

UNDER 21? It Just Doesn't Make Sense

An Argument against Lowering the Drinking Age

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INTRODUCTION

A. Background

The National Minimum Drinking Age Act of 1984 (23 U.S.C. § 158)¹ was recently found to be unconstitutional, thus allowing states to lower the minimum legal drinking age (MLDA) from 21 without the risk of losing their state funded money under the Federal Highway Act.² If the MLDA is lowered below age 21, it would prove to be irresponsible and detrimental to the safety and health of our young people and society as a whole, here in the United States. Many lives, more than 25,000 have been saved in the U.S. since the MLDA Act was enforced.^{3,4} The Act continues to protect us from unwanted and unnecessary tragedies.^{5,6}

The current legal age for drinking alcohol is based on research proving that teens and young adults react differently to alcohol compared to older adults. Teens get drunk twice as fast,⁷ and don't know when to stop drinking. Teens, by nature, tend to overdo and over react to just about everything in their young lives, which only goes to say, that teens will overdo drinking, as well.

By the time most teens reach the 8th grade (approximate age is 13 to 15), nearly 50 percent of them have had at least 1 drink, and over 20 percent reported to have had at least 1 drink a month. 30 percent of 12th graders (approximate age is 17 to 18) participate in “binge” drinking which includes heavy drinking of at least 5 or more drinks in one “sitting.” 20 percent of those same 12th graders reported to have participated in binge drinking more than once.

Additionally, underage drinking poses a high risk to public safety because underage drinking increases the teen's tendency to be “bent” on violence and crime. Further, underage drinking poses a dangerously high risk to teen's health. Teens are more prone to alcohol-induced brain damage, and are at a 4 times greater risk of developing alcohol dependency, which is linked to poor attitudes at home and performance at school,

¹ National Minimum Drinking Age Act was Enacted by the 98th United States Congress, and signed into law by President Ronald Reagan on July 17, 1984.

² Dickson, Caitlin; “Obamacare Showdown, What the Supreme Court Obamacare Ruling Means for the Drinking Age”; *The Newsweek/The Daily Beast*; June 29, 2012.

³ “The 1984 National Minimum Drinking Age Act” *National Institutes of Health, Alcohol Policy Information System*. Retrieved April 16, 2013 from <http://www.alcoholpolicy.niaaa.nih.gov/UnderageDrinking.html>

⁴ “Why 21” MADD, Retrieved May 12, 2013 from <http://www.madd.org/underage-drinking/why21/>

⁵ Shults, Ruth A., Elder, Randy W., Sleet, David A., Nichols, James L., Alao, Mary O. Carande-Kulis, Vilma G., Zaza, Stephanie, Sosin, Daniel M., Thompson, Robert S., and the Task Force on Community Preventive Services. “Reviews of Evidence Regarding Interventions to Reduce Alcohol-Impaired Driving” *Am J Prev Med*, 2001; 21(4S).

⁶ DiClemente, Ralph J. et al “Parental Monitoring: Association With Teens' Risk Behaviors” *Pediatrics* Vol. 107, No. 6, June 2001, pp. 1363-1368

⁷ “Statistics on Underage Drinking” *National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism*, Retrieved April 10, 2013 from <http://www.niaa.nih.gov/alcohol-health/>

causing long-lasting consequences.⁸ Poor performance leads teens in the downhill spiral of low self-esteem, which in turn, further leads the teens to destructive behavior.

It is argued that lowering the drinking age would provide teens and young adults a supervised, legal and regulated environment, to safely enjoy drinking. It is believed that doing so, would ultimately keep them from attending dangerous “frat” parties where most binge drinking occurs. It is also believed that lowering the drinking age will take the mystery and “anticipation” or excitement away from the long awaited “rite of passage” to freely drink at age 21. In a nut shell, some believe that if we legally lower the drinking age, young adults and teen’s curiosity about drinking would be lowered and thus drinking and/or binge drinking experiences would be minimalized.⁹

I disagree. Binge drinking is only a small part of alcohol related problems in young people. Motor vehicle fatalities, mental and physical health problems and violence, including fighting and rape, follow underage age drinking. Our society always wants something we don’t have, the “forbidden fruit.” So even if we lower the drinking age, it will only entice even younger teens to desire drinking at an even earlier age than 18. Alcohol would be more readily available and distributed by those “older” friends who could now legally buy alcohol.

By lowering the drinking age, our society will begin to see an increase in alcohol related issues and problems, much earlier than would “normally” take place if the MLDA is kept at 21. Our society would not only be affected by watching our children become victims of alcohol, but we would also be hit financially as we begin to pay higher health costs to compensate for the effects of underage drinking.¹⁰ It is only common sense that if the drinking age is lowered, it will be detrimental to our society.

MOTOR VEHICLE CRASHES

Motor vehicle crashes are the leading cause of death among 15 to 20 year olds. Young adults and teens are already at an increased risk of crashing because of their lack of driving skills, as well as their lack of critical thinking and reaction skills. If they mix this inexperience with alcohol-related impairment, the rate of motor vehicle injuries and death will nearly double compared to those drivers who are 21 or older.¹¹

⁸ April 2003, “Underage Drinking, a Major Health Problem” *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.thm>

⁹ “Should the Drinking Age be Lowered from 21 to a Younger Age”, *Drinking Age ProCon.org*, Retrieved March 26, 2013 from <http://drinkingage.procon.org>

¹⁰ “Underage Drinking Costs” *Underage Drinking Enforcement Training Center*, Retrieved November 5, 2013 from www.udetc.org/UnderageDrinkingCosts.asp

¹¹ April 2003, “Underage Drinking, a Major Health Problem” *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.thm>

A. Impairment

Robert B. Voas (Voas), who is considered an expert in this field, holds a PhD and is the Psychology Senior Research Scientist at the Calverton Center in Calverton Maryland. Voas has published many alcohol-related studies showing the effects of underage drinking and driver fatalities. He has published in the *Journal of Studies on Alcohol and Drugs* (2012), the *Oxford handbook of Substance Use Disorders* (2012), the *Journal of Safety Research* (2012), as well as participated in many clinical and experimental researches. Voas found that alcohol related car crashes increased by 12 percent for males and 51 percent for females. Voas' study was published in the *Journal of American Public Health Association*.¹²

Recently, studies show that impaired underage driving is increasing at an alarming rate. Approximately 5,000 drivers under the age of 21 were arrested for impaired driving last year.¹³

B. Death

The number one killer young people ages 15 – 20, is motor vehicle crashes. Five percent of the nation's licensed drivers are under age 21; however they are involved in 14 percent of the fatal crashes.¹⁴

In *Clark v. Inn West*, a motel sold alcohol to a teenager who became intoxicated and drove his car while drunk, killing himself, in a single-car crash after hitting a utility pole.¹⁵

In *Charles v. Seigfried*, after receiving alcohol from a "social host" two teens became intoxicated and were involved in a car crash resulting in one injury and one death.¹⁶

In *People v. Barber*, with a blood-alcohol level of approximately .23, defendant, 19 years old, was driving a car which hit/ran over (from behind) a motorcycle rider, dragging her under his car. The rider died at the scene. Defendant did not even know he hit anyone and did not use his brakes until he ended up in a ditch.¹⁷

Clearly, as seen in the above cases, legalizing and lowering the drinking age below 21 is foolish and a detriment to our society.

¹² November 29, 2005, "Study: Lowering the Drinking Age Increases Car Crashes Among Youth" *The Partnership at DrugFree.Org*, Retrieved March 26, 2013, from <http://www.drugfree.org/uncategorized/study-lowering-the-drinking>

¹³ "Underage Drinking and Impaired Driving" Division of New York State Police, Retrieved November 11, 2013 from http://www.troopers.ny.gov/Traffic_Safety/Underage_Drinking

¹⁴ "Underage Drinking and Impaired Driving" Division of New York State Police, Retrieved November 11, 2013 from http://www.troopers.ny.gov/Traffic_Safety/Underage_Drinking

¹⁵ *Clark v. Inn West*, 324 N.C. 415 (N.C. 1989)

¹⁶ *Charles v. Seigfried*, 165 Ill. 2d 482 (Ill. 1995)

¹⁷ *People v. Barber*, 2009 Cal. App. Unpub. LEXIS 4149 (Cal. App. 4th Dist. May 26, 2009)

There are those that argue that teens will drink and drive, even if we don't lower the drinking age. Unfortunately, this is true; however, lowering the drinking age will only legalize their behavior by giving them a legal license to hurt and kill each other. Young adults under the age of 21 are not mature enough to handle the kind of responsibility as drinking and driving. Lowering the drinking age will only increase alcohol related crashes and deaths which will hit our society with catastrophic consequences.

VIOLENCE/CRIME

Underage drinking has been found to directly and substantially increase the criminal activity and behavior in teens, just as much as illicit drug use. Young adults and teens will often participate in risky and bad behavior while under the influence. Alcohol "clouds" the brain and numbs the mind. A person is not able to think through the typical "thought process" of realizing the consequences of their behavior.¹⁸ Thus, these young adults and teens participate in risky behavior such as fighting, stealing, skipping school and deliberately hurting others.

Additionally, those that drink at an early age are more likely to develop criminal behavior and will have strong tendencies to continue that behavior well into adulthood compared to those who choose not to drink.¹⁹

A. Fighting

In a recent study targeted at teens and assaults where drinking had occurred, the study found that teens under the age 16 were involved in 10 percent of assaults. Teens older than 16 were involved in 20 percent of alcohol related assaults. The study also found that the physical force used in alcohol related assaults was more extreme than in assaults without alcohol.²⁰

Additionally, drinking teens between the ages of 12 to 17 are at a greater risk for becoming emotionally unstable and deliberately trying to hurt others by fighting, according to the Substance Abuse and Mental Health Services Administration (SAMHSA).²¹

¹⁸ September 2012, "Effects and Consequences of Underage Drinking" U.S. Department of Justice; *Juvenile Justice Bulletin*, Retrieved May 11, 2013, from <http://www.ojjdp.gov/pubs/237145>

¹⁹ French, Michael T., "Study Links Underage Drinking to Criminal Activity" *University of Miami, Momentum 2*, January 10, 2012

²⁰ 2012, "Teenage Drinking and Violence," *Operation Keepsake*, Retrieved November 12, 2013 from http://www.operationkeepsake.com/d_articles.cfm?ID=7

²¹ Buddy T., (2012, April) "Teen Drinking and Behavior Problems", *About.com Alcoholism, About.com Guide*, Retrieved April 1, 2013 from <http://www.alcoholism.about.com/cs/teens/a/aa000307.htm>

In *Kirchoff v. Abbey*, a fight broke out between intoxicated teen boys, ending in one teen being hit over the head with a bottle which resulted in that teen sustaining permanent brain damage, including pain, seizures, and black-outs. The teens were impaired by alcohol, and started fighting because one teen had “invaded” the space of the other teen.²²

The case above is just one instance proving that teens and alcohol don’t mix, impairing the teen’s ability to choose their actions and reactions logically and wisely.

B. Sexual Assault

Sexual assault comes in many forms including harassment, exposing, forcing a person to pose for sexual pictures or favors and fondling. It also includes date rape or even rape of an unknown victim.

It is important to note that both male and females, straight and gay are sexually assaulted. Every two minutes in the United States, someone is sexually assaulted. However, teens and young adults are at a greater risk of becoming a victim of some form of sexual assault. Additionally, 1 in 5 girls and 1 in 7 boys will be sexually assaulted by the time they reach 18 years old.²³

According to the Journal of Studies of Alcohol, underage drinking has been shown to be one of the reasons students become the victims of sexual assaults, including date rape.²⁴ Approximately, 10 percent of high school students have reported being raped.²⁵

In *State v. Kinstler*, after receiving a complaint of possible underage drinking, police entered a residence where they found an underage boy who had been drinking and a found underage female, with vomit on her face, who also appeared to have been sexually assaulted.²⁶

In *Tanja H. v. Regents of Univ. of Cal.*, appellant was raped after attending a college campus party. She was forced to orally copulate and have intercourse with more than one intoxicated male, while other “party goers” watched. Appellant was forced to stay against her will, and was threatened that if she screamed out for help, she would be beaten.²⁷

²² *Kirchoff v. Abbey*, U.S. Dist., 2011 (LEXIS 114838)

²³ Joyful Heart Foundation, Retrieved May 21, 2013, from http://www.joyfulheartfoundation.org/teens_learnthefacts.htm

²⁴ R. Hingson et al., “Magnitude of Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-24,” *Journal of Studies on Alcohol* 63, Vol. No. 2 (March 2002):141

²⁵ April 2003, “Underage Drinking, a Major Health Problem” *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.thm>

²⁶ *State v. Kinstler*, 1998 Wisc. App. LEXIS 967, Court of Appeals of Wisconsin, District Four, August 20, 1998, No. 97-2899-CR

²⁷ *Tanja H. v. Regents of Univ. of Cal.*, 228 Cal. App. 3d 434 (Cal. App. 1st Dist. 1991)

Once again, here in the above cases, I show the devastating effects of teens and/or young people drinking. The teens that were sexually assaulted will be plagued by the memory of violation and embarrassment for a long time, if not forever. Lowering the drinking age, does not make sense.

Sexual assaults can permanently hurt someone for life. I personally know this. I was a victim of sexual assault, actually raped, by a guy, who I thought was my friend. He was drunk and uncontrollable. I have permanent scares on my body as a constant reminder of that evening and sometimes even emotional scares when I am reminded that I could not have children because of the rape. The guy, who did this to me, was 20 years old and had been drinking heavily for a lot of years. He was already considered to be an alcoholic. After the rape incident, He died shortly, in an alcohol-related car crash.

C. Homicides

Pacific Institute on Research and Evaluation (PIRE) conducted a 1999 study which found that the death rate among underage drinkers is approximately 3,500 deaths per year, with homicide being the largest number of those deaths, approximately 1,600 deaths per year.²⁸ Homicide is the second leading cause of alcohol related deaths in 15 to 24 year olds.²⁹

There are many studies proving the link between alcohol consumption and violence. A study by K. Pernanen, (Pernanen, K. *Alcohol in Human Violence*, New York: Guilford Press, 1991) determined that 86 percent of homicide offenders had been heavily drinking.³⁰

PHYSICAL/MENTAL HEALTH

During the time between childhood and adulthood, significant changes occur in the body and brain. If the brain is exposed to alcohol during these formative years, it may interrupt brain development leading to mild cognitive impairment which can escalate drinking and dependence on alcohol. Drinking teens have been shown to have memory problems and behavioral impairment. More specifically, the Hippocampus, an important part of the brain which supports learning and memory, was smaller in alcohol-dependent teens.³¹

As a whole, teens and even some young adults are very uncomfortable with themselves. They lack self-esteem and confidence. Today's teens are flooded with media that "tells" them

²⁸ Szalavitz, Maria, STATS Senior Fellow, "Understanding Alcohol Abuse" *STATS at George Mason University*, 29 April 2005

²⁹ (2013, April) "The Toll of Underage Drinking", *Johns Hopkins Bloomberg School of Public Health, The Center on Alcohol Marketing and Youth*, Retrieved April 5, 2013 from http://www.camy.org/gactshets/sheets/The_Toll_of_Underage_Drinking.html

³⁰ 2013, "Alcohol, Violence, and Aggression" *About.com - Alcoholism*, Retrieved May 22, 2013, from <http://alcoholism.about.com/cs/alerts/1/blnaa38.htm>

³¹ April 2003, "Underage Drinking, a Major Health Problem" *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.thm>

how to look, how to act and how to feel. When the teens can't be that exact "mirror image" of what the media calls "beautiful" or "smart," it further confirms how inadequate they feel. As adults, we've learned that the media image cannot be obtained, but young brains are impressionable and are craving attention and acceptance.

Teens drink for a number of reasons. They drink because they believe it will help them obtain confidence and courage in social settings; and to help relieve stress and worry, to feel more grown up and also because of curiosity. They drink thinking that it will enhance sexual attractiveness and increase their sexual performance.³² Of course, this kind of thinking is irrational and immature. Once a person is "drunk," they usually are not attractive, but actually, the complete opposite occurs. Once drunk, one stumbles, can't talk, becomes sick and passes out. This hardly increases one's sexual performance or confidence. Unfortunately, once sober, the teen hear of his or her behavior while drunk, become embarrassed, and then feel even more insecure, resulting in a vicious cycle.

A. Suicide

When teens drink, they tend to make more impulsive decisions. If a teen is already suffering from a pre-disposed condition such as depression, chronic pain or a mental disorder, and has considered suicide in the past, that teen will be more likely to make an impulsive decision to end his/her life while drunk. These teens might even believe that suicide is the only rational way out of the pain they are presently experiencing, and may even believe that he/she hears voices directing them to commit suicide.³³ Teens are too young to realize that most problems work themselves out.

Suicide is the 3rd leading cause of death between teens and young adults ages 14 and 25. 37 percent of 8th grade females who drank heavily, reported attempting suicide, compared with 11 percent who did not drink.³⁴

B. Sexually Transmitted Diseases/High Risk Sex

There is a link between drinking and high risk sex. Teens, ages 15 to 17, are 29 percent more likely to be involved in sexual activity while influenced by alcohol.³⁵ The probability of risky sexual behavior increases with each alcoholic drink because the teen becomes more and more impaired. Teens that drink tend to have multiple sexual partners and fail to use condoms, thus the consequence of unwanted pregnancy and sexually

³² September 2012, "Effects and Consequences of Underage Drinking" U.S. Department of Justice; *Juvenile Justice Bulletin*, Retrieved May 11, 2013, from <http://www.ojjdp.gov/pubs/237145>

³³ "Binge Drinking Increases Suicide Risk" *DARA Drug & Alcohol, REHAB ASIA*, Retrieved May 11, 2013, from <http://alcoholrehab.com/alcohol-rehab/binge-drinking-increases-suicide-risk>

³⁴ April 2003, "Underage Drinking, a Major Health Problem" *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.thm>

³⁵ (2013, April) "The Toll of Underage Drinking", *Johns Hopkins Bloomberg School of Public Health, The Center on Alcohol Marketing and Youth*, Retrieved April 5, 2013 from http://www.camy.org/gactshets/sheets/The_Toll_of_Underage_Drinking.html

transmitted diseases, including HIV/AIDS can follow.³⁶ More specifically, 87 percent of teens who are considered to be heavy drinkers, have had intercourse before they reached the age of 13. Out of those same teens, 31 percent have had sex with at least 6 partners more than 3 times in one month.

According to the Centers for Disease Control and Prevention (2006) teens represent one-half of all new cases of HIV/AIDS. Additionally, teens who engage in high-risk sex have a higher average of unwanted, early pregnancies. Out of those pregnancies, they risk pregnancy complications and run a high risk of delivering a baby with FAS (Fetal Alcohol Spectrum) Disorder. FAS Disorder is a “group” of different physical and mental medical conditions in one baby, i.e. deformed facial features, nervous disorders and growth deficiencies. FAS Disorder in newborns can occur when the newborn’s mother drank alcohol during pregnancy.^{37, 38}

LEGAL AND FINANCIAL CONSEQUENCES

As seen above, I’ve shown many consequences to the effects of underage drinking and how it ruins our younger generation. These consequences have tentacles that reach even further, encroaching upon our legal and financial systems and security.

A. Legal

In the state of California, the first DUI or “driving under the influence” violation is treated as a misdemeanor, assuming that no serious crime, like damaged property or damaged people, including death, happened because of the DUI. However, consequences are still to follow, including jail time, high fines, license suspension, vehicle impoundment, an ignition lock device, mandatory DUI School, and probation and community service.³⁹ With the second DUI, many of the consequences are the same, but with more “bite” to them. The consequences will continue to become more and more severe as the drinker continues to drive and get caught. Eventually, all rights will be taken away.

³⁶ April 2003, “Underage Drinking, a Major Health Problem” *National Institute on Health, National Institute on Alcohol Abuse and Alcoholism*, Vol. No. 59, Retrieved March 17, 2013, from <http://www.pubs.niaaa.nih.gov/publication/aa59.htm>

³⁷ March 15, 2013, “Stop and think. If you’re pregnant, don’t drink.” *Fetal Alcohol Spectrum Disorders*, Retrieved May 11, 2013, from <http://www.fascenter.samhsa.gov>

³⁸ September 2012, “Effects and Consequences of Underage Drinking” U.S. Department of Justice; *Juvenile Justice Bulletin*, Retrieved May 11, 2013, from <http://www.ojjdp.gov/pubs/237145>

³⁹ Underage Drinking and Driving (May 1998). A Parent and Teen Guide (2nd ed.) [Brochure], California Office of Traffic Safety (Author Unknown)

B. Financial

In 2007, underage drinking cost our society 68 billion dollars in order to help pay for medical costs and income loss. At the time, this was approximately \$1 for every drink consumed.⁴⁰

California is a very “generous” state. It freely “gifts” caught drunk drivers with all the expenses of towing, impound yards, restitution, increased insurance, punitive fees, as well as the financial consequences of paying for the medical/hospital bills of the victim, even fees for emotional issues suffered by the victim and/or the victim’s family. The list of financial consequences is endless.

Unfortunately, for the parent(s) of underage drinkers, they will be the party responsible for paying all of the above mentioned fees of their underage drinker. Additionally, the parent(s) of those underage drinkers will miss countless hours of work, because of time spent in court rooms, insurance offices, police stations, etc., all because of their underage drinker’s behavior.

CONCLUSION

As I’ve shown above, keeping the minimum drinking age at 21 gives our teens and young adults a better chance of properly developing mentally, physically and even emotionally. Keeping the drinking age at 21 will provide teens and young adults a better chance of avoiding unwanted pregnancy and sexually transmitted diseases. Additionally, keeping the minimum drinking age at 21 will help to keep criminal activity in our teens and young adults to a minimum, thus keeping teens out of jails and prisons, giving them a better chance to be a productive member of our society. By avoiding all of consequences that come with underage drinking, it will help our society by raising more mature individuals, as well as it will financially help our society by keeping the costs of all the consequences at a minimum.

If we lower the drinking age, we may not lose our state highway funds any longer, but be sure to know and understand we will lose our younger generation, as we legalized and allow them to drink at an early age. Trading off funds for human life doesn’t make sense.

⁴⁰ September 2012, “Effects and Consequences of Underage Drinking” U.S. Department of Justice; *Juvenile Justice Bulletin*, Retrieved May 11, 2013, from <http://www.ojjdp.gov/pubs/237145>