside marked or unmarked crosswalks.

8. Of those pedestrians studied, 78 percent had BALs of 0.10% or higher and 66 percent had BALs of 0.15% or higher.

The more significant countermeasures recommended in this report include development of an extensive detoxification and rehabilitation program and a revision of state and local laws dealing with the drinking pedestrian who is found to be the cause of an accident.

Mr. BRECKINRIDGE. I want to join with the gentleman who preceded me, Doctor. Your remarks are most enlightening and informative, and I might say as a representative from the Commonwealth of Kentucky, I deeply appreciate your views. I want to go, if I may, to one point which was made earlier by a witness, and I have not been able to follow the research and the literature on the subject, but it comes up routinely and regularly, and as the generations speak. And I will, if I may read, so I will not be quoting out of context, just some three or four sentences.

"We are concerned about the pressure of the alcohol lobby, because

we think that it would be a severe mistake to have high school students using hard liquor. If you lawmakers were really concerned about young people, you would realize that substantial research shows that it is"—and I have a typo—"it is healthier" I think it says, "to relax with marijauna than it is to use alcohol. We would strongly urge you to heed the recommendation of the President's Commission on the Use of Marijuana by reforming the District laws as the Commission recommended."

Would you care to comment on that?

Dr. GREENBERG. I was afraid you would ask me that question, or somebody would. This is a very thin ice that one is treading on when you try to make a comparison. The use of alcoholic beverages is a very, very old institution. It's as old as the reported written history of man. It has been well channeled; it's in the mores and the cultures, the guidelines, in the case of marijuana, that is not so. When the young man who spoke of this, or was it the young lady, who said that marijuana is less harmful than alcohol, well, that is a generalization. There are certain things that alcohol does that marijuana doesn't, to be sure. You don't get sclerosis of the liver from the abusive use of marijuana. On the other hand, there are certain things that marijuana does that alcohol doesn't. It's not hallucinatory, that is alcohol isn't, marijuana is. So I would certainly hesitate to pass any final judgment whether one should use marijuana or whether one should use alcohol, or whether one should use any of it. I think this is up to the individual. The important thought that I tried to make was that laws can only mandate. It doesn't finally determine behavior. We know that for sure about alcohol. We have gone through a generation of experience trying to legislate drinking out of existence. It doesn't work. I suspect that this is also true of marijuana, and I have often, in talking to my children when they grew up, and they grew up right in the middle, smack in the middle when this was becoming rampant on campus, and from the best figures that I have ever been able to extract, even though there were a large percentage of the inhabitants of the campus were using marijuana, a major portion of these people were just experimenting with it. They were playing with it. It was not seriously and intensively used by a significant proportion of the population. So that again, the question comes up when you are comparing two drugs like alcohol and marijuana, you must think not only in terms of what these drugs do, but how they are being used. This is about the most meaningful comment that I could make on this.

I think there are many unknowns. There are some suggestions today from recent researchers that the use of marijuana, there may be some permanent brain damage, but this has been said of alcohol too, so you find you are on a merry-go-round. I think the important thing is not the use by the attributes of each of these. This is what is important, and the question is whether, and I will try to now bring this back to the context of the purpose of the present hearing, whether by lowering the age or changing the law which creates sanctions against the use or uses, or whether we are talking about the abuse or whether we are talking about the use, I have to say that is the best answer I can give you to your questions.

Mr. BRECKINRIDGE. I thank you. I wasn't trying to raise a difficulty. I was trying to seek a little personal information. Would I be incorrect

in saying from those remarks, perhaps what you are saying also is that the proof is not yet in, that the state of the art is such.

Dr. GREENBERG. Well, to a certain extent, there are other things we do know, and I started to say when my boys grew up right in the midst of all of this, so far as marijuana is concerned, other things can be said about the hard drugs. My comment to them was always that because of the view that society today takes on the use of marijuana and that there is a black market in it, and there are peddlers, and when you choose to use marijuana, you have got to get it somewhere. You have to buy it from somebody, and because of the nature of things and the attitude of society, the same person from whom you are going to buy your marijuana, that person is also peddling other drugs, and we know they are extremely harmful. And this in itself presents a very serious threat.

Mr. BRECKINRIDGE. Thank you.

Mr. FAUNTROY. Thank you.

Counsel?

Mr. FREEMAN. Thank you, Mr. Chairman. No questions.

Mr. FAUNTROY. I want to thank you so very much.

This bring to a conclusion our hearing. The record will remain open for a period of 2 weeks in that regard. I want to submit for the record a letter to Congressman Rangel from the Far North-Southeast Council, which gives support for the legislation.

[The letter referred to follows:]

FAR NORTHEAST-SOUTHEAST COUNCIL, INC.,
Washington, D.C., February 5, 1974.

Congressman CHARLES B. RANGEL,
Cannon House, Washington, D.C.

DEAR CONGRESSMAN RANGEL: On behalf of the Far North-Southeast Council I wish to express our sincere appreciation in the opportunity to review the bill H.R. 7112, which was referred to the District Committee, pertaining to eighteen (18) years old being considered a person of full legal age. We understand that your bill, if passed, would enable an eighteen year old to have or be entitled to all the rights, privileges and obligations as any other tax paying citizen.

We feel this is only right and fair in the light that our young men, eighteen years old can be and are drafted into the United States Armed Services and they can and are tried as adults following the committing of certain crimes.

Therefore, the Council, representing some seventeen Civic Organizations and a number of tenants Councils and block clubs in the Far North and South Eastern part of the City, is in total support of your Bill and we urge the District Committee to support and back the Bill when it goes before the House for Vote.

Once again we thank you for the opportunity to analyze and review this, your Bill, H.R. 7112.

Respectfully yours,

KENNETH ROBERTSON,
2d Vice President.

Mr. HOGAN. On behalf of Congressman Ancher Nelsen, I request that correspondence requested from the American Bar Association and the Department of Health, Education and Welfare be inserted at this point in the record upon its receipt.

Mr. FAUNTROY. Thank you so very much, and we will call the hearings to a close.

[Whereupon, at 12:15 p.m., the hearing adjourned.]

[The documents referred to, subsequently filed, follow:]

AMERICAN BAR ASSOCIATION,
Chicago, Ill., May 29, 1974.

HON. ANCHER NELSEN,
Member of Congress,
Rayburn Office Building,
Washington, D.C.

DEAR MR. NELSEN: Thank you for your letter of May 17, 1974, in regard to H.R. 7112, the bill which provides that in the District of Columbia any person who has attained the age of eighteen years shall be held and considered to be a person of full legal age.

I have read the statement of Charles H. Mayer before the Judiciary Subcommittee of the House Committee of the District of Columbia and in general agree in principle and concur in general with all statements made by this individual.

We as members of the Family Law Section, would say that perhaps a majority of the council of our section have discussed this particular problem on numerous occasions, most of which was in connection with the study made of the proposed and now adopted Uniform Marriage and Divorce Act and the amendment thereto. We had this proposed Marriage and Divorce Act under study for approximately two years and the question of the legal age for permission for persons to marry and what should be the age of majority came up for considerable discussion. I think I can safely state that it was the consensus of opinion as a group, that we felt that the age of 21 should be required.

It was decided to attempt to hold the line to the age of 21 for legal responsibility and specifically for the right to obtain a marriage license, with some provision being made that in special circumstances and under special circumstances, with parental consent, that the age could be lowered to 18.

Sometimes during these discussions it was agreed and with some merit, that a person might possibly be capable of making certain decisions at the age of 18 and perhaps not mature enough to make other decisions, and more specifically to make a decision which would possibly affect his or her entire future as well as the future of any off-springs which might be produced of the marriage. My reason for mentioning this is so that you will have some idea of the degree and indepth discussion given this particular matter.

Now to be more specific and to direct a response to the particular matter of the bill, I would like to say all of the arguments against proposed legislation which were stated by Mr. Mayer would, in my opinion, have merit. Here in the State of Louisiana it was recently enacted that 18 would be the legal age of majority and in the course of my practice as well as the course of anyone who practices family law before our courts, we in the cases that we handle where there is a dissolution of the marriage, feel that the children who have reached 18 are cut off from support as well as financial aid for college and in many instances the financial support for needed medical and dental treatment. I would not hesitate to recommend and go on record as being, personally and from a private standpoint, in favor of retaining the legal age of 21 and would strongly recommend that the legal age not be lowered to 18.

I recognize, however, that the trend is the opposite of my personal feelings and that there have been a number of states which have lowered the legal age to 18. However, I do not feel that merely because there has been a trend in this direction that it is correct or that it is in the best interest of the family, the 18 year olds, and that they actually lose a benefit which should be theirs and which is needed to better prepare them for the future.

At the present time I am not able to respond with a yes or no to the question as to whether or not the American Bar Association or one of its committees has taken a stand on this particular issue. I am however sending a copy of this letter to Mabel Flynn, our Liaison representative at ABA and asking her to ascertain whether or not our section or ABA has actually undertaken this particular subject and what that position is.

In response to the second question, I again state there have been several states, including the State of Louisiana, which have lowered the legal age from 21 to 18, but I do not know of any states which at this particular time have found the 18 legal age to be unacceptable and raised it back to the age of 21.

I am also requesting our Liaison representative at ABA Headquarters to ascertain the number of states who have lowered the legal age requirement, and if possible to ascertain if any of those who have since that time had second thoughts and revised and raised it back to the age of 21.

I am rushing this information on to you so that you may have same before your deadline.

Please know that the Family Law Section is most interested in protecting the legal rights of children and this would include 18 year olds in my humble opinion. Actually the 18 year olds may feel that they have sufficient knowledge, background and experience to make legal decisions which may and will possibly affect them for the remainder of their lives as well as affect any off-springs which they may bring into the world in an early marriage, but I believe that the 21 year old age limit is much more realistic and serves both the individual, the family and society better.

If there is any other information which the Family Law Section can supply to you and to your committee, please let us know. I again thank you for the opportunity to respond to this matter and for your request for our views, I am

Very truly yours,

ARNOLD J. GIBBS.

THE BILL OF RIGHTS OF CHILDREN IN DIVORCE ACTIONS

I. The right to be treated as an interested and affected person and not as a pawn, possession or chattel of either or both parents.

II. The right to grow to maturity in that home environment which will best guarantee an opportunity for the child to grow to mature and responsible citizenship.

III. The right to the day by day love, care, discipline and protection of the parent having custody of the child.

IV. The right to know the non-custodial parent and to have the benefit of such parent's love and guidance through adequate visitations.

V. The right to a positive and constructive relationship with both parents, with neither parent to be permitted to degrade or downgrade the other in the mind of the child.

VI. The right to have moral and ethical values developed by precept and practices and to have limits set for behavior so that the child early in life may develop self-discipline and self-control.

VII. The right to the most adequate level of economic support that can be provided by the best efforts of both parents.

VIII. The right to the same opportunities for education that the child would have had if the family unit had not been broken.

IX. The right to periodic review of custodial arrangements and child support orders as the circumstances of the parents and the benefit of the child may require.

X. The right to recognition that children involved in a divorce are always disadvantaged parties and that the law must take affirmative steps to protect their welfare, including, where indicated, a social investigation to determine and the appointment of a guardian ad litem to protect their interests.

Adapted from recent decisions of the Wisconsin Supreme Court the Family Court of Milwaukee County.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., June 10, 1974.

HON. ANCHER NELSEN,
Member of Congress,
Rayburn Office Building,
Washington, D.C.

DEAR MR. NELSEN: On May 29, 1974 Mr. Arnold J. Gibbs, Chairman of the American Bar Association Section of Family Law, wrote you in response to your letter to him of May 17 concerning H.R. 7112. In his letter Mr. Gibbs requested me to ascertain if the American Bar Association had adopted any policy with respect to lowering the legal age of majority from 21 to 18. The Office of the Secretary has advised me that the ABA has no policy on this question.

We regret that we have no information here on the number of states which have lowered the legal age to 18, nor information as to states which have lowered the age and later rescinded the action.

You may find of interest the attached copy of letter from Doris Jonas Freed, one of our Section Council Members, to Mr. Gibbs relating to an action by DHEW setting an age of 21 rather than a younger age.

Very truly yours,

MABEL E. FLYNN,
Staff Liaison.

NEW YORK, N.Y., June 5, 1974.

ARNOLD J. GIBBS, Esq.,
*Chairman, Family Law Section, A.B.A.,
Baton Rouge, La.*

DEAR ARNOLD: I read with great interest your excellent letter of May 29, 1974 to Honorable Ancher Nelsen. This may be of interest to you and Congressman Nelsen.

In the May 24, 1974 Washington Memo, "Planned Parent-Hood—World Population", I note that to DHEW has issued a new (April 18, 1974) regulation to implement Judge Gessells' court order issued March 15, 1974 (U.S. Dist. Ct., D.C.), regarding sterilization with federal funds. The April 18th regulation continues DHEW's moratorium on the sterilization of minors under 21, rather than minors as defined by state law.

Sincerely yours,

DORIS JONAS FREED.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 3, 1974.

HON. ANCHER NELSEN,
*House of Representatives,
Washington, D.C.*

DEAR MR. NELSEN: This is in reply to your letter of May 14 relative to H.R. 7112, a bill "To provide that in the District of Columbia any person who has attained the age of eighteen years shall be held and considered to be a person of full legal age."

The Office of Education has taken no position on this issue.

The status of the law in the States, as it relates to lowering the legal age from 21 to 18, is a rapidly changing one, with Massachusetts the most recent State to hold 18 as the age of majority for all purposes.

In more than one-half of the States, 18 is the age of majority, with some few States qualifying this age to exclude the non-married youth of 18. Other States—Florida, Iowa, Louisiana, Oregon, Texas and Utah—confer majority automatically upon married youth under 21.

The youth of 18 has the right to vote and the right or duty of military service. It follows that such rights bear responsibilities, whether personal or contractual in nature. We favor youth meeting these responsibilities, while recognizing that age in and of itself confers neither competence nor maturity. We do note that in the past two or three years the establishment of age limits on certain activities has been modified considerably. Please note Appendix A, page 61, of the enclosed publication, "The Impact of Lowering the Age of Majority to 18."

We know of no States in which the legal age has been lowered and then raised back to 21.

Please call on us at any time that we can be of assistance to you or to the Committee.

Sincerely,

STANLEY B. THOMAS, JR.,
Assistant Secretary for Human Development.

Enclosure.

STATE STATUTES ON THE AGE OF MAJORITY

State ^a	Marriage without parental consent		Legal purchase of liquor		Signing of binding contracts		Holding of real property		Incurring of indebtedness		Year
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
Alabama.....	21	18	21	21	21	21	21	1 (18)	21	1 (18)	1970 ⁽²⁾
Alaska.....	19	18	19	19	19	19	19	19	19	19	1970
Arizona.....	18	18	19	19	18	18	18	18	18	18	1972
Arkansas ³	21	18	21	21	18	16	18	16	18	16	1969
California.....	18	18	21	21	18	18	18	18	18	18	1972
Colorado.....	21	18	21	21	18	18	18	18	18	18	1972
Connecticut.....	18	18	18	(Beer—18)	18	18	18	(Some at)	18	(Some at)	1972
Delaware.....	18	18	20	20	18	18	18	18	18	18	1972
Florida.....	21	21	21	21	21	21	21	21	21	21	1972
Georgia.....	18	18	18	18	18	18	18	18	18	18	1972
Hawaii.....	18	18	18	18	18	18	18	18	18	18	1972
Idaho.....	18	18	19	19	18	18	18	18	18	18	1972
Illinois.....	18	18	21	21	18	18	18	18	18	18	1972
Indiana.....	18	16	21	21	18	18	18	18	18	18	1971
Iowa.....	19	19	19	19	21	21	21	21	21	21	1972
Kansas.....	18	18	21	21	18	18	18	18	18	18	1972
Kentucky.....	18	16	21	21	18	18	18	18	18	18	1972
Louisiana.....	18	18	18	18	18	18	18	18	18	18	1972
Maine.....	18	18	18	18	18	18	18	18	18	18	1972
Maryland.....	21	18	21	21	21	21	21	21	21	21	1972
Massachusetts.....	18	18	18	18	21	21	21	21	21	21	1972
Michigan.....	18	18	18	18	21	21	21	21	21	21	1972
Minnesota.....	21	18	18	18	18	18	18	18	18	18	1972
Mississippi ³	21	21	21	21	21	21	21	21	21	21	1972
Missouri.....	21	21	21	21	21	21	21	21	21	21	1972
Montana.....	19	19	19	19	21	21	21	21	21	21	1971
Nebraska.....	18	16	19	19	19	19	19	19	19	19	1972
Nevada.....	20	18	21	21	21	21	21	21	21	21	1972
New Hampshire ⁹	18	18	21	21	21	21	21	21	21	21	1973
New Jersey.....	18	18	21	21	18	18	18	18	18	18	1971
New Mexico.....	18	18	21	21	18	18	18	18	18	18	1971
New York.....	18	18	21	21	18	18	18	18	18	18	1972
North Carolina.....	18	18	21	21	21	21	21	21	21	21	1972
North Dakota.....	21	18	21	21	18	18	18	18	18	18	1971
Ohio.....	21	21	21	21	21	21	21	21	21	21	1971
Oklahoma ¹⁰	21	18	21	21	11	11	11	11	11	11	1971
Oregon.....	21	18	21	21	11	11	11	11	11	11	1971

APPENDIX

[Under authority previously granted, the following material was ordered printed.]

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
CITY COUNCIL,
Washington, D.C., February 4, 1974.

HON. CHARLES B. RANGEL,
U.S. House of Representatives
Washington, D.C.

DEAR CONGRESSMAN RANGEL: Thank you for your letter of January 29, 1974 requesting my testimony at a hearing of the House District Committee's Judiciary Subcommittee on the proposed legislation establishing eighteen as the "full legal age" in the District of Columbia. I regret very much that a regularly scheduled legislative meeting of the City Council will prevent me from testifying in person.

However, I wish to take the occasion of this letter to say that I have carefully studied Mayor Washington's January 31, 1974 letter to Chairman Diggs on this subject. Mayor Washington notes that while the city wholeheartedly supports the concept of "emancipation for the eighteen year old," there are some areas of activity in which a lowering of the age of majority may not be desirable or practical. He notes, among other things, problems involving contract and inheritance rights and receipt of government and support benefits.

The Mayor therefore proposes that the District of Columbia City Council be authorized to hold public hearings on this subject before legislation is enacted to permit local interest groups and individuals to air their opinions on the issues mentioned and others which may concern them.

Before Mayor Washington sent up his January 31, 1974 letter, at the request of his legislative staff, the Council discussed the issues at a meeting of the Committee of the Whole. The sense of that discussion, which was conveyed to the Mayor, was that the Council would welcome the opportunity to hold public hearings on this subject and frame appropriate regulations for dealing with the issues involved. For this reason, I wish to express my support for the legislation proposed and the amendment thereto which the Mayor suggests in his letter.

Sincerely,

JOHN A. NEVIUS,
Chairman, City Council.

D.C. LAW STUDENTS IN COURT PROGRAM,
CONSORTIUM OF UNIVERSITIES,
Washington, D.C., June 21, 1974.

HON. WALTER FAUNTROY,
House of Representatives,
326 Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN FAUNTROY: The D.C. Law Students in Court Program, a project of the Consortium of Universities, urges favorable action on bills now pending before your subcommittee which would adopt a coordinated approach to the planning and funding of legal defense for indigents charged with crimes or juvenile offenses in the District. In particular, we wish to endorse the provisions contained in both H.R. 14374 and 14376 which would expressly include qualified law student clinical programs among the agencies which will be included in the over-all indigent defense plan and request that the legislation provide for some compensation to these programs.

Student practice programs such as ours currently make a significant contribution to the defense of indigent citizens of Washington. Selected third-year students, certified to practice before the D.C. Court of Appeals and Superior Court, appear on behalf of defendants under the supervision of members of the bar, who are ultimately responsible for each case. In the two years these programs have been in operation, these student-attorneys have demonstrated a combination of conscientious dedication and skill on behalf of their clients which has given real content to the Constitutional guarantee of counsel to all persons, regardless of

means. Significantly too, as these young men and women help fill the current need for competent counsel, they are acquiring further training and experience, through both seminars and in-court supervision, which many of them will later apply to criminal litigation as either prosecutors or defense counsel. Several graduates of D.C. Law Students in Court now serve with the U.S. Attorney in the District or as regular defense practitioners.

Although student practice programs help supply defense counsel for indigents, the only public funding they have received in the past has been in the form of short-term grants from Law Enforcement Assistance funds. In the case of D.C. Law Students in Court, unless this source is replaced by other funds, the Program will have to be curtailed or terminated. With appropriate funding, however, the Program could be expanded so as to serve more citizens while at the same time training more competent trial attorneys for tomorrow's criminal justice system. We urge, therefore, that the legislation adopted by the Committee make clear that student practice programs supplying defense counsel will, like the Public Defender Service and private practitioners, be eligible for compensation from the over-all criminal defense appropriations. The rate of compensation should be no greater, and might be less, than the rate of compensation provided for other defense counsel. Of course, as with the Public Defender Service, compensation would be paid to a program to support its operating budget, not to the student-attorneys, who serve without compensation but receive academic credit, or the supervising attorneys, who are salaried. The pending legislation does not address this point and, by omission, excludes student programs from compensation for services rendered. Either a clarifying change or specific discussion in your Report seems necessary.

Moreover, we are concerned that some sections of the pending legislation lend themselves to an interpretation and application which might discriminate, perhaps unconstitutionally, amongst persons who cannot afford to retain counsel in criminal cases. For example, H.R. 14376, which we understand is intended "[t]o authorize in the District of Columbia a plan for providing for the representation of defendants who are financially unable to obtain adequate defense in criminal cases in the courts of the District of Columbia . . ." (emphasis added), singles out decisions charged with offenses prosecutable by the United States Attorney in section 11-2601(1). While section 11-2601(4) seems to include the many offenses prosecuted by the D.C. Corporation Counsel, but which are excluded from section 11-2601(1), the choice of language by the bill's draftsman, at a time when home rule for the District is on every person's mind, suggests that such an exclusion from the plan was, in fact, intended. We believe that it would be preferable for section 11-2601 to explicitly specify that the plan should extend to all persons who are charged with a criminal offense, whether prosecuted by the U.S. Attorney or the D.C. Corporation Counsel, conviction for which may result in imprisonment.

In our opinion, H.R. 14374 suffers from similar discriminatory provisions. Section 4(a)(1) of the bill restricts application of the plan to those indigent persons who are charged with jury demandable offenses (apparently whether prosecuted by the U.S. Attorney or the D.C. Corporation Counsel, although most non-jury demandable offenses are prosecuted by the D.C. Corporation Counsel). Aside from the illogic of rewarding those charged with having committed more serious offenses with the opportunity to have the services of adequately compensated counsel, while denying the allegedly less serious offenders the same benefit, the U.S. Supreme Court has laid to rest "the premise that since prosecution for crimes punishable by imprisonment for less than six months may be tried without a jury, they may always be tried without a lawyer." *Argersinger v. Hamlin*, 407 U.S. 25, 28 (1972). It is our opinion that the indigent petty misdemeanant who faces imprisonment is entitled, if not constitutionally required, to receive the same services of compensated counsel as does the worst alleged felon. We would, therefore, urge that the limitations of section 4(a) to jury demandable offenses be omitted.

Please let us know if we can supply additional information which might be of help in your consideration of these matters.

Sincerely yours,

DUDLEY R. WILLIAMS,
Executive Director.

NEIGHBORHOOD LEGAL SERVICES PROGRAM,
Washington, D.C., June 12, 1974.

HON. WALTER E. FAUNTROY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FAUNTROY: I wish to thank you for your kind invitation to testify before the Subcommittee on the Judiciary of the House Committee on the District of Columbia, concerning bills H.R. 14374 and H.R. 14376, Thursday, June 13, 1974.

After first receiving your invitation, I studied the provisions of those bills closely and noted the areas where I thought I might be able to provide your Committee with a contribution towards its efforts. I discussed these areas with Norman Lefstein, head of the Public Defender Service, and learned that these particular matters have been addressed by his organization before a different forum and will be spoken to at the hearings on June 13. I also talked with Subcommittee Counsel, Howard Lee, on two occasions. He suggested that it might be helpful to provide the Committee with the information that Legal Services and defender services are different from each other, the former providing civil legal assistance and the latter providing defender legal assistance. While I believe that Mr. Lee is correct that this important difference should be made known to and understood by the Subcommittee members, I do not believe that this, alone, would make an appearance by me at these particular hearings appropriate.

Taking all of these factors into consideration, I have decided against testifying on these bills. However, because of my previously strong ties to defender programs and because of the direct relationship that the services provided by them bear upon all services available to the client community of Washington, D.C., I have alternatively offered to provide to Mr. Lee and to the Subcommittee any assistance which he or it may wish in the future concerning the subjects of the two bills.

Once again, please accept my appreciation for your invitation. I look forward to continuing our previous, fruitful working relationship.

With kindest regards, I remain,

Sincerely yours,

JULIAN TEPPER,
Executive Director.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., January 22, 1974.

STATUTES IN THE DISTRICT OF COLUMBIA CODE PRESCRIBING A MINIMUM AGE LIMIT
OF GREATER THAN 18 YEARS

All references are to the District of Columbia Code, 1973 ed.

Code Section, and Description:

2-602—Prescribes minimum age of 21 to apply for license as pharmacist.

4-521(5) (B)—Defines "student child," for purposes of Police and Fire Dept. retired officer's pension benefits, as unmarried child who is a student between the ages of 18-22 years, inclusive, regularly pursuing full-time course of study.

11-1561(8) (C)—Defines "child," for purposes of pension benefits for retired judges of District of Columbia Courts, as including unmarried children between 18 and 22 years pursuing a full-time course of study.

16-2301(4)—Defines "minor" as an individual under the age of 21 years for purpose of provision concerning proceedings regarding delinquency, neglect, or need of supervision.

16-2301(5)—Defines "adult" as individual 21 years of age or older, in above provision.

18-102—Prescribes minimum age of 21 years for a male to make a will.

21-158—Requires guardian to account for all property of ward, and deliver such property to ward at arrival of ward at age 21.

21-301(1)—Defines "adult" as a person who has attained the age of 21 years for purposes of provisions in Uniform Gifts to Minors Law.

21-301(13)—Defines "minor" as a person who has not attained the age of 21 years under above provisions.

25-121—Forbids sale or delivery of alcoholic beverages, except beer or light wines, to any person under the age of 21.

30-111—Requires consent of parent to marriage of any male under age 21.

30-201—Provides that married woman under 21 years of age may not make valid conveyance of real or personal property.

31-309(1)—Defines "child" as a person who is less than 21 years of age, for purposes of provisions regarding payment of tuition in District of Columbia public schools.

31-309(3)—Defines "adult" as a person who is 21 years of age or older, under above provisions.

31-729(a) (2) (C)—Prescribes age limit of 22 years for a student under provision regarding child's annuity payments under teacher's retirement plan.

31-729(c) (2) (C)—Defines "child" as person 18-22 years of age pursuing full-time course of study, for purposes of provisions conferring rights under teacher retirement plan.

45-927—Provisions allowing person under 21 years of age to surrender and take new leases.

STUART GLASS,
Legislative attorney, American Law Division.



