

ALCOHOL at UNC

PART ONE: THE LEGAL ASPECTS

The Law Affects Everyone

Chapel Hill nightlife: Fake IDs and underage drinking

by DAVIS TURNER
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Since the drinking age has been raised twice in the past four years, the consequences of purchasing, or attempting to purchase, alcohol as an underage drinker have grown considerably more harsh. If the same trick is attempted with the aid of fake identification, the risk is even greater. And although many people don't realize it, the law makes no distinction between a false ID and an altered ID when it comes to handing down fines and sentences.

For the owners of fake IDs, the bad news gets worse: all 50 states have made reciprocal agreements to honor license revocations due to fake IDs — this means violators cannot move to a new state and expect to have a clean record. If you're busted, you're busted, all over America.

The first change in the drinking age was in 1985, when it was raised from 18 to 19 years. The following year, on September 1, the age requirement jumped another two years and resulted in a virtual riot on Franklin Street when the bars closed that last legal night.

"Once the law changed, we didn't have as many people trying to drink in bars. That's not to say people aren't drinking. People are having private parties. There's an older crowd on Franklin Street," said Jane Cousins, police planner for Chapel Hill Police Department.

The number of arrests of people with fake IDs more than quadrupled in 1986, when that fateful two-year leap was made. Either the number of people in possession of fakes had in-

creased, or the people making the IDs were not as capable of outwitting the police as they once were. The number of violations has continued to rise since then, and there doesn't seem to be any sign of a slump in the demand for, or use of, these

fakes. Yet many things have changed since the good old days when the decision to buy a six-pack at an all-night convenience store was decided by haggling among friends and the flipping of a coin. The bored old ladies sitting behind the cash register reading the National Enquirer aren't pushovers anymore. The bouncers actually look at the IDs shown to them. It is no longer just a game of daring and bravery, it's a game of liability and law.

The manufacturing of fraudulent picture IDs, complete with legal drinking age, has been expanding since the drinking regulations changed. The products are in high demand, and the dealers are difficult to catch. Between July and October of this year alone, 718 IDs have been confiscated in North Carolina, with four districts not reporting.

FILLING THE VOID FOR UNDERAGED DRINKERS

A few entrepreneurs willing to do the dirty work offer a solution to the underage drinkers' problem. The motivations of these fake ID manufacturers vary; money is a strong attraction, but some do it for fun or as a protest against what they regard as

I.D. MAKERS

unfair drinking laws. Our anonymous sources, "Milo" and the team of "Holmes and Watson" agreed that money was not always the rationale for student manufacturers.

"The trick is not for a money-making scheme. It's just for friends so you can go out. No money was made," Holmes and Watson said. "It's a civil disobedience. It just seems hypocritical in a college town to have a drinking law (at 21)."

Holmes and Watson said when they and their friends go out, they are divided by age. "You're pretty much being discriminated against," they said. "The drinking law is old. It's almost a farce to think that it's being upheld." They added that when they go into the bars around Chapel Hill, between 60 and 70 percent of people there are people they know who are under 21.

For Milo, the money wasn't the attraction either. "We were bored one summer and we realized we had the materials to do it. We had so many friends that were underage, so we thought, 'let's give it a shot,'" he said. "We started off charging \$30 because [of all the time and supplies involved]. We made well over a hundred IDs for different people. Some were flawless. Fictitious names,

everything, I had one bad batch. They were overexposed. There were only 10 IDs in that batch," Milo added.

Holmes and Watson also found it easy to make the IDs. It took about two months to perfect one ID, after a trial-and-error blueprint for the general method. Then, it had to be tested in a real setting, like a bar or a grocery store.

Milo found it easy to gain materials, even real seals from the DMV. All it took was a stack of lamination, access to a color photocopying machine, an iron (or a laminating machine), a camera and a basic knowledge of exposure and some notice cards of renewal scrounged from the dumpsters behind the DMV.

Milo said the most risky part of the process was developing the photographs. He had to pay workers where he got the photographs developed. Holmes and Watson have not had that problem, however. One time they even sent film with actual IDs on it into the photo processing center that used to be at the Student Stores. It was returned to them, neatly processed.

The risk of getting caught has made all three question if the IDs are worth it, however. They have tried to guard against exposure by only making IDs for friends, but it's still incredibly risky. Holmes and Watson realize that tampering with real IDs is a felony that would result in one to three years in prison, but they have no definite plans to stop.

Milo decided to stop manufacturing false N.C. drivers' licenses some time ago. One factor in his decision was that the business was just not that lucrative. The long hours were discouraging, although it was decent pay for a student working part-time. But it was the risk of getting caught that finally convinced him.

"People that I didn't even know were coming up to me on campus and saying, 'Hey, you're the guy who's making IDs.' There's no way I'd do it for someone I didn't know. I'm stupid, but I'm not that stupid."

THE ALCOHOL LAW ENFORCEMENT DIVISION

The government's main tool in curbing the use of fake IDs and trying to apprehend people like Milo, Holmes and Watson is the Alcohol Law Enforcement Division (A.L.E.). The organization is in charge of the sting operations involving the closing down of businesses that sell to minors, and apprehending people who manufacture and use fraudulent IDs as well as those who lend out their IDs to underage people.

"The A.L.E. is like the highway patrol of alcohol enforcement—they

don't play around," said S.S. Barnes of University Police.

To get ID manufacturers like the ones we interviewed, the A.L.E.'s best hope is to catch someone with one of their IDs and offer them a reduced sentence if they reveal their source during plea-bargaining sessions. Most college students comply if it will reduce the fines and chances of their

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parents finding out they weren't always in the library.

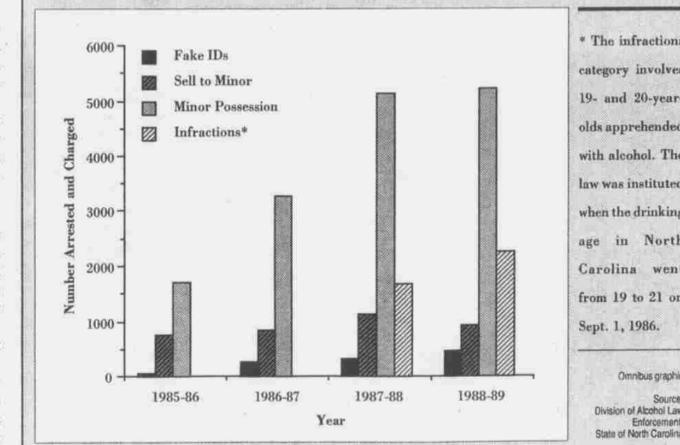
The A.L.E. is also responsible for trying to catch people who borrow real IDs from friends. Many people don't realize that this type of fake ID brings on the same consequences as

the fraudulent ID as the real thing when they are arrested for a driving violation or other crime.

The A.L.E. is also responsible for apprehending underage drinkers who do not use IDs and the establishments that serve them. Since most bars do not employ their own undercover staff for patrolling for underage drinkers, the A.L.E. implements sting operations with the help of underage people who actually volunteer to go undercover to help expose businesses that sell to minors.

When the A.L.E. finds underage drinkers, it issues citations to 19 and 20 year-olds for drinking beer or wine, with fines from \$10 to \$40. If you're between the ages of 16 and 18, and caught drinking, you're charged with a misdemeanor, which can result in

Arrests in North Carolina for Illegal Acts Involving Alcohol



a manufactured one — both for the borrower and the lender if it can be proved that he or she gave the ID willingly. If the owner of the ID denies loaning it, the person caught with the ID can be charged with larceny. One trick the A.L.E. uses to catch people holding IDs that are not their own is to ask them their astrological sign.

The most difficult type of ID for the A.L.E. to catch is also the most risky to get. These IDs can be obtained only by going to the Department of Motor Vehicles with a birth certificate belonging to another person who is of legal age. These types of fakes are especially hard to discover unless the person tries to use

up to two years in prison and a \$500 fine.

THE STRUGGLE TO AVOID LIABILITY

Another way for the A.L.E. to prevent underage alcohol use is through liability laws that affect bars, clubs, and markets. These businesses can be held liable if they sell alcohol to underage or inebriated persons. If those people go on to inflict damage (be it personal or property) on others while still under the influence of the alcohol they bought, then the business can be sued for up to \$500,000.

To back up the law, the A.L.E.

conducts inspections and has the right to close businesses down. Not all A.L.E. programs are enforcement-oriented, however. They have helped train 46,000 bar employees to recognize fake IDs of all types. But because of the high turnover among bartending personnel (16-17% changing jobs), the job is never really done.

As a result of the laws and pressure from the A.L.E., bars and clubs have to check for underage drinkers at the door. The bouncers at Bub O'Malley's Pub on Rosemary Street often use the Drivers License Guide to verify the valid IDs from the fictitious ones. The book covers the descriptions of licenses in all 50 states, and what to look for in the frauds.

Mike Stout, one of the owners, says there are two ways to spot underage drinkers: through their fake IDs and by their actions.

"We do as good a job as anybody in town checking IDs. We're in total cooperation with the A.L.E. guys, 'cause they can close you down. But, if someone's got the guts to go to the driver's license bureau, that's as far as our liability goes. There is nothing we can do when it's their picture on it," said Stout.

Stout said the actions of underage drinkers can give them away even if their ID looks good. Signs include lack of eye contact or even the person's position in line

— the ones holding fakes act very fidgety and are either at the front of a group of people, or at the very end. If the underage people are already in the bar, they are often caught when one person goes to the bar and orders five or six beers for the group.

BUSINESSES

"Okay, okay...try to be be cool...it's written all over their face," said Stout.

Mike McCormick, manager of Player's, said at the club's bouncers also use the Driver's License Guide, but only when it's an unfamiliar, out-of-state driver's license. "They've seen

enough North Carolina IDs to know a fake one. We see about three or four a week," he said.

McCormick said at Player's, members of the A.L.E. visit the bar to make sure that no one underage is drinking. "They'll come around, and if they see someone drinking, they flash their badge. If they're underage or using a fake ID, they will issue a citation."

Bill Oshea, manager of Ham's on Franklin Street, reported a much higher incidence of false IDs. "It's quite a few, about 15 people a night. We've had some really stupid ideas like a Caucasian woman trying to pass with an Oriental woman's ID," Oshea said.

Oshea said that he can tell a fake ID by typing that looks different than normal, or if the last digit in the date of birth has been changed. But if an underage person use someone else's valid ID, it's harder to detect.

"Passing other's IDs, especially with girls, is difficult because they can change their hair, but we try to look at facial features because they don't change."

Oshea said that the A.L.E. asks bars and restaurants to hold any false IDs that they come across. A bartender there once confiscated six IDs and turned them in; as a result, one person was charged. The A.L.E. wrote the restaurant and thanked the bartender for doing his job. For people who are using legitimate IDs belonging to someone else, the bouncer simply turns them away at the door.

Convenience stores and supermarkets also face threats of liability if they sell to underage or drunk people. The D.W.I. Source Prevention Program, which began in 1983, teaches employees how to detect intoxicated persons and/or minors. Some stores are also developing their own systems of training for detection.

"Their liability has opened their eyes," said John Britt, Deputy Director of the A.L.E. "Businesses [that are caught selling to minors] will pay fines in excess of \$500 to keep from being shut down for three days [as was the case with A&P recently]."

"All these people are becoming more responsible. It was socially acceptable to drink and drive, people don't condone it anymore," said Britt.

But the results are not all positive; the A.L.E. may never be able to effectively regulate underage drinking in Chapel Hill and North Carolina in general. Statistics show that every year the percentage of businesses caught selling to minors increases by one percent.

Even Britt admits, "This is a big problem. We're just hitting around the edge. There's no way you're ever going to stop it."

What the defender says:

He's no saint, but he may just be your last hope

by BILLY STOCKARD

Underaged students can usually get an older friend to buy alcohol for them. It's one of the facts of life that everybody has a source. Even so, some people have found it convenient to have fake identification made that will allow them to buy beer or get into bars. But, as lawyer Orrin Robbins can testify, these people may actually be "barring" themselves from other privileges.

North Carolina has tried to crack down on fake ID usage recently. According to Robbins, the standard penalty for using a fake ID is the loss of driver's license for one year. This penalty isn't just for using a fake ID to buy alcohol — it's for simply using one to get into an area bar.

North Carolina legislators felt "the best way to get the attention of underage (abusers) was to take their driver's licenses. This includes using altered, fictitious IDs, or using somebody else's," said Robbins. Robbins, who also defends those accused of speeding and driving while impaired (D.W.I.), said he usually gets about two fake-ID cases a month. However, he said he had noticed a decrease in the number of phony ID users he's had to defend recently.

"I don't know whether students are getting wiser or just getting better IDs. Somehow, I think it's the latter."

While Robbins didn't want to give away too many of his trade secrets, he did say that sometimes he can get a lesser sentence for first-time offenders.

"Sometimes I can negotiate some kind of arrangement with the court, so that the defendant does not lose his or her license, but instead does community service . . . The defendant still faces court costs of around \$50 and will usually have to appear in court after compliance," he said.

For the defendant, this means that even if his or her sentence is reduced to community service, he or she will often have to go back to court after this service has been completed. The community service, which is run by an agency in the Public Defender's Office, is formally entitled "The Community Service Works Program," and is located in Carrboro.

On the D.W.I. end, court cases usually don't run as smoothly for the defendant. Robbins says that he handles many more cases of D.W.I. than fake IDs, a result of the states' steep penalties for drunk drivers.

"The main reason (I handle more D.W.I.s) is that the law is so much harsher in reality than for a fake ID." People who are convicted of D.W.I. could face 14 days in jail and a \$500 fine, as well as lose their license. Other fees and payments to lawyers can easily bring the total cost to more than \$800.

Robbins was quick to point out that he isn't a saint who will always save the day for hapless minors or D.W.I. defendants.

"I don't want to seem like some sort of cavalier who says it's okay to break the law. Breaking any law is serious business, and shouldn't be taken lightly."

Most people won't make such a serious mistake twice. But it is often a hard lesson for a minor to learn the legal implications involved in using fake ID and especially a D.W.I. charge. People like Robbins will do all they can, but ultimately it's up to the individual to decide. Sometimes there aren't any second chances.

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