

It Seems To Me . . .

Why Do We Stop On Red & Go On Green?

Atty. Arthur Licata, Boston

As you approach a red traffic light you place your foot on your car's brake pedal. Perpendicular drivers place their feet upon their accelerators, because their light is green.

This orchestrated movement happens millions of times every day. It allows people to safely use the roads.

Why does this system work? Why red-why green? Why do all drivers agree to obey these symbols?

The system works because the governed consent to be governed. There is a consensus about the terms and conditions for using cars based upon the concept of providing the greatest good for the greatest number of people.

We, as citizens, have determined that these simple devices are the most effective means for controlling the motoring public, even if some (such as blind people) are excluded from driving and are therefore inconvenienced.

What would happen if we started to disregard these regulations? What if we drove forward or stopped regardless of the colors shown on the traffic lights?

Certainly there would be some accidents. We currently see intersection accidents everyday. However, what would happen if everyone decided, in the exercise of their individual freedom, to do exactly what they wanted to do.

We would expect to have accidents — horrible, needless accidents, occurring with more and more frequency.

The police would be stretched to the limit in order to control the law-breaking. Yet, we all know that there are not enough police in the US to make people "stop" at red and "go" on green. The people basically govern themselves. The police merely reinforce that consensus. The police ticket and occasionally arrest the small minority who disregard the rules of the community.

Suppose that it wasn't a small minority who disobeyed the law. Sup-

pose that it was a majority of the citizens and there was no consensus about the meaning of red and green signals. The government would be powerless to supervise its citizens without their consent, or without the necessity of imposing martial law, as it does in times of natural disaster or civil insurrection.

Why do citizens stop on red? It appears to be based upon some of the following; education and training, custom, law enforcement, safety and the consensus concerning its utility. Citizens seem to acknowledge that this "give and take" system wherein you go and then I go, provides for orderly and efficient movement. This system ultimately promotes an individual's own enlightened self interest by preventing traffic gridlock. Without such a system no one could go anywhere. There would be no communally accepted guidelines for behavior.

In recent years, we have all experienced situations in which this consensus has broken down. The following scenario is typical: drivers are stuck in the middle of an intersection unable to go forward or backward. More and more drivers continue to inch into the intersection as the traffic light alternately turns red and green. Drivers facing the "go" signal lean on their horns in indignation as their turn to drive is denied them.

The result is gridlock. Gridlock occurs when drivers ignore traffic rules for an intersection and, as a result of the anarchy created, no car can move. These irrational acts of individual aggressiveness have become so common that traffic signs are now posted at major intersections in New York City admonishing drivers to avoid gridlock.

The traffic signs urge drivers to obey the law so that they can get home more quickly. A rather simple idea that would seem self-evident.

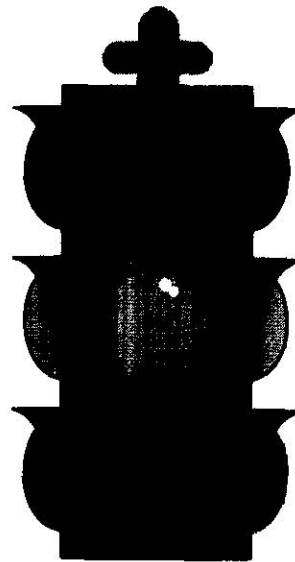
In Boston, the traffic situation has so deteriorated that policemen and police cadets now patrol major intersections at rush-hour to control traffic movement. This is necessary because there is no longer a consensus by drivers of when to go and when to stop. A driver's decision currently seems to be based on situational ethics: can I get away with it; will anyone catch me; will I get a ticket; or will that other driver really

hit me as he seems prepared to do, or will he, in the rush-hour game of "chicken" turn away at the last possible moment.

What rage and anger are festering in our fellow citizens that leads mature men and women to risk life and limb in 4,000 lb. cars that are powered by huge engines. They are isolated and alienated from each other's concerns by tinted glass, stereo systems, sunglasses, oversized utility vehicles mounted on tremendous tires, and talk show-powered adrenaline.

Where do people learn to govern themselves? How do they come to the point of being informed citizens? How long does it take to become an educated person, that is, not someone who is formally educated but someone with knowledge of the rights and obligations of a citizen.

The old wife's tale is probably true. "Attitudes are shaped at your



mother's knee." They begin with the non-verbal example of one's parents. Imagine the following scenario: as a two year old child you are sitting in the front seat of your father's car. He backs out of the driveway of your house. He enters the street and drives forward down the block. He comes to an intersection. At the intersection there is a steel pole at the corner with a box on top and lights within the box. You notice that the light which is illuminated and facing you is red. Your father stops the car. Up to that point, he has said absolutely nothing to you. Over dozens, perhaps hundreds of times this occasion repeats itself each time you enter a car. As a three year old you notice the light even before it is illuminated. You point to it, your father begins a familiar pattern. He says to you the words, "Light, red, stop, green and go." You learn the meaning of these symbols but it takes a long time, and it requires constant reinforcement.

On other occasions, you walk to the store with your mother. She comes to the street corner and waits. She points to that light again — red and green. It must be important because your mother stops walking when it is red; cars drive by when it is green. It is just like the situation with your dad in his car.

The child begins to learn that he is not an island but a social being who will develop, mature and flourish in a social environment. He (or she) will realize society has rules that will in many ways limit, control, shape, and even impinge upon his actions. He will understand that he does not have unlimited individual freedom.

The United States is unique because the overwhelming majority of its citizens are immigrants or the descendants of immigrants. The process of consensus building therefore is important and useful.

As immigrants arrived in the United States, they were assimilated in the "melting pot" of American society. Whether Irish, French, Jewish, Spanis, or Italian or a person of African descent, upon entering the US, the different characteristics of each group combined to create a unique, zesty and powerful

Organization Created to Teach Experts about the Legal System

Doctors have medical associations and lawyers have bar associations but until recently, scientific, medical and technical experts who spend some of their professional time working in the legal system have had no professional organization to teach them about the rules of evidence and procedure, or how the legal system operates in general. As a result, experts are not prepared to deal with wily attorneys who frequently use subterfuge and "trick questions" in an attempt to gain admissions or lead unsuspecting experts into providing a desired response to a question.

When preparing an expert for an appearance at deposition or trial, the sponsoring attorney generally reviews the facts of the case with the expert and examines the exhibits which will be offered in support of the opinions; however, little time is ever spent informing the expert about rhetorical tricks used by attorneys to confuse the expert and the jury. As a result, experts tend to accept any assertion made by the cross-examining attorney without asking for authentication. This can lead to an inappropriate response which may be quoted out of context to the court in support of a Motion For Summary Judgment or Pretrial Motion to exclude or limit the expert's testimony, thus preventing the truth from getting to the jury.

Last fall David M. Benjamin, Ph.D, a nationally known clinical pharmacologist and forensic toxicologist established the **Council for the Advancement**

of Science in Law, a national support organization dedicated to teaching experts more about

how the legal system operates and to promoting the clear presentation of scientific and technical evidence in legal proceedings. "I just don't think that the outcome of important trials should turn on the answers to "trick questions rather than the facts of the case," says Dr. Benjamin. "Scientists and physicians are accustomed to defending their opinions in the collegial setting of peer review not the adversarial environment of the deposition room or courtroom. As a result, extremely qualified experts may not perform well in legal cases because they fail to ask for clarification or ambiguous questions, do not ask for authentication, or are easily intimidated into changing their opinions thus inadvertently contributing to a derogation of the quality of justice they are trying so hard to uphold."

For more information on the Council, contact Dr. David Benjamin, 2 Hammond Pond Parkway, Chestnut Hill, MA 02167 or call (617) 969-1393.

stew that nourished unparalleled growth and prosperity for all citizens.

In contrast to the past, we now emphasize not what we have in common, but what divides us. We promote separateness, differentness, diversity and excess individualism to the exclusion of the commonness necessary to bind us together as one people. The glue that held us together combined the best traits of each heritage's accomplishments. It made a uniquely democratic people, and very prosperous ones too.

Why do we now act in the very manner likely to destroy these healthy underpinnings? Why do we go on green and red?

