

# Underage Drinking and the Drinking Age

By CARLA T. MAIN

**T**HE PROBLEM OF underage drinking on college campuses has been brewing for many years to the continued vexation of higher education administrators. In 2008, John McCardell, president emeritus of Middlebury College, began to circulate for signature a public statement among colleagues titled “The Amethyst Initiative,”<sup>1</sup> which calls for elected officials to reexamine underage drinking laws. The project grew out of outreach efforts of a nonprofit organization he founded in 2007 called Choose Responsibility. The nonprofit advocates lowering the drinking age to 18 and licensing alcohol use for young people in much the same manner as driving — following coursework and an exam. Choose Responsibility also favors the repeal of the laws that set 21 as the mandatory minimum age for drinking (known as the “21 laws”) and encourages states at the least to adopt exceptions to the 21 laws that would

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*Carla T. Main writes often on law and society. She is the author of *Bulldozed* (Encounter Books, 2007), about an eminent domain battle in a small city in Texas.*

allow minors to drink at home and in private clubs. It also favors social changes that shift the focus on alcohol use among youth to the home, family, and individual.

The Amethyst Initiative's statement has been signed by 135 college presidents and chancellors at schools from Duke to Bennington. The majority is private; most are in the Northeast. The statement takes no formal position, unlike Choose Responsibility. It does, however, drop heavy hints as to where the debate ought to come out. The statement says "21 is not working" and asks "How many times must we relearn the lessons of Prohibition?" It draws comparisons to other age-of-majority rights conferred on 18-year-olds, such as voting and serving in the military, and calls upon elected officials to consider "whether current public policies are in line with current realities."

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It seems that the presidents of 135 colleges, including elite schools, large universities, and small state schools find themselves so exasperated with the amount of alcohol guzzled by undergraduates — or more to the point, the trouble the undergraduates get into while inebriated — that they now beseech lawmakers to "rethink 21," an elegant and rather roundabout way of saying: Let undergrads drink with the sanction of the law.

The primary argument made in the Initiative's statement in favor of repealing the 21 laws is that the 21 laws make alcohol taboo, thus driving underage drinking underground and causing more binge drinking to take place than otherwise would, due to the allure of forbidden fruit and the need for secrecy. Hence, by lowering the drinking age, youth consumption would come out in the open and binge drinking would be largely reduced or even eliminated. The second salutary effect of lowering the drinking age, the Initiative argues, would be educational: Colleges would be allowed to have open, frank discussions about responsible drinking. In other words, institutions of higher education could teach young people how to drink responsibly. The Initiative makes vague references to the "unintended consequences" of 21 "posing increasing risks to young people," and says that the original impetus for the 21 laws — reduction of highway fatalities by young drivers — has outlived its usefulness.

Since its launch, the Initiative has created a public dialog about the drinking age, resulting in media coverage and a hearing before the New Jersey state legislature in November 2008. Despite its gravity as a public health problem, even among children younger than 18, the topic of underage alcohol abuse has been underaddressed in the popular media and in public fund-

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<sup>1</sup> The use of the word "amethyst" alludes to an ancient myth associating the stone with the ability to ward off drunkenness.

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ing compared to illicit drug abuse. The Initiative is a welcome development insofar as it challenges us to examine whether 21 “is working.” The answer: It is not, as currently enforced. So should 21 be scrapped or salvaged? First, a look at how we got here, and why the 21 laws are broken.

### The 21 laws

**A**MERICANS GENERALLY HAVE not allowed young people to drink. Older teens were allowed to drink legally during part of the 1970s and early 1980s — a blip on the American-history radar screen. Here is how it happened.

During the 19th century, cultural and social norms prevented young people from drinking. The expense and limited availability of liquor also helped keep it out of youthful hands. After Prohibition, it was left up to the states to regulate alcohol, and most states made the legal drinking age 21, the same as the age for voting and other adult rights. The issue remained largely untouched until the late 1960s when protests over the Vietnam War raised the question of the national voting age. For the first time, the question of the draft age and the voting age were linked in the popular imagination, at least among the left. “If a boy is old enough to fight and die for his country, why isn’t he old enough to vote?” was the popular refrain.

The legal drinking age got swept up in the political upheaval of the era, as states generally reexamined their age-of-majority laws. Between 1970 and 1976, 29 states lowered their age for drinking alcohol. The results were catastrophic. Highway deaths among teenagers and young adults skyrocketed. Almost immediately, states began raising the minimum drinking age again — years before Congress in 1982 and 1984 dangled the carrot of federal highway monies as an incentive. Between 1976 and 1984, 24 of the 29 states raised the age back up again. By 1984, only three states allowed 18-year-olds to drink. Five states and the District of Columbia regulated various degrees of alcohol consumption among those 18 and over. The remaining states had a patchwork of minimum ages ranging from 19 to 21.<sup>2</sup>

While states experimented with age-of-majority laws, a cultural shift was taking place in how society regarded drunk driving. In 1980, a 13-year-old California girl named Cari Lightner was walking to a carnival when she was struck by a hit-and-run drunk driver and killed instantly. Her mother became enraged when she learned that drunk driving was not treated seriously in the American judicial system. What followed was one of the great stories of American grassroots activism. Together with a friend, Candace Lightner founded Mothers Against Drunk Driving (MADD), which quickly

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<sup>2</sup> Richard J. Bonnie and Mary Ellen O’Connell, eds., *Reducing Underage Drinking: A Collective Responsibility*, Committee on Developing A Strategy to Reduce and Prevent Underage Drinking (National Academies Press, 2004), 25–26.

garnered local and later national support in a campaign that focused on putting a human face on the damage done by drunk drivers. By 1982, with MADD 100-chapters strong, President Reagan created a presidential commission to study drunk driving and Congress authorized highway funds to states that passed stiffer drunk driving laws. In 1984, Congress passed the Uniform Drinking Age Act, which required states to have a minimum drinking age of 21 for all types of alcohol consumption if they wanted to receive federal highway monies. The legal drinking age has stayed at 21 since then.

In most of the television debates about the Amethyst Initiative, the success or failure of 21 has been primarily linked to the issue of highway deaths, with the debaters arguing fatality statistics to prove whether the 21 laws should be shelved because of the advent of safer cars. But that suggests, wrongly, that the debate largely begins and ends with the question of teenage bodies splattered across the interstates. While drunk driving among underage drinkers remains a problem, unfortunately it is only one of several ways that underage drinking threatens young people. Time has not stood still since 1984. American campuses and drinking patterns have changed, and not for the better.

## Binge drinking

**T**HE LOGIC OF the Initiative is that if we take away the allure of illegality, American youth will stop bingeing. That conclusion is wrong. Alcohol should be forbidden to 18- to 20-year-olds precisely because *they have a propensity* to binge drink whether the stuff is illegal or not — especially males.

Henry Wechsler and Toben F. Nelson, in the landmark Harvard School of Public Health College Alcohol Study, or CAS, which tracked college student drinking patterns from 1992 to 2001, explained that binge drinking is five or more drinks on one occasion. Binge drinking brings the blood alcohol concentration to 0.08 gram percent or above (typically five drinks for a man or four for a woman within two hours). To understand just how drunk that makes a person, consider that it violates criminal laws to drive with a blood alcohol level of 0.08 gram percent or above.

To call alcohol taboo implies that drinking is done in secret and rarely. Yet college drinking is so common as to have lost all tinge of intrigue. Drinking greases the social wheels, and college life for many is saturated with popular drinking games that no doubt seem brilliant to the late-adolescent: Beerchesi, Beergammon, BeerSoftball, coin games like Psycho, Quarters, and Beer Battleship, and card and dice games linked to beer.

When undergraduates binge drink, they get into trouble — a lot of it. They endanger and sometimes kill their fellow students by setting fires.<sup>3</sup>

<sup>3</sup> Robert Davis and Anthony DeBarros, "Alcohol and Fire a Deadly Mix," *USA Today*, Dec. 18, 2008.

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They sexually assault their female companions (approximately 100,000 incidents annually). They get into fights with other young undergrads (some 700,000 assaults annually). On average 1,100 a year die from alcohol-related traffic crashes and another 300 die in nontraffic alcohol-related deaths. According to the CAS, among the 8 million college students in the United States surveyed in one study year, more than 2 million drove under the influence of alcohol and more than 3 million rode in cars with drivers who had been drinking. Eight percent of students — 474,000 — have unprotected consensual sex each year because they have been drinking.<sup>4</sup> In short, college students do stupid, illegal, dangerous, and sometimes deadly things when they drink.

Moreover, the drinking doesn't begin in college. More kids drink alcohol than smoke pot, which is the most commonly used illicit drug. A third of our youth taste their first drink before the age of 13 and have drinking patterns as early as 8th to 10th grade. In a pattern that continues in college, boys fall into binge drinking patterns in greater numbers than girls by 12th grade.<sup>5</sup> The Pacific Institute for Research and Evaluation has estimated the social cost of underage drinking (for all youth) at some \$53 billion. That includes only highway deaths and injuries and does not factor in brain damage associated with early adolescent drinking, or the array of other injuries and social problems such as opportunity costs that crop up when children drink.

The majority of those who binge drink in college started down that road long before they matriculated — they simply continue their drinking habits once they arrive on campus. Brett Sokolow, president of the consulting firm National Center for Higher Education Risk Management (NCHERM), which counsels colleges on reducing “risk” through educational programs and institutional policies, said in an interview that based on his anecdotal experience, 60 to 70 percent of the students attending his on-campus alcohol seminars have had drinking experiences prior to attending college and about 40 percent have “deeply engrained drinking habits” by the time they get to college.

Consider the scope of college drinking. Among the general population in America, 15 percent of 18- to 25-year-olds binge drink, according to the Centers for Disease Control. Among college students, 80 percent reported drinking and of those, 40 percent binge drink once a month — that is more

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<sup>4</sup> Ralph W. Hingson et al., “Magnitude and Morbidity Among U.S. College Students Ages 18–24,” *Journal of Studies on Alcohol* (March 2002); Ralph W. Hingson, et al., “Magnitude and Morbidity Among U.S. College Students Ages 18–24: Changes from 1998 to 2001, Ages 18–24,” *Annual Review of Public Health* (2005); and “The Surgeon General’s Call to Action to Prevent and Reduce Underage Drinking” (Office of the Surgeon General, 2007), available at <http://www.surgeongeneral.gov/topics/underagedrinking/calltoaction.pdf> (accessed May 4, 2009).

<sup>5</sup> J.A. Grunbaum, et al., “Youth risk behavior surveillance — United States, 2003,” *Morbidity and Mortality Weekly Report Summary* 53:2 (May 21, 2004), and L.D. Johnston, et al., “Teen Drug Use Continues Down in 2006, Particularly Among Older Teens; but Use of Prescription-Type Drugs Remains High,” University of Michigan News and Information Services (2006).

than twice the rate of their peers in the general population.<sup>6</sup> About one fourth drank in this way frequently — three or more times in a two week period.<sup>7</sup>

If college life, with its basic structure and lack of privacy, forces drinking underground as the Amethyst Initiative posits, then one should see far less binge drinking among youth who are not in college. A study drawn on data from the National Household Survey on Drug Abuse, which looked at heavy episodic drinking among all 18- to 24-year-olds, comparing those in college to those outside the ivy-covered walls, does not bear out the Initiative's theory. While 41 percent of those in college binge drank at least once a month, according to that study, so did 36 percent of other youth. And as we shall see, in the military and in countries where they may drink legally, the young guzzle apace.

## U.S. military

**T**HE INITIATIVE, AS well as students arguing in favor of the right to go to keggers, invoke the plight of the parched soldier — old enough to die for his country but not allowed to have a beer. The cascading images on Choose Responsibility's Web site even include the wordless image of a young soldier.

Reality check: The U.S. Department of Defense takes substance abuse among military personnel very seriously and has been addressing drug and alcohol issues for many years. While it has made great progress against illicit drugs, it has found alcohol more intractable. DOD devotes substantial resources to counseling and prevention programs. Heavy alcohol use is regarded as a drain on morale and productivity and a potential threat to unit readiness. DOD in 2005 undertook a comprehensive study of health-related behaviors among active-duty military personnel that compared alcohol use among men and women in the four branches of the service and the civilian population.

It found high rates of binge drinking among young service members, especially men aged 18 to 25. Binge drinking was especially high in the Army and the Marines, where binge drinking rates of young men were similar to those of male college students. The consequences of heavy alcohol use in the military can be severe, including being passed over for promotion and punishment under the Uniform Code of Military Justice.

Not all military drinking by young men and women is illegal, depending on where soldiers and sailors are stationed. Under federal law, military personnel must comply with the law of the jurisdiction in which their installa-

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<sup>6</sup> "The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking."

<sup>7</sup> "Magnitude and Morbidity Among U.S. College Students Ages 18-24."

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tion is located. Contrary to the lure-of-the-illicit theory, the DOD study showed that soldiers drink *more* when it is *legal*. Among the entire military (all ages), 15 percent are heavy users of alcohol in the continental United States, while outside the United States, 25 percent are heavy users. The study found that one of the factors that made binge drinking less likely was being located in the United States.

This throws into doubt two fundamental assumptions of the Initiative: that young people drink because of the allure of forbidden fruit; and that enforcement does not work. Young men in the military, who clearly have a very strong propensity to drink, do less of it when stationed in the United States. While one can surmise that some of the decrease could be due to lower levels of stress, it is a comparison that bears further inquiry. There is something about young males being grouped together in bonding experiences, whether in college or in the military, that seems to lend itself to heavy drinking.

The military experience of lower drinking levels in the U.S. could also mean that factors such as enforcement, fear of consequences, and difficulty in obtaining alcohol influences the amount of binge drinking. The Air Force has the lowest rate of binge drinking among the service branches and the Navy has made an effort to change the culture of sailors on liberty engaging in binge drinking. Clearly, drinking is influenced by organizational culture. The CAS study came to similar conclusions: It found that drinking cultures differ among schools and states, sometimes depending on the level of binge drinking among *adults* and the type of enforcement in the state. The environment in which young people are placed and the adult support systems and level of enforcement count.

Other settings bear comparison. American students studying abroad in France or Italy notice that college students there don't drink like fish, and assume that is the case among young people everywhere in Europe. While many Americans cling to the belief that Europeans are better than us, studies of drinking habits across all of Europe show that their binge drinking problems are worse than ours in many countries, start at younger ages, and continue into adulthood.

The legal drinking ages in Europe generally range from 16 to 18 with varying rules as to when youth may purchase and consume alcohol. Serious binge drinking begins *at age 15* in countries across the European Union. The highest rates are seen in the Nordic countries, Slovenia, Latvia, the UK, and Ireland.<sup>8</sup> Young teenagers, 15- to 16-year-olds, are drinking six drinks at a clip when they go out (even more in the UK and Ireland), and 18 per-

*Heavy alcohol use is regarded as a drain on morale and productivity and a potential threat to unit readiness.*

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<sup>8</sup> Bjorn Hibell, et al., "The ESPAD Report 2003: Alcohol and Other Drug Use Among Students in 35 European Countries" (2004).

cent of that age group is binge drinking three times a month. Things aren't much better south of the equator. When New Zealand lowered its drinking age to 18 it experienced a "sharp increase in binge drinking among teenagers and young adults."<sup>9</sup>

## The alcohol-sex cocktail

**M**AN DOES NOT live by drink alone. There is something else college students, far from the confines of home, like to do: have sex. And when we consider that the vast majority of binge drinkers are male and then factor in their role as the initiator in sexual adventures, the role of sex drive in campus alcohol abuse becomes clearer.

One of the results of the fall of *in loco parentis* in the early 1970s was the rise of the ivory-towered Sodom and Gomorrah. Mind you, today we are not talking about dating as the Baby Boomer generation understands it. We are talking about "hooking up." That means young people go out in groups and then pair off, have casual sex, and quite possibly never get together again. Alcohol, sadly, is directly linked to the hookup culture. It fuels casual and often dangerous sexual encounters on campuses. (The danger lies in unprotected sex and date rape.)

It's important to think about the hookup culture as we weigh whether lowering the drinking age, coupled with education and licensing, would work. Picture this: A 19-year-old male has heard the lectures and has an alcohol license in his hip pocket. Yet he knows that plying himself and his female companions with beer will vastly increase his chances that the evening will end with a hookup. Oh, and he's at a bar selling 25-cent beer pitchers. Care to wager how that night will turn out?

Brett Sokolow of NCHERM said in an interview that the alcohol-related campus workshops he conducts grew out of sexual assault presentations he has done. In speaking with students and exploring how assault situations arose, he found that alcohol played an integral role. His anecdotal observations of the connection between alcohol and problematic sexual encounters on campus are reflected in research in the field. In 2001, 474,000 college students had unprotected sexual intercourse as a result of their drinking. In the same year, more than 696,000 reported being assaulted or hit by another drinking student and of those episodes, 97,000 were alcohol-related sexual assault or date rape victims.<sup>10</sup>

Sexual misconduct hearings are now "no longer rare occurrences on many college campuses," Sokolow wrote in a white paper. The paper (avail-

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<sup>9</sup> Institute of Alcohol Studies, "Binge Drinking — Nature, prevalence and causes, IAS Fact Sheet" (2006).

<sup>10</sup> "Magnitude and Morbidity Among U.S. College Students Ages 18–24: Changes from 1998 to 2001, Ages 18–24."



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able on the NCHERM website) provides painstaking guidelines for college administrators to follow in conducting disciplinary hearings to determine if the victim of an alleged assault was truly “incapacitated” or just plain “drunk,” “under the influence,” “intoxicated,” or “inebriated.” Parsing such terms is a job skill for today’s college administrator, since only “incapacitation” renders a victim unable to give consent to a sexual encounter.

### Just another privilege?

**T**HE INITIATIVE TAKES pains to refer to college students as “adults,” and argues that the 21 laws should be brought “into sync” with age-of-majority rights such as voting, military service, or contract. These are not apt comparisons because the basis of those rights is the doctrine of emancipation. Given the grave consequences of underage alcohol consumption, the legal test for emancipation is helpful in thinking about whether the typical American 18-year-old is mature enough for the rights and responsibilities of legal drinking.

When a minor enters the military (with parental permission), he or she *automatically* becomes emancipated in the eyes of the law. The law assumes that the military will only accept someone who demonstrates the necessary level of maturity for duty. In the event the military is wrong, it has an excellent system for weeding out mistakes: basic training. The military can discharge those not up to the challenge. For a minor to become emancipated under other circumstances, it’s a tougher process. He must show a court that he is self-supporting, can handle his own personal affairs, and understands what emancipation means.

Although a typical 18-year-old is technically emancipated, it is the rare college student who could pass such a test. Rather than living a life of real emancipation like his married or enlisted counterparts, the college student exists in a strange netherworld suspended between adolescence and real adulthood. While college students demonstrate a good deal of independence in the sense that they live away from home, make friends, study, and do their own laundry, they are nonetheless dependent on their parents financially and demonstrate varying degrees of autonomy and good sense. They are often busy having the time of their lives. Indeed, a common suggestion for reigning in campus drinking is to hold classes on Friday mornings, thus preventing the weekend revelry from beginning on Thursday nights.

Alcohol consumption is unique among the rights conferred by age-of-majority laws because it alters brain chemistry, and the risk of conferring it on the wrong person can be immediate and violent. Bear in mind that under various provisions of state and federal law, even minors emancipated at an early age through marriage or military service see no change in their right to drink.

In addition, colleges are not the bastions of the hale and hearty they were for most of the 20th century. Today, students attend college while managing

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chronic illnesses such as arthritis, diabetes, multiple sclerosis, asthma, depression and other psychiatric maladies, endocrine disorders, and attention deficit disorder. College populations even include cancer survivors in various stages of remission. “Two generations ago [ill students] would not have been mainstreamed,” said Patricia Fennell, head of Albany Health Management Associates and an expert on managing chronic health conditions. Now they are coping with chronic illnesses far from the watchful eyes of their parents — which means taking medicines and dealing with the temptations of college life — including alcohol.

Emancipation is not always desirable. Indeed, there is a tradition in the law to that effect. Many states have an express, statutory exception to age-of-majority emancipation rules. Exceptions usually relate to special rights conferred on the disabled, who are entitled to certain protections beyond the age of 18. Many state and federal child poverty programs cover children through age 21. Given the rates of binge drinking on campus and the number of deaths, injuries, and social costs associated with underage alcohol use, the emancipation-exception doctrines provide a useful perspective from which to think about the 21 laws. By delaying legal drinking, the 21 laws provide a valuable, *partial* exception to emancipation for 18-, 19- and 20-year-olds on the grounds that when it comes to alcohol, they can benefit from society’s protection.

The question is not whether we should protect youth from alcohol, but why has society done such a lousy job of it by largely failing to enforce the 21 laws? The Initiative, in its rhetorical question about “repeating the lessons of Prohibition,” intimates that laws proscribing alcohol are simply doomed to failure. Are they?

## Prohibition

**I**N THE EARLY 20th century, the nation was a hodgepodge of “dry” and “wet” states. During the 1910s, dry states became frustrated that liquor was entering their borders via railroad shipments to individuals under a legal loophole. The powerful Anti-Saloon League lobbied successfully for the Webb-Kenyon Act, which President Taft later vetoed. A court challenge followed in 1917. The decision, *Clark Distilling Co. v. Western Maryland Railway Co.*, upheld the constitutionality of the Act, despite concerns that had been raised about it under the commerce clause of the Constitution. With power becoming centralized in Washington as World War I approached, the dry congressmen who dominated at the time saw their moment to take on the alcohol industry. Congress passed the 18th Amendment, which was quickly ratified in January, 1919.<sup>11</sup>

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<sup>11</sup> Thomas R. Pegram, *Battling Demon Rum* (Ivan R. Dee, 1998), 144.

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The 18th Amendment banned the manufacture, sale, and importation of “intoxicating liquors” for use as beverages. It gave “concurring jurisdiction” for enforcement to the federal and state governments. Congress soon passed the Volstead Act, which defined “intoxicating liquor” to include even light beer. The Volstead Act was far more draconian than many dry advocates anticipated and cost the movement supporters.

Prohibition’s impact was immediate: It lowered the rates of alcohol-related deaths, illnesses, and pathologies such as cirrhosis, alcoholism, and drunkenness arrests, and dramatically lowered the consumption of beer and liquor. So intense was the regulatory effort during Prohibition that 85 percent of distilleries went out of business, with the remainder producing mostly industrial alcohol. The social tradition of the male saloon vanished from American life. All of this was done at a substantial sacrifice to the national purse.<sup>12</sup>

Nonetheless, the “concurring jurisdiction” clause wreaked havoc. The U.S. Supreme Court held in the *National Prohibition Cases* that “concurring jurisdiction” meant that the federal government got to call the shots and enforce its teetotaling agenda under the Volstead Act even where local or state law was more lenient. That was a formula for hostility between state and federal governments and an invitation to subverting the law through illegal trafficking and speakeasies. Moreover, Southern states didn’t want Washington sticking its nose in their business — wet or dry. Consequently, Southern states put the kibosh on federal enforcement by making sure it was underfunded by Congress. Not surprisingly, the feds ended up doing most of the enforcement — underfunded — competing with overlapping, often uncooperative state entities, involved in their own local, wet-dry politics.

A combination of factors sank Prohibition, both social and political. In the end, however, it was the Great Depression that broke the back of Prohibition. By the late 1920s, business titans such as Pierre DuPont, who had been dry advocates, felt pummeled by the taxman of the Roaring Twenties and suddenly were singing the praises of the British liquor tax system. Just one year after the election of the “wet” Roosevelt ticket in 1932, ratifying conventions were held for the 21st Amendment with the hope that the resurgence of the alcohol industry would replenish tax revenues and provide “relief to suffering families.”<sup>13</sup>

There is much to learn from Prohibition. The 21 laws are not as sweeping as the Volstead Act. They are not a ban on an industry, nor are they a ban on the sale of all alcohol to all drinkers; they do not create a bootleg market or leave a void for organized crime. The political factions that undermined Prohibition enforcement are not a factor in underage drinking. The 21 laws

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<sup>12</sup> Jack S. Blocker Jr., “Did Prohibition Really Work? Alcohol as a Public Health Innovation,” *American Journal of Public Health* 26:2 (February 2006).

<sup>13</sup> Blocker, “Did Prohibition Really Work? Alcohol as a Public Health Innovation.”

ban alcohol for a small segment of society, extending the childhood ban on alcohol for only three years. Choose Responsibility argues that the violence and illegal excesses of Prohibition — the homemade booze that made people sick, the organized crime, the shootouts — bear a direct parallel to the secretive ways of today's underage binge drinking.

This isn't so. American youth don't distill liquor in their dorm rooms, they aren't involved in organized crime, they don't shoot federal marshals or transport truckloads of bootleg spirits. We are faced with the opposite problem: Underage drinkers are surrounded by easily available alcohol and need expend no special efforts to obtain it. A phony ID, an invitation to a party, or a 21-year-old friend does the trick. There is no underground market in alcohol — they are buying their alcohol from neighborhood pubs and liquor stores or obtaining it from older buddies.

*The political factions that undermined Prohibition enforcement are not a factor in underage drinking.*

There already exist many laws relating to the sale of liquor to those under 21 that, if better enforced, could prevent underage drinking. Enactment of additional laws in some states would aid enforcement. For example, purchasing alcohol for underage drinkers or selling large quantities of beer or renting unregistered kegs are not illegal in some states — but should be. These types of state and local laws do not conflict with each other, nor do they overlap with federal enforcement efforts, which was a central point of policy contention that gave rise to criminality and weak enforcement during Prohibition.

The federal Department of Education regulations that can penalize schools for failure to comply with federal alcohol-related campus policies do not overlap with local law enforcement powers to arrest, prosecute, or fine those who sell liquor to minors.

A fundamental change in outlook is required, because selling liquor to young people in the United States is big business. Underage drinkers account for 19.4 percent of alcohol revenues (about \$22.5 billion).<sup>14</sup> The absurdly low price of beer near college campuses — it is not unusual for a pitcher of beer to cost 25 cents — creates temptations that are very hard for young people in college to resist. A discussion in the National Academy of Sciences report on underage drinking revealed that when alcohol is “readily accessible” to young people, it “represents a powerful message within the social environment that encourages youth consumption and undermines other messages regarding the risks alcohol poses to their well being.”<sup>15</sup> The low price of beer has been shown to be an important factor in underage drinking

<sup>14</sup> Bonnie and O'Connell, *Reducing Underage Drinking*, 23.

<sup>15</sup> James Mosher, et al., “Reducing Underage Drinking: The Role of Law,” *Journal of Law, Medicine & Ethics* 32:4 (Winter 2004).

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and the overall accessibility of alcohol to young people. During the decade from 1981 to 1992, underage drinking declined because of intense public education, a shift in youth culture away from the 1970s model of getting wasted, and — significantly — a lack of spending money available to young people.<sup>16</sup>

### Why not just educate?

CHOOSE RESPONSIBILITY WOULD replace the 21 laws with alcohol education at home and on campus. But colleges already educate college students about drinking. Even though schools are required to have anti-underage drinking policies under federal law, there is nothing to prevent them from teaching moderation or techniques to prevent alcohol poisoning. Indeed, college students get alcohol education from numerous sources: official school policy and abstinence programs and alcohol moderation programs provided by colleges; moderation programs provided by outside consulting groups; an online program called AlcoholEdu that has reached almost a quarter of a million students on over 400 college campuses; and normative marketing programs. Sokolow estimates that 10 to 20 percent of colleges now have outside consultants come to campus to provide alcohol moderation programs.

A large role is also played by social-norms marketing programs in which “latent healthy norms” about college drinking are made known to students through posters, flyers, and other forms of high-profile communication on campus. In other words, messages on billboards and flyers all over campus model the way grown-ups drink. A program may present the idea that a typical young drinker consumes *five or fewer* drinks when he parties with friends. Such marketing programs carry a positive message and do *not* discuss the dangers of drinking. About half of all four-year residential colleges have conducted social-norms marketing programs for alcohol.<sup>17</sup>

They are not necessarily a good idea. A study of alcohol-related social-norms marketing was done based on the data gathered in the Harvard CAS that compared the 118 schools in the survey. The social-norms study included the schools that had experienced social-norms marketing programs and those that didn't. The study showed that social-norms marketing did not reduce college drinking. In fact, in the schools that had the programs, drinking increased. In the schools without the programs, no change in drinking rates occurred.

The study did not show why drinking increased at schools with the pro-

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<sup>16</sup> Bonnie and O'Connell, *Reducing Underage Drinking*, 100.

<sup>17</sup> Henry Wechsler and Toben F. Nelson, “What We Have Learned From the Harvard School of Public Health College Alcohol Study: Focusing Attention on College Student Alcohol Consumption and the Environmental Conditions That Promote It,” *Journal of Studies on Alcohol and Drugs* (July 2008).

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grams, but it is a cautionary tale. The college drinking scene is a battleground with two fronts: coping with those who already are binge drinkers and fighting for the hearts and souls of the others. We know that about half of freshman classes enter with no history of alcohol use and can be lured into drinking. Hearing a message sanctioned by the college that some drinking is all right could tip the balance.

We do know that many environmental factors influence the likelihood of a nondrinking student continuing on that course, including diversity of the student body, the number of female students, the risk and cost of obtaining alcohol and the presence of “zero-tolerance” dorms. Much depends on the state and its culture of enforcement. Measures such as increasing prices, imposing excise taxes, and local laws that regulate the density of liquor-selling establishments close to campus can have a strong impact on underage drinking.<sup>18</sup>

The Institute of Alcohol Studies in London looked at individual as well as meta-analyses of European, Australian, and American youth alcohol education efforts. It found that although there were “individual examples of the beneficial impacts of school-based education,” there was not enough evidence to conclude that education has an impact on binge drinking among young people. The Institute said it was not implying that education should not be done, but it “should not be seen as the answer to reduce the harm done by binge drinking.” Education, the Institute concluded, plays only a supportive role.<sup>19</sup>

The Amethyst Initiative says, in essence, that the phenomenon of underage drinking is a tidal wave that society cannot stop. Our only hope is to ride the wave along with our children, give them an oar, and hope they don’t drown. That relies on the very big — and untested — assumption that their young minds have the capacity to listen when it comes to alcohol, no matter how badly they want to party, hook up, fit in.

Given the stakes, America should not throw in the towel on the 21 laws until we have actually enforced them as they were meant to be enforced — though it will require a clear dedication of political will. It can be done; a similar revolution occurred during the 1980s with respect to driving under the influence laws. Disparities in enforcement do not mean that the laws are impossible to enforce. It signals that we have not gotten serious as a nation about using the laws we have — and improving them where needed.

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<sup>18</sup> Robert Zimmerman and William DeJong, “Safe Lanes on Campus: A Guide for Preventing Impaired Driving and Underage Drinking” (Higher Education Center for Alcohol and Other Drug Prevention, 2003).

<sup>19</sup> Peter Anderson, “Binge Drinking and Europe,” (Institute of Alcohol Studies, 2008).

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