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DRUNK DRIVING AND RAISING THE DRINKING AGE  
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In response to numerous requests for information on the related issues of drunk driving and raising the drinking age, we have prepared this packet of informational materials.

At the present time officials at the Federal level are becoming more concerned about these areas and are beginning to look for possible solutions on a national scale. However, many State and local governments have passed or are presently considering stiffer legislation. Information on action at these levels can be obtained by contacting the appropriate State or local agency. Information at the Federal level is available from:

U.S. Department of Transportation  
National Highway Traffic Safety Administration  
Washington, D.C. 29590

Additional information on this subject, particularly in newspapers and periodicals, may be found in a local library through the use of such reference sources as Readers' Guide to Periodical Literature, Public Affairs Information Service Bulletin (PAIS), and the New York Times Index.

We hope this information will be helpful.

Members of Congress desiring additional information may contact CRS at 287-5700.

Congressional Reference  
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# New Approach to an Old Problem

By Daniel W. Moylan

THE old admonition "If you drive, don't drink; if you drink, don't drive" is followed religiously by nondrinkers and nondrivers, but few others. Unfortunately, we largely have ignored the problem caused by drunken drivers and quietly accepted as inevitable the staggering human loss of life and limb and property damage.

The carnage caused by drunken drivers is a national disgrace. More of our citizens are killed or maimed each year by drunken drivers than were lost on the battlefields of Vietnam or Korea. In 1980 alone, a typical year, 52,600 people were killed, while 1,400,000 suffered disabling injuries as a result of motor vehicle accidents, according to the National Safety Council. The economic loss caused by these accidents was a staggering \$39.3 billion. Drinking was a causal or contributing factor in more than half of all fatal motor vehicle accidents. Blood alcohol concentrations were high enough to indicate intoxication in 40 to 55 per cent of all accidents involving driver fatalities in 1980, according to the National Highway Traffic Safety Administration.

Until recently politicians, lawmakers, and judges have failed even to acknowledge the problem, much less to propose any reasonable means calculated to get the drunken drivers off the road. Perhaps we have been too quick to identify with the offenders and too ready to sympathize with their plight, to treat them as good law-abiding citizens caught up in a web of circumstances beyond their con-

trol. We have failed to differentiate between the social and problem drinkers.

Now, at long last, a relentless and resolute public voice is being raised in protest. In Maryland, as elsewhere, public officials are initiating and funding new programs and enacting legislation that recognize the problem created by drunken drivers and that attempt to address it. By every indication, the intensified law enforcement efforts are going to continue.

The success or failure of new programs and the realization of the goal of getting drunken drivers off the road, however, will ultimately depend on trial judges. They are given a unique opportunity. They confront more problem drinkers and alcoholics than does any other profession or group.

The traditional approach to sentencing has been to impose a small fine. A second or subsequent offender would receive a slightly higher fine and occasionally even a short jail sentence. Often the administrative consequences of a conviction were avoided altogether because the court would grant the offender probation before judgment. Until a recent change in the law in Maryland, for example, the probation before judgment did not even show up on the offender's driving record. When the chances of getting caught in the first place are slim and the consequences flowing from drunken driving are softened or excused by the court, it is not surprising that the arrest and court experience are of little help to the individual or an aid to the enhancement of public safety on the highways.

A new approach to an old problem was begun four years ago by Judge David N.

Maryland's drinking driver intervention program aids not only in treating the symptoms but also the underlying problems of the people who cause more deaths and injuries than the battlefields of wars.



Bates of the District Court of Maryland. He started the drinking driver monitor program of Baltimore County, which has been nationally recognized and is now being considered as a state-wide model by the Governor's Task Force on Drinking and Driving.

In 1981 the District Court for Washington County, Maryland, started the drinking driver intervention program. Many of its essential features are incorporated from or slight variations of the Bates model and are explained and outlined in the hope that our program may be of interest to practitioners and judges elsewhere in the United States.

Alcoholism Services, Inc., a nonprofit corporation, has a court alcohol counselor present in the courtroom at each session of the District Court for Wash-

ington County at which cases charging driving while intoxicated and driving under the influence of alcohol are scheduled for trial. The screening and identification procedure takes place after a guilty verdict has been entered and before sentencing. After the judge enters a verdict of guilty, a brief recess in the proceedings is called so that the defendant and his counsel may meet with the alcohol counselor in a conference room. In addition, if the defendant consents, any interested person — a family member, minister or rabbi, friend, or employer—may participate.

The counselor may administer the Johns Hopkins 20 questions, the Michigan alcohol screening test, or rely on a less structured question and answer session. The counselor also may consider

the testimony, statement of facts, questions asked in the court session, the blood alcohol level, and the prior driving and criminal record of the defendant with particular emphasis on any alcohol-related offenses.

The evaluation session generally is concluded within ten to 15 minutes, and the participants return to the courtroom for final disposition. If the time proves inadequate and the information too vague and inconclusive, the counselor will request additional time—generally a week or two—to gather background data and conduct more extensive screening and testing procedures. Usually, however, the defendant can be identified on the same day as being in one of these categories: (1) an early, middle, or chronic stage alcoholic; (2) a heavy

drinker who may or may not be an alcoholic; and (3) a social or occasional drinker.

The central issue of whether the defendant is a social or problem drinker and whether the driving episode is symptomatic of an underlying alcohol problem is considered. The counselor also makes a specific recommendation for education or treatment, or both. The identification and recommendation to the judge are similar in nature to that in a written presentence report. The judge is at liberty to follow or disregard them.

Holding the screening and identification procedure immediately following the trial and before the sentencing at the same session of court has proved to be cost effective. This eliminates the need for additional trial notices and for separate disposition hearings and appearances on a second date. It saves everyone time and expense. Disposition is made without delaying or clogging the dockets. Court-directed intervention, begun on the date of trial, has proved far more effective from a treatment standpoint. Treatment now begins on the date of trial. Under the old concept, weeks, and in many instances months, elapsed before the defendant actually began on any sort of education or treatment plan.

The principal educational aspect of the program is the D.W.I. school, which is appropriate to all three categories of offenders. The purpose of the educational experience is to alert the defendant to the hazards to himself and others of drinking and driving and to alert the individual to the early signs and progressive nature of alcoholism. The instructors generally use the Socratic method. If the individual recognizes any early signs of alcoholism or problem drinking, an opportunity is afforded for self-identification and voluntary referral to some further educational or treatment program. The cost, which is borne by each person assigned to the school, is \$75. For anyone who is indigent, the costs are waived. The meetings consist of four two-hour sessions, which are held once a week for four consecutive weeks.

If the offender is identified as an alcoholic or problem drinker, the counselor makes a treatment recommendation tailored to the individual's needs. The judge is at liberty to follow or to disregard the

recommendation in whole or in part, and the ultimate responsibility for the sentencing of the individual, including any alternative sentence, rests with the judge.

The question often has arisen as to whether the treatment mandated by a court probation order is constitutional. Clearly, the judge is at liberty to impose and to mandate participation in a treatment plan in the same manner that any other special conditions of probation may be mandated.

A second question often raised is whether "required treatment" will prove effective. The old myth that only voluntary treatment will work and that a person should not be coerced into treatment



has been discredited. The current and more enlightened view held by the armed forces, large corporate employers, many Alcoholics Anonymous members, and the National Council on Alcoholism is that recognition of the problem and early intervention is the state of the art in alcohol treatment. On the question whether forced treatment works, James E. Royce of Seattle University in his comprehensive survey, *Alcohol Problems and Alcoholism*, writes:

"Research is not unanimous on the point, but most evidence suggests higher rates of recovery in forced treatment. This, of course, may be at least partially due to the earlier arrest of the illness. The real danger is that not only the spouse but also fellow workers and the immediate supervisor will deny the problem or cover up for the alcoholic,

shielding from higher management in a misguided form of help, which may actually be lethal. Whether it is called tough love or constructive coercion, the experience of many programs confirms the fact that forcing an alcoholic into treatment as an alternative to job termination is saving jobs and lives."

The treatment approach generally is reserved for people who have been identified as alcoholics or problem drinkers. It may include in-patient care at a state-run institution, a Veterans Administration center, or a private treatment center under an employer program. It may include the weekend intervention program at a community detoxification center, which is often used as a part of the sentence for second and subsequent offenders. The in-patient care is generally one month in duration, and the weekend intervention program generally involves five weekends.

An effort is made to place the defendant in an after-care, out-patient program immediately on release from the treatment facility. The after-care treatment plan also is tailored to the individual's needs, and an attempt is made to surround the individual with as much support as available. Ideally, the court alcohol counselor will attempt to enlist the support of the members of the family, an employer or work supervisor, a health department counselor, a spiritual adviser, and any other interested individuals — for example, an Alcoholics Anonymous sponsor. Participation in Alcoholics Anonymous and total abstinence from alcoholic beverages during the period of probation are integral parts of the treatment.

The treatment plan usually will be limited to out-patient care only. While in-patient care may be preferred in some instances, the necessity to retain the offender's job and attempt to stabilize the family outweigh the advantages of in-patient care in most cases.

Experience has shown that if the treatment does not work, generally speaking, the plan has been too tentative, too timid, and too much time has elapsed between sentencing and the beginning of treatment. A more intensive plan over a shorter period of time, promptly begun, has tended to work better than a less intensive plan that drags out over a longer period. Mandated

treatment should continue for at least six months, and if resources permit, it should be extended to 18 months to two years. Ideally, the individual will continue to participate in Alcoholics Anonymous or other treatment voluntarily after completing the special conditions mandated by the court sentence. The chances for long-term abstinence are greatly enhanced by beginning the treatment immediately.

The idea of a weekend intervention program came about because of a chronically overcrowded jail. Second and subsequent offenders usually were being sentenced to a short jail sentence. If family and financial stability or employment would otherwise be placed in jeopardy, judges often were allowing the offender to serve the jail sentence on weekends. With the weekend influx added to an already overcrowded jail, some inmates were being housed in corridors under unsafe and unhealthy conditions. To relieve the pressure, our court agreed that the drunken driver offenders could be detained at a community detoxification center. Security has not proved to be a problem. In fact, informal counseling sessions began to take place. Alcoholism Services saw the potential and proposed the weekend program to the court.

Under this approach, the judge imposes the jail sentence deemed appropriate, taking into consideration the offender's prior driving record, the aggravating and mitigating circumstances, and the identification and degree of any problem drinking or alcoholism. A portion of a longer jail sentence usually is suspended, and the offender actually serves a minimum of five weekends. The first weekend is spent in jail, while the remaining four are at the detoxification center.

During the four weekends the offenders receive intensive education on the disease concept of alcoholism and have the opportunity to discuss in group and individual counseling sessions their understanding of the disease and its implications. They attend five meetings of Alcoholics Anonymous each weekend. Resentment and denial are highest in the beginning and diminish significantly during the third and fourth weekends. The staff attempts to assess and deal with each offender as an individual. Par-

ticular importance is directed toward the after-care treatment requirements.

Meals are furnished by the county sheriff's department, and the staff of Alcoholism Services is charged with the responsibility for the offender's confinement or whereabouts at all times. A portion of the cost, \$125, is borne by the offender, except that no one is denied the opportunity to participate in the program because of indigency. In its first year, 77 persons successfully completed the weekend intervention program and only two individuals had to be removed during the initial five-week period. In the after-care phase, 54 are attending Alcoholics Anonymous regularly and are remaining abstinent. Of the other 23, contact has been lost with 14 and nine are not attending Alcoholics Anonymous or remaining abstinent.

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**In D.W.I. cases the concepts of punishment, on the one hand, and intervention and treatment, on the other, are not mutually exclusive. Most judges incorporate treatment as a part of a comprehensive sentence that also includes a number of punitive aspects.**

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Participation in treatment is monitored weekly by A.S.I. to ensure that the offender is complying with the special conditions of treatment imposed by the court. Regardless of the hours the offenders work, they can report to the monitor at the center without missing any time from work. It is centrally located in the county and is staffed around the clock, seven days a week. The monitor reviews the attendance slips from Alcoholics Anonymous and maintains records to verify the compliance with the conditions of the treatment aspect of the sentence.

The monitor also has the opportunity to look the individual in the eye and inquire as to how things are going and whether the individual is abstaining from the use of alcohol, if that is one of the conditions of the unsupervised proba-

tion. The office at the center is staffed by experienced individuals who can verify the attendance and participation of the individual in the program and also can offer a great deal of support and understanding.

If an individual fails to report or information comes to the attention of the monitor of a probable violation of any of the special conditions of the probation, the monitor reports to the court, which may issue a warrant or summons charging a violation of probation. Delay is kept to a minimum, and noncompliance with the special conditions of probation result in a prompt hearing before the sentencing judge.

The monitoring aspect of the program tends to ensure compliance and reinforce the message that the individual must actively participate and cooperate in the treatment plan or bear the consequences.

The drinking driver intervention program has proved to be an effective weapon in the fight to get drunken drivers off the roads. It not only deals with the symptoms but also with the underlying drinking problem. Deep philosophical differences still exist among the trial judges—those who feel that punishment alone is the answer and those who believe that intervention and treatment are important. But in attempting to reconcile that dichotomy, it is important to emphasize that the two concepts are not mutually exclusive. While some judges have exercised judicial leniency to encourage an offender to participate in a treatment program, the leniency is not part and parcel of the treatment program. Most judges are incorporating treatment as part of an over-all sentence that includes a number of punitive aspects. We have found that proper treatment is far more intrusive on the offender's time and lifestyle than most people realize and has a definite punitive aspect.

The drinking driver intervention program in Washington County, Maryland, is having a profound impact on people's lives and the public safety of our highways. It is a program reasonably calculated to get drunken drivers off the roads.

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*(Daniel W. Moylan is an associate judge of the Circuit Court for Washington County, Maryland.)*

Pro and Con

# Checkpoints to Catch Drunk Drivers?

**YES**—"The only ones being intimidated are drunks and drug users"



**Interview With  
Robert McGuire**

Police Commissioner,  
New York City

**Q** Commissioner McGuire, why do you favor police use of checkpoints to catch drunken drivers?

**A** Half of the 50,000 traffic fatalities each year in this country are alcohol related. This is a major concern in our city and throughout the country. We are trying to respond in a way that is effective and creates a minimum of intrusion.

**Q** What exactly happens at a checkpoint?

**A** The checkpoints are situated at tollbooths where traffic automatically slows down anyway and at other points where traffic is heavy and accidents are likely. They are manned by police under careful supervision.

As a car slows down in the traffic, a police officer walks alongside it and talks to the driver. As he does so, he looks for signs of alcohol or drugs—slurred speech, glassy eyes, beer cans, a smell of marijuana. He also hands the driver a pamphlet on the dangers of drunk driving.

If he finds nothing suspicious, he lets the driver proceed. Otherwise he has the driver pull over and administers a preliminary breath test to determine alcohol content. If the driver fails the test, he is taken to a police station for a further test—a Breathalyzer.

So, our aim is, first, to catch drunk drivers and save their lives and the lives of others; and, secondly, to educate and deter the population at large.

**Q** You don't necessarily stop every car?

**A** No. If a car is slowing down anyway—say, to pay a toll—the whole procedure may take place without even a second of additional delay. On the other hand, if the traffic conditions require it, we may ask the car to pull over so we can talk to the driver without creating a safety hazard. That may involve a delay of some 2 minutes at a maximum.

**Q** Doesn't this procedure run counter to the constitutional prohibition against arbitrary searches and seizures?

**A** It would if, without specific grounds for suspicion, an unsupervised police officer stopped certain cars randomly and arbitrarily—say cars driven by young women or antique cars. But the courts have found that checkpoints that are systematic and nonarbitrary are permissible.

**Q** Still, aren't such checkpoints a form of intimidation of the innocent?

**A** For an answer, look at the reaction of the public. We have talked to 155,000 drivers in New York City since the program began, and the reaction of the overwhelming majority has been extremely positive, responsive and courteous. The people of this city have been effusive in thanking the police for doing this and indicating they thought it was long overdue. The amount of criticism over intrusion into

**NO**—"We must bend over backward to protect individual rights"



**Interview With  
John Roemer**

Executive Director,  
American Civil Liberties  
Union of Maryland

**Q** Mr. Roemer, why do you oppose the use of police checkpoints to catch drunken drivers?

**A** Because they diminish the standard for permissible searches and seizures that is laid down by the Fourth Amendment to our Constitution. That standard is, or ought to be, that the police must have evidence leading them to believe that a particular individual has committed a crime before they can stop or search him.

With police checkpoints or roadblocks, you don't have such a standard. You have what amounts to general, warrantless searches and seizures.

**Q** Some 70 Americans are killed each day by drunken drivers. Isn't the saving of lives worth a minimum of inconvenience endured at a checkpoint?

**A** If you allow police to set this kind of precedent, they'll use it in other situations as well. Why not stop people at shopping centers to see if they have stolen some merchandise? Why not search students for guns and drugs before they enter school? Why not search people outside of bars or in front of banks? If we did that, our entire society would be different and you could move around only with permission of the police. We must bend over backward to protect individual rights, even in the face of serious social problems.

**Q** Stopping at a red light or a stop sign doesn't violate anyone's rights. What's different about a police checkpoint?

**A** Stopping at a traffic light or stop sign or railroad crossing does not involve any police intrusion. It is different from permitting the police to intrude by stopping, seizing and searching someone.

**Q** If police at a checkpoint are not authorized to search anybody or administer a breath test unless they see suspicious behavior, how can it be regarded as intimidating the innocent?

**A** It's not intimidation in the sense that people have been hauled out of their cars and beaten over the head, but it's an intrusion in the sense that the procedure is not voluntary. You can't ignore it and get away with it.

Suppose someone at a checkpoint refuses to roll down his window and accept the little piece of paper they sometimes hand you? Suppose someone just waves to the police and drives on? I would advise such a person to have a good lawyer and some bail money ready, because they're going to be in serious trouble.

The Supreme Court has not ruled specifically on these checkpoints. But it has indicated repeatedly that, if a police officer stops a car, this is the equivalent of search and seizure in the sense of the Fourth Amendment.

**Q** Even if he only asks a car to slow down?

**A** Not if there's been an accident and a police officer

## Interview With Commissioner McGuire (continued)

their lives has been minimal. I think the only ones who are being intimidated are the drunks and drug users, who create a peril to themselves and others.

**Q** What happens if a driver, even though sober, refuses to cooperate by talking to the policeman?

**A** Not a thing. The program is voluntary. A policeman who did anything to such a driver would be compromising the whole program by going beyond the law.

That's why, before we started the program, we carefully trained our police officers to avoid confrontation with the drivers.

**Q** As a practical matter, won't a drunken driver simply avoid a checkpoint and drive down some other street?

**A** You're assuming that a drunk driver acts rationally. People who are full of alcohol or other drugs are risk takers. They believe they won't be caught.

Furthermore, we move the checkpoints around—one toll booth on Tuesday and another one on Wednesday and so forth—so nobody knows in advance where they will be.

**Q** Isn't the proportion of drunk drivers caught at such checkpoints very low? And if so, why is the program worth the effort and expense?

**A** Since the program started on May 27, we've arrested 198 drivers out of the 155,000 we stopped. That may not look like a large number, but it's almost double the number of arrests we made in the same period last year, when we had no checkpoints.

Even so, we fully realize that hundreds and perhaps thousands of people who went through these checkpoints had been drinking but were not caught, because we hadn't sufficient evidence to make an arrest.

But something even more important than the arrests is the educational and deterrent effect the program has on the population as a whole. It has gotten this problem on the front pages of newspapers and to the top of people's consciousness. For the first time, people are beginning to recognize how serious it is.

**Q** Wouldn't police resources be used more efficiently if patrol officers scouted for such suspicious signs as a car weaving in and out of traffic rather than checking huge numbers of innocent drivers?

**A** The general patrol force is doing that, but that's not enough. The patrol force in New York—and I'm sure in other large cities, too—is much overworked. Most of my police cars are busy responding to emergency calls for help.

The days are gone when we had large numbers of police cars just patrolling the streets, so that if you got drunk and drove, it was at your own peril. Consequently people have become lax, and that's what we're trying to turn around—using checkpoints and patrols to complement each other.

**Q** Some people are saying there are enough bottlenecks on the roads already without the police adding to them—

**A** That's why we run our program in such a way as to avoid creating any. If the traffic gets heavy, we might use only one lane in a tollbooth for checking purposes, or check the next five cars instead of the next 10. We're trying to achieve our goal with a minimum of inconvenience. □

## Interview With Mr. Roemer (continued)

puts up his hand to make you slow down. But if he slows you down or stops you to see if you're drunk or have weapons or are transporting women across the state line, that is a legal equivalent of search and seizure. So, I would object to such checkpoints on human-rights grounds even if they were effective. But they aren't.

**Q** What makes you say that?

**A** In the whole state of Maryland, the number of people arrested at checkpoints for drunk driving is well below 1 percent of those stopped. In Cecil County, the police made more than 6,000 stops at the checkpoints and arrested only 31 people, or half of 1 percent. And there are no statistics yet on how many of these were actually convicted of drunk driving.

**Q** But even if few drunken drivers are caught, don't checkpoints deter many more potential offenders?

**A** They may at first, because whenever you introduce a new law-enforcement procedure, people tend to be a bit more cautious. But in three or four years, once it becomes old hat, I doubt you'll see much of a deterrent effect. Especially since you're dealing here with alcoholics, who are suffering from an illness or compulsion and are going to keep riding up and down and killing people no matter how many checkpoints the police put up.

Of course, there are all kinds of things you could do to deter crime. Suppose the police said: We are going to ride through high-crime neighborhoods at night and arrest the first 15 people we see. That would deter crime, because you'd have fewer people on the streets, fewer people drunk and disorderly. But it wouldn't be worth the cost.

**Q** Don't statistics show a substantial drop in accidents in areas where checkpoints have been used?

**A** There's some debate about that in the state of Maryland. The state police believe—and I have no reason to disagree—that there has been a decline in alcohol arrests and accidents in places where checkpoints have been put into effect. But I think you would have seen the same result even without checkpoints, due to generally stricter laws governing drunk driving and a dramatic change in the handling of drunk drivers by the courts.

A few years ago, drunk driving was treated as a joke. It no longer is—and I'm glad of it. I'm all for getting those drunks off the road and into the pokey. But I don't want to see the Fourth Amendment whittled down.

Also, Baltimore County argues that it has achieved the same result—and much more cost-effectively, without checkpoints—by instituting special drunk-driving patrols.

**Q** Isn't there less danger to everyone when police catch drunk drivers at a checkpoint rather than chasing them through traffic?

**A** Even with checkpoints, you still need patrols if you really want to catch drunk drivers. Unless a drunk driver is totally smashed, he'll just turn around and drive down another street if he knows there's a checkpoint ahead.

The police can do other things, too—like staking out bars and areas where there is known to be a high incidence of drunk driving. They've got a perfect right to do that, so long as there is no unwarranted intrusion. □



New York City checkpoint. Police give each driver a pamphlet and look for signs of alcohol or drugs.

Pro and Con

# Make 21 the Nationwide Legal Age for Drinking?

## Interview With John Volpe

Chairman, Presidential Commission on Drunk Driving

**Q** Mr. Volpe, why did the Presidential Commission on Drunk Driving recommend denying federal highway funds to states that fail to maintain a minimum legal age of 21 for the purchase or public possession of alcoholic beverages?

**A** Because it has been well established that although 16-to-24-year-olds make up only 20 percent of all licensed drivers, they are involved in 42 percent of fatal alcohol-related crashes.

**Q** What proof is there that raising the drinking age reduces the number of fatal accidents?

**A** It is very well proved. Michigan, for instance, had an increase of about 20 percent in deaths resulting from drunk driving when it reduced the drinking age from 21 to 18 in the Vietnam War era. They raised it back up to 21, and there was a decline of 31 percent in such deaths. Reductions of fatalities from drunk driving by about 2,600 from 1981 to 1982—during a time when 14 states had just raised the drinking age—show that we're on the right track. If all remaining states raised the age to 21, the lives of an estimated 730 more young persons would be saved annually.

**Q** Wouldn't federal action on the drinking age interfere in a matter that is traditionally regulated by states?

**YES—**

**Youths "are involved in 42 percent of fatal alcohol-related crashes"**



**A** Our proposal would induce the states to design their own programs for limiting the drinking age.

This is preferable, since the states are where the accidents happen and where the police and court work has to be done. A uniform federal law would be difficult to enforce.

**Q** A man or woman can serve in the armed services before reaching age 21. Is it fair to deprive such a person of the right to buy alcoholic beverages and drink in public?

**A** Drinking is not a right. It's a privilege. Remember, too, that an individual is under

constant supervision in the military services.

**Q** Don't minimum-drinking-age laws punish all young people for a problem created by a few?

**A** Some laws have to be passed that limit privileges of some groups in order to stop abuses which jeopardize the entire population.

**Q** Wouldn't it be more effective to increase the number of school programs that teach the dangers of drinking?

**A** Well, it will take a variety of things to stop this epidemic of fatalities from drunk driving, such as better education for youth, stiffer laws and better enforcement. We also have to do a better job of educating adults.

**Q** Some people contend that control of teen drinking should be left to parents—

**A** It is different from 50 years ago. Too many parents today don't know where their youngsters are at night or what shape they're in when they get home. An enforced age limit of 21 for drinking is needed to reduce this tragic carnage on the highways. □

## Interview With Governor Richard Snelling

Republican of Vermont

**Q** Governor Snelling, why do you oppose raising the legal age for drinking to 21?

**A** Because it would mislead people into believing that something had really been done to lower auto fatalities from drunk driving. The statistics often cited as a reason for raising the drinking age fail to justify in any way a conclusion that there will be fewer fatalities.

**NO—**

**"That's a piece of hokum"—police and schools are the answer**

Instead, in almost every state, it is tougher law enforcement and working harder in the schools to educate kids on the dangers of alcohol abuse that have caused highway fatalities to fall. We need to do more along these lines, such as by tightening standards in tests for alcohol in the blood. We also should take away driver's licenses when we find people repeating a drunk-driving offense.

**Q** According to the Presidential Commission on Drunk Driving, a study shows that if all states set the legal drinking age at 21, there would be 730 fewer young persons killed annually on the highways—

**A** That's a piece of hokum. The statistics cited do nothing to establish a causal relationship. The underlying numbers do show that many of the states that have raised the drinking age have had lowered fatalities for a year or two. But other states that have not raised the drinking age—Vermont, for example—have had even greater reductions in fatalities.

An exhaustive study published in the *New England Journal of Medicine* shows that when Massachusetts increased the drinking age, it had no effect whatsoever in reducing fatalities attributable to drinking.

**Q** When one state has a legal drinking age of 21 and a neighboring state has a legal age of 18, the result is a lot of travel across state lines by youths seeking alcohol—many of whom get drunk before they hit the road for home. Isn't this a strong argument for a drinking age that is uniform nationwide?

**A** Yes, to the extent that that's your goal, a uniform age of 18 would accomplish as much as age 21. But the Constitution of the United States sets the voting age at 18, and almost all states recognize the age of majority as 18.

Those who believe the federal government should have some limits in its right to legislate for the states should think very carefully about the precedent set by efforts to establish a federally legislated drinking age.

**Q** In today's society, many parents are unable to control the drinking of their children after they reach 18. Doesn't the government have to set some standards to protect the public?

**A** Persons at the age of 18 may marry, have children, sign contracts and do a host of other things that in reality may expose themselves and their families and others to danger. What we should do is make sure that parents understand their responsibilities and urge them to set a proper example before the child reaches the age of majority. □





## Reagan Signs Bill Tying Aid to Drinking Age

By STEVEN R. WEISMAN

Special to The New York Times

WASHINGTON, July 17 — President Reagan, appealing for cooperation in ending the "crazy quilt of different states' drinking laws," today signed legislation that would deny some Federal highway funds to states that keep their drinking age under 21.

At a ceremony in the White House Rose Garden, Mr. Reagan praised as "a great national movement" the efforts to raise the drinking age that began years ago among students and parents.

"We know that drinking, plus driving, spell death and disaster," Mr. Reagan told visitors on a sweltering afternoon. "We know that people in the 18-to-20 age group are more likely to be in alcohol-related accidents than those in any other age group."

Mr. Reagan indirectly acknowledged that he once had reservations about a measure that, in effect, seeks to force states to change their policies. In the past, Mr. Reagan has taken the view that certain matters of concern to the states should not be subject to the dictates of the Federal Government.

But in the case of drunken driving, Mr. Reagan said, "The problem is bigger than the individual states."

"It's a grave national problem, and it touches all our lives," he added. "With the problem so clear-cut and the proven solution at hand, we have no misgiving about this judicious use of Federal power."

In dropping his opposition to the measure, the President had said he was persuaded by the evidence that raising the drinking age could save



Associated Press

President Reagan and Candy Lightner, head of Mothers Against Drunk Driving, as Mr. Reagan signed law linking highway aid and drinking age.

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# Reagan Signs Bill Tying Aid to Drinking Age

Continued From Page 1

lives. In addition, some of Mr. Reagan's re-election strategists have made no secret of their hope that the issue will help the President's standing among voters.

Under the law Mr. Reagan signed today, the Secretary of Transportation is required to withhold 5 percent of Federal highway construction funds from those states that do not enact a minimum drinking age of 21 by Oct. 1, 1986. The Secretary is required to withhold 10 percent of the funds for states that do not act by Oct. 1, 1987.

The amount at stake ranges from \$8 million for the smallest states to \$99

million for the largest, including New York State. The amounts withheld would be returned once a state raised its drinking age.

Mr. Reagan's signing of the legislation today was the culmination of years of efforts by various organizations, particularly Mothers Against Drunk Driving. The president of that group, Candy Lightner, today pinned an organization button on the lapels of Mr. Reagan and Vice President Bush. Mrs. Lightner's 13-year-old daughter was killed by a drunken driver in 1980.

The bill that was approved by Congress would penalize states that failed to enact a minimum drinking age of 21 years and reward states with mandatory sentencing for drunken drivers. Although it passed with overwhelming

support on Capitol Hill, even some of those supporting the measure said privately that it was coercive.

Twenty-three states have a minimum drinking age of 21. In addition, nine states and the District of Columbia restrict sales of hard liquor, but not beer and wine, to those 21 and over. The minimum drinking age is 19 in New York, 20 in Connecticut and 21 in New Jersey.

Mr. Reagan cited the experience of New Jersey in reducing traffic fatalities as one of the reasons he now supported the legislation. "Raising that drinking age is not a fad or an experiment," he said. "It's a proven success."

## Putting End to 'Blood Borders'

At the signing ceremony today, Mr. Reagan was joined by Governor Kean of New Jersey, a Republican, and Senator Frank R. Lautenberg of New Jersey, a Democrat. The President said the aim of the new law was to end the existence of "blood borders" where teen-agers "drink and then careen home and all too often cause crippling fatal accidents."

The President said he was "convinced" that the legislation would "help persuade state legislators to act in the national interest to save our children's lives, by raising the drinking age to 21 across the country." He said he deplored the fact that fewer than half the states had already acted.

Mr. Reagan called the movement against drunken driving part of "a rebirth of an American tradition of leadership" in which movements start from grass-roots levels. "It began in the community, it spread to state governments and now it's won wide support here in our nation's capital," he said.

A senior White House official said after the ceremony that it was not clear that the new law would compel states to raise their drinking ages, even with its incentives and penalties.

He said some states, such as Florida, were proving resistant to the changes because people considered it unfair to allow residents to vote and serve in the armed services at the age of 18 but not to drink in public.

## The Drinking Age State by State

Years given are dates of last legislative change in drinking age. States listed under the headings "18/21" and "19/21" are those in which limited purchase of alcohol, such as beer, is permitted at 18 or 19.

18	19 (cont.)	21 (cont.)
HAWAII (1972)	W. VA. * (1983)	DEL. (1983)
LA. (1948)	WIS. (1983)	ILL. (1980)
VT. (1971)	WYO. (1973)	IND. (1934)
18/21	19/21	KY. (1938)
COLO. (1945)	N.C. (1983)	MD. (1982)
D.C. (1934)	OHIO (1982)	MICH. (1978)
KAN. (1949)	S.D. (1984)	MO. (1945)
MISS. (1966)	VA. (1983)	NEB. (1984)
S.C. (1935)	20	NEV. (1933)
19	CONN. (1983)	N.J. (1983)
ALA. (1970)	ME. (1977)	N.M. (1934)
FLA. (1980)	MASS. (1979)	N.D. (1936)
GA. (1980)	N.H. (1979)	OKLA. (1983)
IDAHO (1972)	21	ORE. (1933)
IOWA (1978)	ALASKA (1983)	PA. (1935)
MINN. (1976)	ARIZ. ** (1984)	R.I. (1984)
MONT. (1979)	ARK. (1925)	TENN. † (1979)
N.Y. (1982)	CALIF. (1933)	UTAH (1935)
TEXAS (1981)		WASH. (1934)

Source: National Transportation Safety Board

\* Drinking age is 19 for residents and 21 for nonresidents.

\*\* Effective Jan. 1, 1985

† Does not apply to military personnel off their bases or children eating with their parents in restaurants

# 21 or Else Mandate Angers States

By Elaine S. Knapp, editor

**S**tate officials are angry with the congressional ultimatum to raise the drinking age to 21 or lose highway funds. Even supporters of a higher drinking age resent the federal "blackmail." There is talk of opposing the federal mandate and predictions that the heavy federal hand will make it difficult to raise the age in some states.

Still, it is felt that the loss of federal funds will be too great for many states not to act.

The 27 states with lower drinking ages could lose 5 percent of their federal highway funds in fiscal 1986 and 10 percent in fiscal 1987. Withheld funds would be released once a state raised its drinking age, however.

The measure slid quickly through Congress despite protests from state officials over the federal pre-emption of state power. The federal proposal was termed a "drastic pre-emption of state authority" by the chairman of The Council of State Governments (CSG), acting on behalf of CSG's Executive Committee. North Dakota Rep. Roy Hausauer, in a letter to the chief sponsor of the bill in the Senate, wrote that state officials strongly opposed the bill "as a misuse of federal spending power through the grant-in-aid system. In an era in which we expected to see more authority returned to the states, and in which more states are imposing tougher sanctions for drunk driving, federal pre-emption in this area is especially inappropriate."

New York Sen. John J. Marchi, a CSG Executive Committee member, wrote U.S. Senate Majority Leader Howard Baker that although the objective of reducing highway deaths was laudable, the use of "legislative blackmail" was not.

The U.S. Senate, preferring the stick to the carrot, rejected a substitute measure to provide incentives for states that set the drinking age at 21. The majority disregarded the plea of U.S. Sen. Gordon J. Humphrey, R-N.H., who asked, "Where do we stop enlarging the power of the federal government and protect the sovereignty of the states?"

U.S. Sen. Steven D. Symms, R-Idaho, queried, "Do we have the right to force-feed our Washington wisdom down the mouths of our states?" Sen. Symms cited the "contradictory evidence" on the value of raising the drinking age and noted that the worst offenders were age 21 to 24. U.S. Sen. James McClure, R-Idaho, commented that the

Congress believed it was smarter than the 105 state legislators in Idaho who had turned down a higher drinking age in each of the past three years. He warned of the danger in a central government imposing a rule that the "people in my state have said they do not want . . . ."

Also speaking against the proposal on federalism grounds were U.S. Senators Max Baucus, D-Mont., Daniel Evans, R-Wash., and Alan Simpson, R-Wyo. Sen. Baucus noted that the people of Montana had voted down a constitutional amendment to raise the drinking age to 21.

## State Laws

Laws in 23 states provide for a 21-year-old drinking age for all alcoholic beverages. Another eight states and the District of Columbia have combination drinking ages, generally 21 for distilled spirits and 18 to 19 for beer and wine. The drinking age is 20 in four states, 19 in 12 states and 18 in three others.

Many states lowered the drinking age in the 1970s, influenced by a constitutional amendment giving 18-year-olds the right to vote and by the Vietnam War in which 18-year-olds fought and died.

The trend in recent years, spurred by the movement against drunk driving, has been to raise the drinking age. From 1976 to 1983, 21 states raised their drinking ages (to 19, 20 or 21). Four states—Arizona, Nebraska, Rhode Island and Tennessee—passed minimum 21-year-old drinking ages in 1984 sessions. Rhode Island's and Tennessee's laws took effect this year; the rest take effect in 1985. The drinking age was raised to 21 by 1983 sessions in Alaska, Delaware, New Jersey and Oklahoma. A 1982 Maryland law will gradually raise the drinking age until it reaches 21 on July 1, 1985.

The beer and wine drinking age was raised to 19 in South Carolina and South Dakota in 1984 sessions. In 1983, the drinking age was raised to 19 in West Virginia and Wisconsin, to 20 in Connecticut and to 19 for beer and wine in North Carolina and Virginia. New Hampshire in 1983 passed a measure to raise its drinking age to 21 when Maine and Massachusetts did likewise.

In recent sessions, states have also cracked down on youthful drivers who drink. Wisconsin imposed an automatic 90-day driver's license suspension on drivers under 19 with any alcohol in their blood.

*Cont'd pg. 5*

Arizona, Iowa, Kentucky and Maine will revoke the license of underage drivers who drink.

**Quick Federal Passage**

The quick passage of the federal bill caught even supporters off guard. The measure moved swiftly through Congress after being attached to a \$5 billion highway bill (H.R. 5504) by U.S. Rep. James J. Howard, D-N.J. Rep. Howard, chairman of the House Public Works and Transportation Committee, a decade ago played a key role in legislation that likewise penalized states unless they passed a 55 mph speed limit.

After the amendment sailed through the House on a voice vote June 7, President Reagan reversed his position and supported the bill. Previously, the administration had argued that the law would be more effectively enforced if states acted voluntarily. However, June 13, Secretary of Transportation Elizabeth Hanford Dole announced administration support for the legislation. She said that state "momentum appears to have stalled," noting that efforts to raise the drinking age to 21 failed in many states this year. According to the U.S. DOT, bills were introduced but failed to pass in 17 states to set a minimum age of 21. Bills are still pending in Louisiana and Massachusetts.

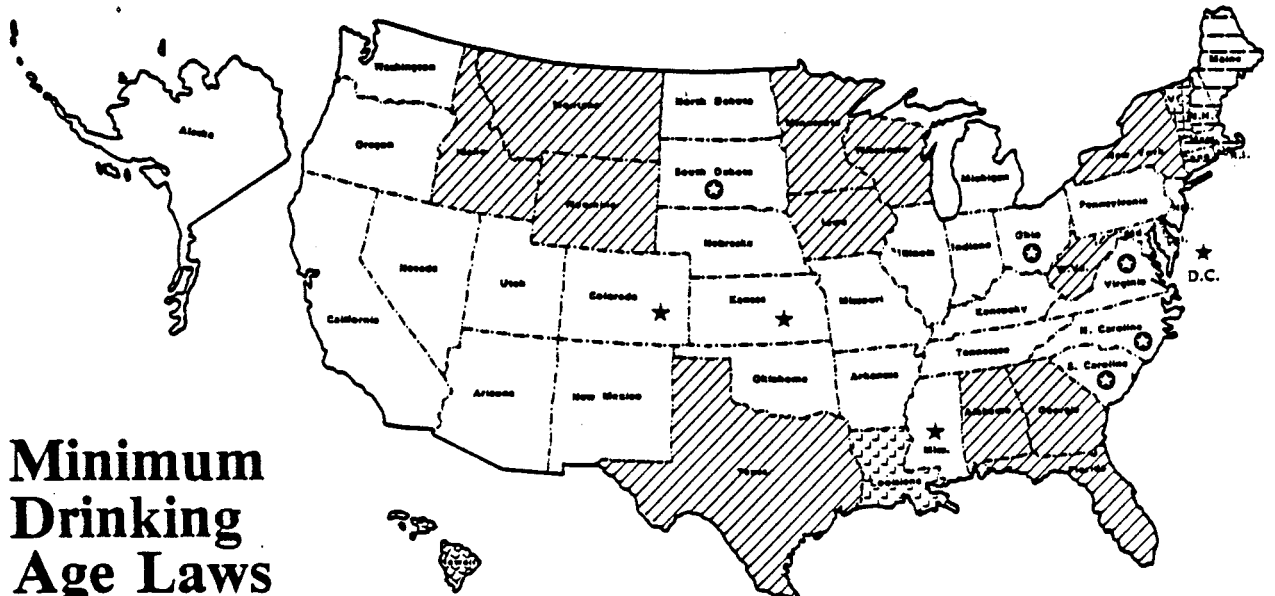
Rather than approve the House-passed highway bill, the Senate passed the drinking age provision as an amendment to a child restraint bill (H.R. 4616).

The measure, sponsored by Sen. Frank R. Lautenberg, D-N.J., passed 81 to 16 on June 26. The Senate added provisions to increase highway safety funds by up to 5 percent for states that enact specified mandatory sentences for drunk drivers. States will be eligible if they mandate a 90-day license suspension and two days in jail or 100 hours of community service on a first offense; a one-year license suspension and 10 days in jail on a second offense; a three-year license suspension and 120 days in jail on third offense, and a 30-day jail sentence for conviction of driving on a suspended, revoked or restricted license. The House gave final congressional approval to the bill June 28.

The criteria for states to qualify for federal incentive grants in the new law is similar to that specified by 1982 legislation ("the Howard-Barnes bill"). H.R. 6170 offered grants totaling \$125 million to states over three years beginning with fiscal 1983. As of July, 15 states qualified for Section 408 grants: Alabama, Alaska, Arizona, Delaware, Indiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Rhode Island and Utah. Five of these have drinking ages of under 21.

Withholding of federal highway funds from states without a 21-year-old drinking age and the mandatory sentencing provisions for drunk drivers were among recommendations made by the Presi-

*Cont'd pg. 6*



**Minimum Drinking Age Laws**

\*West Virginia—21 for out-of-state residents.

Note: Effective Jan. 1, 1985 in Arizona and Nebraska. South Carolina beer and wine age rises to 20 after Jan. 1, 1985.

	21		19		21 Distilled spirits
	20		18		18 Beer, wine
					21 Distilled spirits
					19 Beer, wine

dential Commission on Drunk Driving, chaired by John Volpe, in its final report last November. It also urged a comprehensive approach to curbing drunk driving.

A minimum drinking age of 21 was also recommended by the National Transportation Safety Board in July 1982.

These reports, supported by groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), statistics on teenage drinking-driving accidents, and polls showing public support were cited by House and Senate sponsors of the legislation.

### **Border Crossings**

So-called "blood borders" which teenagers cross to legally buy liquor are a primary target of the federal legislation. Sen. Lautenberg said New Jersey had a problem "known as border-slaughter, because our neighboring state of New York has a lower legal minimum." The presidential commission concluded only a uniform drinking age would solve the problem of teenagers crossing state lines to drink. U.S. Sen. Richard G. Lugar, R-Ind., cited the recent defeat of a "21 bill" by the New York Legislature as evidence "that not all states will act on their own." He declared, "Surely the national interest in protecting the lives of our young people outweighs the states' interest in setting a drinking age lower than 21 years."

The Coalition of Northeast Governors (CONEG) had resolved in December to work for a regional uniform minimum drinking age. The minimum age is 21 in New Jersey, Pennsylvania and Rhode Island, but is 20 in Connecticut, Massachusetts, and New Hampshire, and 19 in New York. A major lobbying effort by New York Gov. Mario Cuomo failed to push through a higher age limit this session, however. A poll of CONEG states in mid-June showed concern with "pre-emption and the withholding of federal monies" under the federal measure.

### **Crossover Sanctions Drastic Remedy**

Both congressional sponsors denied the federal legislation was a mandate to states. Sen. Lautenberg and Rep. Howard called their measures a means "to encourage" states to raise their minimum drinking age to 21. Rep. Howard said his amendment "allows each state to make its own determination on whether to raise the drinking age," and then face the loss of federal funds if it did not. Sen. Lautenberg said it was "the same approach taken to enforce the 55 mph speed limit." Acknowledging the bill was "strong medicine" and that he was reluctant to deny federal aid to states,

Sen. Lautenberg concluded it was necessary to save lives. The parallel with the 55 mph national speed limit was also cited by U.S. Rep. Glenn Anderson, D-Calif., who said the approach was effective because sanctions have not been used yet.

Loss of federal funds in one program for inaction in another area is called a "crossover" sanction. This method was also used to force states to adopt billboard controls as required by the 1965 Highway Beautification Act. However, the DOT did not threaten states with loss of aid until several years after the 1968 deadline for compliance. Only South Dakota lost federal highway funds over the billboard issue.

In contrast, states acted within months after federal legislation passed in 1974 to withhold highway funds from states without 55 mph speed limits. However, enforcement proved a problem and a federal requirement for compliance by 70 percent of drivers was later changed to 50 percent. All states are in compliance and no federal aid has been withheld. However, states resisted the federally mandated speed limit. In 1981, 29 states considered legislation to repeal the limit. Some states responded by imposing fines as low as \$5 for exceeding the 55 mph limit.

Crossover sanctions are viewed as severe remedies and, further, make states angry. Implementation of them can run into political trouble for federal agencies. For instance, Congress took away the power of the National Highway Traffic Safety Administration to withhold aid from states without motorcycle helmet laws.

The possibility of further federal intrusion into state responsibilities was raised by U.S. DOT Secretary Doyle July 11. She said that the choice might be between mandatory state seat belt legislation and a federal requirement for air bags in motor vehicles.

### **State Reactions**

The federal drinking age measure is viewed by state officials as another pre-emption of state authority. However, state officials have mixed feelings. Many agree with the concept of a 21-year-old drinking age or with at least a uniform drinking age. The disagreement is with the federal method to achieve it. The use of federal sanctions is seen as a big federal stick by states. For many, the issue is not the merit of a higher drinking age, but roughshod misuse of federal power.

Estimates prepared by the Department of Transportation show that the 27 states and the District of Columbia with drinking ages below 21 could lose \$203.7 million the first year of sanctions and double that the second year. Immediate reaction from

some was that states "had no choice" and would have to raise the drinking age to keep from losing millions in federal aid. Others, however, called for state resistance to the federal mandate.

Connecticut, which has a 20-year-old drinking age, but which shares a border with New York where the age is 19, came close this year to tying its age to adjacent states, reported Rep. Timothy J. Moynihan. Rep. Moynihan was CSG chairman in 1983. However, New York left its age at 19 and Rhode Island raised its age to 21. Because it is so easy to travel among the Northeastern states, the different drinking ages are a real problem, Rep. Moynihan noted. He added that Connecticut is unlikely to change its law until New York raises its age.

Although he does not think the federal government should be involved in state issues, Rep. Moynihan noted that sometimes states cannot act on an issue and that the minimum age will "keep border crossings to a minimum." He added that Connecticut probably would not be in violation of the 1986 deadline and that the trend was toward a higher drinking age.

Iowa has turned down a 21-year-old drinking age five times since 1972, noted Speaker Don Avenson. However, the vote was close this past session in the House. The 1984 session did pass a tough drunk driving law, including a provision to revoke the license of drivers under age 19 who drink and drive. The pressure to raise the drinking age has been building, Speaker Avenson said, fueled by statistics of alcohol-related deaths among young drivers. However, the feeling was that persons with the responsibility of adulthood at age 18 ought also to have the privileges of adulthood.

As far as the federal law is concerned, Speaker Avenson said that most legislators were relieved that the political decision was taken out of their hands, but were angry at the federal pre-emption of state powers. "Personally, I am very upset," Speaker Avenson said. "I am tired of federal mandates in areas I believe the constitution reserves to the states." Iowa most likely will pass the 21-year-old drinking age within the next two years, he predicted. Likewise, mandatory seat belts will eventually be required by the state, but similar federal pressure would not help passage, he said. "These pre-emptions can only go on so long before there's a backlash," the speaker concluded.

Ohio Sen. Pres. Harry Meshel is opposed to federal sanctions and called for "states with like minds to join together and challenge this." He said it was time that the federal government quit "putting blackmail hooks" on federal funds. Many states in the Midwest and East are already not

receiving their share of highway trust funds, Sen. Meshel said. He commented that the issue of teenagers crossing borders to drink was not a problem in every state and not a statewide problem in many. Border crossings alone were not good reason for nationwide legislation, he said. In addition, Ohio voters last year soundly defeated a measure to raise the beer drinking age from 19 to 21. Sen. Meshel said that resentment over the federal mandate had been expressed by the governor and legislators. He noted that it would be difficult to raise the drinking age, and that there was not time to review the merit of a higher age. "How many state prerogatives is the federal government going to erode?" Sen. Meshel asked. He urged unity among the states to oppose the federal mandate.

The mood now in Wyoming is not to raise the minimum age, said Rep. Patrick H. Meenan. Saying he was "appalled" by the federal mandate, Rep. Meenan declared that raising the drinking age was not the issue, but the "federal government sticking its nose in state" affairs was. "I was surprised; it seems contrary to everything Reagan said he would do, as far as states' rights," Rep. Meenan said of the federal sanctions.

Wyoming legislators have defeated bills to raise the drinking age from 19 which is also the age of majority there. Other arguments were that a higher drinking age would deny jobs to youth in restaurants and lounges and that it is better to have youth drink in licensed places "than out on the prairie." Neither did Wyoming legislators feel a higher age would reduce highway deaths, because 21- to 24-year-old drivers are more of a problem. Rep. Meenan noted that there was quite a bit of sentiment to raise the drinking age, due to concern over drunk driving. However, the state did further tighten its drunk driving laws. He noted that the U.S. DOT lobbied hard for a higher age in Wyoming and other states, and speculates that the DOT focused its efforts in Congress after states refused to go along with it.

"Everyone talks bravely" now about not going along, but that could change as the loss of federal funds nears, Rep. Meenan acknowledged. Still, he wonders "what would happen if all states told them to jump in the lake."

Georgia House Speaker Thomas B. Murphy called the federal measure a "form of blackmail." He sees the recent action by DOT Secretary Doyle as another move to "blackmail the states into passing mandatory seat belts." Speaker Murphy said, "If Congress cannot accomplish something, it blackmails the states into doing it." Speaker Murphy predicted that most states, including Georgia,

*Cont'd pg. 8*

# Merits of Lower Age Debated

**S**tatistics are cited by both sides in legislative battles over the drinking age. The U.S. DOT estimates that over the last 10 years, 250,000 Americans lost their lives in alcohol-related crashes.

Most dangerous is the time between midnight and 4 a.m. when a majority of fatally injured drivers had been drinking. The average blood alcohol concentration (BAC) of arrested drunk drivers is .20 percent, double the legal limit in most states.

*"In an era in which we expected to see more authority returned to the states, and in which more states are imposing tougher sanctions for drunk driving, federal pre-emption in this area is especially inappropriate."*

CSG Chairman Rep. Roy Hausauer

The presidential commission, in recommending a drinking age of 21, cited a study indicating that 730 young lives would be saved if all states had a 21-year-old minimum age.

Frequently cited by proponents of raising the legal limit is a 1981 study by the Insurance Institute

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## *21 or Else Cont'd*

would raise the drinking age rather than lose millions in highway funds. A bill to raise the drinking age from 19 to 21 in Georgia failed to get out of committee in the 1984 session. "I was opposed to it," the speaker declared. He noted that 18-year-olds were old enough to fight for their country, inherit and buy property, but "can't spend 75 cents on a beer."

In Virginia, where a measure to raise the legal age for beer from 19 failed this session, Gov. Charles S. Robb, a proponent of the higher age, called the federal action coercive. "There are states' rights issues involved," Gov. Robb said. An opponent of the higher age, Virginia Sen. Peter K. Babalas, said the state would not "have much choice if we want federal highway funds."



for Highway Safety. Out of nine states that raised their minimum age, eight showed reductions ranging from 6 to 75 percent in fatal crashes for younger drivers. Only Montana had no net reduction. The study concluded that a state that raises its drinking age can expect a drop of 28 percent in nighttime fatal crashes for the affected age group.

However, those under 21 may not be the worst offenders. Between 40 percent and 55 percent of drivers killed in crashes had BACs of .10 percent or higher in 1981, according to a 1982 report by the National Highway Traffic Safety Administration. The report showed that of fatally injured drivers, 42 percent of those 16 to 19-years-old were legally

*"These pre-emptions can only go on so long before there's a backlash."*

Iowa Speaker Don Avenson

drunk, 54 percent of those 20 to 24-years-old were and 59 percent of those 25 to 34 were drunk.

Vermont Gov. Richard Snelling, who has vetoed efforts to raise the drinking age, cited a study in the *New England Journal of Medicine*. It showed that Massachusetts experienced no declines in fatalities attributed to drinking when it increased the drinking age. Gov. Snelling maintained that while states that raised the drinking age have had lower fatalities for a year or two, other states, such as Ver-

*Cont'd pg. 10*



# MINIMUM AGE FOR SPECIFIED ACTIVITIES

State or other jurisdiction	Age of majority (a)	Minimum age for marriage with consent (b)		Minimum age for making a will	Minimum age for buying		Minimum age for serving on a jury	Minimum age for school (c)	Potential 1987 losses† for non-21 states (in millions)
		male	female		liquor	beer or wine			
Alabama	19	14(d)	14(d)	19	19	19	19	16	\$11.8
Alaska	18	16(e)	16(e)	18	21	21	18	16	...
Arizona	18	16(e)	16(e)	18	19*	19*	18	16	...
Arkansas	18	17(e)	16(e)	18	21	21	18	15	...
California	18	(f)	(f)	18	21	21	18	18	...
Colorado	18	16(e)	16(e)	18	21	18(g)	18	16	9.1
Connecticut	18	16(e)	16(e)	18	20	20	18	16(h,j)	7.5
Delaware	18	18(e,i)	16(e,i)	18	21	21	18	16	...
Florida	18	16(e)	16(e)	18	19	19	18	16	24.2
Georgia	18	16(e,j)	16(e,j)	18	19	19	18	16	17.1
Hawaii	18	16	16(e)	18	18	18	18	18(l)	5.8
Idaho	18	16(e)	16(e)	18(k)	19	19	18	16	4.3
Illinois	18	16(e)	16(e)	18	21	21	18	16	...
Indiana	18	17(e)	17(e)	18	21	21	18	16	...
Iowa	18	16	16	18	19	19	18	16(h,j)	6.1
Kansas	18	(f)	(f)	18	21	18(g)	18	16	5.5
Kentucky	18	(f)	(f)	18	21	21	18	16	...
Louisiana	18	18(e)	16(e)	16(k)	18	18	18	16	14.3
Maine	18	16(e)	16(e)	18	20	20	18	17(l)	2.9
Maryland	18	16(e)	16(e)	18	21	21	18	16	...
Massachusetts	18	(f)	(f)	18	20	20	18	16	9.8
Michigan	18	16	16	18	21	21	18	16	...
Minnesota	18	16(m)	16(m)	18	19	19	18	16	10.5
Mississippi	18	17(e)	15(e)	18	21	18(g)	21	14(n)	5.4
Missouri	18	15(e)	15(e)	18	21	21	21	16	...
Montana	18	18(e)	18(e)	18	19	19	18	16(o)	5.5
Nebraska	19	17	17	18	20*	20*	19	16	...
Nevada	18	16(e)	16(e)	18	21	21	18	17	...
New Hampshire	18	14(m)	13(m)	18	20	20	18	16	2.6
New Jersey	18	16(p)	16(p)	18	21	21	18	16	...
New Mexico	18	16(e)	16(e)	18	21	21	18	18(q)	...
New York	(r)	16	14(m)	18	19	19	18	17(s)	30.1
North Carolina	18	16	16(e)	18	21	19	18	16	9.9
North Dakota	18	16	16	18	21	21	18	16	...
Ohio	18	18(e)	16(e)	18	21	19	18	18	17.8
Oklahoma	18	16(e)	16(e)	18	21	21	18	16	...
Oregon	18	17	17	18	21	21	18	16(t)	...
Pennsylvania	21	16(e)	16(e)	18	21	21	18	16(t)	...
Rhode Island	18	18(e)	16(e)	18	21	21	18	16	...
South Carolina	18	18(e)	14(e)	18	21	19*	18	16	7.6
South Dakota	18	16(e)	16(e)	18	21	19(g)	18	16	4.1
Tennessee	18	16(e)	16(e)	18	21	21	18	16	...
Texas	18	14(m)	14(m)	18(k)	19	19	18	17	33.2
Utah	18	(f)	(f)	18	21	21	18	18	...
Vermont	18	16(e)	16(e)	18	18	18	18	18	2.6
Virginia	18	16(e)	16(e)	18	21	19	18	17	15.5
Washington	18	17(e)	17(e)	18	21	21	18	18(t)	...
West Virginia	18	(u)	(u)	18	19	19	18	16	6.1
Wisconsin	18	16	16	18	19	19	18	16(t)	7.2
Wyoming	19	16(e)	16(e)	19	19	19	19	16	4.5
Dist. of Col.	18	16	16	18	21	18	18	16(i)	2.4

\* Arizona and Nebraska's drinking age rises to 21 effective January 1, 1985; South Carolina to 20 after January 1, 1985.

† Estimates based on 5 percent of funding, U.S. Department of Transportation.

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(a) Generally, the age at which an individual has legal control over own actions and business (e.g. ability to contract) except as otherwise provided by statute. In many states, age of majority is arrived at upon marriage if minimum legal marrying age is lower than prescribed age of majority.

(b) With parental consent. Minimum age for marrying without consent is 18 years in all states, except Mississippi (21 years) and Wyoming (19 years).

(c) Without graduating.

(d) Bond is required if under 18.

(e) Legal procedure for younger persons to obtain license.

(f) Statute provides that any unmarried male or female under 18 may marry with consent (usually with order of court granting permission).

(g) In Colorado, Kansas, Mississippi and South Dakota, 3.2 beer only.

(h) Unless parent or guardian is able to show child is receiving equivalent instruction.

(i) Younger, if lawfully employed. Connecticut, Iowa, District of Columbia, 14 years; Hawaii, 15 years.

(j) Parental consent not required when female is pregnant or applicants are parents of a living child.

(k) Age may be lower for a minor who is living apart from parents or legal guardians and managing own financial affairs, or who has contracted a lawful marriage.

(l) Does not apply to those who have reached age 15 or completed ninth grade, or who otherwise have permission to leave.

(m) Parental consent and judicial consent required.

(n) Mississippi's compulsory attendance statute is being implemented in a staggered fashion (began with 1982-83 school year) until every child who is six years old and has not reached the age of 14 years is covered by the mandatory attendance provision.

(o) Or completion of eighth grade, whichever is earlier.

(p) Parental consent required for ages 16 to 18; judicial approval for individuals under 16.

(q) Does not apply to those who have completed 10th grade and have consent of parents and school officials.

(r) As defined in general obligations (for purposes of contracting) and civil rights codes, 18 years.

(s) In cities having over 4,500 population and union-free school districts.

(t) With certain exceptions.

(u) Under 16, must have parental consent and approval of circuit judge.



### *Lower Age Cont'd*

mont, have had even greater reductions in fatalities. He said that tougher law enforcement and public education cause highway fatalities to fall. Gov. Snelling opposes the federal mandate for states to raise their drinking age. Vermont is one of three states with an 18-year-old drinking age.

### **Recent Results**

Most recently, the U.S. DOT cited figures from New Jersey, which raised its legal drinking age from 19 to 21 years in January 1983. There was a reduction of 26 percent in nighttime single vehicle driver fatalities for the 19- and 20-year-old age group.

In states where drinking ages have been raised in recent years, declines in accidents are attributed to comprehensive approaches to drunk driving as well as a higher minimum age. Maryland has seen a "dramatic reduction in highway deaths" of some 25 percent, reported Wayne McDaniel, executive aide to Gov. Harry Hughes. A 1982 law which phased-in over two years a drinking age of 21 might be part of the reason, McDaniel said. He added that Maryland had cracked down on drunk driving in many ways. McDaniel said that despite the state's comprehensive, effective campaign against drunk driving, it probably would not qualify for the new federal incentive grants. He suggested that instead of requiring state legislation, federal incen-

### ***"How many state prerogatives is the federal government going to erode?"***

Ohio Sen. Pres. Harry Meshel

tives should be based on results, including a reduced fatality rate. He added, "That's not the way the (federal) law's written."

A general crackdown on drunk driving as well as a higher drinking age have contributed to a decline in traffic deaths in Oklahoma, according to Delbert Karnes, program manager for Highway Safety. He cited prevention programs with teenagers which emphasize peer pressure.

An Illinois Department of Transportation report credits the raised drinking age with a decline in accidents for drivers 20 and younger. It estimates that 55 deaths and 2,750 non-fatal accidents have been prevented in the three years since the law took effect in January 1980. The drinking age for beer and wine was 19 from October 1973 through December 1979. While overall driver-accident fatalities fell by nearly 14 percent, the reduction was 1.5 times greater for drivers age 20 and under (21.7 percent).

In addition, the 1980 Illinois law required all local governments to follow the 21-year-old minimum. Previously, minimum ages varied among

***"If Congress cannot accomplish something, it blackmails the states into doing it."***

Georgia Speaker Thomas B. Murphy

home rule units. The 1980 law also conformed Illinois' drinking age with neighboring Indiana, Kentucky and Missouri. However, the report noted that the law might "have increased the tendency for the 19- and 20-year-olds to drive from Illinois to Iowa or Wisconsin to legally drink."

### **Pros, Cons**

Opponents of a higher drinking age point out that those old enough to vote, enlist in the armed forces, serve on juries, marry and be legally responsible for their own actions as adults, also should be allowed to drink alcohol.

Opponents also maintain that raising the drinking age will not stop youths from drinking. A nationwide survey found that the same proportion of high school students drank in states where the legal age was 21 as in states where it was lower. Critics also maintain that all young people should not be denied alcohol because a few abuse the right to drink. Another argument is that 21- to 24-year-olds are involved in more drunk driving accidents than the younger age group and that denying alcohol to any age group would cause some reduction in accidents.

Some researchers and others also question the use of accident statistics to make causal connections between drinking and accidents. They maintain that other factors may well account for the crashes.

The major argument raised for a higher minimum drinking age has been that it would reduce highway deaths and accidents. Among other arguments are that it would reduce alcoholism among young people because young legal drinkers obtain alcohol for underage friends and that it would decrease juvenile crime.

Wisconsin raised its drinking age to 19 on July 1. State Superintendent of Public Instruction Herbert J. Grover, in urging the 1983 legislature to act, said that there were "13,000 alcoholics between the ages of 13 and 19 . . . and 67 percent of Wisconsin's 12th grade students will reach the legal drinking age of 18 prior to graduating from high school . . ." He added that while drivers under age 21 comprise 12 percent of the driving population, they account for over 20 percent of the state's drunk driving convictions. Nearly 30 percent of the drivers killed in Wisconsin car crashes who were legally drunk were under the age of 21.