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## 2009: Final Report "Is It Time to Change the Drinking Age in the United States?"

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# Final Report

## Citizens' Assembly for Critical Thinking about the United States



Eastern Kentucky University  
Spring 2009

“Is it time to change the drinking age in the  
United States?”

All members of CACTUS, divided into five subcommittees,  
participated in the writing of this report.



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## FOREWORD

Spring 2009 marked our second CACTUS but it was no less exciting and full of surprises than the first one. When we chose a “policy” topic, “Is it time to change the minimum legal drinking age?” rather than a “process” topic such as last year’s on electoral reform, we knew we were moving into uncharted waters. The actual citizens’ assemblies in Canada and the Netherlands, on which CACTUS is modeled and which we have studied extensively, all had dealt with electoral reform and advocates of deliberative democracy have speculated as to whether policy issues could be successfully addressed by such bodies. CACTUS 2009, even though just an academic exercise, gave us tentative insights into some challenges of such an undertaking.

In my capacity as Co-Chair of CACTUS my role was more “unscripted” than in a regular classroom for I never knew in which direction the Assembly would take me. At the same time, as was the case of the Chairs of the “real” Citizens’ Assemblies, I had the duty of keeping the Assembly on track toward reaching consensus by a certain deadline—in our case, the end of the semester. Our time frame was complicated by an ice storm, a snowstorm, and a tornado warning, cancelling one meeting and disrupting two others. At our last meeting, what was supposed to be the final decision—between the CACTUS model and the status quo—produced a nearly evenly split vote. I called—with the clock ticking!—for further deliberation and a second vote. When the second vote produced only a slightly larger majority—but in the opposite direction!—and with no time left, I proposed—and the Assembly agreed—that in the absence of a clear consensus, our only option was to put both to the campus community in our referendum. Not all were thrilled with this decision. Some winners in the first vote thought the second vote wasn’t needed, and some winners in the second vote thought their decision should prevail as the referendum question because, after all, they won. Had time not been a factor, I would have called for more deliberation because the legitimacy of a citizens’ assembly decision—and the justification for asking voters to support it—is supposed to be that the decision reflects an overwhelming consensus by citizens like themselves who have worked together to agree on the best solution. With our nearly evenly divided Assembly, even with weeks of informed critical and creative thinking, we simply could not present either position to the community on this basis. So I think the Assembly’s referendum question wisely reflected this reality!

This Final Report was written and edited by CACTUS members, all of whom served on a Final Report subcommittee coordinated by student facilitators. Because our deliberations and final decision were not completed until the last possible minute, some parts were composed and compiled under considerable time pressure. This necessitated some further editing by the leadership. We fixed some spelling and typographical errors, merged some parts that contained overlapping material, and filled in a few gaps for the sake of clarity where important details had been omitted. However, we have tried to keep our corrections and additions to a minimum so as to maintain the Report’s flavor as a group project undertaken by University students. We think it provides a good basic description of the Assembly’s three phases and final decision.

CACTUS is a very labor-intensive undertaking requiring the hard work of many people. I have attached a list, certainly incomplete, of people who provided help and support, but I want to make special mention of the CACTUS Leadership Team. Particular

thanks goes to my hard-working Graduate Assistant Paula Wilder who served as CACTUS Project Coordinator and Member Liaison in 2008 and 2009, and graciously and efficiently tackled every task we gave her.

Thanks also to our small-group facilitators who not only prepared for and led our small groups discussions and deliberations but willingly pitched in and did whatever else needed doing: Kristeena Winkler who served as a facilitator in 2008 and 2009 and graduated in May; Tanya Turner who was an Assembly Member in 2008 and a facilitator in 2009 and graduated in May; and MPA student Tony Crachiolo who participated in our 2008 public hearings and served as a facilitator in 2009.

Thanks to the members of CACTUS themselves for being an energetic and engaged group and performing enthusiastically and thoughtfully in their roles as Assembly members.

And lastly, a special thanks to my husband and colleague Dr. Glenn Rainey, who put his own priorities aside to step up to the position of CACTUS Co-Chair when staffing needs in the Department of Government required that my previous co-chair Dr. Joe Gershtenson be shifted to other duties. Team-teaching with my spouse was a new experience and I am happy to say that we both survived and that Dr. Glenn will continue in the Co-Chair role in 2010.

Jane Rainey, CACTUS Project Director and Co-Chair

As my colleague, Dr. Jane Rainey, has noted CACUS-2009 represented an important new departure in civic deliberation in that the Assembly considered a substantive policy issue rather than an issue about political process. The result was a prolonged, thoughtful inquiry and debate about a subject that surprised the participants by its complexity, required them to learn not only about the specific issues they were considering but also about the political and social context in which policy must be implemented, exposed them to a variety of perspectives and arguments on the issues from experts, peers, and interested representatives of the public, and ultimately resulted in irresolvable disagreement among them over the most effective and morally justifiable course of action to take. These results are exactly what a university and its faculty would hope for in a general education activity intended to promote informed and critical thinking among its students, and an appreciation of the responsibilities and challenges of citizenship. These students from the 2009 Assembly may never establish a perfect policy on age and alcohol consumption, but it is highly unlikely they will ever forget what they have learned about the responsibilities and difficulties associated with collective decision-making.

The student citizens' assembly represents a stimulating, synergistic compliment to the regular general education curriculum, provides a particularly rich opportunity for faculty to gain understanding about the perspectives of the students and to bond with them, and leads us as faculty members to new perspectives and understanding on the subjects the assembly considers. I have very much appreciated the opportunity to step in as a co-director for CACTUS-2009 and look forward to doing so again in 2010.

Glenn Rainey, CACTUS Co-chair

## **THANKS TO:**

### *The CACTUS Team:*

Dr. Glenn Rainey  
Dr. Joe Gershtenson  
Paula Wilder, Graduate Assistant, Project Coordinator  
Tony Crachiolo, Facilitator  
Kristeena Winkler, Facilitator  
Tanya Turner, Facilitator

### *Guest presenters:*

Dr. John McCardell, President Emeritus of Middlebury College  
Judge Linda Chezem, Judicial Scholar in Residence, Arizona Supreme  
Court Administrative Office of the Courts, Judicial Education Division  
Dr. Chuck Fields, Professor of Criminal Justice and Police Studies, ECU  
The Honorable Constance Lawson, Mayor of Richmond,  
Jennifer Bell and Youth in Action  
Barbara Bentley, Chair of the Board of the Madison County Agency for  
Substance Abuse and former Madison County School Board member  
Dr. James Conneely, ECU Vice President and Assistant Provost

### *Support of and participation in public hearings:*

Deanna Kasitz and students in her American government class  
Dr. Lynnette Noblitt and students in her expert witness class  
Dr. Steve Barracca, Department of Government  
Tom Parker, ECU Department of Government  
Dr. Steffan Wilson, Department of Psychology  
Dr. Randall Swain, Department of Government  
Nancy Davis, Department of Government  
Elizabeth Isaacs, Department of Government  
Dr. Gregg Gunderson, Department of Government

### *Guest musicians:*

Dr. Joseph Van Fleet and ECU Trumpet Choir who performed the National Anthem at  
our opening ceremony  
EKU music students who sang the National Anthem at the opening of several Assembly  
sessions and the closing ceremony:  
Deanna Burns  
Jessica Marshall  
Virginia Wilson  
Caitlyn Kogge  
(Special thanks to Dr. Sue Ellen Ballard, Director of Choral Activities, for recruiting  
these talented vocalists to sing for us!)

Clerical Help

Teresa Howard, Department of Government  
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## **INTRODUCTION**

At the beginning of the spring semester of 2009, the ECU Quality Enhancement Program called to order the second Citizens' Assembly for Critical Thinking about the United States. Known to members as CACTUS, the Assembly was charged with our task in the form of a mandate, which stated in part:

The 2009 Citizens' Assembly for Critical Thinking about the United States must study proposals for changing the current legal drinking age, identify and analyze the perceived problems leading to these proposals as well as arguments in support of the current legal drinking age, and decide if a change is warranted, at what level of government should it be implemented, and whether other provisions should be mandated as part of the change.

This report summarizes the Assembly's actions from beginning to end. All actions taken by the Assembly were in accordance to actions set forth in the Mandate. (See Appendix A.) The Assembly has cooperated as a whole to draft a report that should present not only how the Assembly came to a decision but the reasoning behind our decision as well. The twenty-eight-member Assembly worked for 15 weeks on the subject of the legal drinking age. The following report is a detailed summary of each phase the Assembly went through: learning, public hearings, and finally a deliberation phase. Included is a discussion of important issues related to the Minimum Legal Drinking Age (MLDA) preceded by a separate section for Assembly demographics.

## **DEMOGRAPHICS**

CACTUS was a diverse group of citizens from all across the state and country. The assembly included members from Washington D.C. to Florida. This Assembly covered a broad range of majors and ages. Our oldest member was 34 and our youngest member was 18. This provided us with a vast array of ideas that transcended the

spectrum of majors, hometowns, ages, and gender. Among the Kentucky hometowns listed by Assembly members were Louisville, London, Somerset, Hodgenville, Hopkinsville, Lexington, Versailles, Covington, Brodhead, Manchester, La Grange, Union, Corbin, and, of course, Richmond. Also represented were Orlando, Florida, Butler and Hamilton, Ohio, and Sumner, Tennessee.

The Assembly was assisted by three facilitators: Kristeena Winkler, Tanya Turner, and Anthony Crachiolo. Kristeena is a senior Eastern student serving her second tour as a Cactus facilitator. She will be attending U.K. law school in the fall, and will certainly make Eastern proud. On July 18 she will be married. Tanya Turner was an assembly member last year and served as a first-time facilitator this year. She is a senior sociology major, with a political science minor, and her southern belle mother is worried she will waste her college efforts on “hippie B.S.” Mr. Crachiolo participated in the public hearings phase in last year’s Cactus. He was so intrigued that he joined this year as a facilitator. Anthony is working on an MPA graduate degree here at Eastern. Paula Wilder, also an MPA student, served as the CACTUS graduate assistant. CACTUS is spearheaded by two wonderful and active professors. Dr. Jane and Glenn Rainey are both teachers in the Department of Government here at Eastern. Dr. Jane enjoys music, as she is an organist and director of her church choir. Dr. Glenn and Jane have traveled together and enjoy chocolate from all over the world from Iceland to Switzerland. Demographics of an assembly are an important component of deliberative democracy. The more diverse a group, the better cross-section of society it can represent. Our Assembly this year represents a broad range of the campus community. Some information about the Assembly is as follows:

Class Standing:

2 freshmen  
7 sophomores  
6 juniors  
13 seniors

Gender:

15 women  
17 men

Majors

political science 12  
history 3  
philosophy 1  
general studies 1  
geography 1  
English 1  
broadcasting and electronic media 1  
environmental studies 1  
homeland security 1  
sociology 1  
elementary education 3  
journalism 1  
biology (pre-vet) 1  
criminal justice 1  
nursing 1

MINORS:

public relations 1  
women and gender studies 2  
history 1  
political science 3  
criminal justice 1  
Spanish 1

## LEARNING PHASE

The first phase of the Citizens' Assembly is the Learning Phase. The goal of this phase is to equip members of the Assembly with all the information they need in able to make an informed decision. During this phase we learned about the history of alcohol and drinking in the United States as well as what stances are currently being taken on the minimum legal drinking age. We informed ourselves through readings and lectures on a book called *The Spirits of America*, another book of short articles called *At Issue*, as well as a few additional articles. We were also fortunate enough to have two speakers present to the assembly the two domineering stances currently being taken on the issue of a minimum legal drinking age.

### **Burns readings:**

*The Spirits of America: A Social History of Alcohol* by Eric Burns chronicles the history of alcohol in the United States, from colonial times to the repeal of the Volstead Act. Mr. Burns relates America's love of alcohol to some of the greatest social movements in the history of our country: the abolition of slavery, women's suffrage, organized labor, Progressivism, and, of course, temperance and prohibition.

During Colonial times alcohol was used for every reason under the sun. A common use of alcohol was for medicinal purposes. It was not uncommon for a flu sufferer to drink enough whiskey to "sweat the sickness right out" of him. Other uses included calming a fussy baby, having a glass before bedtime to encourage rest, and of course the most famous and still popular reason today: simply for the effect alcohol tends to have on a person.

Over time people began to become concerned about the effects of alcohol and such “free use” of it. Religious groups began challenging alcohol, pushing for stronger regulations. They would host sit-ins at local bars and drinking establishments in an effort to discourage drinking among patrons. Women played a large role in the Prohibition movement and the enforcement of the Volstead Act.

During Prohibition crime rates increased, and people began bootlegging and making their own alcohol. Drinking was forced to take place “underground” (in people’s homes or private establishments, called speakeasies.) Because alcohol was so hard to get, many people were forced to buy any alcohol they could get their hands on. Many times people got their hands on bad alcohol which resulted in permanent disability or even death. Eventually the 21<sup>st</sup> Amendment repealed the Volstead Act and Americans were free to indulge in what Burns called “the first American pastime,” once again.

***At Issue Readings:***

The *At Issue* readings are made up of a combination of articles dealing with the issue of whether the drinking age should be lowered or kept the same. This controversial issue is examined providing in-depth discussions by a variety of primary and secondary sources, including eyewitnesses, scientific journals, government officials, and others. The book provides information supporting and refuting both sides of the issue, so you are able to make an informed decision about the issue of lowering the drinking age.

The book begins by examining American drinking in the twentieth century, and shows how drinking in America has evolved since this time. The book then moves on to show how underage alcohol use in America is increasing, and becoming a problem. The drinking age is then debated. One side says the drinking age is outdated and is no longer

working. They also argue that the drinking age being 21 forces those underage to drink “underground.” They also argue that if the drinking age were to be lowered, the appeal of drinking would diminish because it would no longer be rebellious. There is also the argument that the minimum legal drinking age should be replaced by a drinking permit.

The other side says the arguments that are in favor of the drinking age being lowered are not valid arguments and the drinking age should be left the same. They also argue that cultural exposure to alcohol does not lead to responsible drinking. This would be a problem because if the drinking age was lowered, young people would not be drinking in a responsible manner. They also believe that parents who let their underage children drink should be severely punished because they are showing disregard for the law. They also argue that early alcohol consumption leads to further abuse later on in life.

### **Extra Readings :**

During the learning phase we also looked at a variety of additional articles not contained in the Burns or *At Issue* books. Descriptions of some of those articles are as follows:

#### **“The Problem of Underage Drinking”**

The article focuses on the easy accessibility of liquor to American youth. Drugs and alcohol are becoming an alarming problem among middle school, high school, and college-aged students. Alcohol is involved in one-third of the car crashes involving teenagers, along with increasing numbers of suicides and homicides among teenagers who drink. Young people who drink alcohol are suffering from the results. This article discusses problems with America’s youth and drinking, from subjects such as the

problems with binge drinking on wet vs. dry campuses to the concerns of the “all you can drink” mentality of Americans, and the easy accessibility of alcohol to America’s youth.

### **“The College Alcohol Crisis”**

The article spotlights on the disaster happening on many college campuses. College drinking is not a new phenomenon according to this article. However, the overconsumption and underground drinking is. Many believe college drinking has severely worsened. The article describes different universities’ drinking atmospheres, and the habits of the students who are doing the drinking. Drinking is definitely a college tradition according to the article.

### **“What’s the Right Drinking Age”**

This article directs focus on the danger and tribulations that drinking has created for so many minors, especially college students. The article offers statistical information on drinking, along with arguments for and against raising/lowering the drinking age. The average college student is painted as an overzealous binge drinker who will drink whenever the opportunity presents. The author focuses on the social acceptability that alcohol offers to youth.

## **SPEAKERS**

During the Learning Phase of the Citizens’ Assembly for Critical Thinking about the United States we were fortunate enough to have two speakers. These speakers were Dr. John McCardell and Judge Linda Chezem. Both speakers were very charismatic and kept our attention.

Dr. John McCardell is the initiator of the Amethyst Initiative. He has worked for

many years as the President of Middlebury College. In 2004 he was asked to write an article called “What Your College President Never Told You.” After this article was published he was asked by the Robertson Foundation to head a nonprofit foundation that would research and propose the legal drinking age be lowered to 18. This was the beginning of Choose Responsibility.

During his presentation Dr. McCardell discussed why the drinking age should be lowered as well as why it was raised. He began with a discussion of the Moral Thermometer and how alcohol has been viewed throughout history. He defined binge drinking for us and gave us many statistics regarding the rates and deaths related to binge drinking. He then related binge drinking to campus life and gave more statistics. He showed us a table that said 86% of Americans think that binge drinking is a serious problem. His next graphic was very enlightening. It was a map of the world and was color coded to show the minimum legal purchase age in most of the countries. It made the point that we have one of the highest. He compared our country’s intoxication ratio to other countries and showed that it is not so high in comparison.

He also showed research about 1982 and 83 that if shown then probably would have stopped the raising of the drinking age. He explained that the main fighter for getting the drinking age raised was MADD. However the evidence showed that drunk driving fatalities were actually falling dramatically before the law was passed and that a law would not be needed.

He also gave us his proposal. The proposal that is put forth by the nonprofit group Choose Responsibility is a fourfold plan. First Congress would have to remove the highway fund incentive which requires all states to have a minimum legal drinking age of

21 or lose ten percent of federal highway funding. His second step is to make it legal for young adults to consume alcohol with their parents in controlled settings. The third step is to make ignition locks mandatory for all first time DUI offenders. This mandatory lock would not change based on age of the offender. The last step is to instigate a “drinking license.” This license would allow the person to drink as long as they met three criteria. One, they must not have any alcohol offense on record before graduating high school. Two, they must complete an education course on alcohol and its effects. Thirdly to retain the license they must uphold all of the issuing state’s laws or the license would be immediately taken away.

The issue of age of maturity was one of his arguments for lowering the drinking age. He felt that if you could go to war and die, buy a house, hold public office, purchase and carry firearms, and enter a legally binding contract you should be able to drink at your leisure. Another argument was that the reason for increasing the minimum legal drinking age was insufficient. The reason he gives for the MLDA of 21 is the push of MADD to lower the alcohol related automobile fatalities. He states that although the rates have gone down it is due more to better building of cars and the use of seatbelts and airbags than the higher MLDA. He concluded with the idea that eighty one percent of Americans would like to have a discussion about lowering the drinking age on the national level. Almost everyone seemed to agree with Dr. McCardell’s speech.

The next major speaker that we had was Judge Linda Chezem. Judge Chezem was slightly more conservative in her approach to the issue of the MLDA. She has been a judge in Indiana since 1976. In 1998 she accepted a position as Professor at the School of Agriculture in Purdue University. She has worked for many years as a presenter and

consultant for the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

Her power point was titled “The Science of Drinking.” In her presentation she defined risky drinking and gave examples of what constitutes one drink. She then applied this measurement to the issue of binge drinking. She broke down what influences alcohol use and abuse into three parts. Part one is culture and the social place of drinking. The second influence is the law. She discussed how the laws and restrictions lead people to drink in certain ways and in certain places. The last influence was science. This dealt with how alcohol influences the body and a person’s behaviors. This brought her into discussion about laws regarding alcohol. She discussed the state laws and the highway fund incentive. She also discussed the 18<sup>th</sup> and 21<sup>st</sup> amendments that instigated and repealed prohibition. After telling us the legal side she gave us many great graphic examples of statistics including causes of death in the US, how adolescents drink differently from adults, and global health problems associated with the use of alcohol. She discussed fetal alcohol syndrome and other health issues related to alcohol. She brought into her discussion the cultural impacts of alcohol as well as the impacts alcohol has on culture. To explicate this issue she uses the example of college life. Her closing statement was that we should drink based on the 0-0-1-3 rule. Zero underage drinking, zero drinking and driving, one drink per hour, not more than three drinks in a night.

One question that was brought up that her presentation did not address was her opinion on lowering the drinking age. She felt very strongly about her opinion which was to keep the drinking age where it was or possibly to raise it. She pointed out that people vary in their physical tendency to abuse alcohol and even speculated that perhaps the right to drink should be given based on genetics. If a person is predisposed genetically to

be an alcoholic then they should not be given a drop of alcohol ever. Her presentation generated much controversy and discussion among Assembly members. Some Assembly members questioned whether she was using old research and only a couple of her own cases as Judge to try and sway us.

Both speakers were very well organized and made good points. We learned a lot from each position and continued to use their points in our discussions.

We also had a panel that included the Mayor of Richmond, a criminal Justice teacher and co-owner of the Paddy Wagon bar, and a former school board member. The Mayor believed that lowering the drinking age might help lower the public parties and disturbances because people wouldn't have to hide behind closed doors to drink. They could go to bars to drink where it is supervised and more controlled. But she also wanted parents to see Richmond as a safe place where they could send their kids to college. The teacher said that even if the drinking age was lowered he would probably not let the new group of drinkers in his bar. He said this because for the first several years the new drinkers would be out of control and would be a problem in his establishment so he wouldn't want any part of it. The panel also helped answer one of the questions the Assembly had been wondering for awhile. Would the new drinkers bring in more money for the government? The answer was no. The government receives an extremely low amount of income from alcohol sales, so the idea of lowering the age to increase revenue would be a very weak argument.

Dr. Conneely who is Vice-President for Student Affairs at ECU spoke to us about drinking on college campuses. He has worked at several colleges and universities and talked about problems and differences between wet and dry campuses. He also talked

about alcohol policies at EKU.

We have looked at many different opinions during the learning phase to help us be able to come to an informed decision about changing the drinking age law. We've learned about drinking and driving, health effects, and binge drinking just to name a few. We have listened to the opinions of students, faculty, mayors, and even bar owners. There haven't been many areas that we haven't looked at.

However, there are a few that we found important to look at that others didn't deem so important. We were curious as to the economic effects that lowering or raising the drinking age would have. We understand that profit or economical benefit is not considered a morally acceptable thing to look at when dealing with this law. Some of us live in small towns that are dry where the neighboring town voted to go moist. There are many people in such dry towns that go to these "moist towns" every weekend to drink. Whether they are binge drinking or not we don't know, but we do know that drunk driving rates in the dry towns have gone up since then. It may not seem that important but in Kentucky, especially eastern Kentucky, since the coal industry isn't booming like it was, there aren't many jobs. Alcohol could in theory bring some jobs back. Kentucky has some bigger cities and towns, but most of the counties in Kentucky are smaller, and if they're like Clay County they could use the business that alcohol could bring. However, we are in the Bible belt and many folks will vote by their moral obligations rather than with their pockets, which is rightfully so.

## **PUBLIC HEARINGS PHASE**

During the semester CACTUS has used many formats to help decide the issue of

the drinking age. Over a four week period CACTUS held Public Hearings where several speakers came to present their stance on the drinking age, and show information and reasons explaining why they came to their conclusions. Many different demographics were represented in these hearings. There were young and not so young, men and women, students, faculty and staff, religious and non-religious, and interest groups represented in the hearings. Some arguments were more well received than others, and some were better delivered and made more lasting impressions than others. The Public Hearings provided the members of CACTUS with a unique tool to help with forming a decision--the opinions of the public represented by a wide variety of people. Often times the hearings could be entertaining, and on occasion not so spectacular, but what was learned from these hearings was crucial in the end result of the CACTUS decision-making process on the drinking age. We would like to thank everyone who helped contribute to the Public Hearings.

Members of Youth in Action (YIA) spoke to the CACTUS Assembly during the public hearings phase of the Assembly. Youth in Action is a program developed by Mothers Against Drunk Driving (MADD). Its purpose is to reduce underage drinking by targeting the availability of alcohol for those under the age of 21. YIA's mission statement reads: "To reduce the social and retail availability of alcohol to minors and support enforcement of underage drinking laws." Many YIA participants are teens, YIA provides youth with unique community-work experience. YIA relies primarily on preventative strategies to reduce alcohol availability to those underage, as well as to change social perceptions of underage drinking. YIA projects include alcohol purchase surveys, compliance checks, sticker shock programs, roll call briefings, law enforcement

special recognition programs, media advocacy, and public hearings. The YIA participants that spoke to the Assembly were mostly from Berea, KY, a “dry” community.

As debates continued, issues such as federalism, state rights’, individual rights’, and the value of a national MLDA standard were recurring themes. Hearing the opinions of groups such as Youth In Action and people from dry communities emphasizes the importance of these issues, as well as the effectiveness, feasibility, equity, and efficiency of public policy development.

The Public Hearings went very well for the most part. Some of the speakers did an excellent job, while others lacked a lot in their argument for or against lowering the legal drinking age. However, we suppose that with any Public Hearing you will have people who have done their research and they excel in their arguments, while other individuals merely stand before the crowd and simple ramble off random thoughts that have no structure, and their arguments lack jazz and spirit to them.

Some of the faculty who spoke had some really great ideas, and they brought new insight and perspectives to the class. One of the ideas that stands out the most for some is something that Dr. Gunderson said. He pushed for making the legal drinking age at the age of nineteen. His argument was not that simple though. Dr. Gunderson also felt that all legally adult responsibilities should be obtained once the age of nineteen is reached. This would include the right to vote, you have to be able to be nineteen to join the military, and at age nineteen you would be able to drink legally. One Assembly member commented “I would have to admit that I agreed with Dr. Gunderson completely, I had never really thought about all the pros to having all legal responsibilities being obtained at age nineteen.”

Just as there were some presenters that stuck out very positively in our minds, there too were also some that stuck out, but in a negative way. The ones that stuck out for palpable reasons were the individuals who spoke even though it was quite apparent that they really had not put much thought into the issue at hand. For the most part these persons were mainly students, who for the most part were just doing it for a little extra credit, we suppose. On the other hand it was nice to get insight from students on how they feel about the legal drinking age--which was that for the most part every one of them pushed to have the drinking age lowered. One must keep in mind that most of the student presenters are under age, and simply argued for the age to be lowered so they would be able to drink sooner.

Beginning at the start of the Public Hearings phase, a public discussion board was made available at the CACTUS website ([www.cactus.eku.edu](http://www.cactus.eku.edu)) where students and others wrote their thoughts about the drinking age. This gave us another chance to hear from people who were not part of the college age population or not from EKU.

## **DELIBERATION PHASE**

On April 8, 2009 the deliberation phase of the Citizens' Assembly for Critical Thinking about the United States began. The day's objective was to deliberate on the national drinking age policy and the details that it would entail. Over the course of the semester most of the Assembly members agreed that a national policy was not a good idea and a local or state policy would be better to address health matters resulting from drunk driving and binge drinking. However the Assembly deliberated in large discussion groups as well as small discussion groups and discussion boards on Blackboard about the

national drinking age policy for the majority of the deliberation phase. The main issues that were discussed were revising, keeping, or amending the 1984 law along with the minimum drinking age and other details that members of the Assembly felt should be in a drinking age policy.

The Assembly broke up into four small groups each led by an Assembly facilitator. (Each Assembly member was randomly assigned to a group designated by a color, and group membership changed each week.) After discussing the national drinking age policy each group joined back in the Grise room to discuss where each group stood on the issue. The two models that the groups liked were to revise the 1984 law and that the drinking age policy should be left up to the states. A constitutional amendment was not of interest to the groups. The red group wanted a minimum age of 19 with a maximum age of 21 or the state would lose 10% of their highway funding. The red group also did not want alcohol education to be included in a policy. The blue group wanted a minimum age of 18 with a maximum of 21 or the state would lose 10% of their highway funding. The blue group also did not want education to be included in the policy. The gold group wanted the minimum age to be 19 with more restrictions and the policy would have to be reauthorized in 7 years. The gold group also wanted the blood alcohol concentration level to be lowered to .06. Lastly the silver group wanted a minimum drinking age of 18 with no maximum age and if the state chooses to keep the drinking age at 21 the state would lose 3% of their highway funding. After a long debate in the Grise room there was no consensus within the Assembly so each group deliberated again to see if anyone would change their opinion. After rejoining back in the Grise room only the silver group was willing to make a compromise and change their minimum drinking

age to 19. Yet they refused to change their “no maximum age” policy. At the end of the day no consensus was made and further discussion was made via the discussion board on Blackboard (the Assembly members’ private discussion board).

On Blackboard the major issue was the drinking age. While the majority of students wanted a 19 year old drinking age minimum, several students did not see 19 as an age that would make much of an impact regarding health issues and drunk driving. After a week of discussion on Blackboard the Assembly came together again and voted on a minimum drinking age which turned out to be 19. So at the end of the “national model” deliberation the Assembly voted that the 1984 law should be revised and the states should have the power to decide their drinking age policy. With that power in the states’ hands, the federal government would give the states a window ranging from 19 years old to 21 years old to choose the state’s minimum drinking age. If the state chooses to go below 19 or above 21 then that state will lose 10% of their highway funding.

There was general consensus that the CACTUS was more in favor of a state option, which would give more power to the states. The Assembly, for the most part, felt that it was unconstitutional for the federal government to enforce a nationwide drinking law. Thus there was a very tenacious debate about the state option. The State Option assumes that the original 1984 law is not reauthorized.

First, the Assembly discussed either a uniform state law option or a model state law option. Both were very vague and there was a lot of confusion about the difference between the two. It was our understanding that both options ultimately left the final decision of a legal drinking age up to the states. The uniform option was a law that would be more encouraged and detailed, while the model state law would be a law drafted by a

government agency or a commission representing states that the states should follow, only not as detailed and emphasizing conformity as the uniform law model. Throughout the Assembly and small group discussions, both options were received support; only in the final CACTUS meeting the model state law option was finally chosen.

For the model state law the Assembly agreed once again that a 19 year old drinking age should be the standard. It was argued that 19 would help keep alcohol out of High School, and that a 19 year old is generally much more mature than an 18 year old. The Assembly also agreed that there should be no maximum age requirement, sliding scale, or difference in type of alcohol available to different ages due to concern of making the law too complicated. Many believed that a complicated law would not be feasible.

In several of the small groups, there was also concern for education in the model law. Many believed that a government ad campaign, such as the successful anti-smoking campaign or the “DD” or designated driver campaign, would be effective. The ad campaign would be designed to target binge drinking in general and not just underage drinking, as that binge drinking is a problem on all levels and a major concern. Several small groups also discussed harsher penalties for underage drinking and DUIs. However, the types of penalties were also discussed. Some argued that counseling and community service would be an effective deterrent, along with fines for parents of under 18 year old drinkers. While this was deliberated, it was also mentioned that the ultimate penalty is up to the discretion of the Police Officer and Judge involved in the case, and advocating harsher penalties would only act as a deterrent and not be effective in execution.

On the final day of CACTUS, the Assembly voted 13 to 12 in favor of the State Option over keeping the current legal drinking age. Since our goal was consensus, more

discussion was held. The people in favor of the current law were allowed to debate and explain their reasoning before a second vote was held. Advocates claimed that they did not believe that the State Option was the best option, that it would not be feasible, that it would probably not curb binge drinking, and that scientific evidence shows how drinking under the age of 21 can curb brain development. The final deliberation caused two people to switch votes and vote in favor of keeping the current law, thus changing the final vote to 14 to 11 to keep the current 1984 law.

Because of the closeness of the vote, Dr. Rainey ruled that there was no clear consensus. Yet the semester was over and there was no time for further deliberation. Therefore the Assembly drafted a Referendum Question to present to the Eastern Kentucky University community in a campus-wide on-line vote, in which voters were asked to choose between the majority CACTUS position (keep current Federally mandated age limit of 21) and the CACTUS minority position (model state law with minimum legal drinking age of 19). A brief explanation of the reasoning for each side was included. (See Appendix B.) Voting continued through May 7. There were 814 participants compared to 380 in 2008. The CACTUS majority position (keep current Federally mandated age limit of 21) was supported by 330 voters or 41% of the total. The CACTUS minority position (model state law with minimum legal drinking age of 19) was supported by 484 voters or 59% of the total.

CACTUS held its closing ceremony on May 6. After the national anthem, certificates were awarded to CACTUS members by Dean John Wade of the College of Arts and Sciences. Members received CACTUS t-shirts in recognition of their hard work. CACTUS 2009 was then adjourned, followed by pictures, refreshments, and a final exam.

## APPENDIX A

### CACTUS MANDATE 2009

A. The 2009 Citizens' Assembly for Critical Thinking about the United States (CACTUS) must study proposals for changing the current legal drinking age, identify and analyze the perceived problems leading to these proposals as well as arguments in support of the current legal drinking age, and decide if a change is warranted, at what level of government it should be implemented, and whether other provisions should be mandated as a part of the change.

B. In carrying out this mandate, the Assembly must:

**First**, become well informed as to the current laws and policies and proposed alternatives and their rationales

**Second**, consult with other citizens in the Eastern Kentucky University community of students, faculty, and staff, as well as interested members of the broader community, and provide them the opportunity to make submissions to CACTUS in writing and/or orally at public hearings;

**Third**, develop at least two different policy proposals for changing the law regarding the drinking age in the U.S. and then debate and decide between them;

**Fourth**, re-examine the current policy and then debate and decide between it and the chosen alternative.

C. If the Assembly recommends adoption of a change in the current policy governing the legal drinking law, the new policy must be described clearly and in detail in the final report and if a law or laws or a Constitutional amendment would be required at the state or federal level, proposed language for these must be included.

D. If the Assembly recommends keeping the current policy and laws governing it, the final report must explain the reasons for judging this policy to be preferable to the alternative model most favored by the Assembly.

E. The decision described in section A must

- a. be limited to the determination of the appropriate drinking age and any qualifying factors and
- b. take into account the potential effect on the Constitution, the federal division of powers, the role and cost of law enforcement, and the realistic potential for implementation.

F. Issues that arise in deliberations or public hearings that are beyond the scope of the mandate (for example, regulation of other controlled substances) but that the Assembly believes to be relevant to the issue may be addressed in the final report.

G. Whether or not the Assembly chooses to replace or alter the current laws and policies, they must produce a clearly-worded referendum question to this effect to be voted on by the university community and a clearly-worded explanation to be posted with the referendum question.

H. Barring unforeseen circumstances, the Assembly must make its decision and approve a referendum question no later than April 22, 2009, and must complete and approve its final report no later than April 29, 2009.

I. The referendum question must be posted no later than April 24, 2009, and voting will continue through May 5, 2009. The decision of the voters shall be announced at the last meeting of the Assembly on May 6, 2009, or as soon thereafter as possible.

## **Appendix B**

### **CACTUS REFERENDUM STATEMENT:**

**One program within the EKU Quality Enhancement Plan (QEP) is CACTUS (Citizens' Assembly for Critical Thinking about the United States; [www.cactus.eku.edu](http://www.cactus.eku.edu)).**

The student members of EKU's CACTUS have studied and deliberated about the minimum legal drinking age all semester, considering whether to recommend continuation of the current Federal minimum drinking age requirement or propose an alternative policy.

In their final vote a majority, fourteen members, voted to maintain the current Federal law requiring states to set 21 as the minimum legal drinking age or forfeit ten per cent of their grant funds from the Federal Highway Trust Fund.

Eleven members voted in favor of the following alternative proposal:

“CACTUS proposes that Congress not reauthorize the 1984 Minimum Legal Drinking Age Law and recommends that states adopt a state law that provides the following: The **minimum** age for purchasing, possessing, and/or consuming alcoholic beverages will be nineteen.

This applies equally to beer, wine, and hard liquor.

A blood alcohol concentration of .08 will define intoxication.

The minimum age to sell or serve alcohol shall be 18 years of age plus one day.”

Because the closeness of the vote suggests no clear CACTUS consensus, the Assembly invites the University to choose between the two options.

### **WHICH OF THESE OPTIONS WOULD YOU PREFER?? (VOTE BELOW.)**

#### **MAJOR REASONS FOR SUPPORTING THE CURRENT LAW INCLUDED:**

Health issues, such as potential damage to neurological development in 18 to 20 year olds.

Lowering the legal drinking age would not automatically result in more mature drinking behavior or solve social problems with binge drinking.

Lowering the legal drinking age would increase access and use for those below the reduced age, and would increase underage and binge drinking.

Polling data indicate that a majority of the national population supports the 21 limit.

The change would not be politically feasible.

None of the other options considered appeared to provide assured improvement in any of the other social issues raised.

**MAJOR REASONS FOR SUPPORTING THE ALTERNATIVE POLICY INCLUDED:**

Uniformity of rights and fairness:

Adulthood begins earlier than 21 for many social purposes such as military service, marriage, voting, and property rights.

A lower legal age would reduce anti-social and clandestine drinking behaviors.

The scientific evidence of health risks and damage are not sufficiently conclusive to justify the current policy.

The 21age limit does not effectively prevent problems such as underage drinking or binge drinking and may encourage them.

## **Appendix C**

**Complete citations for readings discussed in the “Learning Phase” section:**

Burns, Eric. *The Spirits of America: A Social History of Alcohol* (Philadelphia: Temple University Press, 2004).

“The College Alcohol Crisis” and “What’s the Right Drinking Age?” in Barrett Seaman. *Binge: What your College Student Won’t Tell You* (Hoboken, NJ: John Wiley and Sons, 2005).

Kiesbye, Stefan, ed. *Should the Legal Drinking Age be Lowered?* (Detroit: Gale, Cengage Learning, 2008).

“The Problem of Underage Drinking” in Henry Wechsler and Bernice Wuethrich, *Dying to Drink* (Rodale, 2002).