

# Rethinking the National Drinking Age of 21

by John McCardell, Jr.\*

**Editor's Note:** *John McCardell's polemic clearly outlines a national dilemma. How can colleges, which are centers for truth, openness, and free thought, also ignore the reality that establishing a de facto national drinking age of 21 has enhanced the binge-drinking problem and led to untold deaths through alcohol poisoning?*

Since 1984, the United States has had, in effect, a national drinking age of 21. The law does not say those under 21 may drink "occasionally" or "in moderation" or "responsibly." It says they may not drink. To most young adults in most of the country, this law looks very much like Prohibition.

## Sobering Statistics

Those who would observe the law, and those who would instruct others in its observance, have but one position they can take. That position is "abstinence only." Parents, employers, college officials, anyone in a position of authority, cannot, without countenancing violation of the law, advocate any policy other than abstinence, total abstinence. For that is what the law says. And here are the results:

- 95% of those who will be alcohol consumers in their lifetime take their first drink before age 21.
- 50% of 18- to 20-year-olds consume alcohol regularly.
- 75% of high school seniors, 60% of high school sophomores, and 40% of eighth graders have consumed alcohol.
- 5,000 lives are lost to alcohol each year by those under the age of 21. Of these, fewer than 40% are in

traffic fatalities. That means the vast majority—over 60%—of alcohol-related fatalities take place off the roadways.

- Among college students, a decade's worth of research in the College Alcohol Study found both the proportion of students abstaining and the proportion of students engaging in frequent binge drinking had increased. Furthermore, as compared to 1993, more 18- to 24-year-old students who chose to drink in 2001 were drinking excessively—as defined by frequency of drinking occasions, frequency of drunkenness, and drinking to get drunk.
- National estimates suggest that among full-time college students, 690,000 are involved in assaults, 97,000 are involved in rapes, and 599,000 are injured as a result of alcohol.

down? Dare we consider everything the laws and policies have wrought, intended and unintended? Dare we acknowledge that lives lost to alcohol in the dark shadows cast by the law are no less precious, and are increasingly more numerous, than those lost on the highways?

Moreover, are we yet ready to acknowledge that the problem of 2009 is different from the problem of 1984? That clandestine, goal-oriented binge drinking—not drunken driving—takes a far greater number of young lives? And that, therefore, continuing to view the problem as primarily one of traffic safety, and embedding laws in highway bills, presumably for all time, effectively prohibits any consideration?

If the drinking age is the best way to eliminate drunken driving, then why stop at 21? In fact, there are far more effective ways to target and eliminate drunken driving without discriminating

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## *Installation of ignition interlocks should be mandatory for all first-time DUI/DWI offenders.*

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Such data render comical assertions that current laws are working effectively.

Where do we suppose this behavior, known as binge drinking, is taking place? And why? It is not taking place in public places or in public view, for the law has effectively banished alcohol consumption from those venues. Where, then, does that leave? It leaves the very sort of clandestine places—locked dorm rooms, off-campus apartments, farmers' fields—where, in fact, drinking does take place, usually beyond the view and also beyond the authority of college officials. Behind closed doors. Underground. Just like the days of Prohibition.

### Current Law Not Working

Dare we contemplate there might be a better way without being shouted

against an entire category of adult citizens on the basis of age. It should be made mandatory that ignition interlocks be installed in the vehicles of every person, regardless of age, who is a first-time DUI/DWI offender. If a drunk's car will not start, the drunken menace on the roadways is effectively eliminated.

How can anyone look at the present state of things and plausibly argue that the current law is working, that the status quo is satisfactory, and that those who even suggest that things might be changed for the better are putting lives at risk? Lives *today*, in increasing numbers, are being put at risk. And how can anyone plausibly argue that the drinking age has nothing—nothing whatsoever—to do with the current situation?

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\*John Malcolm McCardell, Jr. is president emeritus and a professor of history at Middlebury College in Middlebury, VT. He retired as president in June 2004, after serving 13 years as the College's fifteenth president. He founded, and now serves as the director of, Choose Responsibility, an organization dedicated to exploring and advocating the lowering of the legal drinking age to 18 and issuing drinking learner permits to adults aged 18, 19, and 20 in an effort to promote responsible consumption. McCardell spearheaded the creation of the Amethyst Initiative, a statement of over 120 college presidents across the United States calling for reconsideration of drinking age laws.

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There is, in fact, a better way. Imagine saying the following to a young person upon reaching legal driving age:

Here are the keys; there is the car. Good luck trying to figure out how to operate a 2,000-pound machine capable of going 90 mph. All I can do is lecture you and show you some scary videos. If I were to get in the vehicle with you and help you learn how to operate it, you and I would both be arrested, and our state would forfeit 10% of its highway funds. So good luck. Maybe your friends can help you learn to be a safe driver.

That, of course, is a ridiculous scenario. And, yet, it describes today's approach to alcohol education. Isn't it strange that alcohol education is mandatory only *after* one has been convicted of DUI/DWI (and that, among those providing it, are representatives

behaviors such as theft, burglary, and running away from home. The opposite was true of hard-drug, cannabis, and cigarette use.

This is not an insignificant finding, and it suggests a provocative possibility:

If efforts to reduce the ill effects of teen alcohol use are to be successful, they must take into account its key characteristics—its prevalence and its social context.

We may reject this advice, but we need to hear it clearly. Alcohol use by young people is connected with social, not anti-social, activity. We are not required to condone, defend, or excuse such activity, but if we are to address its problematic aspects with any degree of effectiveness, we must think of it as something more than merely criminal.

**Prevent Misuse.** Where might that thinking lead us? The report suggests a direction:

[A]ttempts to control teen alcohol consumption should focus less

underage) under penalty of immediate license revocation.

There is little evidence that anything we are currently doing is having much effect on underage drinking. Nationally, the average age at which a young person first consumes alcohol is younger now than it has ever been since measurement began in 1975. An incentive, in the form of a license, might allow us to reverse what, for the past 35 years, has been a deeply disturbing trend.

### Create Safest Possible Environment for the Reality

Alcohol is a reality in the lives of young adults, in this country as in most of the rest of the world. We can either continue to try to change the reality, which has been our attempt since 1984, and which, as is always the case in times of prohibition, has simply failed. Or we can, through enlightened public policy, create the safest possible environment for the reality. I firmly believe that current policies have created the least safe environment for the reality and that it is time for us to consider better ways to put fewer lives at risk.

But no state will consider a change unless the 1984 federal law is first amended. The Constitution is clear about where the right to set the drinking age exclusively resides, and that is with the states. The 1984 law skirts the Constitutional question by allowing the states to set the drinking age at whatever they choose; however, any state setting the age lower than 21 forfeits 10% of its federal highway appropriation. This condition has effectively stifled debate on the state level for almost a quarter of a century. If this 10% condition were to be removed, the states would have restored to them unimpeded a basic Constitutional right. The federal government could no longer coerce a state into doing something the state wished not to do.

We will never be able to eliminate all reckless drinking, nor will we ever eliminate all alcohol-related fatalities. But if we prepare young people to make responsible decisions about alcohol, acknowledging certain basic facts about when, where, and why consumption is occurring, we may—though we may never, ever know—save a life and perhaps many lives. ■

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## *Alcohol and impaired driving education should be mandatory, and restriction on young drivers should be increased.*

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of organizations who are on record as believing that education does not work)? We need to prepare young adults to make responsible decisions about alcohol in the same way we prepare them to operate a motor vehicle, through a partnership of home, school, and government.

### More Effective Solutions

For many years, the focus of alcohol education has been to prevent any use among the underage, on the well-founded belief that the later one begins to drink, the less likely one is to encounter serious, long-term problems of alcohol abuse. The data allow us to determine how successful this approach has been.

**Connected With Social Activity.** But it's not just about use; it's also about setting. A 1998 study of west coast youths discovered that:

[A]lcohol use and misuse were more strongly associated with social activities such as dating and partying than with delinquent and related

on ... any use and more on prevention of misuse.

But this is a direction only. Still, alcohol education that addresses harm reduction rather than abstinence and that begins well before high school may, just may, over time, make it as "uncool" to binge drink in secretive settings as it is now to drink and drive.

We should make comprehensive alcohol education mandatory. Then, when one completes high school, one should receive a permit or license. That license would attest to several things:

1. The holder had observed the alcohol laws of the issuing state up to that point, meaning that he or she had not engaged in underage drinking;
2. The holder had completed a comprehensive alcohol education course; and
3. The holder would continue to observe the alcohol laws of the issuing state (including supplying those