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THE YOUNG DRINKER AND WISCONSIN LAW

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THE YOUNG DRINKER AND WISCONSIN LAW*

HIGHLIGHTS

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1. Wisconsin's dual state and local laws on teen-age drinking cause youngsters who can't get beer where they live to drive to the nearest "beer island" municipality, thus adding to the highway accident potential. 1

2. Many citizens demand more effective laws to keep teen-agers from combining drinking and driving, but they disagree vehemently on what constitutes a desirable or effective law. 1

3. Before Prohibition, the law was uniform: any drink containing alcohol was an intoxicating liquor, forbidden to any minor. 1

4. Wisconsin made 3.2 beer legal 6 months before Repeal; when the state got around to enacting a post-Prohibition liquor law, the beer-bars were already there, accessible to any unaccompanied minor 18 or older. 2

5. The 1933-34 Special Session of the Legislature left the prior "Beer Bill" intact, and enacted a separate law on intoxicating liquors. This was the start of Wisconsin's dual system of beer bars open to minors and liquor taverns closed to them. 2

6. The perennial proposal to raise the minimum age for beer, introduced 39 times since Repeal, has not become law. 4

7. Twenty-one, not 18, is the legal minimum for beer in most situations. Off the premises of licensed beer-only bars, state law forbids beer to anyone under 21, unless parent, guardian or chaperone is present; and in roughly 60% of the state's municipalities, 21 is the minimum because of local policy. 6

8. If municipal ordinances banning beer for minors increase at the steady pace of the past decade, 21 could become the state-wide minimum without benefit of additional state legislation. 9

9. The increase in 21-year ordinances appears to intensify the problem. Youths begin driving further from home, crowding the outlying bars and increasing the highway accident potential. 10

10. Youthful drinking is apparently much the same whether the youngsters live in a 21-year state, an 18-year state, or in a state where only 3.2 beer is allowed from 18-20. Seven studies conducted in 6 states seem to agree that most teen-agers had their first drink at an early age in the presence of their parents, that youthful drinking is generally temperate, is considered by the youths as a means of demonstrating adulthood, and that the incidence of teen-age drinking seems to be unaffected by prohibitive laws. 12

11. The age/accident statistics processed by the individual states are scarcely comparable and simply not sufficient for valid inferences. 15

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THE YOUNG DRINKER AND WISCONSIN LAW

INTRODUCTION

In Wisconsin, you must be 21 years old to buy a drink of intoxicating liquor. That rule is state-wide. At the same time, Wisconsin law does not consider beer an "intoxicating liquor"--it is a "fermented malt beverage" and may be consumed by minors who are 18 years old or older. But, Wisconsin law gives municipalities the option to prohibit the sale of beer to minors. The result is, that unless you are 21, more than half of Wisconsin's municipalities will not sell you any beer.

This duality of law means that 18, 19 and 20-year old youngsters, if they cannot get beer where they live, may drive out of town to the nearest "beer island" municipality and, once there, some of them manage to consume enough of this fermented malt beverage which legally is not an intoxicating liquor to raise the alcohol content of their blood past the point of driving fitness. Then, unfortunately, they make the headlines, in another of the youthful drinking-driving accidents that contribute to Wisconsin's rising toll of traffic injuries and fatalities.

Some citizens and officials demand more effective laws to keep teen-agers from combining drinking and driving, but they disagree vehemently on what constitutes a desirable or effective law. Others say there are already sufficient statutes to cover every problem situation--if only the laws were enforced. Some are against any age-discriminatory laws, or insist that youthful drinking is not a matter of law, but of social and parental guidance.

The proposals offered most frequently in recent legislative sessions, and thus far killed after a stalemating spate of controversy, raise these questions:

1. Should state laws be made uniform by raising the legal beer drinking age to 21?

2. Should state laws be made uniform by abolishing the local option provision, making the present 18-year minimum truly state-wide?

3. Should there be a compromise state minimum of 19 years, to keep beer from the high school level, and a provision prohibiting the issue of "beer cards" to minors whose county of residence has eliminated beer bars?

THE EARLY LAWS

Before Prohibition, Wisconsin liquor laws were uniform and straightforward: a drink containing alcohol--whether beer, wine or whisky--was an intoxicating liquor; and saloon-keepers and everyone else were forbidden to provide any intoxicating liquor whatsoever to any minor (Sec. 1557, 1919 Stats.).

With Prohibition's advent, the state laws on children and liquor were stricken from the statutes along with other liquor provisions (Ch. 556, Laws of 1919, and Ch. 441, Laws of 1921). Since the law now banned saloons, there could be no regulations concerning them. Operating illegally, bootleggers and speakeasies were not likely to discriminate between adult customers flouting the law and youths following the lead of their seniors. Thus, teen-agers of the 13-year Prohibition period were freer to drink beer and harder liquors than they had ever been before, or would be after Repeal.

THE SEPARATION OF BEER AND LIQUOR

How did the state get separate beer bars in the first place? Wisconsin made 3.2 beer and light wines legal as soon as Federal law permitted, 6 months before the repeal of Prohibition. When the state got around to enacting a post-Prohibition liquor law, the beer-bars were already there, accessible to any minor, provided only that a parent or guardian be with him if he were less than 18.

That was the way beer-oriented Wisconsin wanted it--beer for everyone, liquor for adults only. Governor Schmedeman, in his message to the 1933 Special Session, called to enact post-Prohibition laws, said:

"I recognize that there is a great difference in the several kinds of alcoholic beverages and that this difference should not only be recognized in our statutory system, but should be utilized to lessen the evils of the traffic by encouraging and facilitating the sale and use of the less injurious kinds of beverages by making use of restrictions on the sale and use of the more injurious kinds.

I therefore recommend that the existing beer law remain intact, except for a few necessary amendments which will not disturb the general plan of the law. This law has worked well It has received little or no criticism and I urge that it not be confused with the issue on liquor control."

In its report to the 1933 Special Session, the Interim Committee on the Regulation of Intoxicating Liquors said:

"The 'Beer Bill', providing for the sale of fermented malt beverages, passed by the last legislature, has proved generally satisfactory...For this reason, the Committee felt the liquor bill should, in so far as possible, be separate and distinct from the 'Beer Bill'...

"The Committee feels that the general open sale of beer throughout the state has promoted the cause of temperance. We believe, and the Rockefeller Committee and leading liquor students agree, that the general consumption of beer decreases the use of liquor. We believe that the general open sale and advertising of beer should continue....To prevent the sale of liquor to boys and girls under twenty-one years of age all the old law that the Committee thought of benefit is rewritten in this bill. Their presence is not allowed in a liquor store."

Agreeing with them, the Legislature left the "Beer Bill" intact except for deletion of the 3.2% restriction on the alcoholic content of beer and elimination of all reference to light wines

A separate law on intoxicating liquors, Chapter 176 of the statutes, was created. The new law specifically eliminated fermented malt beverages from the definition of intoxicating liquors and forbade not only the sale of liquor to minors, but their presence where liquor was sold. This was the start of Wisconsin's dual system of beer-bars open to minors and liquor taverns closed to them.

THE RUSH TO REPEAL

The Wisconsin emphasis on beer, and the leading role of the state in abolishing Prohibition show up clearly in this timetable of Repeal legislation:

Dec. 6, 1932--Wisconsin's U.S. Senator John J. Blaine introduces S.J. Res. 211 in Congress, proposing a constitutional amendment to repeal the 18th Amendment.

Feb. 1, 1933--Wisconsin AJR 16 is enrolled, asking Congress to repeal the 18th Amendment and "promptly legalize the manufacture and sale of beer," since the 1932 national Democratic and Republican platforms had both promised such repeal, and "such legislation would give employment directly to many thousands of workmen now unemployed and would benefit all legitimate industries and, thus, prove a stimulus to the return of prosperity."

Feb. 20, 1933--Congress adopts the Blaine resolution proposing repeal of the 18th Amendment, and submits the proposal to the states for ratification by convention.

March 6, 1933--Wisconsin Ch. 23, Laws of 1933, is published, setting up procedure for a state convention on ratification of the Constitutional amendment for Repeal. Delegates are to be nominated by petition, and the 15 "wets" and 15 "drys" filing the largest number of signatures will constitute opposing slates on the spring election ballots.

March 22, 1933--U.S. Public Law 73-4 is signed, permitting 3.2 beer and light wines.

April 4, 1933--Wisconsin votes overwhelmingly for the "repeal slate" of delegates to the state ratification convention, by a vote of ~~9,714,104 to 2,115,902.~~ 641,968 to 141,043

April 25, 1933--Wisconsin is the second state to ratify Repeal, by unanimous vote of the 15 state convention delegates, in accordance with the mandate of the electorate. (Michigan was first, just 15 days earlier.)

June 7, 1933--Wisconsin Ch. 207, Laws of 1933, is published, permitting sale of 3.2 beer and light wines to everyone except unescorted children under 18. (Sec. 66.05 (10), 1933 Stats.)

July 11, 1933--SJR 123 is enrolled, setting up a legislative interim committee on regulation of the sale of intoxicating liquor, in anticipation of repeal of the 18th Amendment.

Dec. 2, 1933--With Repeal imminent, Governor Schmedeman calls for a Dec. 11 special session to enact new liquor laws.

Dec. 5, 1933--Prohibition ends as the 36th state, Utah, ratifies the 21st Amendment, which repeals the 18th Amendment.

Dec. 11, 1933--Special session to enact new state liquor laws convenes.

Dec. 23, 1933--Wisconsin Ch. 1, Laws of 1933 Special Session, is published, removing the 3.2% restriction on the alcoholic content of beer and all references to light wines from the "Beer Bill," Ch. 207, Laws of 1933.

Jan. 19, 1934--Sp. Sess. SJR 26 is enrolled, honoring Wisconsin's Sen. Blaine as father of the Congressional resolution on the question of repeal, and asking "that this legislature, recalling the purpose for which it has been convened in special session, pause to acknowledge the courage and service of John J. Blaine in making repeal of the Eighteenth Amendment a reality."

Feb. 4, 1934--Wisconsin Ch. 13, Laws of 1933 Special Session, is published, enacting liquor statutes (Ch. 176), which include sections banning the sale of liquor to minors or their presence where liquor is sold, and exempting beer from the definition of intoxicating liquors.

TIGHTENING THE LAWS FOR TEENAGERS

A Pandora's box of teen-age drinking problems was opened with the post-Prohibition beer bars. Eighteen-year-olds, from Wisconsin's local option communities and from the surrounding states where 21 was the legal age for beer, drove by the carload to the "beer islands", often winding up in brawls or accidents. Youths under 21 and children younger than 18 used faked birth certificates and forged "ID" cards to get beer and liquor, or persuaded others to get it for them. Youngsters drank in cars and out-of-the-way places, and sometimes their drinking parties figured in news stories.

Disturbed by the situation, many citizens reacted with a call for stronger laws. In response, there have been 94 legislative proposals for further regulation of drinking by minors in the 34 years since Repeal, and 21 of the measures have been enacted. But the perennial proposal to raise the minimum age for beer, introduced 39 times since 1935, has not become law.

Grouped according to the problems they were designed to solve, here are the 21 revisions made since the original Repeal laws were enacted:

A. Furnishing to or Possession by a Minor

Ch. 447, Laws of 1943--Beer not only could not be sold, but also could not be "dispensed, given away or furnished" to anyone under 18 not accompanied by parent or guardian.

Ch. 65, Laws of 1951--Penalties were provided for "any person" supplying beer by any means to anyone under 18 unaccompanied by parent, guardian or spouse.

Ch. 674, Laws of 1957--No one under 21 may possess intoxicating liquor while in a motor vehicle, or possess beer if anyone under 18 is in the car, unless he is the child's parent, guardian or spouse.

Ch. 267, Laws of 1957--Banned purchase of beer by persons under 21 if they are residents of Wisconsin's bordering states, where beer for all minors is prohibited. Students are deemed residents of the place in which they are residing to attend school, and servicemen are considered residents of the municipality in which they are stationed.

Ch. 143, Laws of 1963--Forbade "carry-out" purchase or possession of beer off licensed premises by persons under 21 unaccompanied by parent, guardian or spouse. The legislative intent was specified: "That persons under 21 be permitted to consume fermented malt beverages only under the supervision of parent, guardian, spouse or properly licensed persons... spouse means husband or wife 21 or over."

Ch. 246, Laws of 1963--Reworded 1963 Ch. 143, above, to provide that unemancipated minors not accompanied by parent, guardian or chaperone are forbidden to possess beer or be sold it for consumption off licensed premises.

Ch. 144, Laws of 1963--Penalties were increased for misrepresenting age to secure intoxicating liquor. Any person under 21 "who procures, seeks to procure or consumes in public any intoxicating liquor" is made subject to the same penalties.

B. Loitering on Premises L censed To Sell Beer or Liquor

Ch. 459, Laws of 1943--Forbade anyone under 21 to remain where intoxicating liquor is sold "for any purpose, excepting the transaction of bona fide business other than amusement or(for)consumption of edibles or beverages." To the places listed as exemptions-hotels, grocery stores and bowling alleys-Ch. 459 added drugstores, railroad cars, and "places where the principal business conducted therein is that of a restaurant."

Ch. 159, Laws of 1949--Forbade loitering in beer taverns by unaccompanied youths under 18. The act cited the same exemptions listed in the liquor statutes.

Ch. 636, Laws of 1949--Amended 1949 Ch. 159, above, to add "premises in the state fair park, and parks owned or operated by agricultural societies receiving state aid," to the exemptions to the loitering provision.

Ch. 215, Laws of 1951--Tightened up the loitering sections by changing "remain" to "enter or be" on the licensed premises, except for bona fide business transactions other than amusement "or the purchase, receiving" or consumption of edibles or beverages.

Ch. 74, Laws of 1953--Permitted persons und r 21 in liquor taverns when accompanied by spouse 21 or over.

Ch. 383, Laws of 1953--Added to the list of exemptions to the loitering provision "concessions authorized on state-owned premises in the state parks and forests."

Ch. 371, Laws of 1963--Exempted ski chalets from the provision on loitering on premises where intoxicating liquor is sold.

Ch. 158, Laws of 1965--Exempted golf clubhouses from the provision on loitering on premises where intoxicating liquor is sold.

C. Proof of Age

Ch. 406, Laws of 1947--Required identification ("ID") cards as proof of age for the first time. Issued by municipalities, and containing the individual's name, description, residence, date of birth, photograph and signature, the certificate-cards were to be shown upon demand of the person in charge of the premises or any law enforc ment officer. Youths without identity cards were to be regarded as under 18 in a beer tavern or under 21 in a liquor store.

Ch. 522, Laws of 1953--Provided for the issue of ID cards in "tamper-proof" covers, and for "statement of age" forms for out-of-state visitors without ID cards. A nonresident whose age was in question was required, in the presence of 2 witnesses other than the tavernkeeper or employes, to fill out and sign the form, giving name, residence, purchase date and acknowledgment that the applicant was liable to prosecution for any m srepresentation. This signed statement could be offered in defense by the tavernkeeper, and no penalty would be imposed if authorities were satisfied he acted in good faith.

Ch. 90, Laws of 1959--ID card fees were raised to include cost of hermetically sealed tamper-proof cover.

Ch. 647, Laws of 1959--Age qualifications for ID cards were clarified: applicants must be at least 18.

Ch. 263, Laws of 1965--Provided for a registry book in beer or liquor taverns for anyone whose age was in question. If a tavernkeeper could show he made a sale in good faith, based on a false representation of age in writing supported by other documents and on the fact that the purchaser's appearance would lead an ordinary and prudent person to believe him to be the required legal age, the established facts "shall constitute prima facie evidence of innocenc

D. Local Option

Ch. 564, Laws of 1955--Gave municipalities specific authority to choose 21 as the minimum beer age, thus resolving legal questions concerning 2 subsections of the beer statutes. Sec. 66.054 (13) says: "Nothing in this section shall be construed as prohibiting or restricting any city, village or town ordinances from placing restrictions in or upon the sale of fermented malt beverages, not in conflict with the terms of this section." Sec. 66.054 (16) says: "The provisions of this section shall be construed as an enactment of state-wide concern for the purpose of providing a uniform regulation of the sale of fermented malt liquors."

Ch. 564 added this clause to subsection (13): "...but any city, village or town may by ordinance prohibit the selling, dispensing, giving or furnishing fermented malt beverages to anyone under 21 years of age when not accompanied by parent or guardian or spouse, and all such ordinances heretofore duly enacted and otherwise valid are hereby declared to be valid."

TODAY'S LAWS

Surprisingly, analysis of Wisconsin's current drinking laws reveals that 21, not 18, is the legal minimum for beer in most situations. In roughly 60% of the state's municipalities 21 is the minimum because of local option ordinances. In the remaining municipalities youths at least 18, unescorted by parent or guardian, may drink only in licensed beer bars where the tavernkeeper is legally responsible for their supervision. Off the premises of licensed beer bars, state law forbids beer to anyone under 21, unless parent, guardian or chaperone is present.

In essence, this is what the current statutes say:

Definitions

"Intoxicating liquors" means all ardent, spiritous, distilled or vinous liquors containing 1/2% or more alcohol by volume fit for beverage purposes, but not including "fermented malt beverages" as defined in Sec. 66.054, which contain less than 5% alcohol by weight (Sec. 176.01 (2)).

"Fermented malt beverages" means any liquid for beverage purposes, made by the alcoholic fermentation of an infusion in potable water of barley malt or hops, containing 1/2% or more of alcohol by volume (Sec. 66.054 (1) (j)).

Consumption on Licensed Premises

Under 21, no intoxicating liquor. Penalties: for tavernkeeper or any other person supplying minor, $100-$500 fine or jail up to 60 days or both; for sale to minor under 18, $200-$500 fine or jail 30 days to 8 months, and mandatory jai sentence after first offense. For minor who provides, seeks to procure or consumes liquor in public, fine up to $100, jail up to 10 days or both, and court must restrict or suspend driving privilege for period up to one year (Secs. 176.30 (1) and (2), 176.31 (2) and 343.30 (6) (b)).

Under 21, no beer for visitors from bordering states with 21-year beer laws, unless accompanied by parent, guardian or spouse. Students, however, are considered residents of the municipality in which they attend school, and servicemen are termed residents of the municipality in which they are stationed. Penalty: for tavernkeeper, fine up to $500 or jail up to 90 days or both (Secs. 66.054 (9) (g), 66.054 (22) and 66.054 (15) (a)).

Under 21, no beer in loca option municipalities which enact 21-year beer ordinances as authorized in Sec. 66.054 (13), or choose not to grant local beer bar licenses as authorized by Secs. 66.054 (5) (b) and (c).

Under 18, no beer, unless accompanied by parent or guardian. Penalty: for tavernkeeper fine up to $500 or jail up to 90 days or both, with license subject to revocation at the court's discretion; for any other person procuring beer for a minor under 18, unaccompanied by spous parent or guardian, fine up to $500, jail up to 60 days or both (Secs. 66.054 (9) (b), 66.054 (15) (a) and 66.054 (20)).

Presence on Premises

Under 21, presence is forbidden on any liquor sale premises, unless accompanied by parent, guardian or adult spouse. Penalty: for tavernkeeper, fine up to $250 or jail up to 60 days; for minor illegally on premises, fine up to $20 or jail up to 30 days (Sec. 176.32 (1)).

Under 18, presence is forbidden on beer tavern premises, unless accompanied by parent or guardian. Penalty: for tavernkeeper, fine up to $250 plus costs or jail up to 60 days; for minor illegally on premises, fine up to $20 plus costs (Sec. 66.054 (19)).

Minors whose presence is permitted on liquor or beer premises include residents, employes, lodgers or boarders and persons present for the transaction of business other than amusement or (for) the purchase, receiving or consumption of edibles or beverages (Secs. 66.054 (19) and 176.32 (1)).

Unescorted minors are permitted on certain premises selling beer or liquor, including hotels, drug stores, groceries, bowling alleys, railroad cars, ath etic fields or stadi ms, and bona fide restaurants operating under both a bar license and a restaurant permit. Unescorted minors are also permitted in ski chalets and golf clubhouses with liquor bars, and on state premises where beer is dispensed, including the state fair park, concessions authorized in state parks and state forests and parks owned or operated by agricultural societies receiving state aid (Secs. 66.054 (19) and 176.32 (1)).

Proof of Age

All minors must present authorized ID cards on demand, or be regarded as under 18 in beer taverns or under 21 where intoxicating liquor is sold (Sec. 66.057 (1)).

Minors at least 18 may obtain ID cards personally; parents may procure the certificate-cards for younger minors. Applicants must supply photographs and proof of birth to the county register of deeds, the city, village or town clerk or the local election commissioner. The certificate-cards, enclosed in hermetically sealed, transparent, tamper-proof cases, show the applicant's name, description, photo and signature. Fee for a card is $1, or $1.25 in first class cities (Sec. 66.057 (2)).

Misrepresenting age to purchase beer or liquor, verbally or by document, is unlawful. Penalty (cited only for a violation on intoxicating liquor premises): fine up to $100 or jail up to 10 days or both, and court must restrict or suspend driving privilege for period up to one year (Secs. 66.057 (3), 176.32 (2) (a), 176.31, and 343.30 (6) (b)).

A registry book must be signed by any person whose age is still in question despite documents purporting to prove his age. He must fill in the date of purchase, the identification used, his address and signature. This protects the beer or liquor tavernkeeper in the event of prosecution. If he can show he made a sale in good faith, based on a false representation of age in writing supported by other documents, and on the fact that the purchaser's appearance would lead an ordinary and prudent person to believe him to be the required legal age, the established facts constitute evidence of innocence (Secs. 66.057 (4) and 176.32 (2)(b)).

Drinking Outside of Taverns

Under 21, no intoxicating liquor in public. Penalty: fine up to $100 or jail up to 10 days or both, and court must restrict or suspend driving privilege for period up to one year (Secs. 176.31 (2) and 343.30 (6) (b)).

For unemancipated minors, no beer outside licensed beer bars, unless under the supervision of parents, guardians or chaperones. "Chaperone" is defined as a mature, responsible adult who is present to insure propriety at a gathering of young persons. "Unemancipated minor" is not defined. Exceptions: minors may possess beer for sale or delivery to customers when employed by licensed dispensers; unescorted minors may have beer at certain picnics or similar gatherings, within the confines designated on licenses issued to such sponsors as bona fide clubs, state, county or local fair associations or agricultural societies, lodges or societies in existence six months prior to application, or to posts of ex-servicemen's organizations. Penalty: for person supplying beer off licensed premises to unescorted, unemancipated minors, fine up to $500 or jail up to 30 days or both: for unemancipated minor possessing beer off licensed premises, fine up to $500, jail up to 30 days or both, and court must restrict or suspend driving privilege for period up to one year (Secs. 66.054 (8) (b), 66.054 (24) and 343.30 (6) (a)).

Under 21, no intoxicating liquor in a motor vehicle, and no beer if a person under 18 is also in the car, unless the older minor is the parent, guardian or spouse of the child. Exception: minors may transport any beverages in the course of employment during regular working hours. Penalty: fine of $10 to $200 or jail up to 30 days or both (Secs. 346.93 and 346.95 (2)).

General Laws Also Applicable to Minors 18 to 20

Drunkeness in public to the extent that a person is unable to care for his own safety is unlawful. Penalty: fine up to $50 or jail up to 30 days (Sec. 947.03 (1)).

Supplying an intoxicated person with beer or liquor is unlawful. Penalty: for tavernkeeper supplying beer to intoxicated person, fine up to $500 or jail up to 90 days or both, with license subject to revocation at the court's discretion; for tavernkeeper or any other person supplying liquor to an intoxicated person, fine of $100 to $500 or jail up to 60 days or both (Secs. 66.054 (9) (c), 66.054 (15) (a) and 176.30 (1)).

Entering a common carrier while drunk for any purpose except transportation within a single urban area is unlawful. Penalty: fine up to $100 or jail up to three months (Sec. 947.04 (1)).

Drinking beer or liquor in a moving vehicle on a public highway, or even opening beer or liquor containers in the car, is unlawful except on motor busses. Penalty: fine up to $100 (Secs. 947.045 and 340.01 (31)).

Driving while intoxicated or injuring another through negligent driving while intoxicated is unlawful. Penalty: for intoxicated driving, fine up to $200 or jail up to six months or both for first offense, and mandatory jail 5 days to one year plus a discretionary fine up to $200 for subsequent conviction within five years; for injuring a person through negligent intoxicated driving, jail 30 days to one year (Secs. 346.63 and 346.65).

Homicide due to negligent intoxicated driving is punishable by a fine up to $2,500 or jail up to five years or both (Sec. 940.09).

THE OTHER 18-YEAR MINIMUM STATES

Forty-three states define beer containing the usual 4-7% alcohol as an intoxicating liquor and set 21 as the minimum drinking age; Wisconsin is one of the 7 other states with a lower minimum for standard beer. In addition, 7 of the 21-year states permit the consumption of "3.2" beer by minors, defining beer of not more than 3.2% alcoholic content as nonintoxicating.

Louisiana, Mississippi, New York, North Carolina, South Carolina and Wisconsin forbid regular beer for anyone under 18; in Alaska and Idaho the minimum beer age is 20. In Louisiana and New York, 18 is also the minimum for alcoholic beverages stronger than beer.

The "3.2" states are Colorado, Ohio, Oklahoma, Kansas, South Dakota, Virginia and West Virginia. The legal age for 3.2 beer is 19 in South Dakota, 18 in the other states. Colorado and West Virginia provide for teen-age 3.2 bars separate from taverns for adults. In Oklahoma no one under 21 may consume 3.2 beer on licensed premises, while in Kansas such premises are the only place where 3.2 beer may be consumed by minors.

THE LOCAL OPTION CONFLICT

If municipal ordinances banning beer for minors increase at the steady pace of the past decade, 21 could become the state-wide minimum without benefit of additional state legislation.

In 1957 a League of Wisconsin Municipalities survey showed that at least 150 municipalities prohibited the sale of beer to minors, either by refusing to license beer bars or by 21-year ordinances. The list of 93 villages and 57 cities came to 27% of the state's 550 cities and villages.

Five years later the percentage had more than doubled, rising to 55% of 567 cities and villages in Wisconsin. The League's 1962 survey showed that at least 311 cities and villages refused beer to minors: 12 were totally dry, 115 issued no beer bar licenses, and 184 prohibited beer for minors by ordinance. Since 1962 the total of municipalities with actual 21-year minimum ordinances has risen to 219, according to a Tax Department survey completed in January 1967.

The percentage has been steadily increasing, the League reports; and there are estimates that today roughly 60-65% of Wisconsin municipalities have a 21-year minimum age for beer.

Unfortunately, the increase in 21-year ordinances appears to intensify the youthful drinking-driving problem. More local option spots mean an increase in the number of youngsters who drive out of town to get beer. As the "no beer" edict spreads to neighboring communities, the youths begin driving to other beer islands miles further from home, crowding the outlying bars and increasing the accident potential on the highways. Many insist that the Wisconsin problem would be solved if we would abolish local option in favor of a uniform state age limit. Beginning in 1963, there have been 15 legislative proposals to eliminate local option, linked with proposals for the uniform 21-year minimum that prevails in 43 states, proposals to make 18 the uniform state minimum, or proposals asking for a compromise 19-year minimum.

Other bills have proposed curbing the intercounty highway menace by prohibiting the issue of official beer ID cards to teenagers whose county of residence has no beer bars. Advocates ask why minors should be allowed to evade local ordinances by driving to another municipality when the law keeps out-of-state teenagers from driving over the Wisconsin border for beer they can't get at home.

Critics say that restricting beer cards on a county basis is unrealistic, since local option does not follow county lines. "Solidly 21" counties like Milwaukee are a rarity; most counties have at least one teen-age beer bar and would therefore be permitted to issue beer cards to county residents. Thus the majority of youngsters, even those in a local option community, could still get official ID cards valid in any beer bar in the state.

1965 Assembly Bill 514 attempted another approach to the travel problem, proposing to limit teen-age drinking to the county of residence by forbidding tavernkeepers to sell beer to persons 18-20 unless their ID cards showed that they resided in the county where the licensed premises were located. No action was taken on the bill before adjournment.

There is also a current 19-year minimum proposal that would empower the state Tax Commissioner to license beer-only taverns in areas that do not issue local licenses for such taverns. The intent of the proposal is to use the state licensing authority only where a problem exists, that is, where teen-agers are known to be driving from the dry area to other communities which permit the sale of beer.

The problems involved in this proposal have been outlined in a memorandum issued April 18, 1967, by Tax Commissioner James R. Morgan at the request of Governor Knowles. The memorandum listed these problems:

"1. Wisconsin has a basic philosophy of local government control. The elected legislative body decides whether the minimum age for beer consumption should be 18 or 21. If the age of 21 is chosen and beer-only licenses are authorized, elected city council or village or town board members decide who should receive a license and how many licenses should be issued.

"The suggested 19 year limitation would take the basic pu lic policy decision of minimum beer age away from the people. Instead it invests an appointed state official with this authority It also gives a state official authority to issue beer licenses which is normally a function of the local elected legislative body.

"At the present time 219 municipalities have ordinances that prevent the issuance of class "B" retail beer only licenses. These 219 municipalities represent a population of 1,764,168 or 45% of the Wisconsin population. In addition a number of municipalities in 65 counties have a policy of not issuing this type of a license. A population of 367,555 or 9.33% of the Wisconsin population is represented by this group of municipalities.

"The problem -- the Commissioner of Taxation would be asked to issue licenses in these areas contrary to the wishes of the people representing 54 percent of the state's population.

"2. There is no quota law that restricts the issuance of class "B" beer licenses. At the present time the local licensing board uses its best judgment as to how many, if any, should be issued in their municipality. What would prevent the commissioner from issuing licenses for every request that came to him? What would be the financial effect on established class "A" and class "B" locally licensed businesses?

"3. There is a statutory provision that restricts the licensing board from granting class "B" intoxicating liquor licenses to applicants where such applicant's premises would be less than 300 feet from a school, church, or hospital. There is no similar restriction on class "B" beer-only applications but the local licensing boards would certainly be more responsive to public reaction on such issuances than someone at the state level.

"4. Violations of the law by licensees where the state issued the license would be subject to enforcement by the same state department that issued the license. Criticisms would be many -- a few examples:

(a) The tax department would be criticized for the bad spots it created if enforcement activities resulted in convictions.

(b) If local people felt there was something wrong at the state licensed premise and no arrests were made they might conclude that the department was not diligent in enforcement because it would be embarrassing to make arrests at premises where the state issued the license.

(c) Most of the violations involved with this class of license are related to minors. The state would rightly be criticized for the minor problems it created -- problems that might be as serious as death of minors and other innocent persons if drinking was a factor in the accident.

"5. A statute in New York state that gave unlimited authority to the New York Alcohol Control Commission resulted in a scandal -- the commission had granted licenses on a political basis and accepted payoffs from applicants of large sums of money.

"6. To protect itself the department would have to make background checks as well as a check of police records of all applicants. This work is now done by the local police department for the local licensing board."

THE PATTERN OF TEEN-AGE DRINKING

Youthful drinking behavior is apparently much the same whether the youngsters live in a 21-year state like Michigan, Oregon or Utah, in an 18-year state like Wisconsin or New York, or in Kansas where only 3.2 beer is allowed from 18-20. The findings of 7 surveys conducted in these 6 states yield certain generalizations:

1. The studies point out that most teen-agers have their first drink at an early age in their own home, in the presence of their parents. Young drinkers usually have drinking parents, while abstinent teen-agers have abstaining parents.

2. According to the 7 studies, the incidence of teen-age drinking seems to be unaffected by prohibitive laws. Teen-agers claim parental approval for their drinking and are not particularly influenced by moral, religious and legal prohibitions.

3. The 7 studies seem to agree that youthful drinking, in general, is not an expression of rebellion or hostility, but a means of demonstrating adulthood. Teen-agers see drinking as an adult function which involves conviviality, celebration, or relief from anxiety or tension. Typically, they discuss drinking in terms of what it does "for" rather than "to" a person.

4. All 7 studies conclude that the majority of teen-agers are temperate. Only 2-5% average one drinking episode a day, and problem drinking is rare. The beverage is usually beer or wine, with little consumption of stronger drinks.

Here are some highlights of the 7 teen-age alcohol use studies:

The Nassau County (New York) Study, 1953-54 -- 1,000 high school students, 98% under age 18 and all over 13, were interviewed. Alcoholic beverages were used by 88%; 72% of the drinks consumed during the interview week were wine or beer, 28% were spirits. The first drink had been consumed at home with the family in the majority of cases; fully 95% of the parents used alcoholic beverages. Children aged 14 and 15 were permitted an occasional drink at home by 68-70% of the parents, while 95% permitted it to those over 18. No relationship was found between social adjustment and abstinence. Nineteen "heavy drinkers", all but two under 18, accounted for 25% of the total drinks consumed by all 1,000 students; average grades of the 19 were 70-90%.

The report, "Use of the Alcoholic Beverages among High School Students," was financed by the Sheppard Foundation and prepared by the Hofstra Research Bureau, Psychological Division, Hofstra College.

The Racine County (Wisconsin) Study, 1956 -- 1,000 high school students aged 14 or over were interviewed. Among the 14-year olds, 57% of the boys and 47% of the girls were users of alcoholic beverages. The proportion increased with age to 79% of the boys and 47% of the

girls at age 18 and over. Beer was by far the most frequently used beverage. Fourteen percent drank before parties, 41% at parties, and 69% only on special occasions. Unusual behavior after drinking (fights or heterosexual behavior) was reported by 6%. Seventy-five percent agreed that drinking causes fights and arguments, and 4 times as many drinkers as nondrinkers at parties were regarded as not "regular guys and gals."

Some of the students had attempted to buy alcoholic beverages illegally and some carried false proof of age for that purpose. According to the Racine study, 96% of the Catholic and 86% of the Protestant fathers and 85% of the Catholic and 77% of the Protestant mothers were users of alcoholic beverages. About 17% of the students were not allowed to drink either at home or away from home.

The report, "Attitudes of High School Students toward Alcoholic Beverages," was financed by the Sheppard Foundation and prepared by the University of Wisconsin, Bureau of Economics Sociology and Anthropology.

The Kansas Study, 1956 -- 1,207 Wichita high school students and 1,119 nonmetropolitan high school students, aged 14 or over, were interviewed. In the metropolitan schools 56% and in the rural schools 44% were users of alcoholic beverages. The proportion of users rose with the school grade in both types of school. Beer was the most frequently used beverage. Only 8% of the metropolitan and 5% of the nonmetropolitan boys reported regularly drinking beer once a week or more. Most frequently drinking was done on special occasions, least frequently alone. The majority had their first drink after the age of 16, and mostly at home.

Parental permission to drink beer at home increased in frequency with age. Among metropolitan parents 56% kept alcoholic beverages at home, among nonmetropolitan parents 35%. Illegal attempts to purchase alcohol while under the legal age limit were not frequent among boys and almost nonexistent among girls. More than 50% of users and nonusers agreed that drinking "causes arguments and fights" or "makes parties rough and annoying." Users and nonusers disagreed on such statements as "moderate drinking is fun and harmless."

The report, "Attitudes of High School Students toward Alcoholic Beverages," was financed by the Sheppard Foundation and prepared by the University of Kansas, Department of Sociology and Anthropology.

The Utah Study, 1957 -- 8,507 high school students in the state were interviewed. Seventy one percent had tasted alcohol, but only 4% drank once a week or oftener and 1% on special occasions. In the largest school, attended by a mixture of rural and urban students, a larger proportion of the students had tasted alcohol, the per capita consumption was higher, more parents used alcohol, and more parents permitted its use by children.

Among the reasons for taking the first drink, the most frequent was "just wanted to try it"; next in frequency was "to be sociable." The most common place for drinking was in cars (25% of the sample) followed by one's own or a friend's home. The setting of the first drink, however, was in a home for more than 50%. Of the parents, 54% were abstainers, and of their children, 69%. Of students whose parents drank, 56% abstained.

The study, "Student Drinking in the High Schools of Utah," was the unpublished thesis of E. Jones, University of Utah.

The Michigan Study, 1957 -- 2,247 high school students were interviewed. One-third drank with some degree of regularity, using mostly wine or beer with very little use of drinks with a higher alcoholic content. Most drank in a hidden manner at a "party" in places removed from adult supervision, and often involving the use of automobiles. Ten percent of the student considered themselves "a person who drinks." These students tended to be older, to earn more of their spending money and to come in larger proportions from families with one parent absent.

The report, "Teenage Drinking Patterns in Michigan," was prepared by Christopher Sower, Professor of Sociology and Anthropology, Michigan State University.

The Oregon Study, 1962 -- 1,825 senior students, aged 16-19, in 14 high schools in the most populous areas were interviewed. A high percentage had had some experience with alcohol, beer being the choice of a small majority. Responses indicated drinking was seen as a mark of adulthood and a reflection of adult practices. The majority had their first drink before 16, many before 10, in contrast to Oregon law which makes 21 the minimum drinking age, although parents or guardians may give a minor alcoholic beverages. The first drink was usually tasted at home, but more students drank away from home than at home. From 4% to 19% of the boys and from 4% to 36% of the girls reported they never drank. Top reasons for drinking were "to prove they are big wheels" and "to show they are grownup." The next largest category was of students who drank because they wanted more freedom and less parental control.

The report, "Teen-Age Drinking in Oregon, 1962," based on studies conducted by Oregon State University graduate students enrolled in a course on Alcohol Studies in the School Curriculum, was issued by the State of Oregon Mental Health Division, Alcohol Study and Rehabilitation Section.

The New York Study, 1963 -- Teen-agers of 6 communities of New York State were interviewed, and the final report was a summary of more than 2,000 tables of data prepared from their replies. The data showed that drinking starts before the legal age for purchase, a large group drinks frequently, and most have decided on their use of alcohol by the time they are 16. Twenty percent carried false proof of age, 59% drank mostly in private places, 17% had drunk in restaurants or bars before the age of 18, 45% of those using alcohol received it from their parents.

Upon dividing the groups into "good kids" (those who make good marks, belong to accepted social organizations, are leaders, go out on dates and "behave politely when given questionnaires") and "bad kids," who behave differently, no discernible trend was found in abstaining or drinking alcohol. A comparison with similar studies in other states indicated that New York children drink no more frequently, no earlier, and in no greater numbers than children studied in other states under different control laws. The New York children however, drink larger amounts "than the children admit to drinking in other states."

The study, "Report to the Joint Commission on Alcoholic Beverages Control, New York State Legislature, 1963," was prepared by the Louis M. Wakoff Research Center of the Staten Island Mental Health Society, Inc.

THE INCONCLUSIVE ACCIDENT STATISTICS

As a concession to numerous requests for "the facts" on teen-age drinking and driving accidents certain age/accident statistics have been compiled and are presented for what they are worth. The Legislative Reference Bureau draws no conclusions from these statistics. It cannot: The truth is that the age/accident data processed by the individual states are scarcely comparable and simply not sufficient for valid inferences.

In Table 1, "Age of Drivers--Total Number and Number in Accidents, 1964," for example, the National Safety Council bases its over-all age/accident statistics on data from only 24 states, and makes its own estimate of the number of drivers in each age group. Moreover, the Council says frankly: "The involvement figures do not consider the amount of driving done by drivers of different ages, or the environment of their driving. Complete information is not available on these factors, both of which would affect the involvement rates."

In Table II, "Youthful Driver Accidents in Eight States, 1965," the states cited were selected simply because their accident report procedures were those most comparable to Wisconsin's. However, it is impossible to make the comparison of most interest: the accident pattern in the 18 and 21 year minimum states of minors aged 18-20 compared with those of the next oldest age groups, the young adults of 21-23 and 24-26. The reason is that the age categories used in state reports begin with "17 and under," or "15 and under," "16" and "17". They next switch to a 2-year group, "18-19," then to a 4-year group, "20-24," and continue with 10-year age groups to the final 65 or 75 and older range. It should also be noted that no figures are available on the mileage driven, road and traffic conditions or other possible accident factors.

In Table III, "Youthful Drinking/Driving Accidents, Wisconsin 1964," the statistics are for the year 1964, because that was the only year for which the state Motor Vehicle Department issued accident figures on drinking drivers, in addition to the usual age/accident report. The figures give only the number of drivers in each age group who "had been drinking." There was no information available on the amount consumed or whether the driver had reached a state of intoxication.

"Provisional" 1965 data, issued by the Bureau of Epidemiology, Illinois Department of Health, shows that in Illinois, a 21-year beer state, 19% of the 15-20 year old deceased drivers tested had a blood-alcohol level of .10 or more, a level which current legislation proposes to set as the legal evidence of intoxication. In startling contrast, the Wisconsin Motor Vehicle Department report of its 1965-66 testing program revealed that 58% of the 15-20 year old deceased drivers tested had a blood-alcohol level of .10 or more. Figures obtained for the single year of 1966 show that 56.7% of the Wisconsin 15-20 year group tested had a level of .10 or more.

However, these figures tell us only the percentage with .10 or more blood-alcohol found inside one particular group: the 15-20 year old deceased drivers actually tested. Using other data obtained from the same reports and from the traffic safety divisions of the state Motor Vehicle Department and the Illinois Department of Highways, additional comparisons may be made:

In the Illinois tests, 27 drivers 15-20 years old were found to have a blood-alcohol level of .10 or more. The 27 constituted 2.9% of the total 934 deceased drivers tested; 15.2% of the 173 drivers age 15-20 killed in Illinois in 1966, and 2.2% of the total 1,298 drivers of all ages killed in Illinois in 1966.

In the Wisconsin tests, 34 drivers 15-20 years old were found to have a blood-alcohol level of .10 or more. The 34 constituted 9.2% of the total 369 deceased drivers tested; 20.3% of the 118 drivers age 15-20 killed in Wisconsin in 1966, and 5.8% of the total 591 drivers of all ages killed in Wisconsin in 1966.

For anyone attempting to evaluate the tables that follow, here are some warning words abstracted from an Oct. 1966 Traffic Quarterly article, "A Reappraisal of the Violation and Accident Data on Teen-Aged Drivers," by Prof. David Klein of the Michigan State University Social Science Department:

"The general public, motor vehicle administrators, professional driver-educators, and some accident research workers seem to believe that enough is known about the teen-aged driver not only to permit certain inferences aboutcausalitybut to justify certain legal, educational and insurance measures specifically aimed at this group.

"A rather primitive procedure of relating the number of reported accidents to an estimated number of license holders has led to the inference that accidents are directly related to age, and that the teen-ager by virtue of his age is likely to have more accidents than an older driver.

"The calculation of accident rates must be based not on the size of the driving population but upon its exposure to risk: the mileage driven, road and traffic conditions, and numerous other factors associated with accidents. Exposure is expressed in annual totals of vehicle-miles or passenger-miles, and the apparent disproportion of teen-age accidents depends on the assumption that these total-mileage figures are distributed equally among all licensed drivers. And this of course is patently untrue."

Table I: Age of Drivers--Total Number and Number in Accidents, 1964

Age Group	All Drivers		Drivers in Accidents					
			Fatal		All		Per Total Drive	
	Number	%	Number	%	Number	%	Fatal*	All**
Total	96,000,000	100.0%	57,500	100.0%	21,500,000	100.0%	60	22
Under 20...	9,100,000	9.5	8,100	14.1	3,200,000	14.9	89	35
20-24.....	9,900,000	10.3	10,000	17.4	3,400,000	15.8	101	34
25-29.....	9,200,000	9.6	6,500	11.3	2,550,000	11.9	71	28
30-34.....	9,800,000	10.2	5,600	9.7	2,050,000	9.5	57	21
35-39.....	10,700,000	11.1	4,950	8.6	2,200,000	10.2	46	21
40-44.....	10,400,000	10.8	4,950	8.6	1,900,000	8.8	48	18
45-49.....	9,300,000	9.7	4,300	7.5	1,700,000	7.9	46	18
50-54.....	8,200,000	8.5	3,300	5.7	1,300,000	6.0	40	16
55-59.....	6,600,000	6.9	2,800	4.9	1,150,000	5.4	42	17
60-64.....	5,000,000	5.2	2,400	4.2	800,000	3.7	48	16
65-69.....	3,600,000	3.8	1,900	3.3	650,000	3.0	53	18
70-74.....	2,500,000	2.6	1,400	2.4	350,000	1.7	56	14
75 and over	1,700,000	1.8	1,300	2.3	250,000	1.2	76	15

Source: Accident Facts, 1965 edition, National Safety Council. Drivers in accidents base on reports from 24 state traffic authorities. Number of drivers by age are NSC estimates.

*Drivers in Fatal Accidents per 100,000 drivers in each age group.

**Drivers in All Accidents per 100 drivers in each age group.

Table II: Youthful Driver Accident Involvement In Eight States, 1965

State (and minimum beer age)	Population of age group 1960 Census	All Accidents Total	All Accidents Per 1,000 of age group	Fatal Accidents Total	Fatal Accidents Per 1,000 of age group	Fatal Accidents Per 1,000 accidents
Drivers Under 18						
Ill. (21)	3,444,713	22,886	6.6	163	.05	7.1
Ind. (21)	1,700,993	19,716	11.6	116	.07	5.9
Iowa (21)	988,851	9,885	10.0	63	.06	6.4
N. Y. (18)	5,343,007	17,005	3.2	91	.02	5.4
N. C. (18)	1,778,541	11,171	6.3	105	.06	9.4
Ohio (21; 18 for 3.2)	3,510,311	22,364	6.4	163	.05	7.3
S. C. (18)	993,037	6,410	6.5	64	.06	10.0
Wis. (18)	1,445,192	10,147	7.0	66	.05	6.5
Drivers 18-19 Years Old						
Ill. (21)	248,082	39,493	159.2	249	1.00	6.3
Ind. (21)	126,226	24,285	192.4	142	1.12	5.8
Iowa (21)	72,638	10,863	149.5	83	1.14	7.6
N. Y. (18)	382,765	46,279	120.9	305	.80	6.6
N. C. (18)	154,462	13,905	90.2	174	1.13	12.5
Ohio (21; 18 for 3.2)	245,667	30,232	123.1	277	1.13	9.2
S. C. (18)	85,336	7,084	83.0	70	.82	9.9
Wis. (18)	98,960	15,790	159.6	153	1.55	9.7
Drivers 20-24 Years Old						
Ill. (21)	580,545	80,093	138.0	495	.90	6.2
Ind. (21)	285,070	40,295	141.4	349	1.22	8.7
Iowa (21)	154,715	19,632	126.9	173	1.12	8.8
N. Y. (18)	933,787	89,730	96.1	561	.60	6.3
N. C. (18)	315,981	26,370	83.5	372	1.18	14.1
Ohio (21; 18 for 3.2)	573,711	48,673	84.8	518	.90	10.6
S. C. (18)	168,314	14,529	86.3	189	1.12	13.0
Wis. (18)	222,963	25,231	113.2	216	.97	8.6
Drivers 25-34 Years Old*						
Ill. (21)	1,286,783	117,350	91.2	571	.44	4.9
Ind. (21)	593,940	48,768	82.1	400	.67	8.2
Iowa (21)	316,520	16,507	52.2	173	.55	10.5
*N. Y. (18)	*1,022,505	*70,222	*68.7	*412	*.40	*5.9
N. C. (18)	599,198	31,659	52.8	406	.68	12.8
Ohio (21; 18 for 3.2)	1,261,118	61,292	48.6	600	.48	9.8
S. C. (18)	297,313	18,835	63.4	242	.81	12.8
*Wis. (18)	*527,186	*30,245	*57.4	*258	*.49	*8.5

*New York statistics are for drivers 25-29 years old; Wisconsin statistics are for drivers 25-35 years old; all other figures are for drivers 25-34 years old.

Table II -cont'd.

Source: Based on tables on age of male and female drivers involved in all accidents in 1965 Wisconsin Accident Facts, Motor Vehicle Department, and on the age/accident reports of other states, obtained from the National Safety Council.

Table III : Youthful Drinking/Driving Accidents, Wisconsin 1964

1960 Census		Drivers in All Accidents				Drivers in Fatal Accidents			
Age	Pop.	Total	*HBD	*%HBD	*HBD per 10,000 pop. same age	Total	*HBD	*%HBD	*HBD per 10,000 pop. same age
15	60,516	188	4	2.1	.7	2	none	---	---
16	62,153	3,533	38	1.1	6.1	26	2	7.7	.3
17	63,239	5,636	91	1.6	14.4	49	5	10.2	.8
18	53,036	6,226	298	4.8	56.2	62	13	21.0	2.5
19	45,924	5,914	359	6.1	78.2	60	7	11.7	1.5
20	44,358	5,404	405	7.5	91.3	53	9	17.0	2.0
21	45,440	5,391	468	8.7	103.0	67	15	22.4	3.3
22	45,235	4,237	347	8.2	76.7	46	11	23.9	2.4
23	43,695	3,846	363	9.4	83.1	29	8	27.6	1.8
24	44,235	3,320	309	9.3	69.9	30	8	26.7	1.1
25	45,096	3,249	265	8.2	58.8	36	8	22.2	1.8

*"HBD" is the abbreviation for "had been drinking."

Source: Based on two tables: "Age of Drivers Involved in All Accidents," and "Drivers Who Had Been Drinking--All Accidents--By Age Group." in 1964 Wisconsin Accident Facts, 1965 edition, Motor Vehicle Department.

PRO AND CON

No issue has generated more controversy and emotion than the issue of legislation to control youthful drinking. Many people agree that the combination of young people, automobiles and beer is dangerous, and that the minimum beer drinking age should be uniform, but there is fierce disagreement on the solution.

The following arguments are a composite of the statements of embattled citizens from every segment of the population: parents and youths, educators and clergymen, prohibitionists and beer industry representatives, sociologists and psychologists, child welfare, law enforcement and highway safety authorities, legislators, the Governor and other state officials.

Repealing Local Option

Advocates say:

1. Youthful beer drinking itself is not the problem. Local option is the root of the only problem: the highway accident potential of teen-age trips from "dry" to "wet" communities. We provide a safe local environment for adult drinkers, while we force youngsters to take to the highways.

2. The state should repeal the law which allows localities to reject beer bars, should set a state-wide uniform minimum age, and should make mandatory the issuance of teen-age beer bar licenses in communities where they do not now exist.

3. It is not logical or consistent to apply the local option principle to beer alone. In the case of liquor, the 21-year rule prevails state-wide without exception, and no local community is permitted to change the age requirement at will. The rules on tavern license revocations, on punishment for drunken driving, and other related questions are also set by the state. There is no question of local choice on numerous other questions involving personal liberties and public protection, such as the legal age for marriage, voting, driving licenses and hunting licenses, or the age at which a youth is treated as an adult in court.

Opponents say:

1. Eliminating local option on beer would be contrary to Wisconsin's basic home rule principle and the long tradition of local control over liquor laws. Local units of government know their own problems best and should be able to modify the law to fit local situations.

2. Even if municipalities were not permitted to raise the age to 21, they could still refuse to issue beer bar licenses as a matter of local policy.

3. As for making the issuance of licenses mandatory, it seems unlikely that any Legislature would ever go to the extreme of compelling a municipality to license bars for minors in defiance of the will of the community expressed through its governing body.

The Case For A Uniform 18-Year Minimum

Advocates say:

1. Let's not discriminate against all youths 18 to 20 just because a few have figured in drinking-driving accidents. When an accident involves beer-drinkers in the 21-30 or the 31-40 year group, there is no clamor to raise the beer drinking age to 31 or 41. Raising the minimum from 18 to 21 is even less logical, since the highest accident rates occur among young adults.

2. Age should not be the issue. There are youngsters of 16 who could be trusted with all the beer they want, and there are people of 30, 50 and 70 who cannot be trusted with a glass of the mildest brew.

3. We have effective means of dealing with the problem without arguing over age limits. Our current laws on drinking and driving apply to everyone 18 or over. If the offending driver happens to be young, no change in the law is needed to revoke his license and impose a steep fine or jail sentence or both.

4. The dangerous "beer island" traffic would practically disappear if we abolished the local option privilege that makes it a crime for those under 21 to drink beer in some communities, while those over 21 can stay off the highways and get beer in local bars.

5. The 21-year laws are unworkable; studies indicate that legal restrictions do not stop teen-agers from drinking or decrease their accident rates, whether the state law says 18 or 21.

6. Raising the minimum to 21 would only make things worse. Youths in the first stages of adulthood, enjoying parental and social sanction to drink beer as other youths 18 to 20 have for more than 3 decades, would suddenly be forced into a "junior prohibition." Teen-age drinking would be driven underground, making control more difficult. The supervised bars where youths now gather would close, and there would be unchaperoned, clandestine drinking in parks, barns, vacant cottages, any secret out-of-the-way place the youngsters could find.

7. Drinking in cars would increase, with a corresponding decrease in highway safety. Hard liquor, so much easier to conceal, would tend to supplant beer. Disrespect for the law would grow, increasing the juvenile crime rate. Organized crime would move into communities in the wake of bootleggers eager to profit from teen-agers today as they profited from adults in the earlier Prohibition era.

8. Finally, say the advocates of an 18-year beer age, let's not make second-class citizens of an entire age group. If youths 18-20 are old enough to marry, have jobs, pay taxes and serve in the armed forces, they are old enough to enjoy the other privileges of adults.

The Case For A Uniform 21-Year Minimum

Advocates say:

1. Before the Prohibition era, Wisconsin recognized beer as just one of the alcoholic beverages sold in saloons and forbidden to minors. The 1933 Legislature, however, in hasty efforts to implement the federal repeal of Prohibition, passed an unrealistic law; and in the 3 decades since, Wisconsin statutes have maintained the fiction that beer is not intoxicating, and that minors 18 to 20 may consume it in sobriety. The facts refute this fiction, just as they would refute a statement that said, "black is white," or "water is not wet." Beer is intoxicating. The proof lies in the court records of those 18 and older whose trouble started when they got drunk on beer, and in the statistics on the rising number of youngsters involved in highway accidents after drinking beer. The law should be clarified to place beer in the same category as intoxicating liquor and to prohibit its sale to minors. Any form of alcohol has the same effect.

2. It is nonsense to argue that closing the teen-age bars would mean "no place to go." Youngsters do not need beer to bolster their natural exuberance; they can have just as much fun at youth centers that dispense nothing more alcoholic than cokes.

3. Youths 18 to 21 are too emotionally immature to drink beer, especially when drinking and driving are combined. The teen-ager's driving judgment and skill, newly acquired, are impaired faster by alcohol than the judgment and skill of experienced adults. In addition, adolescents are more restless, more brashly adventurous. They seek excitement by action,

speed, taking chances. As their inhibitions dissolve in alcohol, young drinkers are not only more accident-prone, but more inclined to immorality, vandalism and violence.

4. A 21-year minimum beer age would help protect adolescents from their own immaturity. It would ease law enforcement problems by removing the confusing distinction between beer and other liquor. It would strengthen guidance and discipline by parents, now frustrated by a law that lets their children drink. It would eliminate the high-school drinking situation, including the problem of youths 18 to 21 influencing the drinking habits of even younger teenagers. It would bring Wisconsin into line with the surrounding 21-year states and with the 43 states in the nation that now forbid beer of the usual alcoholic content to minors.

5. A state-wide 21-year minimum would curtail the deaths that occur when young people are involved in traffic accidents as they drive home from the "beer islands." If the death of even a single youth could be prevented, it would make raising the beer drinking age to 21 worthwhile.

6. Advocates of a compromise minimum of 19 or 20 do not take into account the fact that we can't get uniformity at any age but 21. Under present law the state cannot compel any community to issue licenses permitting beer sales to minors if the community refuses. We would continue with the same patchwork of dry communities and dangerous "beer island" traffic that we have now.

7. Finally, say the advocates of a 21-year beer age, a 21-year minimum is what the majority of the people want. They demand it in letters, phone calls, and visits to the legislators and the Governor. Almost every election results in at least one more community exercising its local option privilege to join the growing number of communities barring beer to minors. This ground swell of opinion indicates that if a state-wide referendum were held tomorrow, most of the people of Wisconsin would vote for a uniform 21-year minimum.

A Compromise 19-Year Minimum

Advocates say:

1. Raising the minimum just one year is a far less drastic step toward uniformity than suddenly denying the entire 18-20 population the beer drinking privilege they have enjoyed for years.

2. Eliminating those 18 would draw the line at the least mature of the present "beer age" minors, and still permit the more mature to keep their "pre-adult" privilege of patronizing beer-only taverns. It would eliminate high-school age drinking, reduce the problems of overcrowding and supervision in teen-age bars, and slash the highway migration by at least a third.

3. A 20-year minimum has been suggested, but a 2-year increase seems almost as drastic a change as going all the way to 21. We should enact a 19-year minimum, and see if that is not sufficient to solve the problem. Those who advocate a graduated increase to 19 the first year, 20 the second year, and finally 21, are really arguing for 21. This proposal could only mean additional controversy and confusion every year of the "phase-out," and the final effect would be just as drastic as setting 21 in the first place.

Opponents say:

1. A compromise age is meaningless when the only issue is whether to permit beer to minors of 18-20, the stage between legally defined childhood and adulthood, or to have them wait until they are legally adults.

2. An increase to 19 would not keep beer from the high school crowd, since 19 and 20-year old beer drinkers would continue to influence their 18-year old friends.

3. Beer island traffic hazards would continue, if local option communities retained 21-year minimums. Even if they could be compelled to issue licenses to sell beer to those 19 and 20, the effect would be to lower the minimum by 2 years in communities comprising more than half the population of the state, while raising it one year in the remainder of the state.

4. A 19-year minimum would add something new to the interstate confusion. Instead of being one of the 18-year minimum states, or joining the 21-year states, Wisconsin would become the only state in the nation with a 19-year beer drinking age.

THE 1967 MINIMUM BEER AGE BILLS

So far, 5 bills concerned with the minimum beer age have been introduced in the 1967 legislative session. A summary of the bills follows:

Senate Bill 82 -- Together with Senate Bill 81, this constitutes Governor Knowles' highway safety program. Secs. 8-10 of Senate Bill 82 raise the legal age for purchase and consumption of beer to 21, unless the minor is accompanied by parent, guardian or adult spouse. Of this proposal Governor Knowles has said, "Our concern is not with the morality of beer drinking. Our concern is to curtail the deaths that occur when these young people are involved in traffic accidents as they drive home from the 'beer islands'." He has indicated that if this proposal fails, he will urge a state-wide referendum on the question of raising the beer age to 21.

The bill would also repeal the clauses on local option and minors from out-of-state. They become unnecessary if 21 is made the uniform minimum. Other provisions require a person to be at least 21 to obtain an official ID card, and broaden the proof of age clause to make official documents other than ID cards acceptable.

The bill provides that anyone of youthful appearance who cannot present proof of age shall be "regarded as a person under the age of 21 and subject to the penalties under s. 66.054 (20) Sec. 66.054 (20) now applies to adults supplying beer to minors, and provides a penalty of a fine up to $500 or jail up to 60 days or both.

Assembly Bill 98 -- The minimum age for purchasing and drinking beer is raised to 21, with no waiver for occasions when the minor is accompanied by parent, guardian or spouse. The bill requires a person to be at least 21 to obtain an official ID card (although parents may still secure a card for a minor child), and the local option clause is deleted.

The impact of the law is cushioned by a provision exempting those who reach the age of 18 before January 1, 1968. This would allow the current crop of 18-20 year olds now permitted to drink beer to continue for the few years remaining before they reach 21.

Assembly Bill 153 -- The legal age for purchasing or drinking beer is raised to 19, unless accompanied by parent or guardian. A parent, guardian or adult spouse must sign approval on any application by a person 19-20 for an official ID card, and persons 19-20 may not apply for an ID card if there are no bars in their county of residence selling beer to minors.

Only official ID cards may be relied on as documentary proof of age by a person selling beer to a minor, and any unaccompanied minor on licensed premises who fails to show an official ID card on demand may be fined $10-$50 or jailed 30 days or both.

The Department of Taxation is to prescribe application forms and procedures and is to process and issue multi-color, numerically serialized, tamper-proof cards, with 50% of the $2 fees allocated to the state general fund, the other half to the treasury of the county of issue. The department would also be charged with enforcing the identification card laws along with municipal law enforcement officers.

Assembly Bill 265 -- The bill provides that even if passed by the Legislature, the act would take effect only if approved by a majority of those voting on the question at the April 1968 election. The bill raises to 21 the minimum age for purchase or consumption of beer or presence in a beer bar, unless accompanied by parent or guardian. The local option clause is deleted.

Assembly Bill 485 -- This bill rescinds the authority of municipalities to increase the local minimum beer drinking age to 21 by ordinance. It leaves intact the current state law setting the minimum beer drinking age at 18.

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