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## At the Legal Limit

By [KEVIN SACK](#)

IT is 10:30 a.m., two hours before the Florida Gators will kick off to [Ole Miss](#), and Max, a 19-year-old freshman, is laboring to explain how he feels about the drinking age.

“Per-son-al-ly,” he says, punching out each slurred syllable, “I do agree the age should be lowered. It will cut down on binge drinking.” He throws an arm around a fraternity brother. “But we take care of each other. We will not let anyone drink under the influence.” He pauses. “I mean drive under the influence. I’m sorry. I’m drunk already. It’s been a long morning.”

Max and his brothers are pre-gaming. A dozen of them strut about the courtyard of their house on the [University of Florida’s](#) Fraternity Row, each nursing a cold beer in a foam hugger. A Frisbee flies as [Jimi Hendrix](#) blares from the loudspeakers.

The only thing unusual about this day’s pre-gaming is that it actually precedes a game. In the two decades since the legal drinking age was raised to 21, the term has come to encompass any rapid consumption of alcohol in private before venturing out to venues where drinking may not be possible.

This assumes that alcohol is readily available to underage college students, which of course it is. As ever, older students provide [liquor](#) to friends who are younger, and fake I.D.’s remain as pervasive on campus as sweatpants.

Though college drinking levels have declined slightly from peaks in the early 1980s, surveys find that more than 8 in 10 college students drink and that 4 in 10 are binge drinkers (meaning that in the previous two weeks a man had consumed at least five drinks in a sitting, or a woman four).

Here in Gainesville, binge drinking remains ritualized behavior for many of the 51,000 students, even as admission to the university has become increasingly selective. Whether or not the university deserves its Princeton Review ranking as this year’s best party school, few in this classic college town find it outlandish that the Gators have placed in the top 20 four years running. To walk the campus and environs on a football weekend is to navigate an endless river of alcohol, from the flowing taps of the Swamp Restaurant, a popular hangout near the stadium, to the off-campus bungalow on Northwest Second Avenue that houses one of the world’s larger beer bong.

College presidents, while philosophical about the historical bonds between academe and alcohol, are immensely frustrated by the universal flouting of the law and the persistence of binge drinking. Each year, they see its tragic consequences in the form of alcohol poisonings, drunken-driving arrests, date rapes and barroom brawls. Even at universities, like Florida, that make aggressive efforts at enforcement and

education, administrators say they believe success is limited to the margins.

And so this summer, 130 exasperated college presidents, many from the country's most prestigious institutions, boldly shifted the debate by calling for a re-examination of the drinking age. In July, they signed a manifesto, declaring that "21 is not working" and asserting that "a culture of dangerous, clandestine 'binge-drinking' — often conducted off campus — has developed."

In their open letter, labeled the Amethyst Initiative after the violet gemstone thought by the Greeks to ward off intoxication, they did not explicitly call for lowering the age from 21. But the effort's organizer, John M. McCardell Jr., the former president of Middlebury College, directs a nonprofit group that calls for licensing drinkers as young as 18. Like drivers, they would first have to pass a course on responsible [alcohol use](#).

Polls have found little support for lowering the drinking age. But with surveys showing that three-fourths of high school seniors have consumed alcohol, Dr. McCardell argues that the law is so meaningless as to breed disrespect. His proposal, he says, would provide a mechanism for educating youth on the perils of binge drinking while removing the forbidden-fruit incentive that he says contributes to it.

"If you assume, and I think you have to assume, that alcohol is a reality in the lives of 18-, 19- and 20-year-olds, then you've got two choices," Dr. McCardell says. "You can try to change the reality. We've been trying to do that for 24 years and haven't been that successful. That leaves creating the safest possible environment for the reality and there's plenty of evidence to support that 21 doesn't do that."

He adds: "We can't know that 18 would improve binge drinking, but we can't know that it would fail either. If we were able to draw one at-risk life out of the shadows and into the sunlight, would the change be worth it?"

It is not a rhetorical question. One recent government study estimated that 1,700 college students die each year in alcohol-related incidents, more than 599,000 are injured and more than 97,000 are victims of an alcohol-fueled sexual assault or [date rape](#).

In recent surveys by the University of Florida's health care center, about a third of students said they had blacked out from heavy drinking in the past year, half said they had vomited, a fourth said they had gotten into an alcohol-related fight and more than a fifth reported driving under the influence.

But Alexander C. Wagenaar, a University of Florida epidemiologist who has studied the drinking age for more than two decades, says Dr. McCardell ignores evidence that raising the age has saved lives, especially on the roads. The National Highway Transportation Safety Administration estimates that despite poor adherence to drinking age restrictions, each year about 900 fewer people die because the legal age is 21.

After assessing 48 studies, Dr. Wagenaar concluded, "The preponderance of evidence suggests that higher drinking ages reduce alcohol consumption." Furthermore, he says, there is no statistical evidence that binge drinking increases along with the rising legal age, or that it will decline with a drop. Indeed, an annual [University of Michigan](#) survey shows that binge drinking among college students actually peaked in 1984 and has fallen since, albeit slightly.

As it happens, that is the year Congress threatened to reduce highway money for states that did not raise

the drinking age to 21. Most of the country had designated 21 as the drinking age after Prohibition; then 29 states lowered it during the early 1970s, when 18-year-old draftees were being shipped to Vietnam. Studies soon showed an increase in traffic accidents among teenagers, and by 1988 all states had returned to 21.

The Amethyst Initiative's signatories include the presidents or chancellors of Bennington, Colgate, Dartmouth, [Duke](#), Johns Hopkins, [Ohio State](#), Syracuse, [Tufts](#) and the university systems of Maryland and Massachusetts. They do not include J. Bernard Machen, who assumed the presidency at Florida in 2004.

In August, Dr. Machen and his vice president for student affairs, Patricia Telles-Irvin, bluntly rejected the initiative in an op-ed piece in *The St. Petersburg Times*. There was no evidence, they wrote, that the 21 age limit encouraged more clandestine binge drinking than it discouraged and every reason to think that lowering the age might exacerbate the problem.

"Does anyone really think that if 18-year-olds could buy alcohol, the social passport conferred by heavy drinking would lose its cachet?" they asked.

THERE has been much to celebrate on this sports-crazed campus since Dr. Machen's arrival. The Gators won the [N.C.A.A.](#) football championship in 2006 and back-to-back basketball championships in 2006 and 2007. The quarterback Tim Tebow brought home last year's Heisman Trophy as the outstanding college player.

Academically, the state's flagship university is becoming more selective in its admissions. With a lottery-financed scholarship program providing free tuition to almost all in-state freshmen, the university is twice as selective as it was 15 years ago, admitting fewer than 4 in 10 applicants. The percentage of freshmen scoring at least a 600 on the critical reading portion of the SAT has soared to 70 percent, from 16 percent in 1993.

Dr. Machen had not planned on becoming a binge drinking crusader when he left the presidency of the [University of Utah](#), where alcohol was hardly a problem. He had spent much of his career as a dean of [dentistry](#), and the Florida trustees had hired him to focus on graduate education and academic ranking.

But in his first two years in Gainesville, six students died in alcohol-related incidents — one from alcohol poisoning, two in falls, two in traffic accidents and one in a fight. As he met their families, he started to take the waste of promise personally.

"That's when I said, 'Wait a minute,'" Dr. Machen says. "The intensity of those interactions made me want to take some effort in this area. It wasn't anything I wanted to do, to be honest. A lot of presidents are counseled against doing this because of the negative interactions you have with the student body. But we thought we had to."

Dr. Machen fears that Florida's party-school reputation is holding back its academic ambition. But he is realistic about his ability to alter a deeply ingrained culture. He emphasizes that he is "not into abstinence" and that he supports "responsible drinking" as part of a student's preparation for life. But seeing what he has seen, he cannot wave the white flag. "The ones who are in danger of being habitually affected by it are the ones we'd like to get after," he says. "I think maybe at the margin, for the really significantly affected kids, we might make some difference."

Dr. Machen has watched his campus's binge drinking rate drop — to 38 percent last spring from 57 percent in fall 2004 — as the university has toughened enforcement, mandated alcohol education and banned beer advertising, among other initiatives. A number of other colleges have taken similar multidimensional approaches, and a third ban alcohol on campus altogether.

It is allowed at the University of Florida. But in September, the trustees clarified longstanding prohibitions against “common-source containers,” like kegs, as well as “excessive rapid consumption.” That regulation bans drinking games like beer pong (in which contestants toss table-tennis balls into beer-filled cups, forcing their opponents to chug), keg standing (in which the drinker is held inverted over an open tap) and alcohol luges (in which shots of liquor slalom down an ice block).

Since 2006, the university has required freshmen to pass a 90-minute online alcohol education course before registering for spring semester. The year before, it banned alcohol ads from sports events, concerts and broadcasts of athletic events (when it has contractual control). The school is now drafting a policy to clarify that intoxicated students who are brought to an emergency room will not be reported to the university judicial system.

With the help of a federal grant and advice from students, the campus health center has papered buses with messages cautioning against binge drinking. One provocative advertisement warns of “sketchy drunk guys.” Another depicts a woman bent over a commode and pleads: “Don't be that girl!” A third, showing a beer bottle with a flaccid neck, advises that “drinking too much may disappoint you ... and your partner.” The ads are designed to change students' perceptions of what constitutes normal behavior, a national movement that has become all the rage in campaigns against binge drinking.

The university also stages alcohol-free “Gator Nights” on Fridays, with films, carnival games and a midnight breakfast that typically attract more than 1,000 students. Free food seems to be a major draw. When the funnel-cake maker announced at 11 p.m. that he had run out of batter, a long line of students let out a collective groan and dispersed.

“Everyone's off to the kegger,” observed Justine R. McConville, a sophomore from Fort Myers, Fla.

Her classmate, Brad E. Ibach, agreed: “There's no keeping this crowd here now.”

The university and the city have had little success convincing tavern owners to stop luring cash-strapped students with two-for-one specials and Ladies Night promotions. They are now working on an ordinance that would force bars to obtain licenses to admit underage patrons, under threat of revocation if the police catch minors being served.

The university accommodates reality by providing buses — the “Later Gator” — to transport students who stagger out of the bars at the 2 a.m. closing time, and taxi stands have been added. But the campus, city and county police vigorously enforce the underage drinking and open-container laws.

Dr. Machen says there has been a noticeable toughening since April 3, 2007, the day after the Gators won their second consecutive N.C.A.A. basketball title. Amid the celebration, an intoxicated student from another university drove his pickup truck onto a closed street and struck and killed a Gainesville police lieutenant.

In a city of 114,000 full-time residents, the university and city police made 2,190 arrests for alcohol-related offenses last year. The police cannot say how many violators were students, but the university judicial system heard 419 cases. More than 50 arrests were made during this year's Ole Miss weekend in September, which was muted by the Gators' loss.

On game days, campus cops patrol Fraternity Row by bicycle. On weekend nights, the Gainesville Police Department's "Party Patrol" busts up loud parties when neighbors complain. Other officers roam the teeming bars and clubs, checking driver's licenses with flashlights.

"This day and age, they all look young to me, so I'm checking everybody," says Cpl. Tscharna M. Senn, squeezing through bodies at a club called Gotham, one of 32 bars in the compact downtown district.

To maximize the deterrent effect, Ms. Senn and her fellow officers cuff offenders' hands behind their backs for a perp walk in front of their friends. When the police went fishing at the Swamp one Wednesday night in mid-September, they hauled out 10 underage drinkers, half of them members of the student government.

David N. Khey, a doctoral student in criminology, has calculated that at least 1 of every 20 Florida students who arrived as freshmen in 2004 had an arrest record by the end of 2007, usually for an alcohol offense. A university spokesman says that it does not keep such records but that Mr. Khey's estimate seems high.

Offenders facing the university judicial system may have to sit through a seminar or perform community service, with suspensions and expulsions reserved for serious offenses like driving under the influence. Underage drinkers caught by city police typically face a fine of \$75 to \$125.

Possession of a fake or doctored driver's license is a felony. As a result, students have learned it is wiser to borrow — or buy — a driver's license from an older friend who bears a vague resemblance, as possession of another person's I.D. is only a misdemeanor.

Some students say the risk is manageable.

"It's effortless to get a drink in a bar," says Lydia A. Snyder, 22, a graduate student who also attended Florida as an undergraduate. "I had a fake I.D. and got turned away once in five years."

For others, the threat of a criminal record is sufficient to deter them in public, and so they pre-game instead, doing their heaviest drinking behind closed doors before heading to a bar or club.

"You want to get drunk enough to last your time at the bar," explains Joe D. Alleva, a 19-year-old freshman from Daytona Beach, Fla. "You want to get hammered drunk."

Supply and demand also dictates that minors drink quickly and heavily, says Justin A. Willems, an 18-year-old freshman. "If you're under 21 and go to a party and there's alcohol," he says, "you don't know when you're going to see it again."

Students seem to universally agree that the current law is ineffectual, and that it may encourage binge drinking. With 18-, 19- and 20-year-olds serving overseas once again, they wonder why someone old enough to fight is not old enough to drink.

But they also question whether they would drink any less if the age was 18.

“There’s some truth that when you’re underage you’re a little more cautious,” Ms. Snyder says. “Lowering the drinking age would just give people free rein.”

Brett Bonds, 21, a senior from Jacksonville, Fla., adds: “I don’t think a number is really going to stop binge drinking.”

Heavy drinking, the students say, is simply part of college culture. And buying alcohol by the keg or six-pack has one appeal that transcends age: it is cheaper than buying rounds at a bar.

That helps explain the happy postgame crowd at Gary J. Anthony’s off-campus house, site of a weekly party that features an ingeniously engineered beer bong. On this weekend, the Rube Goldberg contraption is forcing a stream of Natural Light up a 20-foot tower, then down plastic tubes into 40 waiting mouths. (Two weeks later, for the game against Louisiana State, the bong was expanded to 100 tubes.)

As at other student gatherings, Dr. Machen is not very popular here. Some students call him a “control freak.” Others assume, because he came from Utah, that he is a Mormon teetotaler, though he is neither. In mock tribute, a local bar has christened a drink “the Bernie.”

“He’s trying to turn U.F. into the [Ivy League](#), all academics,” complains Mr. Anthony, 22, a junior majoring in advertising.

Dr. Telles-Irvin, the vice president for student affairs, takes a different view. “It’s an uphill battle, but it’s a mountain worth climbing,” she says. “I remember some students coming to me and saying, ‘You’re just trying to ruin our fun.’ And I said, ‘No, I’m just trying to keep you alive.’”

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