

An Objective and Independent
View of Proposal A

By Gerald A. Taitano
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Guam Election Commission

PROPOSAL A
INITIATIVE MEASURE

This initiative measure proposes to Raise the Minimum Age for Consumption and Purchase of Alcoholic Beverages to Twenty-One Years of Age.

Coalition 21 Save Lives, Save Families

This statute will make it illegal for any licensee, agent or employee to sell or give any alcoholic beverages to persons under twenty-one years of age. The Act also makes it illegal for individuals under twenty-one years of age to purchase or possess alcoholic beverages or to use a false identification document to purchase or otherwise obtain alcoholic beverages. The Act, with regards to possession of alcoholic beverages, shall not apply to individuals employed at establishments that sell or serve alcohol, during times of employment.

This statute changes sections §3419, §3420 and §3619, Chapter 3 of Title 11, Guam Code Annotated.

Section 3419. Same: To Persons Under Age 21 states that a licensee, his agent or employee shall not sell, give nor permit to be sold, given or served any alcoholic beverages to any person under twenty-one (21) years of age. For the purpose of preventing any violation of this section, any licensee or his agent or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of twenty-one (21) years. In any criminal prosecution or proceeding for the suspension or revocation of any license and based upon a violation of this section, proof that any defendant licensee or

his agent or employee demanded and was shown, before furnishing any alcoholic beverage to a minor, and identification card or other bona fide documentary evidence of majority of such person shall be a defense to such prosecution or proceeding for the suspension or revocation of any license. Every person who violates this section shall be guilty of a petty misdemeanor.

Section 3420. Same: False Identification by Persons Under Age 21 states that any person, under twenty-one (21) years of age, who exhibits a false identification card or false document for the purpose of purchasing or obtaining alcoholic beverages, shall be guilty of a petty misdemeanor.

Section 3619. Same: Persons Under Age 21 states that any person under the age of twenty-one (21) years purchasing or in possession of any alcoholic beverages shall be guilty of a petty misdemeanor. This provision, with regards to possession of alcoholic beverages, does not apply to persons working for an establishment that sells, gives or serves alcoholic beverages in the course of their employment but only while in the process of performing work for and on behalf of said establishment.

The Ballot Format for the Initiative Question
is as follows:

INITIATIVE QUESTION

SHALL PROPOSAL A, AN INITIATIVE TO RAISE THE MINIMUM AGE FOR CONSUMPTION AND PURCHASE OF ALCOHOLIC BEVERAGES TO TWENTY-ONE YEARS OF AGE, BE ADOPTED BY THE VOTERS OF GUAM?

VOTE "YES" OR "NO"

- () YES
() NO

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GENERAL
ELECTION 2006



VOTERS INFORMATION
PAMPHLET ON
PROPOSAL A

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A Proponent's View of Proposal A

By Ms. Rita M. Castro

I cry for the loss of my son. I cry for him every day and I wish I could turn back the clock, but I cannot. I hope that all the parents and all the children of Guam learn and remember what killed my son was alcohol. Shawn was a wonderful loving son, caring and strong.

No matter what parents do to talk to their kids about alcohol, sometimes it just doesn't work. Shawn was a good high school student. What's happening here on Guam is that an 18-year-old can buy alcohol and then go to parties with 16-year-olds and bring beer. Prop A will help because 21-year-olds are not in high school anymore, so it would be harder for them to give alcohol to those who are younger.

Doctors have said that drinking alcohol harms those who are under the age of 21, especially to the developing brain.

If you start to drink alcohol under the age of 21, you are at a higher risk of abusing alcohol and getting into trouble later in life. No one wakes up at age 40 as an alcoholic; majority of them started drinking alcohol under the age of 21.

I want to tell the people of Guam to please don't wait until it hits you at home, because I don't want you to go through the pain that our family is going through right now. I dream of Shawn coming home, only to wake up in tears. As a mother, this pain will never go away.

Now look at all the alcohol advertising on Guam — there are so many on the streets and in the villages. Maybe this is the reason why many of them don't want the drinking age to be 21. The more people drink, including the young ones, the more money they make.

There are people who say that you can join the military, get married and do other stuff at 18. But

what does all that have to do with drinking alcohol? Think about it; be smart. Drinking alcohol does not help you make better decisions; it does not make you think faster or smarter; it does not make you a better soldier; and it does not make you a better student or a better person.

Please, this is for all parents out there that haven't experienced the pain I am going through right now. It is a pain that you would not want to go through. I lost a mother and sisters, but losing your own child is like half of your heart is missing. Waking up every morning knowing that my son is gone sometimes makes me want to follow him. But luckily, I always ask the LORD to make me strong for the rest of my kids, especially for my youngest who has special needs.

Please vote YES on PROP A to save our children.

Rita M. Castro is a member of Victim's Advocate for Coalition 21.

An Opponent's View of Proposal A

By Atty. Anita P. Arriola

Guam's legal drinking age has been 18 for over 30 years. And like Guam, the legal drinking in the majority of nations around the globe is also 18. In 2002, Guam voters soundly and clearly rejected a call to raise the drinking age to 21. The voters of Guam should vote NO again on the ballot initiative, Proposal A, the latest attempt to raise the drinking age to 21.

Proposal A will NOT make roads safer — the vast majority of drunk-driving arrests (94%) would not be affected by Proposal A. Consider the following:

- Guam Police Department statistics in 2005 indicate that only 6 percent of drunk-driving arrests were for drivers under 21.

- The Attorney General's office states that from 2003 to 2006, 18- to 20-year-olds constituted only 4 percent of those who were charged with DUI.

- The Department of Corrections report indicates that between 2001 and 2005, those under 21 made up only 8 percent of all DUI arrests and confinements.

Proposal A will NOT reduce underage drinking and here's why:

- Proposal A makes it illegal for persons under 21 to **purchase or possess** alcohol, but it does not make it illegal to **drink or consume** alcohol.

- This flaw in the language will make it more difficult for police officers to enforce the initiative if passed into law.

- According to the Guam Substance Abuse Epidemiological Profile, alcohol use and binge drinking among youth on Guam is already **lower** than the U.S. national averages — where

the drinking age is 21—and the numbers on Guam are **decreasing**.

Proposal A will hurt Guam's economy. Local businesses and citizens will be impacted:

- The hospitality industry is an important part of our economy, employing thousands of people and contributing millions of dollars in wages and taxes.

- Alcohol sales on Guam to adults between 18 and 20 comprise about 10-15 percent of business for restaurants and 15-40 percent of business for bars and nightclubs.

- Hotels would also be affected, as their restaurants and special events generate alcohol sales to this age group.

- If this revenue is lost, businesses will be forced to reduce employees' hours or terminate them altogether.

The majority of 18- to 20- year-old young adults in Guam are productive citizens in our community. They vote, pay taxes, marry, raise families, join the military and fight and die for our country. But if Proposal A passes, it will be illegal for these same young adults to buy or possess alcohol. Proposal A would allow the abuses of a few to take away the rights of the vast majority of adults 18 and over who drink responsibly.

Our families will not be safer if Proposal A passes. In fact, this initiative will have no impact on the 9 out of 10 drunk drivers on Guam roads — but it will negatively impact our economy and unnecessarily discriminate against our young adults. We urge voters to vote **NO on Proposal A.**

Anita P. Arriola is an attorney and a member of Responsible Choices for ALL Adults Coalition.