

nature, shoveling snow, and he fraudulently wants to get some insurance company dollars, automobile insurance company dollars, to help him out during his period of disability.

Today, he has to either stage an accident or get another fraudulent friend to say there was an accident and the other person was at fault. Today under the adversary system, you have to convince someone that there was another motor vehicle which was guilty of negligence.

Under the Keeton-O'Connell plan there is no necessity for this fabrication. If a man injures his back bowling, under the Keeton-O'Connell plan all he has to do is to say in his own privacy he felt a twinge in his back as he was washing his car, putting a battery in the car, changing the tires, because again, under Keeton and O'Connell, you do not have to prove an accident, you only have to prove there was an injury which arose out of the maintenance, operation or use of a motor vehicle.

So I think these are some of the things I find particularly objectionable to the Keeton-O'Connell plan. I am sure that this committee is aware of the fact that many of the national news media have indicated that the objection of the organized bar associated to the Keeton-O'Connell plan is that it is going to result in a loss of income so far as attorneys are concerned.

I would like to point out to you that, first, I do not actively practice law, I am not a member of the American Trial Lawyers Association, which has been most active in the fight against the Keeton-O'Connell plan, and I would admit, and I think they will admit that the Keeton-O'Connell plan is a bad plan for lawyers, but that is not a very good reason to oppose it.

I think that the Keeton-O'Connell plan perhaps may be a bad plan for casualty insurance companies but that is not a much better reason for opposing it, either.

Most importantly, I truly believe that the Keeton-O'Connell plan would be a disaster for the public of America if it is ever enacted.

I, therefore, welcome this study and I urge its enactment.

Thank you very much.

Mr. Moss. Thank you, Dr. Sargent.

(Professor Sargent's prepared statement and curriculum vitae follow:)

STATEMENT OF DAVID J. SARGENT, PROFESSOR OF LAW, SUFFOLK UNIVERSITY,
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There is no doubt that there must be changes in the automobile insurance laws and a broad scale study must be made of the entire issue by Congress.

There have been many proposals to solve this problem and one of the most dangerous, exploding on the horizon of America, is an old and discarded auto insurance idea, dressed up in frills and sent forth to confuse and charm an unsuspecting public. This is the so-called Keeton-O'Connell Plan which, if adopted, will perpetrate a disaster on the entire public and destroy our concepts of justice.

This disaster walks in the guise of "social reform" and "revolutionary improvement." It is neither. It is, in fact, reactionary and regressive.

At present the rash of public complaints of abuses of our auto insurance system has led to this and other Congressional committees demanding a full investigation by federal agencies.

The Keeton-O'Connell plan does not answer the complaints of arbitrary assigned risks, refusal to renew, non-explained cancellations, block assignment by race, creed and color, discrimination by age and occupation, involuntary