

# American government: 21st amendment

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The twenty first article of amendment to the U. S. Constitution was the result of public disagreement to constitutional amendments, while the Supreme Court had played the role of ‘ subject matter’ mediator. The ‘ dry’ shadows of the 18th Amendment began to fade out with the coming of the Great Depression, as, the alcohol consumption was reduced, but not erased, and, at the same time, bootlegging had reached its peak. The national prohibition of alcohol has endured for only 14 years and was, finally, ratified by the legislators and 36 states on December 5, 1933.

The 21st Amendment has framed sale and manufacture of grain alcohol within the state, excluding transportation and importation of liquors. The history of the U. S. court notes three cases, involving the 21st amendment; though, none of them was clearly based on the article. Craig v. Boren (No. 75-628) was the appeal from the United States district court for the Western district of Oklahoma. Appellant Craig claimed that a statute of Oklahoma stood for discrimination based on gender, “ prohibiting the sale of ‘ nonintoxicating’ 3. 2% beer to males under the age of 21 and to females under the age of 18” (1976 US, 429 U. S. 190, 1).

Appellant Whitener took a side of equal protection challenge, because, as a licensed vendor of grain alcohol, she could quit her business or pay high penalties if she obeys or disobeys the statute of the state accordingly. To support the claim, appellants provided statistical data, proving that 18-20-year males are more likely to be arrested for drunk driving, be killed, injured, and inclined to drinking than females of the same age. Males were prohibited to purchase intoxicating liquors, yet, were allowed (anything that is not prohibited, is allowed) to drink them.

The data showed that public safety had to be protected from such incidents and crashes. Concluding all stated above, Craig highlighted the violation of the Equal Protection Clause and was seeking for resolution of such a controversy. On the other hand, Boren, the governor of Oklahoma, rendered statistics, which showed “ only that . 18% of females and 2% of males in the 18-20-year-old age group were arrested for “ American Government: 21st Amendment”

driving while under the influence of liquor” (1976 US, 429 U. S. 190, II C). In such a way, the appellants’ data claimed to be invalid. Boren had not put aside the Craig’s statistical evidence; yet, rated it as ‘ insufficient’ in determining the key factors of traffic safety: “ The statistics exhibit a variety of other shortcomings that seriously impugn their value to equal protection analysis [...] and make no effort to relate findings to age-sex differential” (1976 US, 429 U. S. 190, II C).

For that reason, the results can hardly prove the ratio between gender/age and drinking/driving. The decision of the court was as follows: the difference between males and females of 18-20-year period had violated the Equal Protection Clause and, therefore, discriminated males by Oklahoma’s 3. 2% beer statutory scheme. Finally, the judgment of the District Court was reversed. The 21st Amendment bound the operation of the Commerce Clause.

“ The court assumed that the Twenty-first amendment ‘ strengthened’ the State’s police powers with respect to alcohol regulation” (1976 US, 429 U. S. 190, II D). Nevertheless, Oklahoma’s discrimination against males violated the 14th Amendment, while the text of the 21st one had nothing to deal with <https://assignbuster.com/american-government-21st-amendment/>

individual rights of US citizens. While most of Americans followed the ‘dry’ law, the activists of individual freedom were weaving the threads of nationwide hazard, coming from followers of moral values.

On the other hand, bootleggers knocked a fortune during the Prohibition and governments could not lose the chance to increase public revenues. The 21st Amendment had granted a safe and structured marketplace for US citizens and empowered states to regulate sale of alcohol, but legalized a widespread alcohol production, distribution and consumption within the states. However, the state’s legislative and regulatory authority, given by the 21st Amendment to the US Constitution, is a core factor of alcohol control and retailing.

### **Bibliography:**

1. “The Constitution of the United States,” Amendment 21.
2. U. S. Supreme Court. *Craig v. Boren*, 429 U. S. 190, 1970. Online. The Oklahoma State Courts Network. Internet. 15 March, 2007