police in the United States is the highest of any society in history. (In 1965 the California Highway Patrol made two million arrests.) The jam starts there, and is followed by a flood of accident litigation cases that derive, in part at least, from the original criminal case. We have now reached the point where accident litigation accounts for an estimated 65 to 80 per cent of the total civil court cases tried in the United States. This in turn has brought us to the point where delays in justice here are the longest of any democracy on earth. It now takes an average of 30.1 months to obtain a jury trial in the metropolitan areas of the nation. In Westchester and Kings Counties, it is 50 months plus. In Chicago it is 69 months plus.

A legal expert in the field, James Marshall, has argued that persons involved in or witnessing an automobile accident are not really capable of reconstructing it in court. The event is too complex, and levels of perception too low. (How would a witness to a shooting respond to a question as to which way the bullet was traveling?) A *fortiori* the attempt to reconstruct such an episode three, four or five years afterward is nigh impossible. Thus the question must be asked whether a social concern of the highest order—the administration of justice—is not being sacrificed to one of a much lower priority, the reenactment of traffic accidents. (As indeed the whole cops-and-robbers, shoot-em-up paradigm for managing the road system must be questioned. It was not just chance that the riots in Watts and Newark began with police arresting a motorist.)

There is little likelihood, however, that greater efforts toward the administration of justice—more judges, or whatever—would change matters. A New York survey has shown that of 220,000 annual claims of victims seeking to recover damages caused by another's fault, only 7,000 reach trial, and 2,500 reach verdict. Given the number and rate of accidents in the existing transport system, a kind of Malthusian principle governs the courts: the number of litigated cases will automatically increase to use up all the available judicial facilities and maintain a permanent backlog. At the time when issues of justice, violence and civic peace are of immediate and pressing concern, to devote the better part of the judicial (and an enormous portions of the legal) resources of the nation to managing the road system is the kind of incompetence that societies end up paying for.

Only one adult response is possible: the present automobile insurance system has to change.

Two courses are open. Given the profit-and-loss record (which doubtless is more complicated than we know), it would on present appearances be a favor to the insurance industry to get it out of the traffic accident business altogether. A simple means of doing this would be for the Federal Government to begin automatically providing all licensed drivers with a minimum amount of insurance against injuries and property loss that they might suffer. Claims could be adjusted in much the same manner as the workmen's compensation system that has been operating for a half century in most states. Awards would be made on the basis of loss rather than fault, and much of the vast, clumsy apparatus of claim, counterclaim, litigation, delay and evasion might be done away with.

Financing such a system might be the easiest part of all. The Federal Highway Trust Fund obligated $3.4-billion in highway-user taxes in 1966 solely for the construction of the Interstate Highway System, which is scheduled for completion in 1973. We are therefore approaching the point when we must decide to go on pouring concrete at the enormous pace of the past decade even after the InterState System is finished or whether to taper off somewhat.

One alternative use for the taxes that were imposed to build the Interstate System would be to finance an insurance system. Automobile liability premiums came to $8.3-billion in 1965; given the egregious wastefulness of the present system, the sums are not disparate. For an extra penny or so in gasoline tax, an efficient national system of accident compensation could be established, modeled perhaps on the existing accident compensation system for Federal employes. This would involve considerable dislocation for those now employed by or involved with the private insurance industry, but these are, generally speaking, valuable workers for whom an orderly transition could be arranged.

By this all too familiar process, government would reform industry. The alternative is for industry to reform itself. A proposal to do just this was put forth last year by Robert E. Keeton of the Harvard Law School, and Jeffrey O'Connell of the University of Illinois College of Law in their book, "Basic Protection for the Traffic Victim: A Blueprint for Reforming Automobile Insurance." After a definitive exposition of the ways in which, and the reasons why, the present system does not work, they propose a substitute that is simplicity itself.