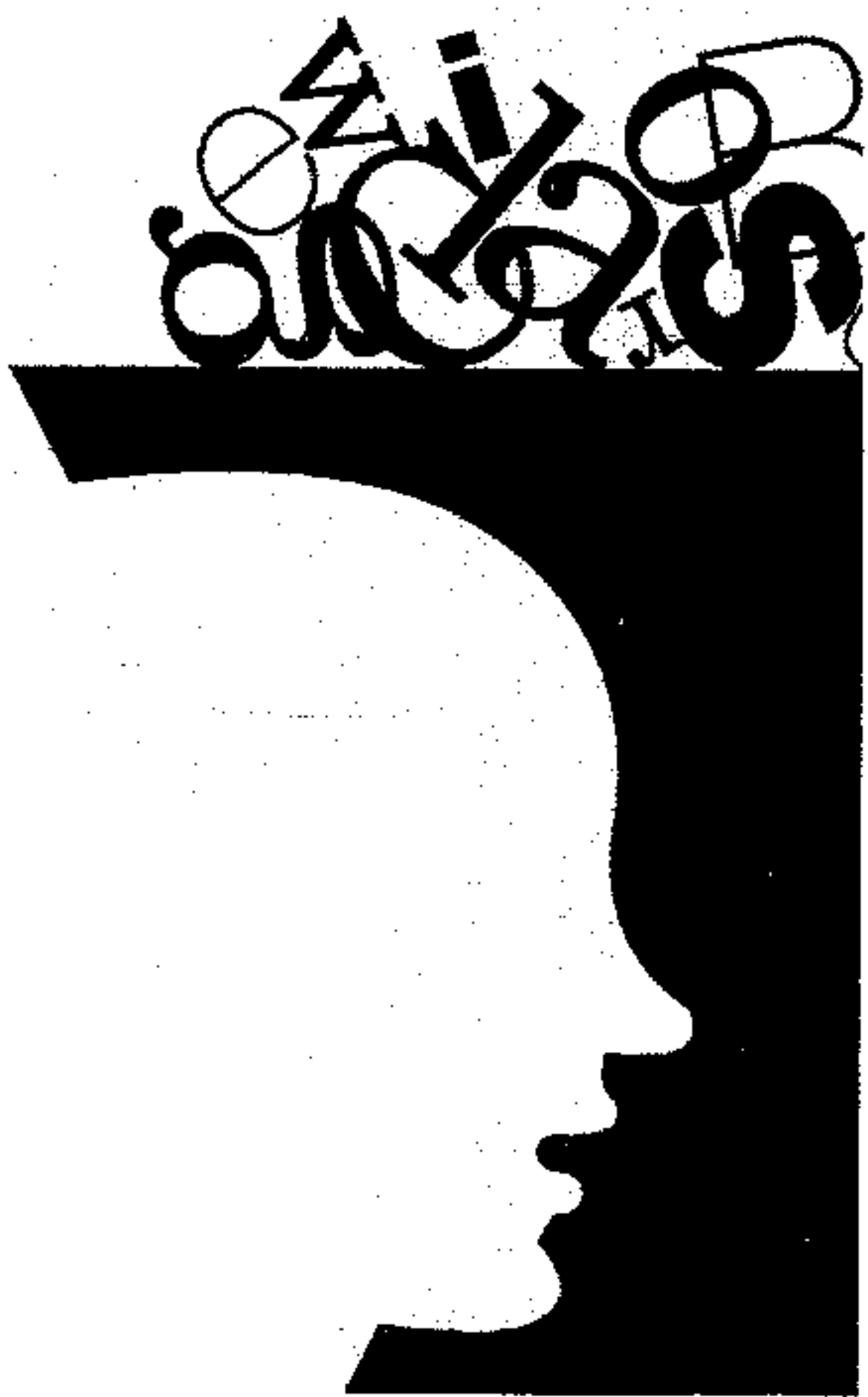


# Should Congress Amend the National Minimum Drinking Age Act?



**John M. McCardell, Jr.,** says a national mandate of 21 as a legal drinking age isn't working—and that other options would be preferable.

Imagine a city or state with two different sets of laws, where it is impossible to identify which individuals are covered by which laws. Sound ridiculous? Of course, but that is precisely the situation created on college campuses by the 21-year-old drinking age.

The National Minimum Drinking Age Act of 1984 (commonly referred to as MLDA21) did not in fact establish a uniform age for purchase, possession, or consumption of alcohol. Constitutionally, that authority has always resided with the states. Instead, the act allowed states to set the age wherever they liked, but penalized any state setting the age lower than 21 with a 10-percent forfeiture of its annual federal highway appropriation.

During the 1970s, most states brought their drinking ages into conformity with the 26th Amendment to the Constitution, which states that the right of a citizen age 18 to vote shall not be abridged on account of age. Within a very few years, the age of majority in most states was 18. To this day, attaining that age means attaining adulthood. One may, at age 18, sign a contract, serve on a jury, and, of course, serve in the military. Yet MLDA21 quickly forced states to raise their drinking ages, creating a conspicuous exception to the definition of adulthood.

Raising the drinking age was the principal strategy recommended by a special presidential commission created to study the problem of drunken driving. The decision to take a blunt instrument—raising the age to 21—to a specific problem seemed to satisfy. By 1987, in every state, you had to be 21 in order to consume alcohol.

To be sure, alcohol-related traffic fatalities have declined since 1984. But National Highway Transportation and Safety Administration data clearly show that the decline began in 1982, two years before MLDA21; that the long-term decline occurred in all age groups; and that alcohol-related fatalities hit a 10-year high in 2006.

It is true that 52 studies show a positive relationship between MLDA21 and the decline in traffic fatalities. It is also true that another 50 show no relationship. Meanwhile, safer automobiles, more rigorous enforcement, and the “designated driver” receive little credit for contributing to the decline.

MLDA21 had other, unintended consequences. It successfully banished alcohol from public places and public view, but did little to reduce alcohol consumption. Consumption simply moved behind closed doors, off campus, into the most risky, least manageable, of environments. And a new term, “binge drinking,” entered our vocabulary. The statistical data are frightening. More than 1,000 lives of 18-to-24 year-olds are lost to alcohol each year off the highways, and this number is rising alarmingly.

The United States is one of only four countries to have a drinking age as high as 21. In other countries we find that “out in the open” is better than “behind closed doors;” that parental involvement is preferable to disenfranchisement; and that alcohol is viewed as an enhancement to food and social discourse rather than as an intoxicant.

The drinking-age debate will go nowhere so long as the 10-percent appropriations penalty remains. Congress has an opportunity to reconsider that provision in its 2009 reauthorization of the highway bill. Boards and presidents have an opportunity to weigh in, at least to say that 21 isn't working.

What might work better? A compelling proposal would mandate alcohol education—not temperance lectures and scare tactics—before a young person becomes 18, leading to a state license, received upon completing high school permitting the holder to consume alcohol as long as state laws were observed. States presenting such a plan, with metrics for measuring effect, would receive a waiver of the 10-percent penalty.

Drunken driving and the drinking age are two separate issues. In linking them we have, with the best of intentions, ignored reality and defied common sense. Alcohol is a reality in the lives of 18-20 year-olds. We can either try to change that reality (even as we recall the futility of Prohibition) or we can provide the safest possible environment for that reality. Higher education has much to contribute to this discussion, if only we will be allowed—and can muster the courage—to speak.

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