



TRAFFIC LAW NEWSLETTER
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LOWER THE DRINKING AGE?

You may have heard recently of a statement by several college Presidents that calls for a public review of whether the drinking age of 21 is really effective.



I have long been a proponent of changing the legal drinking age in Georgia back to the legal age of majority, 18. I have many reasons for calling for a change, including but not limited to: Consistency with other laws making 18 the legal age of majority; no valid studies proving that the age of 21 prevents binge drinking or fatalities related to "underage" drinking; the increased age is in effect an illegal prohibition against a class of citizens who otherwise can contract, vote, and die in our various wars.

How did the legal drinking age come to be 21?*

On April 14, 1982, President Reagan established the Presidential Commission Against Drunk Driving (PCDD). This commission established 39 recommendations to curb what was perceived to be a drunken driving epidemic. Taken together, the 39 recommendations were intended to be comprehensive approach with a goal of reducing the number of alcohol-related deaths on the nation's highways. Recommendation number eight concerned the Minimum Legal Purchasing Age, and said that all states should raise the Minimum Legal Drinking Age (MLDA) to 21, lest they lose a certain percentage of federal highway dollars.

Though the target of the Commission's recommendations was intended to be drunk driving across the adult population, the disproportionate amount of attention paid to establishing 21 as the national minimum drinking age shifted the nation's focus to young people's drinking. Exclusive interest in raising the drinking age marginalized the effect of the remaining 38 recommendations, among them suggestions to implement youth education programs, establish a massive public information campaign, and to increase penalties for convicted drunken drivers.

Two years later, on July 17, 1984, after extensive lobbying from groups such as MADD, President Reagan signed the National Minimum Drinking Age Act, effectively creating a national minimum drinking age of 21. By 1987, all 50 states had legislated Legal Age 21.

So in effect, each State has been subject to Federal extortion: "If you don't increase the drinking age to 21, then you don't get Federal highway money"

This is just like the federal law (passed under Clinton) lowering the legal blood alcohol limit to .08: No federal highway money unless the State agreed to lower the limit!

Myth: Most countries agree with the United States that the drinking age should be 21

The United States is one of only **6 countries** with a drinking age of 21 (Oman, Pakistan, United Arab Emirates, and Fiji). For more info, see my traffic law blog at <http://defendingdriversrights.com>. Drinking by 18-20 year-old adults is not as intensely scrutinized in other parts of the world as it is in America. Drinking by younger adolescents, especially when excessive or risky in nature, however, is a concern widely shared by parents, public health officials, and governments throughout the world.

Recent research published by the World Health Organization found that in many European countries where the drinking age is 18 or younger (and often not enforced), 15 and 16 year-old teens have more drinking occasions per month, but fewer occasions of dangerous intoxication than their American counterparts. In many southern European countries roughly one in ten of all drinking occasions results in intoxication, while in the United States almost half of all drinking occasions result in intoxication. In these countries the introduction of alcohol typically comes from parents. In the United States, where the drinking age is 21, parents are not legally afforded that opportunity, and as a result initiation to alcohol consumption is not responsibly controlled.

Myth: Legal Age 21 is solely responsible for the reduction in alcohol-related traffic fatalities.

Reality: While Legal Age 21 may have played in role in the decline of alcohol-related traffic fatalities documented over the past two decades, it is impossible to claim a cause and effect relationship. Instead, the decline represents the cumulative effect of a series of changes that have combined to make driving under the influence the target of social disapproval in the United States. Motor vehicles are safer, air bags are required by law, law enforcement has been made more vigorous with improvements in Breathalyzer and radar technology, the legal BAC limit is lower, designated drivers--a term unknown before the mid-1980s--are used frequently, and, perhaps most importantly, seatbelt use has increased from about 14% in 1983 to 80% in 2004. All of these changes have combined to create a set of societal norms and attitudes that promote sober and responsible driving and discourage drunken driving. <http://www.chooseresponsibility.org>

Choose Responsibility is a non-profit organization founded in 2007. Following a 2004 op-ed in the *New York Times* titled "What Your College President Didn't Tell You" President Emeritus John M. McCardell Jr. of Middlebury College was approached by the Robertson Foundation, a foundation interested in investigating the consequences of the 21 year-old drinking age. *The Effects of the 21 Year-Old Drinking Age: A White Paper* was completed in September 2006 after more than a year of writing and research by McCardell and a team of assistants. Upon the report's positive review, McCardell received additional funds to start Choose Responsibility.

The Amethyst Initiative began with an invitation extended to John McCardell, President Emeritus of Middlebury College and Founder of *Choose Responsibility*, to speak at a meeting of the Annapolis Group, a group of about 120 liberal arts colleges, in June 2008. In preparing for that presentation, McCardell contacted several Annapolis presidents who were long-time friends to solicit their thoughts about the effects of the 21 year-old drinking age. The group quickly discovered a common desire to reopen public debate over the drinking age and began to frame a statement expressing their views.

The statement as finally drafted does not, by design, prescribe a particular policy change. It does, however, state clearly the signatories' belief that 21 is not working as well as the public may think, that its unintended consequences are posing increasing risks to young people, and that it is time for a serious debate among our elected representatives about whether current public policies are in line with current realities.

The group discussed the possibility that other presidents might agree that 21 has not been an unmitigated blessing and might welcome both the formulation of language to which they could subscribe and the opportunity to join others who are similarly persuaded. They thus began to widen their circle of correspondence and quickly concluded that all presidents and chancellors of all colleges and universities should be invited to join the effort, which now needed a name. Hence, The Amethyst Institute was born.

*The foregoing information comes from www.chooseresponsibility.org, or www.amethystinitiative.org

I would also like to see an unemotional public debate on the merits of the drinking age as it currently stands; in the coming months, both here and at my traffic law blog, I will be exploring both the truth and myths of so called "underage drinking", which will hopefully include data on how money is spent in prosecuting this "crime", and who benefits from this being a "crime".

NEW TRAFFIC LAW BLOG SITE UP AND RUNNING

Check out my new blog site:
defendingdriversrights.com



I hope to use this traffic law blog site to explore the world of drivers, drivers rights, a lawyer who defends drivers (me!) ; I want to look at driving laws around the world, at the future of driving, at some goofy drivers, and might even let you in on my philosophy on driving (or life).

MY 4 SIMPLE RULES IF YOU ARE STOPPED BY POLICE

1. DON'T ADMIT DRINKING (OR ANYTHING ELSE)
2. DON'T DO ANYTHING ON SIDE OF ROAD
3. DO TAKE BREATH TEST IF YOU'VE REALLY HAD 2 DRINKS
4. DON'T TAKE TEST IF MORE THAN 2 DRINKS*



* Refusing to take the State test (at jail or hospital) could result in losing your license for a full year; the only way of getting the license back earlier is to win the DUI; on the other hand, if the officer does not try to suspend the license because of a refusal, the State does not have a blood alcohol level to use against you!

MY 1 SIMPLE RULE FOR PARENTS OF CHILDREN UNDER AGE 21

If your child gets a traffic ticket, regardless of how minor you may think it is, **DO NOT PAY TICKET WITHOUT CALLING ME!!!**

WHAT DO I DO IF STOPPED BY THE POLICE??

For the answer, [see my page on "your legal rights"](#) and [print out a copy](#) to keep in your car!



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