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RCL II

Correcting an Unreasonable and Deleterious Policy:

The Need for a Lower National Legal Drinking Age

The eighteenth birthday of an American citizen is particularly significant. It is at this point in an individual's life that he or she is recognized as an adult in the eyes of the law, defined as one who is regarded "as being able to manage his or her own affairs".ⁱ Adults are allowed and expected to make decisions for themselves, and, as such, assume a wealth of new rights and responsibilities upon being deemed so. An 18-year-old is able to vote for our nation's leaders, fight and die for our country on foreign soil, give sexual consent, possess a handgun, smoke cigarettes, and even hold public office positions at the state level.ⁱⁱ Yet, although the law stipulates that an 18-year-old "gains full legal rights", one piece of legislation directly undermines this supposed full legal independence: the right to purchase or consume alcohol. Despite the long list of freedoms and responsibilities granted to a legal adult, this right is unnecessarily and unjustly withheld from such individuals under the age of 21. There is something extremely backwards about allowing someone to be tried as an adult—making it possible for them to be given a life sentence in jail—and serve on a jury—thereby entrusting them with the power to provide legal judgment—yet denying them the simple pleasure of enjoying a beer.

Current Policy and History of Alcohol Consumption Legislation

This government-imposed limitation is not the first of its kind, as a similar violation of rights was placed on citizens of all ages in recent memory of the history of the United States. The years

of 1920 to 1933 in the United States of America were defined by the prohibition, a constitutional ban on alcoholic beverages that pertained to people of all ages and across the entire nation. This ban included the production, transportation, sale, and possession of such beverages, and it was not until December 5, 1933 that this period of American history came to an end.ⁱⁱⁱ

At this time, the federal aspect of alcohol consumption legislation was dropped, with it instead falling under the domain of state ordinance; the legal drinking age would now vary from state to state, as each had the power to set and enforce the law at whichever age its government and policymakers saw fit. With this new freedom, most states set a minimum legal drinking age of 21 years old, the age at which it would remain for the next several decades in most parts of the country. However, major change swept across the country with the passing of the 26th amendment on July 1st of 1971, which set the legal right to vote at 18 years of age.^{iv} Many states thus saw it fit to lower the drinking age to match this federal voting age, as it is completely logical for the two to be the same; any person entrusted with the ability to vote on our nation's leaders should also be trusted to make their own rational decisions on whether or not they wish to consume alcohol. Therefore, thirty states lowered the minimum legal drinking age to 18, 19 or 20, and by 1982, a drinking age of 21 remained in just fourteen states.^v

Alcohol consumption restrictions remained at this state until the National Minimum Legal Drinking Age Act of 1984 was passed, putting an end to the disparate, state-by-state drinking age laws.^{vi} This law did not officially set a nationwide drinking age, but by threatening to pull government highway funding in states that did not set the legal drinking age at 21 it effectively produced the same result. Too big of a financial blow for any state to withstand, all fifty eventually complied with the government's efforts, and a drinking age of 21 has remained nationwide ever since.

Proposed Change in Policy

The National Minimum Legal Drinking Age Act of 1984 is an outdated, unjust, and deleterious law that does nothing but undermine the freedoms granted to adults, reduce public safety, and condone a general disrespect for the law. The time has come for serious consideration to be given to the prospect of lowering this age to 18, mirroring the legislation of the vast majority of the world's countries. Such a change would foster a culture of far less rampant binge drinking, alcohol-related accidents leading to injury or death, and perceptions that the law need not be followed. The drawbacks of a minimum legal drinking age of 21 far outweigh the benefits, and the prospect of lowering this age to 18 has limitless advantages without any downside; this unnecessary and unjust law has been in place for far too long, and its viability and practicality must be seriously reconsidered.

Shortcomings of the National Minimum Legal Drinking Act of 1984

The most glaring issue with a drinking age of 21 years old is the fact that it is so significantly ineffective. In making the consumption of alcohol illegal for individuals under the age of 21, policymakers are naively ignoring the indisputable truth that this demographic will—and do—continue to drink regardless. A 2006 study disclosed that 72% of high school seniors reported to having consumed alcohol at one point in their lives, despite knowing it was against the law.^{vii} In fact, the underage demographic, specifically 12 to 20-year-olds, is responsible for 11% of total alcohol consumption in the United States, and has accounted for 17.5% of consumer spending on alcoholic beverages, a total of \$22.5 billion.^{viii} Alcohol consumption has become fully ingrained into college culture across the country as a rite of passage of sorts; for most students, alcohol is not merely a part of the college experience—it *is* the college experience. The two have become

synonymous, and what stands today is a dangerous culture of excessive binge drinking.

However, rather than attempting to rectify this troubling situation, policymakers have instead decided to turn a blind eye from this apparent and universally recognized issue of extreme boozing on college campuses.

Rather than preventing under-21-year-olds from procuring alcohol, the current drinking age merely forces them to pursue it in illegal and unethical ways. A common way underage individuals get around the law is with the use of fake identifications, counterfeit forms of documentation that allow under-21-year-olds to purchase alcohol by duping alcohol vendors into believing they are of age. This practice has risen substantially in popularity in recent years, and due to technological advancements, it is becoming increasingly more difficult to distinguish between real and false I.D.'s. In an age of such national security concerns as terrorism and illegal immigration, a culture in which false identifications are rampant and normalized across the country is particularly threatening. A drinking age of 18 would completely eradicate the need for such products, making them obsolete and restoring a sense of national security. The current law fails completely in keeping alcohol out of the hands of underage individuals; rather than condoning unlawful practices such as the use of fake I.D.'s and of-age adults furnishing under-21-year-olds with alcoholic beverages, the unnecessarily high legal drinking age should be lowered to the age of 18.

Not only does a minimum legal drinking age fail to stop underage individuals from procuring alcoholic beverages, but it is also equally ineffective in preventing this demographic from consuming them. A major part of this is the fact that enforcing this law is simply not a priority for law enforcement agencies. Due to statutory restrictions, resource deficiency, and the considerable amount of time and effort that each case requires, violations of the drinking age

very frequently go ignored. In fact, just two out of every thousand instances of underage drinking result in an arrest.^{ix} The unreasonable difficulty of implementing this law and perception that law enforcement resources should be saved for more pressing matters are responsible for the extreme under-enforcement of the legal drinking age.

The ease with which underage individuals get away with violating the legal drinking age promotes a general disrespect for the law, and such regular and blatant non-compliance with this piece of legislation leads to the same for other areas of United States law. Children brought up in a culture in which breaking one law is so widely accepted and pardoned are fundamentally more likely to view other laws in a similar manner. A situation in which a legal drinking age of 21 is respected, followed, and enforced is simply never going to become a reality. Lowering this age to 18 will help restore a high regard for United States law, as well as allow law enforcement agencies to allocate valuable resources to higher priority issues.

Additionally, a minimum legal drinking age of 18 would make situations in which underage individuals do inevitably drink much safer. Since this demographic is unable to gain admittance to bars or order alcoholic beverages from restaurants, they must instead resort to unsupervised, unlicensed locales such as house parties, fraternity parties, or the outdoors. These locations are devoid of adults to model a moderate level of drinking; instead, everyone is of the same age group and equally unaware of how to consume alcohol in a safe manner. Driven by the understanding that they run the risk of being caught and shut down at any moment, underage individuals tend to drink as much as they can, as quickly as they can—the most dangerous form of drinking there is. In fact, more than 90% of alcohol consumed by 12 to 20-year-olds is in the form of binge drinking.^x People of this age group tend to drink for the sole reason of becoming

intoxicated, which, combined with the lack of supervision and help available in the case of emergency, creates a seriously dangerous situation.

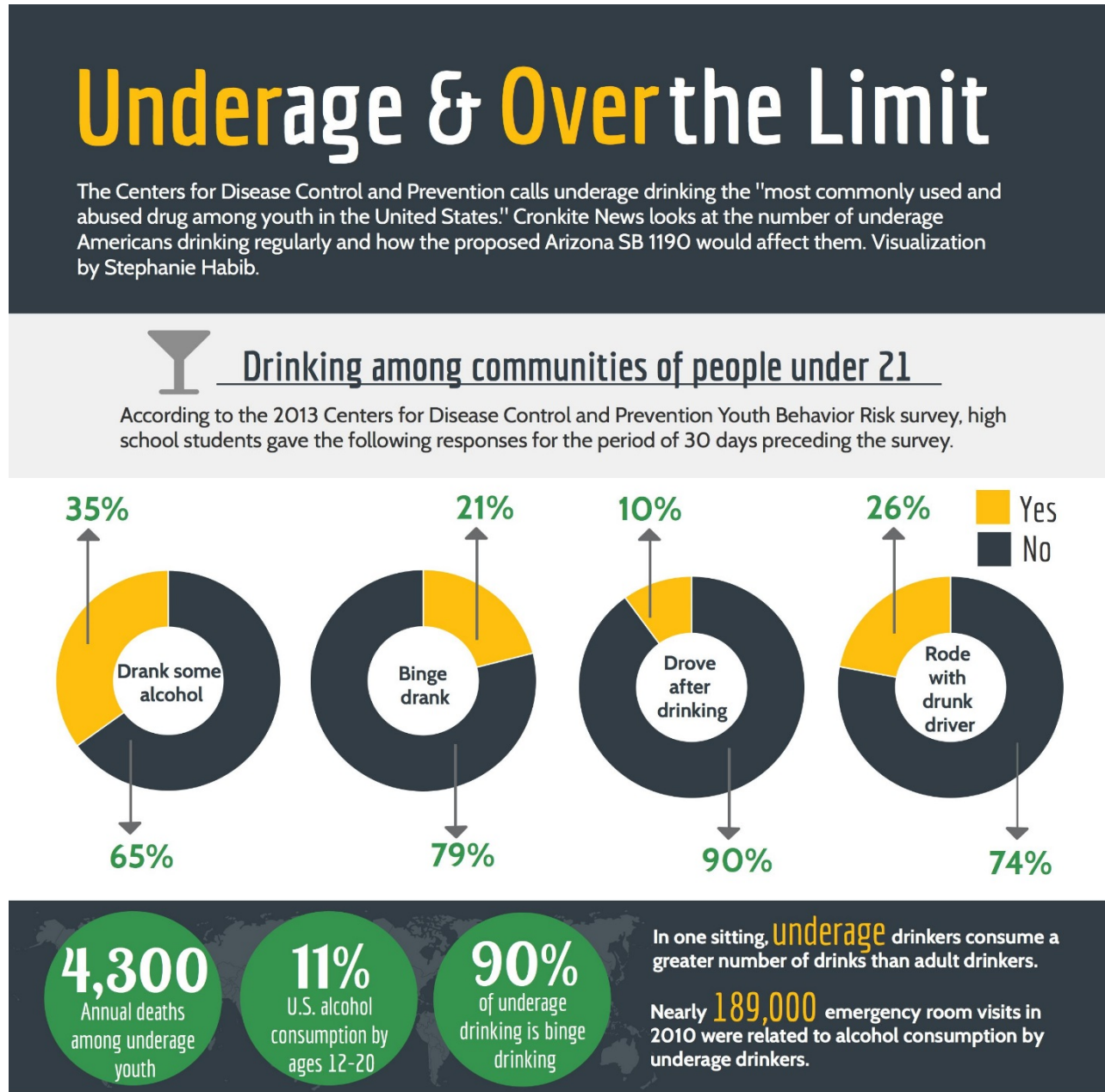


Figure 1: This infographic details the prevalence of underage and binge drinking in the United States^{xi}

Allowing 18 to 20-year-olds to drink alcohol in regulated environments where adult supervision is present would greatly cut down on unsafe drinking activity. At licensed bars and restaurants, the risk of binge drinking is considerably lower than the setting of most underage drinking. A lower minimum legal drinking age would also contribute to a substantial decline in alcohol-related accidents resulting in injury or death that occur outside of the licensed and regulated venues. Countless numbers of fatalities occur each year as a result of a general fear of legal consequence for underage individuals, many of which could have been avoided if only the victim had been brought to medical attention sooner, or at all. If the 18 to 20-year-old demographic is aware they have full immunity from legal punishment, there would be no hesitation to report accidents immediately. In the wake of the extremely unfortunate and tragic death of a Penn State student at a fraternity house on campus, it is hard not to speculate if his life could have been saved if only those involved had no fear of legal consequences and had brought him to the hospital immediately.

A culture of heavy underage drinking in spite of what the law dictates is undeniable, but this activity is so prevalent only because the minimum legal drinking age of 21 was implemented in the first place. Studies have shown that American teens tend to drink so much and so often largely due to its “forbidden” status. Beginning at ages as young as freshman year, individuals are drawn to or pressured by their peers into drinking alcoholic beverages. Distinct from other countries with drinking ages of 18 where it is normal for teens to have a glass of beer or wine with dinner, alcohol consumption is viewed as something that is “cool” in the United States; because it is against the law, and regardless of if they want to or not, many young Americans partake in the activity due to social pressures. A minimum legal drinking age of 18 would do

away with the “thrill” of breaking the law that plays a major role in the drinking culture of American teens.

Such a high legal drinking age also prevents parents from properly teaching and modeling alcohol education. If it were to be lowered to 18, teens’ drinking experience would much more commonly begin in environments where they can learn to consume alcohol in a safe manner. Rather than throwing their children into a fraternity party to drink alcohol for the first time, a drinking age of 18 would allow parents to help them develop a grasp of safe and moderate drinking habits before they find themselves in social drinking settings with no adults around. While a shift in drinking culture would not be immediate, a change in the law would over time lead to a teen viewpoint that drinking is not such a big deal, but is instead normalized and done in moderation. A drinking age of 18, as most countries’ laws dictate, would simultaneously curtail the unbridled binge drinking that plagues the American under-21 demographic and allow for a proper schooling of this age group on safe and healthy drinking practices.

Economic Benefit of a Lower Legal Drinking Age

While the social and public safety arguments are alone enough to justify lowering the legal drinking age to 18, the economic benefit of doing so can not be ignored. Allowing 18 to 20-year olds to legally drink at licensed establishments such as bars and restaurants would greatly increase the number of customers at such establishments. This age group accounts for the most abundant interest in going out and socializing in a drinking environment; it is clear that allowing them admittance to bars would greatly increase the population of customers to such venues, and thus, the revenue these private businesses would bring in. The government would benefit

financially from this change in the legal drinking age, as well, through a significant increase in tax revenue that would follow this substantial stimulation of the market.

Debunking the Argument for a Minimum Legal Drinking Age of 21

The primary argument for a minimum legal drinking age of 21 is that this law has led to a decrease in drunk driving and reduced number of alcohol-related deaths. While this is seemingly supported by statistics, as alcohol-related deaths have fallen from 26,173 in 1982 to 16,885 in 2005, these numbers are not a reliable representation of the effect a higher drinking age has had on the incidence of such fatalities.^{xii} Today's lower number of alcohol-related deaths and instances of drunk driving are at least partially a result of technological advancements, higher levels of drunk driving awareness and advocacy, and stricter seatbelt and D.U.I. laws. In fact, the downward trend in alcohol-related automobile accidents began in 1982, years before the drinking age had been raised to 21.^{xiii} Additionally, the decreased incidence of drunk driving is misleading because such a trend has occurred on a global scale, as well. Since the National Minimum Legal Drinking Age Act was passed in 1984, a decline in drunk driving incidence of 50% occurred in Great Britain, 28% in Canada, 37% in Germany, and 32% in Australia, suggesting that the decline of drunk driving in the United States can not be attributed to the current drinking age.^{xiv} Not only are drunk driving rates decreasing across the entire globe, but they are actually decreasing the most in countries with legal drinking ages lower than 21 years old.

FATAL DECISION

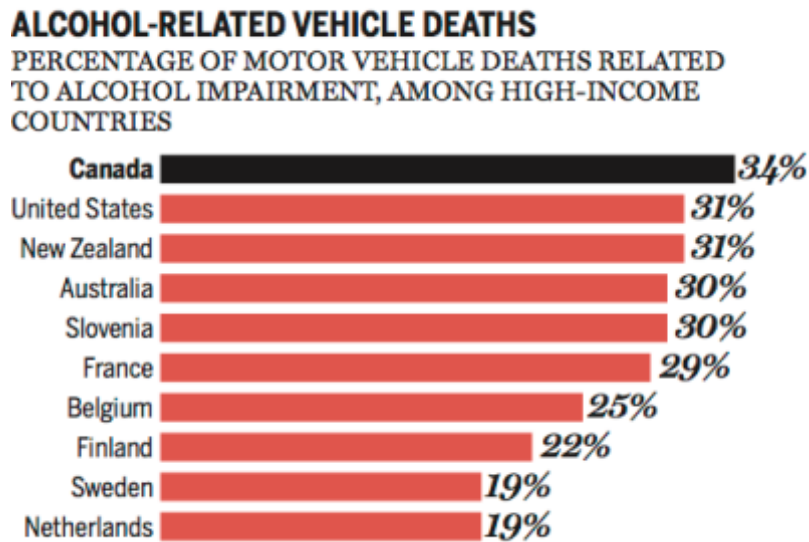


Figure 2: This graph refutes the correlation between drinking age and alcohol-related deaths, as the U.S. has a much higher incidence of such fatalities despite its higher legal drinking age^{xv}

Conclusion

The benefits of a minimum legal drinking age of 21 are unsubstantiated, but the drawbacks are clear. Such an unnecessarily high drinking age undermines the rights of an adult, creates an unsafe drinking culture for 18 to 20-year-olds, hinders the economy, and encourages a disrespect for United States law. The need for a change in policy is clear, and it will not be until this outdated legislation is repealed that these major issues come to resolution. The rest of the world realizes the impracticality and detriment of a legal drinking age of 21; it is time the United States does as well.

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<http://www.history.com/topics/the-26th-amendment>
- ^v American Medical Association, “Minimum Legal Drinking Age.” March 25 2017.
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- ^{xiii} “Drunk Driving Fatalities.” *Foundation for Advancing Alcohol Responsibility*. 27 March 2017.
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- ^{xiv} Sweedler, Barry, and Kathryn Stewart. “Worldwide trends in alcohol and drug impaired driving.” *Drugs, Driving and Traffic Safety* (2009).
- ^{xv} “Canada’s drunk-driving death rate worst among wealthy countries, U.S. study finds.” *National Post*. 29 March 2017.
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