



## Supreme Court CASES TO DEBATE

### South Dakota v. Dole, 1987

*Drinking and driving  
is a serious national  
problem. Congress tried*



**Students Against  
Driving Drunk**

*to deal with this problem when it required states to raise their legal drinking age to 21 as a condition for getting federal highway funds. Does the Constitution allow Congress to set such restrictions on federal grants to the states? The Court addressed this in South Dakota v. Dole.*

#### *Background of the Case*

In the mid-1980s Congress concluded that a lack of uniformity in the minimum drinking age among the states was contributing to a national highway safety problem. A Presidential Commission on Drunk Driving appointed to examine alcohol-related accidents on the nation's highways had concluded that the lack of uniformity in the minimum drinking ages set by the states created "an incentive to drink and drive" because "young persons commute to border states where the drinking age is lower." Congress passed a law in 1984 directing the secretary of transportation to withhold 5 percent of federal highway funds from those states that did not adopt 21 years old as the minimum drinking age. South Dakota, a state that permitted 19-year-olds to purchase alcohol, challenged the law as a violation of the Constitution.

#### *The Constitutional Issue*

Article I, Section 8, of the Constitution gives Congress the authority to "lay and collect Taxes,

Duties, and Excises to pay the Debts and provide for the common Defence and general Welfare of the United States." In carrying out this spending power the Supreme Court had ruled in a 1936 case, *United States v. Butler*, that Congress could attach conditions on the receipt of federal funds.

South Dakota recognized Congress could set some conditions on those who received federal dollars. However, South Dakota argued that the Twenty-first Amendment barred Congress from requiring the states to raise the drinking age to 21 years old. The amendment, South Dakota claimed, "grants the states virtually complete control over whether to permit importation or sale of liquor and how to structure the liquor distribution system." South Dakota also argued that setting a minimum drinking age was clearly within the "core powers" reserved to the states by the amendment. The secretary of transportation conceded that the amendment did give the states authority to impose limits on the sale of alcohol. However, he argued, it did not give states the power to allow sales Congress wanted to stop in order to promote the important national goal of safety on interstate highways.

### Debating the Case

#### Questions to Consider

1. Did the congressional requirement to raise the drinking age contribute to a national goal?
2. Would South Dakota violate anyone's constitutional rights by making the drinking age 21 in order to get the federal funds?

#### You Be the Judge

In your analysis, was the Twenty-first Amendment an "independent constitutional bar" that prevented Congress from putting the condition of a minimum drinking age on federal highway funds given to the states? Explain your answer.