has mortgage payments and it is too bad for him to get into difficulty for this reason, but I suggest to you that if the drunk should fall down in the tavern, no one is going to bother to take care of the problems that he may have financially.

If he staggers out into the street and falls down in a defect in the public highway, his intoxication will prevent him from recovering.

We now have a system under Keeton and O'Connell that if he can just hang on until he gets to his automobile then his problems are over because he does not have to do anything other than hit his head as he enters his car because Keeton and O'Connell agree to pay you for all injuries which arise out of the ownership, maintenance, and use of a motor vehicle.

You don't have to have an accident in the ordinary sense of that word. Now I think that this is most unfair and most unusual. We have spent millions of dollars in this country trying to convince the public that alcohol and gasoline don't mix. Here comes a plan which says that the one safe place for the drunk is in his motor vehicle. If you want to reduce the cost of insurance, then get the drunk off the highway.

In England, when they recently adopted some rather stringent breathalyzer tests, the accident rate dropped 42 percent in one month. If you reduce the number of accidents by 42 percent, then certainly you will have a drastic reduction in the cost of insurance.

The Director of the National Safety Bureau, Dr. Haddon, said on Friday of last week when he testified in Boston, that the intoxicated driver accounts for more than 50 percent of all highway fatalities. He said that this was truly sick driving. He was not talking about social drinkers. He said he was talking about people, and to quote him, "who had consumed a pint or more shortly prior to getting into their motor vehicle."

I think it is unusual that where everyone agrees that the drunk is a major cause of our accident problem we are now going to have a system which says the automobile is the place where the drunk is the safest he can possibly be.

Another objection that I have to the Keeton-O'Connell plan is that it does not allow a recovery for pain and suffering.

Now the alleged argument for this is that pain and suffering is just too intangible, you can't measure it, you can't relate in dollars the value of pain.

Now I, at least, understand this argument but Keeton and O'Connell are not very consistent, I think, on this point. They never allow you to recover for pain and suffering against your own insurance company but they will allow you to recover for pain and suffering against the alleged wrongdoer if the pain and suffering exceeds $5,000.

So what happens, in effect, is that if a jury returns a verdict of $4,900 for just the pain and suffering, the judge has to turn to the jury, in effect, and say: "You don't know what you are doing, you can't measure pain and suffering in that amount and you, Mr. Claimant, who has heard the jury say that his pain and suffering is worth $4,900, you get absolutely nothing."

And yet if a jury comes back and says that the pain and suffering is worth $5,100, you are now in the area where even Professors Keeton