

Ruling due on drinking age hike suit

By MICHAEL MATUSZEWSKI

Whether beer-drinking adults under 21 will be able to hang out at their favorite bars after Saturday will be decided by United States District Judge Ralph B. Guy by Dec. 23.

Michigan voters approved a constitutional amendment Nov. 7 raising the legal drinking age limit to 21. Their decision is being challenged by a group of bar owners and persons who will not be able to drink after Dec. 23, as well as the Michigan Committee for the Age of Responsibility (MICAR).

Attorney Averm Cohn, the principle lawyer representing MICAR and other plaintiffs, said persons 18 and older would be discriminated against because they enjoy adult status in all other areas.

On constitutional grounds, he said the new amendment violates the equal protection clause of the 14th Amendment of the U.S. Constitution.

Judge Guy is expected to make one of three decisions. He can support the newly-approved constitutional amendment, support MICAR, or issue a temporary restraining order preventing the amendment from going into effect.

AFTER TWO DAYS of testimony, witnesses for the state and those challenging the amendment agreed on several points, including the fact that there is no difference between the drinking habits of the 18-, 19- and 20-year age group and those 21-, 22-23 and 24-year-olds.

They also agreed that the 21-year-old age restriction is arbitrary.

"Our basic contention is that they don't behave differently than older drinkers," said attorney Stephen Wasinger, one of five attorneys representing MICAR and other plaintiffs. "They behave exactly the same," he said.

THOUGHTOUT THE campaign, supporters of Proposal D, which raised the drinking age, charged that the lowering of the drinking age to 18 in 1972 caused a major increase in the number of alcohol-related traffic accidents and deaths among 18- to 20-year-olds.

Since 1972, "18-year-olds were most frequently involved in alcohol-related accidents," testified Richard Douglas, of the Highway Safety Research Institute (which is affiliated with the University of Michigan).

"Every state that has changed the drinking age (lowered it) has experienced the same phenomenon," he added.

Moreover, Douglas, who actively campaigned for Proposal D, said the law was directly responsible for the increase in the 18- to 20-year-old age group's involvement in alcohol-related traffic accidents.

Testifying that "traffic accidents are the leading cause of death among teenagers," he said the (state) legislature acted to increase that cause of death by lowering the legal drinking age.

PROMPTED BY Wasinger's persistent questioning, Douglas admitted that the increase in the involvement of the 18-, 19- and 20-year-olds in alcohol-related deaths brought them up to the level of their 21-, 22- and 23-year-old counterparts.

He said the comparison between the two age groups was "remarkably similar," adding that "it would appear that they are dying at the same rate." Following Douglas' admission, Wasinger relaxed the testimony.

"It shows," he said, "that when they were given the right to drink, they went from acting like juveniles to acting like adults."

While 18-, 19- and 20-year-olds may be following in the footsteps of their more elderly drinkers, the witnesses also agreed that limiting drinking to those 21 and older was an arbitrary decision.

Agreeing that there was "no rational evidence" for setting the age limit at 21 were Douglas; Kenneth Easton,

administrator for the Michigan Office of Substance Abuse Services; Louis R. Zako, a doctor who is the chairman of the council for the Michigan State Medical Society; Margaret Clay of the University of Michigan's Mental Health Research Institute and Phil Haseltine, director of the Michigan Office of Highway Safety Planning.

Their opinions were based on findings that there were "no significant" differences in the rate of involvement in alcohol-related accidents between either age group.

ASSISTANT ATTORNEY Generals George Weller and Deborah Devine, throughout the two days of hearings, maintained that the 21st Amendment to U.S. Constitution expressly gave states the right to regulate alcoholic beverages.

"The people have spoken," Miss Devine said. "There is no fundamental right (of) access to alcohol," Weller said.

Loser will appeal

United States District Judge Ralph B. Guy yesterday promised to issue a ruling by 5 p.m. tomorrow in the suit challenging Michigan's newly-raised drinking age.

The new drinking age, which will ban several hundred thousand 19- and 20-year-olds from Michigan's bars, is scheduled to take effect Saturday.

Following two hours of closing arguments, Judge Guy promised at least an oral ruling by late Friday afternoon.

If Judge Guy upholds the new amendment to the Michigan constitution, attorney's for the Michigan Committee for the Age of Responsibility say they will file "an immediate appeal" to the Sixth Judicial Circuit Court of Appeals in Cincinnati, Ohio.

If Judge Guy strikes down the amendment limiting drinking privileges to those 21 or older, the attorney general will appeal, according to an assistant attorney general.

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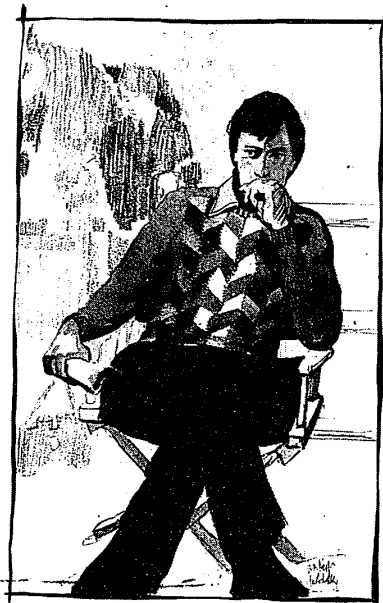
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