



TOPIC: History of the .08 Blood Alcohol Concentration Legal Limit

GRADES: 9 – 12

STANDARD(S): Common Core Standards for Literacy in History/Social Studies

OBJECTIVES

- Understand the importance of interest groups, in the context of drunk driving laws
- Understand the incentives that might drive interest groups to support or oppose a proposal
- Understand how the federal government can use funding to influence state policy
- Identify barriers to passing laws

PROCEDURE

- Assign the following video, brochure, and three articles **introducing the .08 BAC debate**, and the accompanying worksheet
 - READ: [“The ABCs of BAC”](#) (National Highway Traffic Safety Administration, or NHTSA)
 - READ: [Senate Ties Crackdown on Drunk Drivers to State Highway Aid](#) (Washington Post)
 - READ: [Alcohol Lobby Fights Drunken Driving Bill](#) (Washington Post)
 - READ: [Pressure Politics Bottled Up Drunk-Driving Rule](#) (Washington Post)
 - WATCH: [Oklahoma Senator Don Nickles’s speech on Senate floor](#) (C-SPAN)
- Assign the following two readings **introducing the 2000 .08 BAC debate**, and the accompanying worksheet
 - READ: [“House and Senate Agree on Drunken-Driving Law”](#) (New York Times)
 - READ: [Legislative History of .08 Per Se Laws – Introduction](#) (NHTSA)
- Assign the following two readings about **participants in the 2000 .08 BAC debate**, and the accompanying worksheet
 - READ: [Legislative History of .08 Per Se Laws – Key Participants](#) (NHTSA)
 - SKIM: [Legislative History of .08 Per Se Laws – Arguments Against .08](#) (NHTSA)
- Assign the following video and five readings about **strategies and barriers in the 2000 .08 BAC debate**, and the accompanying worksheet
 - READ: [Legislative History of .08 Per Se Laws – Supportive Strategies](#) (NHTSA)
 - READ: [Legislative History of .08 Per Se Laws – Barriers to Passage](#) (NHTSA)
 - READ: [Bid to Toughen Drinking Law Holds Up Transportation Bill](#) (New York Times)
 - READ: [Clinton signs tougher drunken driving law](#) (CNN)
 - WATCH: [National drunk driving law](#) (C-SPAN)
 - READ: [Slow to Toe the DUI Line](#) (Governing)

SUMMARY

By the end of this lesson, students should be able to identify barriers to passing laws, understand how the federal government can influence state policy, and describe the importance of interest groups and key elected officials in passing or blocking laws.

Common Core Standards for Literacy in History/Social Studies

CCSS.ELA-Literacy.RH.12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-Literacy.RH.12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-Literacy.RH.12.3: Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

CCSS.ELA-Literacy.RH.12.7: Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

HISTORY OF .08 BAC WORKSHEET ANSWERS

Introduction to .08 BAC and the 1998 debate

Answer these two questions BEFORE you read the articles and watch the video:

1. Do you believe that the federal government should pass laws that try to prevent drunk driving? If so, why? If not, why not?

2. Name one organization that might support an increased crackdown on drinking and driving, and one organization that might oppose it.

Review the links provided, then answer the following questions.

- READ: [“The ABCs of BAC”](#) (National Highway Traffic Safety Administration, or NHTSA)
- READ: [Senate Ties Crackdown on Drunk Drivers to State Highway Aid](#) (Washington Post)
- READ: [Alcohol Lobby Fights Drunken Driving Bill](#) (Washington Post)
- READ: [Pressure Politics Bottled Up Drunk-Driving Rule](#) (Washington Post)
- WATCH: [Oklahoma Senator Don Nickles’s speech on Senate floor](#) (C-SPAN)

Answer the questions based on the links above:

1. Name three typical effects of a .08 BAC.

2. In 1998, some elected officials and advocacy groups tried to pass a policy that would withhold federal highway funding from states unless those states passed a .08 law. They succeeded in the Senate, but ultimately could not get the bill to pass in the House. Name one reason why you think they weren't successful.

3. Summarize Senator Don Nickles's argument in the video. Do you agree or disagree with his position? Give one reason for your opinion.

4. Name one legislator (besides Senator Nickles) who opposed the .08 BAC restrictions. Based on the articles, why do you think that legislator opposed the bill?

Challenge question: Why couldn't the federal government just mandate a nationwide .08 limit?

INTRODUCTION TO THE 2000 DEBATE

Review the links provided, then answer the following questions.

- READ: [“House and Senate Agree on Drunken-Driving Law”](#) (New York Times)
- READ: [Legislative History of .08 Per Se Laws – Introduction](#) (NHTSA)

Answer the questions based on the links above:

1. Name five organizations that supported a .08 BAC law.
2. Why would a car company like Ford or General Motors support a .08 BAC law?
3. Name two arguments for a .08 BAC law.
4. In 2000, Congress passed a law that said states must pass a .08 BAC law or else they would lose some federal highway construction funds. When did the National Highway Traffic Administration recommend that states should enact .08 BAC laws? What do you think caused this recommendation to take so long to get passed?

5. In 1998, Congress enacted a bill that would give grants to states that enacted .08 BAC laws. In 2000, Congress passed a bill that would withhold highway construction funding from states that did not enact .08 BAC laws. Why might the 2000 provision be more effective in getting states to pass .08 BAC laws?

Challenge question: The National Governors' Association, the National Conference of State Legislatures, and the National League of Cities also opposed the .08 limit, believing that the federal government shouldn't be telling the states how to manage their drunk driving laws. Do you think it is fair for the federal government to withhold funding from states if they don't enact certain laws?

KEY PARTICIPANTS AND ARGUMENTS IN THE .08 DEBATE

Review the links provided, then answer the following questions.

- READ: [Legislative History of .08 Per Se Laws – Key Participants](#) (NHTSA)
- SKIM: [Legislative History of .08 Per Se Laws – Arguments Against .08](#) (NHTSA)

Answer the questions based on the links above:

1. Why is it important for supporters of .08 at a state level to get a Governor to support the proposal?

2. Name two organizations that opposed a .08 BAC limit.

3. Law enforcement, prosecutors, and district attorneys were divided over the issue. Name one reason why some of them were opposed.

4. Why was it important to have large corporations support .08 BAC proposals?

5. Name three arguments that were made in opposition to a .08 BAC.

6. Choose one argument you mentioned in question 5. Write a rebuttal to that argument.

STRATEGIES, BARRIERS, AND AFTERMATH

Review the links provided, then answer the following questions.

- READ: [Legislative History of .08 Per Se Laws – Supportive Strategies](#) (NHTSA)
- READ: [Legislative History of .08 Per Se Laws – Barriers to Passage](#) (NHTSA)
- READ: [Bid to Toughen Drinking Law Holds Up Transportation Bill](#) (New York Times)
- READ: [Clinton signs tougher drunken driving law](#) (CNN)
- WATCH: [National drunk driving law](#) (C-SPAN)
- READ: [Slow to Toe the DUI Line](#) (Governing)

Answer the questions based on the links above:

1. Why is it important to build a large coalition to advocate for a bill?

2. How can the media influence the outcome of legislation? How did media impact the .08 debate?

3. In one state, the Restaurant Association didn't fight the .08 law, even though it opposed it. Why not? Do you think this reason applies to other organizations and other issues?

4. In some states, the .08 bill had a hard time passing even though proponents believed that most legislators supported the bill. Why not?

5. Today, every state has a .08 BAC limit. In your opinion, what was the most important factor in achieving that goal?

Challenge question: the change in the federal drunk driving law was included as part of a larger transportation bill, which contains other provisions that fund highways and railroads. Why did President Clinton want to include it in the larger bill, rather than pass it by itself?

HISTORY OF .08 BAC WORKSHEET ANSWERS

Introduction to .08 BAC and the 1998 debate

Answer these two questions BEFORE you read the articles and watch the video:

1. Do you believe that the federal government should pass laws that try to prevent drunk driving? If so, why? If not, why not?

Many possible answers.

2. Name one organization that might support an increased crackdown on drinking and driving, and one organization that might oppose it.

Many answers possible. For supporters, including safety organizations, medical organizations, insurance companies, law enforcement. For opponents, alcohol industry and restaurant industry.

Review the links provided, then answer the following questions.

- READ: [“The ABCs of BAC”](#) (National Highway Traffic Safety Administration, or NHTSA)
- READ: [Senate Ties Crackdown on Drunk Drivers to State Highway Aid](#) (Washington Post)
- READ: [Alcohol Lobby Fights Drunken Driving Bill](#) (Washington Post)
- READ: [Pressure Politics Bottled Up Drunk-Driving Rule](#) (Washington Post)
- WATCH: [Oklahoma Senator Don Nickles’s speech on Senate floor](#) (C-SPAN)

Answer the questions based on the links above:

1. Name three typical effects of a .08 BAC.

Poor muscle coordination, harder to detect danger, impaired judgment.

2. In 1998, some elected officials and advocacy groups tried to pass a policy that would withhold federal highway funding from states unless those states passed a .08 law. They succeeded in the Senate, but ultimately could not get the bill to pass in the House. Name one reason why you think they weren't successful.

Lobbying from alcohol and restaurant industries, legislators who don't want to cause their states to receive less highway funding, legislators who are ideologically opposed to federal mandates.

3. Summarize Senator Don Nickles's argument in the video. Do you agree or disagree with his position? Give one reason for your opinion.

Preventing drunk driving is a worthy cause, but one that the Constitution says should be left to the states, not the federal government.

4. Name one legislator (besides Senator Nickles) who opposed the .08 BAC restrictions. Based on the articles, why do you think that legislator opposed the bill?

Many possible answers.

Challenge question: Why couldn't the federal government just mandate a nationwide .08 limit?

The American federal system delegates some powers to the federal government and some to the states. Regulating the rules of the road happens to be a state responsibility.

INTRODUCTION TO THE 2000 DEBATE

Review the links provided, then answer the following questions.

- READ: [“House and Senate Agree on Drunken-Driving Law”](#) (New York Times)
- READ: [Legislative History of .08 Per Se Laws – Introduction](#) (NHTSA)

Answer the questions based on the links above:

1. Name five organizations that supported a .08 BAC law.

Many organizations listed in article

2. Why would a car company like Ford or General Motors support a .08 BAC law?

Opinion-based answer. They might have a general interest in keeping the roads safe. A more cynical view might say that they knew that President Clinton was advocating for the law, and they thought it would benefit them to help the President.

3. Name two arguments for a .08 BAC law.

Drivers are impaired at .08, crash risk increases at .08, a .08 limit is an effective way to reduce traffic fatalities, the public supports .08, other countries have a .08 limit.

4. In 2000, Congress passed a law that said states must pass a .08 BAC law or else they would lose some federal highway construction funds. When did the National Highway Traffic Administration recommend that states should enact .08 BAC laws? What do you think caused this recommendation to take so long to get passed?

1992 and 2000. Many reasons for delay, including the normal legislative process, need to get stakeholder input, need to convince legislators.

5. In 1998, Congress enacted a bill that would give grants to states that enacted .08 BAC laws. In 2000, Congress passed a bill that would withhold highway construction funding from states that did not enact .08 BAC laws. Why might the 2000 provision be more effective in getting states to pass .08 BAC laws?

Many answers possible. States don't always need extra money, but if they are counting on receiving money and don't get it, that could cause budget problems.

Challenge question: The National Governors' Association, the National Conference of State Legislatures, and the National League of Cities also opposed the .08 limit, believing that the federal government shouldn't be telling the states how to manage their drunk driving laws. Do you think it is fair for the federal government to withhold funding from states if they don't enact certain laws?

Many possible answers.

KEY PARTICIPANTS AND ARGUMENTS IN THE .08 DEBATE

Review the links provided, then answer the following questions.

- READ: [Legislative History of .08 Per Se Laws – Key Participants](#) (NHTSA)
- SKIM: [Legislative History of .08 Per Se Laws – Arguments Against .08](#) (NHTSA)

Answer the questions based on the links above:

1. Why is it important for supporters of .08 at a state level to get a Governor to support the proposal?

Legislators do not want to fight for a law that will be vetoed by the governor. The Governor can use negotiating leverage to advocate for the bill.

2. Name two organizations that opposed a .08 BAC limit.

Alcohol industry, restaurant industry, criminal defense attorneys.

3. Law enforcement, prosecutors, and district attorneys were divided over the issue. Name one reason why some of them were opposed.

They thought it would be too much of a burden for the criminal justice system.

4. Why was it important to have large corporations support .08 BAC proposals?

Some legislators believe that the private sector “knows best” and will look to companies for guidance

5. Name three arguments that were made in opposition to a .08 BAC.

.08 criminalizes social drinking, .08 ignores the real problem, .08 will hurt the economy, .08 will overwhelm the criminal justice system, .08 will not save lives, existing laws are sufficient, .08 will be unfair to certain groups, .08 imposes on states' autonomy.

6. Choose one argument you mentioned in question 5. Write a rebuttal to that argument.

Many answers possible.

STRATEGIES, BARRIERS, AND AFTERMATH

Review the links provided, then answer the following questions.

- READ: [Legislative History of .08 Per Se Laws – Supportive Strategies](#) (NHTSA)
- READ: [Legislative History of .08 Per Se Laws – Barriers to Passage](#) (NHTSA)
- READ: [Bid to Toughen Drinking Law Holds Up Transportation Bill](#) (New York Times)
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Answer the questions based on the links above:

1. Why is it important to build a large coalition to advocate for a bill?

Giving the impression that a bill has widespread support makes legislators more likely to support it, and at least gives legislators “political cover.” Individual coalition members may have personal relationships with legislators or be from a legislator’s district.

2. How can the media influence the outcome of legislation? How did media impact the .08 debate?

Media can bring issues to the forefront. Media impacted the .08 debate with editorials and coverage of high-profile drunk driving crashes. Legislators like to get into the media in a favorable way, and some legislators held press conferences about this issue.

3. In one state, the Restaurant Association didn't fight the .08 law, even though it opposed it. Why not? Do you think this reason applies to other organizations and other issues?

They knew the new Governor was supporting the measure, and didn't want to start off the new administration by opposing the Governor on a high-profile issue.

4. In some states, the .08 bill had a hard time passing even though proponents believed that most legislators supported the bill. Why not?

The committee chairs or legislative leadership may have been opposed to the bill.

5. Today, every state has a .08 BAC limit. In your opinion, what was the most important factor in achieving that goal?

Many answers, including the threat of losing federal funding, lobbying of safety organizations like MADD

Challenge question: the change in the federal drunk driving law was included as part of a larger transportation bill, which contains other provisions that fund highways and railroads. Why did President Clinton want to include it in the larger bill, rather than pass it by itself?

The President would have more leverage by including it in the larger bill. If the transportation spending bill is so important, legislators don't want to be responsible for delaying it.