



CENTER FOR
ALCOHOL POLICY

Exploring, Researching and
Expanding Education on
Alcohol Regulation

Value Statement

The Center for Alcohol Policy draws inspiration from language in the Sober Truth on Preventing (STOP) Underage Drinking Act of 2006 which recognizes the primary role that the states play in regulating alcohol:

Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts.

States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace and furthering effective State tax collection.

(STOP Act-PL #109-422)



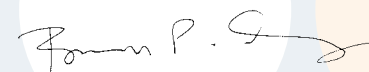
Welcome to the Center for Alcohol Policy

As members of the Center for Alcohol Policy Advisory Council, we are excited to share with you an overview of the impressive projects the Center has executed as it works to educate a wide audience – including policymakers, regulators and the public – about alcohol policy in the United States.

The Center continues to expand successful annual programs such as the Alcohol Law Symposium, national essay contest and a national survey, while also launching new projects like the republication of *Toward Liquor Control*, production of the award-winning video *The Dangers of Alcohol Deregulation: The United Kingdom Experience vs. American Alcohol Regulation* and sponsorship of the nationally acclaimed PBS documentary *Prohibition*.


While the projects are all very different, each works to tell the story of today's system of state-based alcohol regulation in the United States. The system is rooted in the 21st Amendment, which ended the 13 years of national Prohibition in 1933 and established that states are best suited to manage alcohol policy. As such, the Center conducts sound research and implements initiatives that will maintain the appropriate state-based regulation of alcohol.

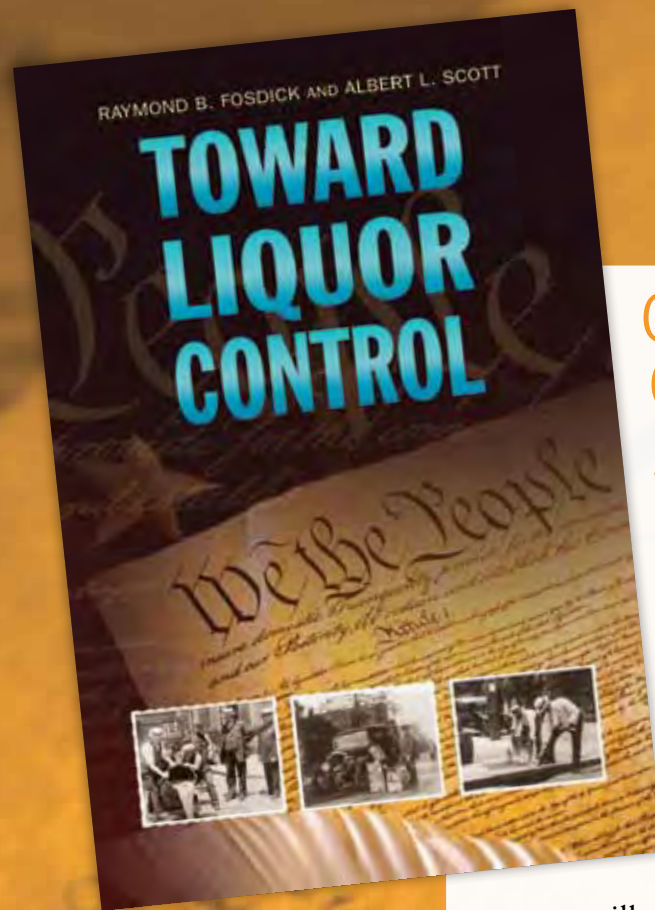
We invite you to learn more at www.centerforalcoholpolicy.org, and we hope you enjoy this look at how the Center continues to explore, research and expand education on alcohol regulation.


Brannon Denning


James Hall


Patrick Lynch


Jerry Oliver, Sr.



Center Returns Original Work on State Alcohol Regulation to Circulation

In 1933, the United States closed a dark chapter in its history. It also began a new chapter. National Prohibition was repealed when the states ratified the 21st Amendment. While it was clear that the federal, one-size-fits-all policy of Prohibition did not work, there was

still a need for a plan to ensure that alcohol could be legal once again without repeating the abuses, excesses and corruption that led to Prohibition in the first place.

Worried that “If carefully laid plans of control are not made, the old evils against which prohibition was invoked can easily return,” John D. Rockefeller, Jr. commissioned Raymond B. Fosdick and Albert L. Scott to study alcohol regulation and prepare America for the return of legal alcohol.

Their report, *Toward Liquor Control*, provided guidance to policymakers as they established regulatory systems for the return of alcohol and provided the template for alcohol policy that the states ultimately followed. Much of that framework still exists today because it has been found to be effective.

The Center for Alcohol Policy has republished *Toward Liquor Control* in order to provide those interested in effective state-based alcohol regulation with a historical perspective and an understanding of why the system remains important today.

Toward Liquor Control continues to remind readers of the challenges associated with alcohol, sales and consumption before Prohibition and how today’s state-based regulatory system was established to encourage responsible alcohol consumption and promote competition while maintaining public health and safety.

While *Toward Liquor Control* had been out of circulation for more than 50 years, it is now available for purchase as a paperback through the Center’s website and as an e-book in multiple formats.



“As Prohibition was coming to an end, Toward Liquor Control was one of the key documents influencing how the nation would deal with alcoholic beverages going forward. It’s as relevant today as it was then.”

~Daniel Okrent, author of *Last Call: The Rise and Fall of Prohibition*

“Toward Liquor Control is a study just as important today as when it was written in 1933. With the failed federal experience of Prohibition, Fosdick and Scott recognized the benefits of the states having the ability to enact alcohol policies most suitable for their respective jurisdictions and demographics.”

~James Sgueo, President and CEO, National Alcohol Beverage Control Association

Sponsorship of the Critically Acclaimed *Prohibition*

The Center for Alcohol Policy was proud to partner with PBS station WETA-TV in Washington, D.C., by serving as a local sponsor of the documentary *Prohibition*, which generated a national dialogue about alcohol regulation when it premiered nationally in October 2011. This three-part, five-and-a-half hour film series directed by famed filmmakers Ken Burns and Lynn Novick tells the story of the rise, rule and fall of the 18th Amendment to the U.S. Constitution and the era it encompassed.

The *Prohibition* series highlighted the important role Prohibition played leading up to the 21st Amendment, which established today's effective system of alcohol regulation and distribution. Viewers learned about the failures of this one-size-fits-all national alcohol policy and how it gave rise to a state-based system of alcohol controls.

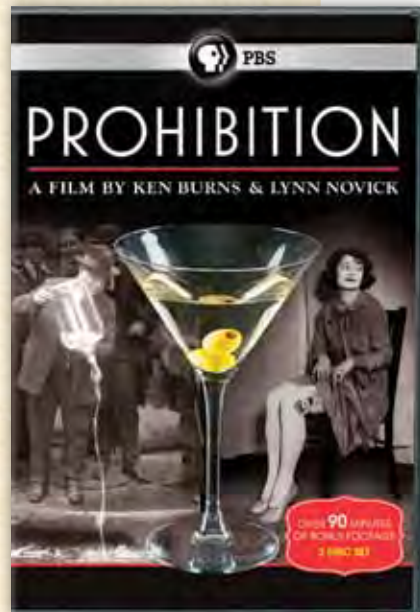
The Center was excited to support the film's look at our nation's history and discussions of how society should regulate alcohol – a product that can have benefits in moderation but can also be abused. This attention to

the history and origin of America's state-based alcohol regulatory system was very timely with the Center's recent republication of *Toward Liquor Control* which helped guide alcohol policy in the states post-Prohibition.

Following a press briefing at the National Press Club in Washington, D.C., the Center hosted members of the media and industry leaders during a meet and greet with Ken Burns, creator of the PBS documentary series *Prohibition*.



Advisory Council member
Patrick Lynch with Ken Burns



The Detroit News

“Without question, Prohibition failed miserably. And yet, Prohibition led this country to create a system for alcohol sales that promotes moderate and responsible consumption and at the same time supports a competitive marketplace. As a former chief of police in Detroit and state alcohol regulator, I've also seen first-hand the problems of excessive and uncontrolled alcohol consumption to include disability, domestic abuse and even death. Clearly, alcohol can have consequences if abused, which is exactly why it's regulated by the states.”

-Jerry Oliver, Sr., Center advisor,
former police chief & former state alcohol regulator

A promotional poster for the PBS documentary 'Prohibition'. The top half features a sepia-toned photograph of a group of people in a social setting. Below the photo, the text reads: 'DON'T MISS THE HIGHLY-ANTICIPATED PROHIBITION DOCUMENTARY DIRECTED BY KEN BURNS TONIGHT AT 8 P.M. ON PBS'. Underneath that, it says: 'And learn how the 21st Amendment repealed Prohibition and generated today's alcohol system.' In the center is a photograph of a group of people sitting around a table with drinks. At the bottom, it says 'Visit ALCOHOL POLICY www.centerforalcoholpolicy.org' and includes a QR code.

THE TENNESSEAN

“Ken Burns' new documentary *Prohibition*, which recently completed its three-night run on PBS, examines the origins, reign and demise of the 18th Amendment to the U.S. Constitution. The series is a stark reminder of Prohibition's failures, and its lessons are timelier than ever.”

-James Hall, Center advisor & former National
Transportation Safety Board Chairman

The Center ran advertisements throughout Washington, D.C., in conjunction with the documentary, encouraging viewers to watch *Prohibition* and then learn about today's alcohol system by visiting the Center's website.

Members of the Center's Advisory Council also published op-eds to promote the film and comment on the lessons viewers should take away from the failure of Prohibition, emphasizing that the repeal of Prohibition is not the end of the story – it's where the story of today's system began.



Fourth Annual Alcohol Law
Symposium
Chicago, IL
September 12, 2011

Annual Alcohol Law Symposium

Each year the Center for Alcohol Policy brings together some of the best minds in the country – including state regulators, attorneys general, educators and industry officials – to discuss and debate current alcohol laws and challenges.

Educational sessions have explored a wide range of topics including:

- The Timeless Importance of *Toward Liquor Control*
- Who Are the Stakeholders in Alcohol Regulation?
- Age Verification and Alcohol
- Privatization of Alcohol Systems
- Law Enforcement's Role in Alcohol Regulation
- Supreme Court and 21st Amendment Litigation Update
- Controversial Alcoholic Products
- Hot Topics in Alcohol Regulation
- Franchise Law Policy and Developments

Since the Symposium's inception, the President of the National Association of Attorneys General (NAAG) has delivered the keynote address. Washington Attorney General and NAAG President Rob McKenna presented the keynote address at the Fourth Annual Alcohol Law Symposium in Chicago, Illinois. He discussed the role state attorneys general play in policy debates about alcohol, a state's role under the 21st Amendment, society's interest in fighting the abuse of alcohol, underage drinking and overall efforts to fight crime and protect small businesses and consumers.

The Center works with state continuing legal education (CLE) boards to provide attending attorneys with CLE credits. In 2011, nearly 40 states approved the Symposium for CLE credits.



2011 ALCOHOL LAW SYMPOSIUM SPEAKERS AND PANELISTS:

- Fred Biesecker**, Ice Miller LLP
- Brian Clark**, Fun Beverage, Montana
- Phil Craig**, Ohio Licensed Beverage Association
- Ed Dawson**, YetterColeman LLP
- Stephen Diamond**, Law Professor, University of Miami
- Pam Erickson**, Public Action Management, PLC
- Tom Fisher**, Indiana Solicitor General
- William H. Foster**, Alcohol and Tobacco Tax and Trade Bureau
- William Kelley**, Massachusetts Alcoholic Beverages Control Commission and President, National Conference of State Liquor Administrators
- Bruce Livingston**, Alcohol Justice
- Michael Madigan**, Madigan, Dahl & Harlan, P.A.
- John Maisch**, Oklahoma Alcoholic Beverage Laws Enforcement Commission
- Donald S. McGehee**, Michigan Department of Attorney General
- Craig Miller**, Arizona Department of Alcoholic Beverage Control
- Francis Monahan**, Virginia Department of Alcoholic Beverage Control
- Jason Morris**, Withey Morris, PLC
- Brian Paul**, Ice Miller LLP
- Bob Pezzolesi**, New York Center for Alcohol Policy Solutions
- David Raber**, Lumpe and Raber, Esq.
- Hobert Rupe**, Nebraska Liquor Control Commission
- Steven Schmidt**, National Alcohol Beverage Control Association
- Michele Simon**, Public Health Attorney
- Stephanie Stumbo**, Kentucky Department of Alcoholic Beverage Control
- Glenn Wieringa**, New Mexico Department of Transportation Traffic Safety Bureau
- Randy Yarbrough**, Former Texas Alcoholic Beverage Commission Assistant Administrator
- Don Ziegler**, American Medical Association

National Essay Contest

The Center's annual national essay contest is intended to foster debate, analysis and examination of state alcohol regulation, and it attracts entries from academics, legal professionals, students and others. Topics have included *Toward Liquor Control*, the importance of state alcohol regulation, the importance of the 21st Amendment and the ways in which state alcohol regulation promotes public health and safety. Each year, the winning essays are posted on the Center's website.

"The authors of *Toward Liquor Control* realized that national Prohibition simply could not function effectively in the America they knew. They understood that one of the main causes of Prohibition's failure was the national government's imposition of a blanket viewpoint on a nation made up of very diverse people. The authors therefore advised that future alcohol policies be developed based on a smaller set of viewpoints – for example, taking the views of all people in a given state or community into account."

~ Laura Napoli, New York
2011 First Place Prize Recipient

"*Toward Liquor Control* stressed that, above all, states' regulatory efforts should promote public health. Cautioning against an opportunistic view of the alcohol industry as a mere economic driver or a way to increase tax revenue, *Toward Liquor Control* made responsible consumption the lodestar of modern alcohol policy."

~Ryan Lozar, California
2011 Second Place Prize Recipient

National Survey Finds Broad Support for Alcohol Regulations to Keep the Public Safe

The Center for Alcohol Policy commissions a national survey each year to learn more about public attitudes on alcohol policy. In 2011, the survey found that American adults overwhelmingly recognize that alcohol is a unique product and want to keep in place state and local alcohol regulations to keep them safe.

The survey results showed:

77% support the right of individual states to set their own laws and regulations surrounding the sale of alcohol

83% believe state and local laws regarding alcohol regulations should be decided by lawmakers, not by judges

87% say it is easy for adults to find a wide variety of beer, wine and liquor

81% believe that parents, police officers and retailers already have a difficult challenge keeping alcohol out of the hands of minors; getting rid of alcohol rules, regulations and safeguards could make the problem worse

87% believe that all alcohol sold in their state should come through a licensed system which effectively tracks the steps it takes from producer to the consumer

Exploring the Dangers of Alcohol Deregulation: The United Kingdom Experience

Unlike other nations around the world that are making headlines for unregulated or unsafe alcohol, the United States maintains a state-based system of alcohol regulation that has been extremely effective at supporting robust marketplace competition while at the same time promoting public safety.

Headlines out of the United Kingdom (U.K.) describing the rampant abuse of alcohol, the lack of proper regulation of alcoholic beverages and problems of counterfeit alcohol stand in sharp contrast to what citizens in the United States experience. That's why the Center commissioned a report to examine the results of relaxed alcohol regulation in the U.K. The report, *The Dangers of Alcohol Deregulation: The United Kingdom Experience*, concluded that deregulation of alcohol has had many dangerous and unintended consequences in the U.K. – including very high rates of youth intoxication and increasing incidences of alcohol-induced diseases – and alcohol should not be deregulated in the United States.

The Center also produced an award-winning video, *The Dangers of Alcohol Deregulation: The United Kingdom Experience vs. American Alcohol Regulation*, which contrasts the United States' effective system of alcohol controls with the deregulated system in the U.K. The video conveys a serious message about the lessons Americans should take from the U.K., where alcohol is sold below cost and available 24 hours per day, fueling an increase in crime, alcohol-related hospital admissions and childhood drinking. This powerful message is a useful educational tool for public health groups and regulators about the effective American system of regulation.

Dangerous Fake Vodka Circulating in Sussex

Coroner criticizes supermarket cheap alcohol after fatal '£10' Binge

Assaults on police officers increase by 600 in a year

Fake alcohol in East Midlands is 'growing trade'

Alcohol Hospital Admissions Double in a Decade

Twelve year olds drinking equivalent 19 glasses of wine a week

The Advisory Council

The Center for Alcohol Policy Advisory Council includes distinguished leaders with solid experience in education, business, government, law enforcement, public safety, health and public policy who are committed to the regulation and safety of alcohol. They work to educate the media, policymakers, state regulators, educators and the public about the regulation of alcohol, safe and responsible consumption of alcohol, underage drinking, drunk driving and the effects of alcohol consumption.

BRANNON DENNING

Denning is a professor and the Director of Faculty Development at Samford University's Cumberland School of Law in Birmingham, Alabama, where he teaches constitutional law and related courses. Prior to joining the Cumberland School of Law in 2003, Denning taught at the Southern Illinois University School of Law in Carbondale, Illinois.



Professor Denning has written extensively on the Commerce Clause and the dormant Commerce Clause doctrine. He was a collaborator with the late Boris I. Bittker on *Bittker on the Regulation of Interstate and Foreign Commerce* (Aspen Law & Business, 1999), which he continues to supplement annually. His articles have appeared in *Constitutional Commentary*, *Foreign Affairs*, the *Minnesota Law Review*, the *Northwestern University Law Review*, the *William and Mary Law Review* and the *Wisconsin Law Review*, among other journals and periodicals.

In 1992, Denning earned his B.A. from the University of the South in

Sewanee, Tennessee. He received a J.D., from the University of Tennessee in 1995; and an LL.M. from Yale University in 1999.

JAMES HALL

Hall is a leading expert on crisis management and government relations as well as transportation safety and security. Hall was nominated by President Clinton to the National Transportation Safety Board in 1993, became the Board's chairman in 1994 and led the Board through January 2001. During his chairmanship, Hall worked tirelessly to improve safety in all modes of transportation. Under Hall's leadership, the NTSB issued landmark safety studies on commuter airlines, the air tour industry, the performance and use of child restraint systems, personal watercraft, transit bus operations, passive-grade railway crossings and the dangers posed to children by passenger-side airbags in automobiles.



Hall began his career in Washington, D.C., serving as counsel to the Senate Subcommittee on Intergovernmental Relations and a member of the staff of Senator Albert Gore, Sr. He maintained a private legal practice in Chattanooga, Tennessee, before serving in the cabinet of Tennessee Governor Ned McWherter. Hall

served as director of Tennessee's Planning Office for five years. In 1987, he helped develop and lead the Drug Free Tennessee program, the state's first comprehensive effort to combat the problems of drug abuse which continues to operate today. Hall also served as chief of staff for Senator Harlan Mathews before being appointed to the NTSB.

Today, Hall serves as an adviser to governments and private clients on transportation safety and security, crisis management and government relations.

Hall is a graduate of the University of Tennessee, where he currently serves as a trustee.

PATRICK LYNCH



During his eight-year tenure as Rhode Island Attorney General, Lynch successfully defended legal attacks by economic interests against Rhode Island's alcohol regulatory structure and spearheaded a number of important alcohol initiatives.

Lynch's leadership on important legal and social issues earned him the respect of his peers throughout the nation and led to his induction as President of the National Association of Attorneys General (NAAG) in 2008. As part of his work with NAAG, Lynch sat on the Youth Access to Alcohol Task Force as well as the Enforcement of Underage Drinking Laws Task Force, including the Law Enforcement Subcommittee and the Public Education Subcommittee. Lynch was also an avid participant and supporter of Mothers Against Drunk Driving's Youth in Action program.

A 1987 graduate of Brown University, Lynch earned his law degree from Suffolk University

Law School. As a Special Assistant Attorney General from 1994 to 1999, he prosecuted cases at every level of Rhode Island's criminal justice system and led the state's prosecution of gang-related offenses. Lynch worked for one of Rhode Island's top law firms until the 2002 election, which led to his first swearing in as Rhode Island Attorney General in January 2003.

JERRY OLIVER, SR.

As a former police chief, Oliver brings more than 35 years of experience in the public service and law enforcement sectors to the Advisory Council. In his many years of service, Oliver has served as the Assistant Chief of Police in his hometown of Phoenix, Arizona; the Director of Drug Policy in Memphis, Tennessee; and Chief of Police in three cities: Pasadena, California; Richmond, Virginia; and Detroit, Michigan.

In 2006, Arizona Governor Janet Napolitano appointed Oliver as Director of the Department of Liquor License and Control which is responsible for nearly 11,000 licensees.



Oliver has been on the front lines of public service in local communities around the country. He has personally seen the important role alcohol regulation plays – both as a law enforcement officer on the streets and as a state alcohol regulator.

He completed his Bachelor of Science Degree in Criminal Justice and holds a Master's Degree in Public Administration (Public Finance), both from Arizona State University.

The Center was founded by the National Beer Wholesalers Association and receives funding from America's beer distributors and others interested in exploring, researching and expanding education on alcohol regulation. The Center's educational activities and research efforts are guided by a Board of Trustees in conjunction with counsel from an independent Advisory Council composed of distinguished leaders from areas such as education, business, government, law enforcement, health and public policy.



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