

In their monumental study, "Automobile Accident Costs and Payments," Professors Conard and James Morgan quote persons who have found themselves caught up in the personal injury automobile accident claim process.

"They were trying to humiliate me for a quick settlement."

"If I had been financially able, I would have held out longer."

"It was too long to wait for a settlement. It seems like insurance companies prolong cases too long."

"It was pretty miserable—justice isn't for the little man. I've had enough of courts. If you have [a] sharp lawyer, you're all set."

"It just dragged and dragged. It threw me from being a self-supporting woman, so that I'm dependent on others."

"The settlement was unfair, but the lawyer said take it or you might get nothing."

"[My lawyer] wanted me to say something that wasn't true. I wouldn't tell a lie for money."

Automobile accident litigation has become a 20th-century equivalent of Dickens' Court of Chancery, eating up the pittance of widows and orphans, a vale from which few return with their respect for justice undiminished.

If the system is stacked somewhat against the traffic victim who is poor and cannot wait out litigation, or who is stigmatized in some way that will deprive him of sympathy before a jury (e.g., a teen-age "hot rod"), it is also true that the insurance companies are in an equally difficult position. Given the present system, they are by definition the enemy of the victim: it is the role of the company to argue that the victim's injuries, no matter how hideous, are not as serious as he claims, etc., etc. Not exactly a lovable role, nor necessarily a persuasive one given the disparity in the resources between the giant corporation and the lone individual.

Moreover, given the system as it is, other than by beating down claims, the only way the companies can compete with one another is by seeking out "preferred" clients who presumably will have fewer accidents than average. There appears to be some basis in fact for the notion that certain classes of drivers will have a lower rate of accidents than others. People appear to drive as they live, and some live more dangerously, less responsibly than others. The problem, however, is that it is rarely possible to identify such persons individually; it is absurd to think of denying them insurance en masse. In any event, it is socially necessary that automobile insurance be as near universal as possible. Nonetheless, insurance companies—some more than others—seek to "cream" the market, with results that verge on outrage.

For a decade now, students of the subject have been convinced that groups such as Negroes, teen-agers, divorced women and others are significantly discriminated against in the writing of automobile insurance. Perhaps more significantly, many companies writing automobile insurance appear to make it a practice to cancel policies of drivers who have accidents or otherwise get involved with the law. The New Republic writer James Ridgeway reports the experience of a North Carolina man whose policy was canceled.

Asked why, the company said, "Investigation reveals that your automobile coverage was terminated due to circumstances surrounding a parking ticket which your wife received recently." The woman had protested the ticket to the police, because, she said, the meter was broken. Nonetheless she paid the fine. (In this case, the best guess is that by protesting the ticket, she gave the company an opportunity to define her as an unsuitable customer.)

A sociological phenomenon of sorts appears to be at work. Insurance agents are for the most part careful middle-class persons who are suspicious equally of working-class (not to mention lower-class) types who might tend to get into trouble, and educated types who might cause it. Occasionally the categories overlap. A University of California professor on his way back from a world tour stopped in Cambridge last spring to give a series of lectures. He and his wife took a small furnished apartment, and bought a car, thinking to drive back to Berkeley. He applied for insurance at a nearby Sears, Roebuck branch, but unaccountably was turned down. Several days later, a stranger mailed the professor the rejected application form. It apparently had been thrown away by the insurance agent, who had written across it in ball point pen, "Lives on Wrong Side of Massachusetts Avenue."

For some time evidence has been mounting that a very large proportion of persons whose licenses are revoked or suspended continue nonetheless to drive.