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ADCOCK, ATTIE W. The Development of the Alcoholic Beverage Control System in North Carolina (1972)  
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It was the purpose of this study to trace the development of the Alcoholic Beverage Control (ABC) system in North Carolina after the repeal of national prohibition, with an emphasis on legislative enactments. On the basis of an examination of legislative records, contemporary newspapers and magazines, and manuscript materials, several conclusions appear valid.

For a considerable time after the repeal of the Eighteenth Amendment, there continued to be strong prohibition sentiment in North Carolina, especially in the western half of the state. Strongest support for legislation to legalize the sale of liquor came from the rural eastern section of the state. During the early period of development of the state's ABC system, sectionalism appears to have been the strongest factor in determining the pattern of development. In later years, particularly after 1960, prohibition sentiment tended to be concentrated in rural areas with cities in all sections of the state favoring legalized liquor.

During the period under study, four major laws regulating the sale and consumption of alcoholic beverages were passed: the Alcoholic Beverage Control act (1937); the Beverage Control act (1939); the Fortified Wine act (1941); and the "brown bagging" act (1967). For the most part, North Carolina's liquor laws have been hastily drawn and passed. As a result, the laws are vague and sometimes contradictory. Nevertheless, the majority of North Carolina's citizens have evidently come to feel that the ABC system works well. At the present time, ABC stores are located in eighty-two of the one hundred counties of the state.

THE DEVELOPMENT OF THE ALCOHOLIC

//

BEVERAGE CONTROL SYSTEM

IN NORTH CAROLINA

by

Attie W. Adcock

A Thesis Submitted to  
the Faculty of the Graduate School at  
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## INTRODUCTION

An examination of legislative records, contemporary newspapers and magazines, and the personal correspondence of religious and political leaders reveals that strong prohibitionist sentiment continued to exist in North Carolina for a considerable period after the repeal of national prohibition in 1933. Over the past forty years, the state has gradually adopted a patchwork system of liquor control. Today forty-four counties operate ABC stores for the sale of liquor for off the premises consumption, certain cities in thirty-eight other counties operate such stores, and in eighteen counties of the state, no liquor may legally be sold. Nowhere in the state may liquor by the drink be legally purchased.

Throughout the period covered by this study, the strongest opposition to legalized liquor has come from Protestant church leaders, particularly those of the Baptist and Methodist denominations. During the early period of the development of the state's Alcoholic Beverage Control system, advocates of legalization tended to be concentrated in the rural eastern half of the state. In later years, support for legalization has come primarily from urban areas. This study makes little attempt to determine precisely which categories of North Carolina citizens have voted for legal liquor. The answer to this difficult question must await further investigation.

There are at present few secondary sources available relating to the liquor controversy in North Carolina during the period under consideration. No major work on the subject has been published since 1945. Case

studies on the establishment and impact of the state's system of liquor control would be particularly helpful if available. This thesis is intended to be a general survey of the development of the Alcoholic Beverage Control system of North Carolina since the time of national repeal, with an emphasis on legislative enactments.

CHAPTER I  
REPEAL OF THE EIGHTEENTH AMENDMENT

The first skirmish in the battle to repeal prohibition in North Carolina came during the election campaign of 1928. Al Smith, the Democratic candidate for president, strongly favored repeal of the Eighteenth Amendment. Furnifold M. Simmons, United States Senator from North Carolina and long time state party boss, refused to support his party's nominee. He said, "The only question raised by the candidacy of Al Smith is the question of whether we shall again have barrooms and liquor or have prohibition in this country." Many dry Democrats followed Simmons' lead and supported Hoover. Other prominent dries, including North Carolina Supreme Court Justice Heriot Clarkson, former governor Cameron Morrison, Clyde R. Hoey, and Josephus Daniels, editor of the powerful Democratic mouthpiece, the Raleigh News and Observer, supported Smith.

As a result of Simmons' action the Democratic party was split and Hoover carried the state. In addition, the Anti-Saloon League fell into disfavor with many Democrats. For over a quarter of a century, the League and the Democratic party had worked together on an informal basis. Furious over the League's support of Hoover, many Smith Democrats refused further contributions to its upkeep. The depression added to the League's difficulties. Its activities were curtailed, debts remained unpaid, salaries were reduced, and the League was unable to render effective leadership of the state's prohibitionists.

The demoralization of the League contributed to the nomination and election of Robert Rice Reynolds of Buncombe county as United States senator in 1932. Reynolds campaigned on a platform that included the repeal of the Eighteenth Amendment. He argued that prohibition had proved ineffective and unenforceable and that the only sensible solution to the problem of alcohol control was to legalize and tax liquor:

"I hate liquor. I am not trying to bring liquor back. It is impossible to bring back something that has never left us. I am simply asking that you take the liquor, liquor that is already with us, out of the hands of the bootlegger, where it cannot be controlled, and put it in the hands of the government, where it will be controlled. I am asking that you take the taxes off the land and put them on the liquor."<sup>4</sup>

Some reporters interpreted Reynolds' victory to mean that the state had repudiated the d<sup>5</sup>rys. It is probable, however, that other factors contributed heavily to his victory. His opponent, Cameron Morrison, was a wealthy man and a friend of big business. Reynolds' pose as the poor man's candidate was most effective in that depression year. In addition, voters were captivated by Reynolds' showmanship and his exuberant approach to politics. One writer commented that, having elected Reynolds, North Carolina was waiting suspensefully to see what "Buncombe Bob" would do in the Senate: "All North Carolina knows that if he decides to talk within twenty-four hours after he is sworn in, neither Vice-President Charlie Curtis nor Joe Robinson nor God with a gavel can keep him quiet."<sup>6</sup>

Already disturbed by the election of Reynolds, d<sup>7</sup>rys were further alarmed when, shortly after the legislature convened in January 1933, Representative G. W. Cover of Cherokee introduced a bill to repeal the Turlington act. This law, enacted in 1923 to bring the state's prohibition<sup>8</sup>



law into line with federal legislation, prohibited the manufacture, sale, transportation, or purchase of any beverage containing as much as one-half of one percent (by volume) of alcohol. Then, Representatives Pete Murphy and Tam Bowie jointly introduced in the House a bill to allow the sale of light wines and beer. A similar bill was introduced in the Senate by W. R. Francis.

Dry leaders appearing before a House committee demanded a referendum before the adoption of the Murphy-Bowie bill or any measure changing the state's prohibition laws. They argued that prohibition had been adopted by a state-wide vote of the people in 1908 and to repeal it without a referendum would be breaking faith with the people. Proponents of the Murphy-Bowie bill argued that if the national Congress legalized beer, then North Carolina citizens would go to neighboring states to procure it unless it was made legally available in the state. Wets said that the bill was necessary because of the need to find new sources of revenue and to take taxes off real estate.

At a noisy, crowded Senate hearing on the Francis beer bill, Dr. William L. Poteat, president emeritus of Wake Forest College and former president of the Anti-Saloon League, ridiculed claims that the beer measure would bring in a million and a half dollars in revenue. He said that after eliminating children and abstainers, the remaining people would have to drink four hundred forty-nine glasses of beer a year each to bring in that amount. "We can do it," yelled a voice from the gallery. W. Kerr Scott, master of the state Grange, said the bill would hurt agriculture by substituting beer for milk as a beverage. Speaking for the bill, Representative Basil Boyd from Mecklenburg argued that prohibition was a failure and



the election of Robert R. Reynolds was a mandate for repeal. Robert R. Lawrence, president of the State Federation of Labor, said, "We just naturally want beer." Other wet speakers claimed that legalizing beer would promote temperance by reducing the consumption of bootleg liquor. 11

The Francis beer bill cleared the Senate by a vote of thirty-three to eleven and was sent to the House where it was passed seventy-five to twenty-seven. 12 The new law legalized the sale of beer and wines containing no more than three and five-tenths percent of alcohol. Taxes of two dollars per barrel and two cents per bottle were authorized. Each vendor had to obtain a license from the county board of commissioners at a cost of twenty-five dollars. Towns were allowed to levy a tax of ten dollars per year on each vendor. All laws prohibiting the advertising of beer and wine were repealed. 13

At a joint legislative committee hearing on the Cover bill, drys urged continued prohibition as the best method of promoting temperance. They repeated their earlier argument that no change in liquor legislation should be made without a vote of the people. Mrs. W. B. Lindsay, state president of the Woman's Christian Temperance Union, said, "You've got plenty to do. Balance the budget or something. . . . I just want you to get down to business and leave this liquor question alone." Representative Clayton Grant of New Hanover, representing the wets, argued that all the Turlington act had accomplished was to drive liquor out of a few places and spread it over the countryside. 14 When the bill came to a vote, it was defeated seventy-two to thirty-five.

Meanwhile, the movement to repeal the Eighteenth Amendment was gathering momentum. Drys at first decided not to fight national repeal.

Instead, they planned to conserve their strength to meet a renewed attack on the Turlington act once national repeal became effective. Some of the prohibitionists, led by Judge Heriot Clarkson, were dissatisfied with this decision and resolved to fight repeal. A new organization called the United Dry Forces had already been started to fight the liquor bills in the legislature. This organization now proceeded to lay plans to resist repeal of the Eighteenth Amendment.

In May 1933, sixty prominent dry leaders, nearly all of whom were "old line Democrats," met in Raleigh and enthusiastically voted to wage a fight against repeal. An executive committee of forty persons was named. Dr. William L. Poteat was chosen to head the United Dry Forces, and Charles L. Ruffin, operator of a Raleigh printing plant, was named secretary. Plans were made to set up a central committee of three hundred influential dries from all sections of the state. Among those present at the meeting were Zeb V. Turlington, author of the state's prohibition law; Mrs. W. B. Lindsay, state president of the Woman's Christian Temperance Union; George J. Burnett, superintendent of the Anti-Saloon League; J. S. Farmer, editor of the Biblical Recorder (Baptist); and M. T. Plyler, editor of the North Carolina Christian Advocate (Methodist). The group issued an appeal for support which said in part:

No family, high or low, rich or poor, has escaped the galling curse of liquor. It is the cankerworm that has eaten into the heart of the body politic. It has made the sweet water of life bitter. The tears that have been shed by an army of mourners speak to our heads as well as our hearts. . . . No race is exempt; especially it is injurious to the Negro workman. Neither the employer or employee wants about him in their daily tasks those who drink. . . . This issue appeals to men and women of all parties; to men and women of all creeds; it is above party, above creeds, above nationalities; it is a matter of conscience. . . . Millions of dollars that should be devoted to home building and economic recovery will be siphoned out of

this State by Liquor Lords living in cities and states outside North Carolina. . . .

We would regard the repeal of the Eighteenth Amendment as a calamity to our Nation. We believe that prohibition at its worst is better than legalized sale of intoxicating liquor for beverage purposes at its best.<sup>17</sup>

Temporary headquarters were established in the Raleigh home of Mrs. Frances Renfrow Doak, former secretary of Governor Charles B. Aycock. With volunteer help from members of the Raleigh Woman's Christian Temperance Union, letters were mailed to prospective members of the central committee. A contribution of \$400 from state Senator John Sprunt Hill of Durham paid the postage and other initial expenses.<sup>18</sup>

The first meeting of the central committee was held in Raleigh on June 22. The main order of business was the selection of a campaign manager. Cale K. Burgess, a successful Raleigh attorney, organizer of American Legion Posts, and active Young Democrat, was selected for the position. Prior to this time, Burgess had only been incidentally connected with the prohibition movement. Mrs. Doak was appointed to serve as his assistant. Headquarters were moved to the Bland Hotel and a vigorous and smoothly organized campaign was launched.<sup>19</sup>

During the anti-Smith campaign in 1928, the Anti-Saloon League and the Woman's Christian Temperance Union had incurred the displeasure of many Democrats. In order to gain wider support, it was decided to keep the names of both organizations out of the present campaign against repeal.<sup>20</sup> As a result of this decision, the two organizations virtually ceased to function as a political force in the state.

On the suggestion of Judge Clarkson, a speakers bureau went into action.<sup>21</sup> Clyde R. Hoey, Cameron Morrison, and Judge E. Y. Webb were among the leading Democratic speakers; Republicans included Jake F. Newell,

Clifford Frazier, and Charles A. Jonas. All over the state, in churches, schools, anywhere a crowd could be gathered, the bureau furnished a speaker for the cause. Audiences were told that a vote against national repeal was a vote for retention of the state's prohibition laws. Dry speakers denied charges that prohibition was a failure and claimed that prohibition laws were about as well enforced as any other laws. They admitted that some revenue could be gained from taxing legalized liquor, but argued that no state could really benefit from selling liquor which would debase the moral standards and the economic life of those who drank it.

Advocates of repeal moved at a more leisurely pace. In June, fourteen prominent wets met in Greensboro to draft plans for a repeal organization, but no headquarters was established for the group until late October when it became evident that the state might vote against repeal.

Senator Robert R. Reynolds toured the state in October, making a total of twenty-five speeches. He said repeal would eliminate bootleggers and racketeers and provide a new source of revenue without increasing liquor consumption. He claimed that there were 400,000 illegal barrooms in the state and asked the people to "vote as you drink." As a climax to their campaign, repealists brought Postmaster General Farley to the state for a speech in Raleigh on November 3. Farley told the state's Democrats that party loyalty demanded that they vote for repeal. In addition, he asked that they support repeal as an endorsement of the leadership of President Franklin D. Roosevelt.

On November 7, 1933, the voters of the state went to the polls and voted For Convention (repeal) or No Convention (against repeal). When the votes were counted, drys were jubilant for they had won a smashing victory

and North Carolina had become the first state in the union to vote against repeal. Only thirteen counties voted wet. Of that number, one was in the west, one was in the Piedmont, and the remaining eleven were in the eastern section of the state. The total vote was 120,000 for repeal and 293,484 against.<sup>28</sup>

"The vote against National Prohibition in North Carolina can mean but one thing, for it is certain that the Eighteenth Amendment is doomed, and that is that North Carolina is committed firmly to Prohibition as a state policy," said the editor of the News and Observer. The paper attributed the victory of the dries to four factors: (1) The state was not as wet as the victory of Reynolds and the enthusiasm over beer legislation in the last legislature seemed to indicate. (2) The dries had an aggressive organization which reached into every precinct. It included able and experienced politicians as well as religious leaders. (3) The wets had no such organization. Instead, they relied on the regular Democratic organization which did not function at all in some places and in others favored the prohibitionists. (4) The Republican vote, which usually represented about forty percent of the total vote in the state,<sup>29</sup> was solidly for prohibition.

Although many in the dry ranks believed this victory would assure continued prohibition in the state for at least a decade, their leaders were under no such illusion. They realized the crucial battle would be fought in the 1935 session of the General Assembly of the state. In preparation for the battle to come, three hundred leaders of the United Dry Forces met in Greensboro in January 1934 and planned a determined stand against the election of legislators not pledged to uphold the Turlington



act. Meeting again in Raleigh in March, the group formed a permanent organization to fight for the retention and enforcement of North Carolina's prohibition laws. It elected the following officers: president, Dr. William L. Poteat; first vice president, Cale K. Burgess; second vice president, Mrs. W. B. Lindsay; and secretary, Mrs. Frances Renfrow Doak. 30

By fall of the year, drys looked forward to the coming fight, confident of victory. Addressing the closing session of the fifty-second annual convention of the Woman's Christian Temperance Union in Raleigh on October 19, Cale K. Burgess said: "I don't believe the coming legislature will repeal the Turlington act, and if it dares to force another referendum upon us we will not only beat them to a frazzle but we will wipe off the map some of the pet heroes of the Democratic Party in North Carolina." 31

## FOOTNOTES

## CHAPTER ONE

<sup>1</sup>J. Fred Rippy, ed., F. M. Simmons Statesman of the New South: Memoirs and Addresses (Durham: Duke University Press, 1936), p. 514. Although Simmons claimed religion was not a factor in his opposition to Smith, there is abundant evidence that Simmons frequently appealed to religious prejudice in speeches against Smith, a Catholic.

<sup>2</sup>Daniel Jay Whitener, Prohibition in North Carolina 1715-1945, Vol. 27: The James Sprunt Studies in History and Political Science (Chapel Hill: University of North Carolina Press, 1946), p. 193.

<sup>3</sup>Ibid., p. 195.

<sup>4</sup>Arthur L. Shelton, "Buncombe Bob," American Mercury, October 1932, pp. 140-147.

<sup>5</sup>Ibid.; Also, "North Carolina's Wet-Dry Eye Opener," Literary Digest, June 1932, pp. 113-117.

<sup>6</sup>Elmer L. Puryear, Democratic Party Dissension in North Carolina 1928-1936, Vol. 44: The James Sprunt Studies in History and Political Science (Chapel Hill: University of North Carolina Press, 1962), pp. 125-143.

<sup>7</sup>Shelton, "Buncombe Bob," p. 147.

<sup>8</sup>Greensboro Daily News, January 11, 1933.

<sup>9</sup>Ibid., January 26, March 13, 1933.

<sup>10</sup>News and Observer, February 15, 22, 1933.

<sup>11</sup>Ibid., March 29, 1933.

<sup>12</sup>Journal of the Senate (1933), p. 432; Journal of the House (1933), p. 569.

- 13 Public Laws of North Carolina (1933), ch. 216, p. 335.
- 14 Ibid.
- 15 Whitener, Prohibition in North Carolina, p. 200.
- 16 Greensboro Daily News, May 26, 1933; News and Observer, May 26, 1933.
- 17 News and Observer, May 26, 1933.
- 18 Frances Renfrow Doak, Why North Carolina Voted Dry (Raleigh: Capital Printing Company, 1934), p. 4.
- 19 Whitener, Prohibition in North Carolina, p. 201.
- 20 Doak, Why North Carolina Voted Dry, p. 7.
- 21 Ibid., p. 10.
- 22 Whitener, Prohibition in North Carolina, pp. 203-204.
- 23 Winston-Salem Journal, August 3, September 3, 1933; News and Observer, November 4, 5, 1933.
- 24 Among those present were: John D. Bellamy and Thomas W. Davis, Wilmington; John Morehead, Charlotte; Walter Murphy, Salisbury; Carter Dalton, High Point; and Pierce Rucker, Greensboro.
- 25 Greensboro Daily News, June 8, 1933; News and Observer, October 22, 1933.
- 26 Winston-Salem Journal, October 3, 20, 25, 26, 1933.
- 27 News and Observer, November 4, 1933.
- 28 North Carolina Manual (1935), p. 113.
- 29 News and Observer, November 8, 1933; See also Inez Bolin Wall, "How North Carolina Went Dry," Christian Century, November 1933, pp. 1504-1505.



<sup>30</sup> Ibid., January 17, March 21, 1934.

<sup>31</sup> Ibid., October 20, 1934.

CHAPTER II  
THE 1935 LEGISLATIVE BATTLE

The legislature convened on January 9, 1935, and ten days later the first liquor bill was introduced in the House by Representative S. S. Day of DeSoto county. Day, personally and collectively with the members of the bill by asserting that liquor law enforcement in the state had broken down and that general standards of law observance had been lowered. He expressed the hope that strengthened public opinion in support of law observance and enforcement would result from submitting the whole question "openly and directly to the voters."

The Day bill called for a state wide referendum on three propositions. The propositions were: (1) the prohibition of the manufacture, sale and distribution of liquor, or a strict law enforcement system; (2) the prohibition of the manufacture, sale and distribution of liquor, or a moderate law enforcement system; (3) the prohibition of the manufacture, sale and distribution of liquor, or a moderate law enforcement system. The bill also provided for a referendum on the question of whether the state should have a state lottery. The bill also provided for a referendum on the question of whether the state should have a state lottery. The bill also provided for a referendum on the question of whether the state should have a state lottery.

## CHAPTER II

## THE 1935 LEGISLATIVE BATTLE

The legislature convened on January 9, 1935, and ten days later the first liquor bill was introduced in the House by Representative N. E. Day of Onslow county. Day, personally a dry, justified his sponsorship of the bill by asserting that liquor law enforcement in the state had broken down and that general standards of law enforcement and observance had thus been lowered. He expressed the hope that strengthened public opinion in support of law observance and enforcement would result from submitting the whiskey question "openly and directly to the voters."<sup>1</sup>

The Day bill called for a state wide referendum on three propositions. Voters would choose either retention of the Turlington act, open sale of liquor, or a quart law control system. The open sale option provided that any merchant purchasing an annual license costing \$100.00 could sell liquor, although every town would retain the privilege of prohibiting sale within its limits. The quart law plan empowered the Commissioner of Revenue to sell through the mails, or authorize to be sold from state dispensaries, as much as a quart of liquor in a sealed package every fifteen days to any family head who had obtained an allotment card. Towns of 15,000 population or greater, or counties in which there was no town of that size, could secure dispensaries by making application to the Commissioner of Revenue. The quart law plan also provided severe penalties for drunkenness and bootlegging and mandatory jail sentences for drunken driving.<sup>2</sup>

Reaction on the part of the drys was immediate and vociferous. The United Dry Forces dispatched a petition to members of the legislature calling attention to the large dry majority in 1933 and declaring there could not have been sufficient change in sentiment in so short a time to justify another referendum on the liquor question. The petition further declared that such a referendum would be a waste of money at a time when teachers and other state employees were severely underpaid. Members of the United Dry Forces were asked to contact members of the legislature. Every minister and Sunday school teacher was asked to devote the next few Sundays to the cause. All members were urged to raise as much money as possible to provide funds for literature, mailing, office space, and workers.

In an address delivered at the First Baptist Church in Raleigh, Cale K. Burgess denounced liquor as ruinous to the body, responsible for the breakup of homes, and a major cause of crime and insanity. Sounding a note that would be repeated over and over again in dry propaganda, he pictured every drinker as being on the road to alcoholism and asserted the only way to control alcohol abuse was total personal abstinence coupled with legal prohibition.

The North Carolina Christian Advocate, organ of the state's Methodists, charged that the first year of national repeal had brought back the saloon, and resulted in increased consumption. Although repeal was supposed to do away with bootlegging and lawlessness, crime remained as rampant as ever. The Winston Salem Journal whose editor, Santford Martin, was a leading dry, joined in the fray. Conceding that prohibition had not lived up to its promise, the paper insisted that conditions had worsened as a result of repeal. An editorial cited a New York Times story

saying that in Boston the number of drunken women increased seventy-five per cent in the first three months after repeal. Continued prohibition was urged as protection of Southern womanhood.<sup>7</sup> Carl Goerch, editor of The State, a weekly news magazine, took the position that the legislature should not override the dry vote of 1933 but should submit any change in liquor legislation to the vote of the people. Goerch approved the Day bill since it called for a state wide referendum, which he considered necessary to settle the controversy.<sup>8</sup>

There are indications of private pressure on politicians from within the ranks of the Democratic Party. Judge Heriot Clarkson wrote to J. Wallace Winborne, state chairman of the party, asking Winborne to "quietly put your hand in and stop any change in the present liquor legislation." Clarkson warned that if Democratic leaders failed to prevent new liquor legislation, grave injury to the Democratic party would result. He cited the voting statistics for 1933 and told Winborne the dry majority was great enough to control elections in 1936: "If the dry forces should turn on us, we would have trouble in electing our national and state ticket."<sup>9</sup> A letter from Dr. William L. Poteat to state Representative Carroll W. Weathers reminded Weathers he had been supported by the United Dry Forces in Wake county and suggested there might be reprisals by the group if he failed to vote dry.<sup>10</sup>

The greatest reversal suffered by the dry forces was the defection of John Sprunt Hill of Durham. Senator Hill had been a leading dry and a generous financial contributor to the United Dry Forces in 1933.<sup>11</sup> Drys were shocked and dismayed when Hill announced he would sponsor a liquor bill in the senate. Hill explained that the bill had been drawn up by a

group of drys because "conditions in North Carolina have become intolerable in regard to the sale and use of liquor, and the Turlington act, as it stands, has now become more of a breeder of crime than a law for the enforcement of prohibition."<sup>12</sup>

The Hill bill provided for the creation of a liquor control authority of three men to be appointed by the governor. This control authority would be empowered to set up state liquor stores in any community where the board deemed such stores advisable. If a municipality objected to the sale of liquor, a special election to prohibit sale within city limits could be held when thirty percent of those voting in the last election signed a petition. Sales would be limited to one quart of whiskey or one gallon of wine to an individual at one time. Liquor would be sold at a profit with a ten percent sales tax added. A portion of the gross receipts not to exceed fifteen percent would be devoted to the enforcement of prohibition laws not repealed by the Hill bill. Profits from the sale of liquor would go to the cities and counties to be used for welfare work, relief, old age pensions, and employment service.<sup>13</sup>

Announcement of the Hill bill brought an immediate attack from the drys. Cale K. Burgess charged that Hill would launch North Carolina on an endless cycle of debauchery. Ridiculing the revenue provisions of the bill, he said: "The more liquor the state might unload on its citizens to raise revenue for relief, the more destitution the state would thus create." He argued that bootleggers could sell liquor much cheaper than the state stores, and therefore the bill would be useless as a measure to control the illicit liquor traffic. He predicted that the restrictions contained in the Hill bill would be harder to enforce than the Turlington



14  
 act. W. L. Poteat charged that greed for liquor revenue had served as a  
 "salve to the conscience" of liberal drys. Judge Clarkson attempted to  
 inject the racial issue into the controversy. In a letter to the editor  
 of the News and Observer he expressed the fear that, if the Hill bill should  
 pass, it would mean "as it did a generation ago, liquor and negro domination."  
 Josiah W. Bailey, United States Senator from North Carolina, repeated pre-  
 viously expressed concern that the Democratic party could ill afford to  
 become known as the party of the wets. In addition, he expressed fear  
 that the establishment of a dispensary system would lead to the creation  
 of a political machine in the state. Mrs. W. B. Lindsay, state president  
 of the Woman's Christian Temperance Union, said the aim of the legislature  
 should be to promote sobriety rather than to collect revenue at the expense  
 of character. She predicted that passage of the Hill bill would result in  
 the need for enlarged jails and increased welfare payments. One leading  
 dry attacked the bill as a step toward socialism:

When a man of the type of John Sprunt Hill fathers a bill  
 to socialize liquor in North Carolina, it is evident that  
 the liquor people of the state are willing to enact a social-  
 istic law, provided it will make liquor available. . . liquor  
 will do many things and curious things, but never had I ex-  
 pected to see it make this man the leading exponent of a law  
 to establish a socialistic theory of business operation in  
 North Carolina.

Coming to Hill's defense, the Greensboro Daily News said he was  
 "just as respectable in all particulars as the Unitedest Dry of them  
 all." The paper reported Hill was receiving one hundred letters a day  
 and these were running ten to one in favor of the bill. The editor drew  
 a sharp distinction between temperance and prohibition, saying prohibition  
 in the state was "a mighty sorry thing" and drys were wrong in insisting

that anyone in favor of temperance must also support prohibition. <sup>20</sup> W. O. Saunders, editor of an Elizabeth City paper, predicted the welfare provisions of the bill would insure its passage. He said, "The vast army of beer and whiskey guzzlers who can find means to pay high prices for beer, wines, cordials, and liquers [sic] should be made to take care of those who can't find means to buy bread."<sup>21</sup>

Hill personally led the fight for his bill in the hearing before Senate Judiciary Committee No. 2 on February 20. Speaking before packed galleries, he repeated his earlier statement that the Turlington act was unenforceable because of lack of public sentiment and the easy availability of liquor. He said continued prohibition would generate contempt for the law and for temperance among the younger generation: "The young men and women of North Carolina look in the newspapers and see the picture of a dreary, hideous fanatic with a high hat, black tie, and old rumped umbrella as a symbol of prohibition, and they make up their minds to fight this old killjoy spirit of bigoted Puritanism and before long they are lost to the church and many of them are lost to society." Hill emphasized that the revenue provisions of the bill were secondary to the primary purpose of control and that proponents of the bill neither expected nor advocated increased consumption of liquor. "We liberal drys are not wet, neither are we blind." He asked how long extreme drys could continue to close their eyes to existing conditions.<sup>22</sup>

Other speakers in favor of the bill were W. Roy Francis, assistant federal district attorney in western North Carolina; Doyle Alley, president of the Young Democrats of the state; and Arthur Harrison, president of North Carolina Labor Voters League and leader of the Brotherhood of

Railway Locomotive Engineers. Harrison claimed the Brotherhood was as dry as the Woman's Christian Temperance Union and asked for a favorable report on the bill in order that the state could get out from under the bootlegger's yoke.

Former Governor Cameron Morrison, speaking against the bill, ridiculed any plan to promote temperance by making strong drink legally accessible. He argued that the revenue provisions of the bill would mean that, for every dollar North Carolina collected in taxes, ten dollars would go to breweries in other states. Morrison denounced the liberal drys, saying "They offer this bill in the name of the Democratic party of North Carolina. God Deliver us! Why, even the Republican party wouldn't favor such as that." Particularly provoked by the Young Democrats' endorsement of the Hill bill, Morrison said: "We've got the finest boys in the world in North Carolina and the Young Democrats Club represents devilishly few of them." John D. Langston of Goldsboro heatedly proclaimed: "The bootlegger is a dirty snake. Wrap the state flag around him and he will still be a dirty snake." Concerning the argument of the bill's supporters that the Turlington act was unenforceable, he argued that the state might as well license bawdy houses as the liquor traffic if it proceeded on the assumption that the laws were not enforced. Langston threatened that drys might bolt the party if the prohibition laws of the state were changed. Other dry speakers included Dr. A. J. Barton of Wilmington, chairman of the Social Services Commission of the Southern Baptist Convention; Dr. M. T. Plyler of Greensboro, editor of the North Carolina Christian Advocate; and the Reverend J. S. Farmer of



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Raleigh, editor of the Biblical Recorder. After hearing three hours of debate, the Senate committee went into executive session and decided to defer action on the bill.

It appears that advocates of legalization had good cause for claiming enforcement had broken down. Although the editor of the Winston Salem Journal claimed "an intoxicated man on the principal streets of a North Carolina town" was "as rare as the dodo,"<sup>27</sup> the Charlotte Observer reported drunkenness to be a growing problem in that city. Statistics from Charlotte reported 3,151 persons arrested for drunkenness during 1934, which was triple any yearly total since 1916.<sup>28</sup> The editor of Colliers sent reporter Owen P. White to investigate the liquor situation in North Carolina. After touring the state, he reported:

Never anywhere have I seen anything to surpass it. When I visited the state recently, motoring lengthwise across it from the Dismal Swamp section on the coast, where stills capable of producing thousands of gallons daily were in operation, clear over to its beautiful city of Asheville, perched as it is on its Appalachian pinnacle, the one thing that I could never get away from was the odor of corn. It was everywhere. The bottles were gone but the memory lingered in every hotel room I occupied. . . . it was seldom that I inhaled a lungful of atmosphere that was not laden with the scent of something delightfully illegal. That's it. That's the point. Its delightful illegality gives to Carolina corn the distinctive flavor that the Tarheels love. Moreover it makes it very cheap.<sup>29</sup>

White said the Raleigh chief of police told him the liquor laws<sup>30</sup> were not enforced because the people did not want them enforced. W. Roy Francis expressed the same view:

In 10 years as a prosecuting attorney in my county I found it impossible to enforce the Turlington act. The people don't want it enforced. I find it is always the little man who gets caught. Nobody has got the nerve to bring out the real violators of the law. We are wet, if not wetter, as any state in the union.<sup>31</sup>

Liquor was evidently both abundant and cheap. One man who was connected with a four-man moonshine operation in rural Guilford county reports average sales of 1,800 gallons a week at their still during this period. Going prices at the still were \$5.00 per five gallon can, \$1.50 per half-gallon, \$1.00 per quart, 50¢ per pint and 25¢ per half-pint. Cost of manufacture averaged twenty cents a gallon. The dries were correct in arguing that the state stores would not be able to sell liquor as cheaply as the bootleggers.

The still operators grew much of their own grain, purchased sugar and glass jars from local merchants, and spent their profits in the community. They thought of themselves as businessmen contributing to the economic prosperity and agreed with the dries that the legalization of liquor and elimination of bootleggers would result in tremendous amounts of money leaving the state, to the detriment of the local economy.

Aside from the violation of liquor laws, still operators during this period were generally law-abiding citizens who were in no way connected with any statewide crime or liquor syndicate. Most of them had little education and were driven into the liquor business by low farm prices and lack of other employment opportunities. They built up a reputation for quality liquor sold only to responsible patrons who came to their door. Townspeople and their neighbors were aware of the economic necessity which had impelled them and rarely reported them to the authorities.

In addition to public apathy, strict enforcement was hindered by two factors. First, the sheriff in most counties simply did not have

sufficient deputies to cope with liquor violations. Second, when violators were apprehended and convicted, the courts dealt leniently with them, imposing light fines and short sentences that often were suspended. Risks were small in relation to profits.

White's assertion that North Carolina wanted to retain prohibition so as to avoid paying tax on whiskey is an oversimplification. All the evidence available indicates that the United Dry Forces sincerely believed that prohibition was the best method of controlling liquor abuse. Advocates of legalization were equally sincere in their contention that the Hill bill offered a better means of control.

When the Hill bill came before the Senate as a whole in March, the debate followed the same general pattern as the earlier debate in the committee hearing. Little in the way of new arguments or evidence was introduced by either side in the controversy. When it appeared the bill might not pass if it came to a vote in the Senate at this time, advocates succeeded in having it referred to the finance committee in the hope that the upcoming debate on taxes and the problem of balancing the budget might gain additional support for the bill.

In the weeks that followed, activity in the legislature was centered around various revenue bills, with no further consideration of the liquor problem except for the passage in late March of a bill to increase the maximum legal content of alcohol in beer to five percent.

The battle was renewed when a group headed by Representative Victor S. Bryant of Durham resurrected the Day bill, which had been gathering dust for months in a House committee. The bill was revised so as to resemble the Hill bill and was offered for consideration in the House

in late April. The revised bill provided that, if as many as twelve counties voted wet in a statewide referendum, liquor stores could immediately be established in any county with a wet majority. These stores would be operated by an Alcohol Control Board. Seventy percent of net profits would go to the state general fund, twenty-five percent to the county in which the store was located, and five percent toward enforcement of prohibition laws in counties that remained dry. Fines up to \$5,000 and two year jail sentences would be imposed on convicted bootleggers. After passing the first and second readings in the House, the bill was amended to require that fifty-one counties must vote wet before any liquor stores could be established in the state. On the third and final roll call vote in the House, the dries had a majority of one. In accordance with an earlier agreement, Representative Joe Vann then changed his vote to favor the bill. The House thus passed the bill fifty-one to fifty and sent it to the Senate.

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The Winston Salem Journal termed the revised Day bill vicious and unfair. The Charlotte Observer supported the bill on the grounds that a referendum was the only way to ascertain present sentiment on the liquor issue. The News and Observer reported that neither prohibitionists nor wets were satisfied with the measure. Dries were displeased because they feared another referendum on the liquor question would hurt the Democratic party. Wets disliked the bill because they feared the necessary fifty-one counties would not vote for legalization. The Biblical Recorder reminded Democrats: "There is another political party in North Carolina."

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The Senate killed the revised Day bill by a vote of twenty-six to twenty-three despite frantic efforts of wets to trade sales tax exemptions for favorable votes on the bill. Since the Day bill closely resembled the Hill bill, defeat of the one meant that the other would not come to a vote in the Senate.

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Angered by the Senate action, the House on the following day passed two bills designed to "get even" with the Senate. One bill, which replaced the sales tax on hotel room rentals, was aimed directly at Senators Johnston of Asheville and Browning of Bryson City, who had been expected to support the liquor bill in return for removal of sales tax on hotel rooms, a matter which was important in their resort area. The other bill, introduced by Representative Ulysses S. Page, whom the Greensboro Daily News characterized as a "roving Methodist of the shouting school," provided for the creation of a prohibition army. Roaring that "the preachers have laid down with the bootleggers," and charging that the Day bill had been defeated in the Senate by "dripping wet drys," Page introduced a measure providing for two prohibition agents in each county plus an additional officer for every 10,000 population over 30,000 in a county. The \$2,400 salaries of the officers were to be paid for by an added \$50 fine levied on each convicted violator of prohibition laws. Cost of the bill was estimated at \$600,000, not including administrative expenses.

Any deficit not covered by fines levied on offenders was to be shared on a fifty-fifty basis by the state and counties. Wets and drys saw two things to fear from the bill: They feared there might be a large deficit not covered by fines, and they feared the bill would result in the creation of a political machine since the enforcement agents were to be appointed by the governor.

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The reaction of the press was generally hostile to the bill, with the exception of the Asheville Citizen whose editor said the Page bill was logical: If there is to be prohibition, then it should be enforced. The paper speculated that two years of stern and costly enforcement might simplify the liquor question by throwing into bolder relief the views of those who "drink wet and vote dry."<sup>41</sup> The calendar committee, composed of two wets and three dries, blocked the bill and prevented it coming before the senate.

It appeared the prohibitionists had succeeded and the legislature would adjourn without any change being made in the liquor laws. But in the closing days of the session, the wets staged a remarkable and unexpected rally and introduced a flood of liquor bills. In the House, Representative Tam C. Bowie of Ashe introduced one to allow North Carolina citizens purchasing liquor in other states to transport the liquor to their homes without interference from the law. Representative Day brought in a bill to allow the sale of a quart of liquor every fifteen days to any adult over twenty-one years of age. Sales were to be made through the State Department of Revenue. Senator R. L. Coburn proposed to legalize the sale and manufacture of domestic natural wines, and his bill was passed by both houses, as was a measure to provide for temperance education in the public schools. Another bill which passed both houses permitted advertising of legal alcoholic beverages in the state. Most important of all the new bills, and most damaging to the dry cause, were two introduced by legislators from the coastal counties of New Hanover and Pasquotank to exempt these counties from the Turlington act. A last minute effort succeeded in adding sixteen additional

counties to the Pasquotank bill. When the two bills came to a vote in the Senate, Senators Carson of Alexander, Grady of Johnston, and Smith of Stanley, who had consistently voted dry, had left Raleigh for their homes. Due to their absence, both bills cleared the Senate by a narrow margin and became law.<sup>42</sup>

Governor J. C. B. Ehringhouse had remained aloof throughout the controversy, but after the passage of the New Hanover and Pasquotank acts the governor called the leaders of both factions to his office and attempted to work out a compromise through which state control and supervision could be added to the hastily drawn bills. The wets were willing to give both control and revenue to the state and settle the matter with a state wide option election providing no stores were to be established unless twenty counties voted wet. The dries refused to agree, and after more than two hours of wrangling, the conference broke up. About all the governor had accomplished was to bring criticism on himself for having taken no earlier action.<sup>43</sup> With no further hope of compromise, the legislature adjourned.

The essential provisions of the New Hanover and Pasquotank acts were the same. Local option elections were to be held in eighteen eastern counties.<sup>44</sup> Upon a favorable vote, county liquor stores were to be established under the control of a three member Alcoholic Beverage Control Board appointed by the county commissioners. The board was empowered to buy and sell liquor, control advertising, fix prices, and establish stores and warehouses. The stores were to be closed on Sundays, legal holidays, and election days. Sales were to be made in sealed packages only, and sales to minors and known drunkards were prohibited. Patrons were forbidden to drink on the premises, or on public roads or streets.

Profits were to be divided between the county and the town where the store was located. In order to obtain better control of the illicit traffic, the law provided that five percent of net profits were to be used for law enforcement.<sup>45</sup>

A special provision of the Pasquotank act provided that, when a majority of the qualified voters in McNeills and Mineral Springs townships in Moore county petitioned to do so, stores would be opened in Southern Pines and Pinehurst.<sup>46</sup> This provision was important, for it established a precedent for the opening of stores in cities by special legislative enactment without a county wide election.

The leadership of the United Dry Forces believed that, although they had suffered a temporary defeat, in the long run the passage of the local option laws would aid the dry cause. They expected the laws to prove unworkable. Cale K. Burgess said that the problems created by legalization would be so great that present advocates of legalization would take the lead in working for repeal of the laws.<sup>47</sup>

The press was generally hostile to the new bills. The Charlotte Observer said: "The legislature has finally stumbled into adjournment, leaving in the wake of its parting gesture a lapful of half-baked laws and measures disposed of in a devil-may-care manner not to the credit of this body." The Winston Salem Journal commented on the "sorry record" of the legislature in passing hasty, ill conceived and unworkable local option liquor laws. "Of all the proposals which were advanced with regard to the liquor problem, this which was adopted would seem to be the least defensible and the most contradictory and obnoxious," said the Asheville Citizen. The News and Observer characterized the final sessions as a



"free-for-all, disorderly row" which had altered the prohibition policy of the state in the "most objectionable and indefensible way." The Greensboro Daily News blamed the poor liquor legislation on the "pious pig-headedness" of the drys who had refused to allow a moderate state wide referendum.  
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The defeat of the drys in the 1935 legislative battle is attributable to several factors. National repeal had been followed by legalization in Virginia, and South Carolina was about to legalize. The coastal resort area of North Carolina naturally feared economic competition from the neighboring states and pressured for legal liquor. Counties along the North Carolina borders faced the possibility that their citizens going to towns in neighboring states to purchase liquor might do the bulk of their shopping there.

The 1933 legislature had been forced to enact the unpopular sales tax to balance the budget. Previous supporters of the dry cause decided a tax on legalized liquor would be preferable to a tax on food. Since there was little expectation that the prohibition laws would be better enforced or observed in the future, liberal drys came to feel that if people were going to drink, the state might as well realize some revenue on liquor.

The approaching elections also deprived the drys of support they formerly had enjoyed. For example, Clyde R. Hoey had been most active in the campaign against repeal of the Eighteenth Amendment in 1933. With his candidacy for governor at stake, Hoey maintained public silence on the liquor issue during the 1935 legislative battle. Since the previous battle had not involved partisan politics, the drys had the support of prominent Republicans in the state. As the battle in the 1935 legislature

took on the appearance of a family fight within the Democratic party, leading Republicans generally refrained from public statements on the issue. Instead, they simply sat back and enjoyed the predicament the Democrats had gotten themselves into over the liquor question.

Prohibition and temperance had long been synonymous in the state. The action of the liberal drys in making a distinction between the two terms and advocating legalization as a means of encouraging temperance contributed significantly to the passage of the New Hanover and Pasquotank acts. Throughout the controversy, there were charges by wets that prohibition was being maintained by those who followed a policy of "drinking wet and voting dry." Whether or not this was actually the case is impossible to document. It is evident, however, that the cause of the drys was hurt by those who followed a policy of "drinking dry and voting wet."

It is interesting to note that, of the fourteen senators who represented districts in which one or more counties voted wet in 1933, twelve voted wet in 1935. Of those from districts with one or more border or coastal counties, nineteen senators voted wet and ten voted dry. Senators representing interior districts voted dry by a two to one margin. Geography played a large role: Senators from the eastern section of the state generally voted wet; in the Piedmont the vote was evenly divided; all western senators except one voted dry.

## FOOTNOTES

## CHAPTER TWO

<sup>1</sup>News and Observer, January 19, 1935.

<sup>2</sup>Ibid.

<sup>3</sup>Petition, United Dry Forces to members of the General Assembly, January 20, 1935, William L. Poteat Papers, Baptist Collection, Wake Forest University. Hereinafter cited as Poteat Papers.

<sup>4</sup>Form letter, United Dry Forces to its members, January 22, 1935, Poteat Papers.

<sup>5</sup>Cale K. Burgess, A Christian's Relationship to Strong Drink (Raleigh: Temperance Education Bureau, 1935).

<sup>6</sup>North Carolina Christian Advocate, Vol. 80 (January 24, 1935), pp. 4, 10-11.

<sup>7</sup>Winston Salem Journal, January 22, 1935.

<sup>8</sup>The State, January 26, 1935, p. 12.

<sup>9</sup>Letter, Heriot Clarkson to J. Wallace Winborne, January 23, 1935, Heriot Clarkson Papers, Southern Historical Collection, University of North Carolina at Chapel Hill. Hereinafter cited as Clarkson Papers.

<sup>10</sup>Letter, W. L. Poteat to Carroll W. Weathers, February 2, 1935, Poteat Papers.

<sup>11</sup>Whitener, Prohibition in North Carolina, p. 201.

<sup>12</sup>News and Observer, February 2, 1935.

<sup>13</sup>Ibid.

<sup>14</sup>The State, February 9, 1935, pp. 1-2.

<sup>15</sup> Letter, W. L. Poteat to the editor of News and Observer, February 9, 1935, Poteat Papers.

<sup>16</sup> Letter, Heriot Clarkson to the editor of News and Observer, undated, Clarkson Papers, Chapel Hill.

<sup>17</sup> Letter, Josiah W. Bailey to Jonathan Daniels, February 11, 1935, Poteat Papers.

<sup>18</sup> North Carolina White Ribbon, March 1935, p. 2.

<sup>19</sup> Paul J. Barringer, "Liquor and Socialism," North Carolina Christian Advocate, February 14, 1935, p. 7.

<sup>20</sup> Greensboro Daily News, February 10, 1935.

<sup>21</sup> The Independent, February 8, 1935.

<sup>22</sup> "Remarks of John Sprunt Hill at Hearing on Senate Bill No. 155, Providing for State Control of Liquor," John Sprunt Hill Papers, Southern Historical Collection, University of North Carolina at Chapel Hill.

<sup>23</sup> News and Observer, February 21, 1935; Greensboro Daily News, February 21, 1935.

<sup>24</sup> Ibid.

<sup>25</sup> Winston Salem Journal, February 21, 1935.

<sup>26</sup> News and Observer, February 21, 1935.

<sup>27</sup> Winston Salem Journal, February 2, 1935.

<sup>28</sup> Charlotte Observer, April 12, 1935.

<sup>29</sup> Owen P. White, "Carolina Moon," Colliers, July 21, 1934. p. 12.

<sup>30</sup> Ibid., p. 13. For the same view, see Ben Dixon MacNeill, "Report from North Carolina," American Mercury, January 1930, pp. 92-100.

<sup>31</sup> News and Observer, February 21, 1935.

<sup>32</sup>Fred A. Self, Transcript of a personal interview at Belews Creek, N. C., April 9, 1972.

<sup>33</sup>Ibid.

<sup>34</sup>Ibid. Also Sanford Winston and Mosette Butler, "Negro Bootleggers in Eastern North Carolina," American Sociological Review, Vol. 8 (December 1943), 692-7; Charles Morrow Wilson, "Moonshining Becomes Respectable," Outlook and Independent, May 20, 1931, p. 77.

<sup>35</sup>Winston Salem Journal, March 16, 1935.

<sup>36</sup>News and Observer, March 26, 1935.

<sup>37</sup>Ibid., April 24, 1935.

<sup>38</sup>Winston Salem Journal, April 26, 1935; News and Observer, May 1, 1935; Charlotte Observer, April 25, 1935; Biblical Recorder, May 1, 1935.

<sup>39</sup>News and Observer, May 5, 1935.

<sup>40</sup>Greensboro Daily News, May 4, 1935; News and Observer, May 4, 5, 6, 7, 1935; Winston Salem Journal, May 4, 1935.

<sup>41</sup>Asheville Citizen, May 5, 1935.

<sup>42</sup>News and Observer, May 7-12, 1935.

<sup>43</sup>Ibid., May 12, 1935.

<sup>44</sup>Counties involved were: New Hanover, Pasquotank, Carteret, Craven, Onslow, Pitt, Martin, Beaufort, Halifax, Franklin, Wilson, Edgecombe, Warren, Vance, Lenoir, Rockingham, Nash, and Greene.

<sup>45</sup>Public Laws of North Carolina (1935), New Hanover act, ch. 418, pp. 704-714; Pasquotank act, ch. 493, pp. 877-887.

<sup>46</sup>Ibid., ch. 493, p. 887.

<sup>47</sup>News and Observer, May 11, 1935.

<sup>48</sup> Charlotte Observer, May 13, 1935; Winston Salem Journal, May 11, 14, 1935; Asheville Citizen, May 12, 1935; News and Observer, May 12, 1935; Greensboro Daily News, May 12, 1935.

<sup>49</sup> See Appendix, Tables 4, 5, 6.



### CHAPTER III

#### THE FIRST LOCAL ELECTIONS

A few days after the legislature adjourned, Cale K. Burgess summoned a number of dry lawyers to meet in his office in Raleigh on May 21, 1935 to confer on dry strategy. The main order of business was to be a discussion concerning the constitutionality of the New Hanover and Pasquotank acts. Burgess expected the group to determine the procedure to be followed in testing the validity of the laws and to formulate actual plans for prosecuting any legal suits involved. The conference was not reported in the press, nor was there any immediate announcement of the course the drys would take.

Meanwhile, plans were going forward for holding elections in the local option counties. When it was announced that July 2 had been set as the election date in New Hanover county, a temporary restraining order was obtained by the drys. A hearing was scheduled before Superior Court Judge J. Paul Frizzelle to determine whether or not a permanent injunction to stop the election would be granted. This action opened the way to a Supreme Court ruling on the validity of the New Hanover act. Cale K. Burgess announced that drys would bring suits in all nineteen counties included in the local option acts. By the middle of June, all the counties had set election dates. In order to test the validity of the Pasquotank act, drys obtained restraining orders in Franklin and Greene counties.

At the hearing before Judge Frizzelle on June 17, drys contended that the New Hanover act was unconstitutional on six counts: (1) The act was a revenue measure because the county would have to advance money to open stores and purchase the initial stock of liquor. Since all revenue acts had to pass three separate readings on three separate days, and the New Hanover act was not passed in this manner, it was therefore unconstitutional; (2) the act violated the constitution by repealing in part a general statewide law, (3) the county was running a deficit in its general fund and would have to pledge its credit to get money to open the stores; (4) the act violated the rule that the criminal code shall apply without discrimination throughout the state; (5) a section of the state constitution which inhibited special privileges or immunities to any individual or groups of persons was violated by the act; and (6) New Hanover taxpayers would be damaged to the extent of their share of the cost of the election.

The wets replied that the New Hanover act was not unconstitutional because (1) it was not a revenue act and therefore three separate readings were not required; (2) the county had at least \$15,000 surplus in its general fund and would not have to pledge its credit; (3) the act would apply to all the people of New Hanover county, and to all the people of the state who came to the county, and therefore no special privileges or immunities were involved; and (4) the questions raised by the drys could not properly be raised until the act became effective. Judge Frizzelle took the matter under advisement and deferred a ruling.

Despite the announced intention of the drys to seek legal restraint in every county, they took no action to stop the elections in Edgecombe

and Wilson counties on June 22. Burgess explained that because the drys felt certain the acts would be found unconstitutional, they had chosen not to waste time and money on a fight in these two counties. The elections were held as scheduled and the wets won by a ten to one landslide majority.

Two days later, Judge Frizzelle ruled that the new liquor laws were unconstitutional because they were revenue measures and therefore improperly passed. He refused to restrain elections in New Hanover and Greene counties since most of the expense of holding the elections had already been incurred. He did restrain the county commissioners from appointing alcoholic beverage control boards or in any way placing the acts into effect pending a final ruling on the matter by the state Supreme Court.

Three days after Judge Frizzelle's ruling, Superior Court Judge W. A. Devin took the opposite view and refused to grant temporary injunctions in Warren and Vance and dismissed a restraining order in Halifax. In two other actions, Judge Clawson L. Williams agreed with Frizzelle and restrained Franklin county from holding an election and Judge Walter L. Small restrained drys from attempting to block the Beaufort election.

The first store was opened in Wilson on July 2. The first customer, R. L. Perry of Raleigh, was the first person to make a legal over-the-counter purchase of liquor in the state since January 1, 1909. The News and Observer reported that the opening of the store caused little more excitement than would have the opening of a new grocery store. The store opened an hour before the announced opening time. "We wanted to get started before Cale Burgess came down here," said

former sheriff O. A. Glover, manager of the store. There had been some concern that the dries would obtain a restraining order to prevent the opening of the store, but no such effort was made. An observer reported that the poorer people and Negroes did more "looking than buying." Most of the customers were men who appeared to be in "fair circumstances." Business was good: Six hundred seventy-five customers purchased eight hundred twenty-five bottles for \$1,003.79. Prices ranged from 55¢ a pint for the cheapest brand to \$2.85 a quart for the most expensive. The following day, a second store was opened in Tarboro in Edgecombe county. This opening also was accompanied by little fanfare. Neither county reported any arrests for drunkenness on opening day. 10

By July 6, all the counties involved in the New Hanover and Pasquotank acts had voted to establish stores with the exception of Franklin and Rockingham. Franklin was prevented from holding an election by Judge Williams' restraining order. On July 9, Rockingham, the only county involved which was not in the eastern half of the state, voted dry. 11

In August, the News and Observer reported that no more liquor was being drunk in the wet counties than had been the case under prohibition. The major change that had taken place had to do with the bootlegger. As a result of legalization, the bootlegger had lost caste. People were buying from the legal stores at higher prices rather than patronize the bootleggers. The law was cracking down on offenders, judges were giving stiffer sentences, and public support of law enforcement was increasing. The paper claimed that in the control counties, bootleggers had "gotten out of the business in droves." 12

The long awaited Supreme Court decision was announced in early November. The court declined to rule on the constitutionality of the New Hanover and Pasquotank acts. The court held that the drys had acted prematurely and had no legal right to enjoin counties in eastern North Carolina from holding elections and opening stores. The proper course for the drys to have followed, the court said, was to have waited until after elections were held and stores opened and then tested the laws by indictment and prosecution of persons acting under the laws. Judge Heriot Clarkson wrote a lone dissent in which he upheld the contentions of the drys. <sup>13</sup> Since it appeared that, had the court ruled on the question of constitutionality, the drys would have lost, no further effort was made to test the constitutionality of the law. Instead, the drys turned to politics as the best hope of achieving their goal of closing the liquor stores.

The three major Democratic candidates for governor were the Shelby orator, Clyde R. Hoey; the lieutenant governor, A. H. Graham; and Dr. Ralph McDonald, a Winston-Salem educator and political novice. Hoey made no statement on the liquor issue other than saying that he favored submitting the question to a vote of the people. Graham openly favored statewide local option control, and McDonald favored a referendum during the first primary campaign and leaned toward local option by the time of the second primary. Another big issue was the sales tax. Graham and Hoey supported the tax while McDonald was almost fanatically opposed to it. Hoey was regarded as the most conservative of the three. Graham was considered the middle of the road candidate, and Mc <sup>14</sup> Donald represented the insurgent New Deal wing of the party.

In the first primary, Hoey collected sixty-two percent of the total vote in the west, thirty-four percent in the Piedmont, and only



twenty-nine percent in the east. Graham's share of the vote was highest in the east, where he polled thirty percent of the vote. McDonald led in the Piedmont and the east, but in the state as a whole, Hoey placed first and McDonald second. In the second primary, Hoey won over McDonald by a comfortable margin.<sup>15</sup>

Just how large a role liquor played in determining election results is difficult to say. In his pioneer study of prohibition in North Carolina, Daniel J. Whitener concludes that liquor played a decisive role in the race for governor.<sup>16</sup> In a later study of the Democratic party in the state, Elmer L. Puryear relegates liquor to a minor role and finds the controversy between the conservative and New Deal elements of the party to be the most important factor in determining the outcome of the contest.<sup>17</sup> The dries themselves claimed credit for the election of Hoey. The fact that Hoey, regarded as the driest of the three candidates, picked up approximately three-fourths of Graham's vote in the second primary would seem to indicate that liquor alone was not the decisive factor.

The dries did not achieve their goal of electing a dry legislature. Realizing they would be in a minority in the coming session, they changed their strategy and prepared to fight for a statewide referendum on the liquor issue as the best means of repealing the local option laws.



## FOOTNOTES

## CHAPTER III

- <sup>1</sup> Letter, Cale K. Burgess to William L. Poteat, May 15, 1935, Poteat Papers.
- <sup>2</sup> News and Observer, June 4, 1935.
- <sup>3</sup> Ibid., June 16, 17, 1935.
- <sup>4</sup> Ibid., June 18, 1935.
- <sup>5</sup> Ibid., June 18, 1935.
- <sup>6</sup> Ibid., June 23, 1935.
- <sup>7</sup> Ibid., June 25, 1935.
- <sup>8</sup> Ibid., June 28, 1935.
- <sup>9</sup> Ibid., July 2, 1935.
- <sup>10</sup> Ibid., July 3, 4, 1935.
- <sup>11</sup> Ibid., June 30, July 3, 1935; Greensboro Daily News, July 10, 1935.
- <sup>12</sup> Ibid., August 12, 1935.
- <sup>13</sup> Ibid., November 2, 1935.
- <sup>14</sup> Puryear, Democratic Party Dissension, pp. 211-219.
- <sup>15</sup> See Appendix, Table 1.

<sup>16</sup> Whitener, Prohibition in North Carolina, p. 214.

<sup>17</sup> Puryear, Democratic Party Dissension, pp. 221-229.

LOCAL OPTION BECOMES STATEWIDE

In his inaugural address, Governor Clyde E. Haywood said, "I am not a partisan on the liquor question, but I continue to regard liquor as highly injurious to the State." He said he could not agree that the cause of temperance could be advanced by making liquor readily accessible. "The well-to-do might either in great steps or in great numbers upon profits derived from the sale of liquor." Haywood said he did not consider it proper for the General Assembly to allow liquor laws by legislative enactment without a vote of the people. The governor's message raised the hope of some that he would use his influence to obtain a statewide referendum. In a few days, however, it became evident that the administration would follow a hands-off policy and leave the question to the legislature.

Early in the session, the Committee to Study the Control of Intoxicating Liquors in North Carolina submitted its report to the legislature. This was a sub-committee, headed by Victor E. Bryant, and was authorized by the previous legislature. The commission reported that it had studied the licensing system in operation in North Carolina and the state monopoly system of Virginia. Conditions in North Carolina had been examined by means of public hearings in various cities. In addition, questionnaires were mailed to every legislator in the state, to sheriffs, clerks of Superior Court, the sheriffs of every county, and to commissioners, the chairman of ALC boards in wet counties,

## CHAPTER IV

### LOCAL OPTION BECOMES STATEWIDE

In his inaugural address, Governor Clyde R. Hoey said, "I am not a fanatic on the liquor question, but I continue to regard liquor as Public Enemy Number 1." He said he could not agree that the cause of temperance could be advanced by making liquor readily accessible. "You will never build either a great state or a great county upon profits derived from the sale of liquor." Hoey said he did not consider it proper for the General Assembly to alter liquor laws by legislative enactment without a vote of the people.<sup>1</sup> The governor's message raised the hopes of drys that he would use his influence to obtain a statewide referendum. In a few days, however, it became evident that the administration would follow a hands-off policy and leave the question to the legislature.

Early in the session, the Commission to Study the Control of Alcoholic Beverages in North Carolina submitted its report to the legislature. This seven member commission, headed by Victor S. Bryant,<sup>2</sup> had been authorized by the previous legislature. The commission reported that it had studied the licensing system in operation in South Carolina and the state monopoly system of Virginia. Conditions in North Carolina had been examined by means of public hearings in various cities. In addition, questionnaires were mailed to every solicitor in the state, to sheriffs, clerks of Superior Court, the chairman of every county board of commissioners, the chairmen of ABC boards in wet counties,

judges of police courts, chiefs of police, and the editor of every daily and weekly newspaper in the state.<sup>3</sup> The Commission reported that over ninety percent of those who returned the questionnaires from both control and prohibition counties believed the Turlington act did not have the backing of sufficient public opinion to make it enforceable. Pointing out that two thirds of the population of the state lived within fifty miles of a point where legal liquor could be purchased, the report estimated that \$12,000,000 was spent annually for liquor in the dry counties.<sup>4</sup> The commission found it difficult to describe the situation in the eighty-two dry counties of the state. The report rather plaintively stated that, in these counties, conditions varied widely, reliable data was lacking, and there seemed to be as many different opinions as there were persons to offer evidence.<sup>5</sup>

The report was somewhat more definite in respect to conditions in the eighteen control counties. The number of arrests for drunken driving was lower than the state average in most of these counties. Most of the sheriffs in these counties said law enforcement had been easier since legalization. County officials thought that sales to minors had been reduced, and that three-fourths of the people engaged in the illicit liquor trade had been forced out of business as a result of legalization. The report recommended that the county liquor stores remain open longer hours, because much of the bootleg liquor was being purchased after six o'clock when the legal stores had closed for the day. The commission was unable to determine whether drinking had decreased or increased as a result of legalization. On the whole, the report concluded that control was working well.<sup>6</sup>

The commission advised that, should North Carolina adopt a statewide system of control, a state monopoly system should be used rather than a licensing system such as that in operation in South Carolina. Convinced that drinking had greatly increased over the past ten years and that public opinion no longer supported prohibition, the majority of the commission advocated the adoption of a statewide local option system of control. A model bill for such a system was appended to the commission's report. Three members attached a minority statement which provided that the proposal must first be submitted to the people in a statewide referendum.<sup>7</sup>

Dr. William L. Poteat, representing the dries, said the local option proposal advocated by the majority of the commission must not be enacted. He argued that it made no sense to have statewide laws in respect to schools, taxes, and roads, and a local option system in respect to liquor. He said that improved transportation facilities made a statewide liquor policy imperative.<sup>8</sup> John Sprunt Hill outlined the position of the wets. He said that because of the size and diversity of the state, a referendum calling for a uniform policy on liquor would be undemocratic. Hill said western counties should not decide what eastern counties should do in regard to liquor.<sup>9</sup>

Before Christmas of 1936, Judge Heriot Clarkson had written a bill providing for the repeal of the New Hanover and Pasquotank acts and the calling of a statewide referendum. Conferences with groups of dries from the House were held in the office of Cale K. Burgess to explain the bill and make preparations for its presentation. Care was taken that the bill would be presented as originating in the House

without any intimation that outsiders had any part in its preparation.<sup>10</sup>  
Signed by Mrs. Charles Hutchins of Yancey county and fifteen other legislators, the bill was introduced in the House on January 13, 1937. When the bill was referred to House Judiciary Committee Number 1, drys made an unsuccessful attempt to have the bill transferred to another committee. Failure to get the bill transferred was regarded as a major blow, since ten of the twenty-two members of the committee were from counties with ABC stores, and four other members of the committee were opposed to a referendum.<sup>11</sup>

At the committee hearing on the Hutchins bill on January 28, Cale K. Burgess managed the calm, well planned presentation of the drys. Dr. William L. Poteat claimed that more than half of the liquor sold in the control counties was being dispensed illegally and that dry counties were at the mercy of their wet neighbors. Other dry speakers argued that what was bad for one county was bad for all and local option allowed local groups to rescind state law. Dry speakers were predominately church leaders, and included Baptists, Methodists, Quakers, and Moravians.<sup>12</sup> Roy Cox, chairman of the Pitt county board of commissioners, was the only speaker in opposition to the Hutchins bill. He said that legalization was working in the control counties and asked for home rule on the liquor question.<sup>13</sup>

A few days after the hearing, the House Judiciary Committee reported the bill unfavorably and offered a substitute bill which embodied the recommendations of the Commission to Study the Control of Alcoholic Beverages. This local option bill was rushed through the House with such speed that sharp criticism resulted. The News and Observer said: "The House passed a bill legalizing liquor that has not yet been printed,



which came out of committee less than eight hours before it was passed, and which hardly one House member in twenty read." The editor of the Winston Salem Journal angrily said, "No more brazen defiance of the will of the people has ever been displayed in North Carolina than was shown by the present Legislature when it refused to permit a state-wide referendum on the liquor issue."<sup>14</sup>

Burgess reported to Dr. Poteat that the only remaining hope of the dries was to attach an amendment calling for a statewide referendum to the liquor bill passed by the House.<sup>15</sup> Dries at once began an intense campaign to get such an amendment passed. Dr. Poteat asked Governor Hoey to intervene on behalf of the amendment. He told the governor, "I beg respectfully to remind you that you were elected by the dry vote."<sup>16</sup> The governor replied that he had personally contacted as many House members as possible and was then seeing every Senator regarded as uncommitted in the hope of getting support for the referendum.<sup>17</sup>

Former governor Cameron Morrison and former state Democratic chairman Odus M. Mull of Shelby led the dries in a "last ditch stand" before a Senate committee. Speaking before a packed chamber, they pleaded with members of the Senate not to make the Democratic party the liquor party. Mull said: "If you don't let the people of the state vote directly on liquor, they are going to vote indirectly. They are going to elect governors and State and local officials on the basis of liquor. . . Let's take liquor out of politics."<sup>18</sup>

The amendment was defeated by a vote of sixty-one to fifty-one in the House, and by twenty-seven to seventeen in the Senate.<sup>19</sup> With the defeat of the amendment, the local option bill entitled "An Act to

Provide for the Manufacture, Sale, and Control of Alcoholic Beverages in North Carolina," became law. The new law had the effect of amending, rather than repealing, the Turlington act. Any county not electing to establish ABC stores would remain under the Turlington act. Because the new law defined the term "alcoholic beverages" to include only those beverages containing more than fourteen percent alcohol, it did not apply to or regulate the manufacture, sale, possession, or transportation of beer and most wines.

Administration of the new statute was lodged in a three member State Board of Alcoholic control appointed by the governor. In counties electing to establish legal stores, the state board was given extensive powers of control and supervision. It could buy and fix the prices of liquor, remove members of county boards, approve local regulations, dismiss county enforcement officers whether elected or appointed, open, close, or locate county stores, and exercise "all other powers which may be reasonably implied from the law."

County stores were to be operated under essentially the same system as that already in existence in the seventeen control counties. In these counties, and in any other county electing to establish stores, a three member County Board of Alcoholic Control would administer the system. The board of county commissioners, county board of health, and the county board of education, acting as a body were to choose persons of "character, ability, and business acumen" to serve as board members.

The law contained certain restrictions. Stores were to remain closed between the hours of nine o'clock P.M. and nine o'clock A.M., and on Sundays, legal holidays, and election days. No liquor was to be

sold to minors, habitual drunkards, persons convicted of public drunkenness, or to anyone convicted of drunken driving. The drinking of liquor on store premises or on any public highway or street was prohibited. It was forbidden for any person to "make any public display of any intoxicating beverages at any athletic contest or other public place in North Carolina."<sup>23</sup>

Elections could be called in any county by the county board of commissioners, who could be compelled to act if a petition were signed by fifteen percent of the electorate. Only one election might be held within three years. Pinehurst and Southern Pines were allowed to continue operation of their stores, and by special enactment, the town of Windsor in Bertie county was authorized to open a store when the majority of the people of the town signed a petition to do so.<sup>24</sup>

The new law contained no revenue provisions. Because all revenue bills had to pass three separate readings on three separate days, proponents of the bill left off all revenue provisions to insure its speedy passage. In a separate revenue act, the legislature provided for a tax of seven percent on liquor sales.<sup>25</sup>

Two other statewide liquor laws were passed during the session. One prohibited the advertising of liquor anywhere in the state; the other sought to encourage the growing of grapes, fruits, and berries by legalizing and regulating more effectively the manufacture and sale of wines.<sup>26</sup> A bill introduced by Representative Ed R. Hanford of Alamance to establish state distilleries to manufacture and wholesale liquor was killed by a House committee.<sup>27</sup>

The voting pattern of the Senate showed little change from that of 1935: A majority of western senators continued to vote dry, those from the east voted wet, and the Piedmont was evenly divided. <sup>28</sup> The News and Observer predicted that, as a result of the legislation, "All during the summer county liquor elections will be thicker than a red-headed urchin's freckles." Some repeal advocates thought that by fall <sup>29</sup> half of the counties of the state would establish ABC stores.

Of the eighteen counties in which elections were called by the end of the year, ten were in the east, seven in the Piedmont, and only one in the west. Six eastern counties and two in the Piedmont voted wet; the remaining ten voted dry. Only three of the counties holding elections had large towns. Of these, Durham and Wake voted wet and Mecklenburg voted dry. The 1937 elections brought the total number of control counties to twenty-seven. Of this number, twenty-one were <sup>30</sup> located in the east and six were in Piedmont counties.

In his classic study of prohibition, Andrew Sinclair says, "The Eighteenth Amendment was one of the last victories of the village pulpit against the factory proletariat, of the corn belt against the conveyor belt." In his view, prohibitionists were worshippers of the past, reactionaries who viewed increasing urbanization with fear and distrust. <sup>31</sup> Joseph R. Gusfield concurs with Sinclair. He says: "Repeal of the Eighteenth [Amendment] meant repudiation of old middle class virtues and the end of rural, Protestant dominance. This was what was at issue between the Wets and Drys." <sup>32</sup>

Voting patterns in North Carolina in 1933, 1935, and 1937 indicate that, contrary to Sinclair and Gusfield, the liquor controversy in

North Carolina did not divide along rural-urban lines during this period. Instead, the rural east was soaking wet compared to the more urban Piedmont. Four out of five of the largest cities in the state remained dry. During this period, North Carolina citizens tended to vote along sectional lines rather than according to class status or rural-urban residence. Later developments suggest that the urban areas within the Piedmont section were probably wetter than the rural areas in that section. To this extent, the Sinclair-Gusfield thesis appears valid for the early period of development.

## FOOTNOTES

## CHAPTER FOUR

<sup>1</sup>David Leroy Corbitt, ed., Addresses, Letters and Papers of Clyde Roark Hoey (Raleigh: State Department of Archives and History, 1944), p. 19.

<sup>2</sup>Public Laws of North Carolina, 1935, ch. 476, p. 836.

<sup>3</sup>North Carolina, Report of the Commission to Study the Control of Alcoholic Beverages in North Carolina (Raleigh: Capital Printing Company, 1937), p. 3.

<sup>4</sup>Ibid., pp. 11-14.

<sup>5</sup>Ibid., p. 10.

<sup>6</sup>Ibid., pp. 13-21.

<sup>7</sup>Ibid., pp. 19-23.

<sup>8</sup>W. L. Poteat, "An Open Letter to the Sovereign Voters of North Carolina," Biblical Recorder, January 6, 1937.

<sup>9</sup>Greensboro Daily News, January 12, 1937.

<sup>10</sup>Letter, Cale K. Burgess to William L. Poteat, January 14, 1937, Poteat Papers.

<sup>11</sup>News and Observer, January 14, 1937; Greensboro Daily News, January 14, 1937.

<sup>12</sup>Greensboro Daily News, January 29, 1937; News and Observer, January 29, 1937.

<sup>13</sup>Winston Salem Journal, January 29, 1937.

<sup>14</sup>News and Observer, February 4, 1937; Winston-Salem Journal, February 4, 1937.



<sup>15</sup>Letter, Cale K. Burgess to William L. Poteat, February 5, 1937, Poteat Papers.

<sup>16</sup>Letter, William L. Poteat to Clyde R. Hoey, February 13, 1937, Poteat Papers.

<sup>17</sup>Letter, Clyde R. Hoey to William L. Poteat, February 13, 1937, Poteat Papers.

<sup>18</sup>News and Observer, February 12, 1937.

<sup>19</sup>Journal of the House (1937), pp. 123-24; Journal of the Senate (1937), p. 156.

<sup>20</sup>Ben F. Loeb, Alcoholic Beverage Control Law (Chapel Hill: Institute of Government, University of North Carolina, 1967), p. 3.

<sup>21</sup>Public Laws of North Carolina (1937), ch. 49, sec. 4, pp. 84-87.

<sup>22</sup>Ibid., sec. 6, p. 87.

<sup>23</sup>Ibid., sec. 11, pp. 91-92; sec. 16, p. 93.

<sup>24</sup>Ibid., sec. 25, p. 96; sec. 26, pp. 96-97; ch. 310, pp. 636-637.

<sup>25</sup>Ibid., ch. 127, p. 320.

<sup>26</sup>Ibid., ch. 398, p. 781; ch. 335, p. 666.

<sup>27</sup>News and Observer, January 15, February 4, 1937.

<sup>28</sup>See Appendix, Table 2.

<sup>29</sup>Ibid., March 28, 1937.

<sup>30</sup>North Carolina, North Carolina State Board of Alcoholic Control First Annual Report, pp. 6, 31. Also, See Appendix, Table 3.

<sup>31</sup>Andrew Sinclair, The Era of Excess (Boston: Little, Brown, and Company, 1962), p. 413.

<sup>32</sup>Joseph R. Gusfield, Symbolic Crusade (Urbana: University of Illinois Press, 1963), p. 126.

## CHAPTER V

### STALEMATE AND A NEW TREND

From 1933 on, the wets occasionally charged that the dry crusade was being financed by the bootleggers of the state. It is conceivable that individual dry candidates for office may have received such contributions to their campaign funds, although no evidence has been uncovered to support this possibility. Numerous items in the Poteat Papers indicate that, from its inception, the United Dry Forces as an organization relied on small individual contributions for its support. A main function of the county chairmen and the central committee was that of fund raising. Frequently they were asked to solicit contributions of one to ten dollars from ten persons in their county to defray expenses already incurred. Offerings were usually taken at temperance rallies, especially those held in the churches.

By 1938, the organization was experiencing serious financial difficulties. Contributions had decreased, and Cale K. Burgess had advanced \$3,990 of his own funds to cover the deficit. He appealed to Judge Clarkson for assistance in raising money to refund the deficit and provide operating funds. Clarkson collected \$300 from others and gave \$500 himself.

Already suffering from financial problems, the organization suffered a serious loss when its president, Dr. William L. Poteat, died in March 1938. Dr. Poteat contrasted sharply with the stereotype of the Southern prohibitionist as a narrow minded, racist, fundamentalist,

worshiper of the past. An innovative scholar, he was the first scientist in the South to introduce the laboratory method of teaching. Twenty-five years before the Scopes trial, he was teaching the theory of evolution in his biology classes at Wake Forest College. His sane and forceful stand on the evolution controversy was greatly responsible for preventing North Carolina from repeating Tennessee's mistake. He was an advocate of better education for Negroes at a time when this was not a popular cause.<sup>2</sup> His personal correspondence reveals him to be a man of learning, wit, and compassion.

Despite the loss of its president and growing financial problems, the United Dry Forces met in convention in Greensboro in March 1938 and resolved to continue the fight to restore total prohibition to the state. In recognition of his services to the organization, Cale K. Burgess was named to succeed Dr. Poteat. Addressing the convention, Burgess said:

This is an election year. If we hope to have good laws made, if we hope to have a general assembly favorable to our cause, we must strike in the next few months. Let's quit this pussyfooting. Let us demand candidates for<sup>3</sup> the legislature who will speak out openly against liquor.

Meanwhile, according to the News and Observer, wets were becoming concerned over growing dry sentiment in the state. As a result, they too were preparing for the coming primary elections. The state Association of Liquor Control Boards met in Raleigh in late February. Members of the organization expressed concern that the next legislature might take action to eliminate existing ABC stores and would almost certainly call a referendum unless control advocates could present a strong and united front. It was agreed that neither the state association, nor county

control boards as units, should actively enter into politics. Members acting as individuals were at liberty to use their influence in favor of any candidate for the legislature. The group felt that, if the control boards could present a good record of crime reduction and honest and efficient law enforcement, there was a good chance of improving, or at least maintaining, the status quo.<sup>4</sup>

By the time the legislature convened in 1939, the State Board of Alcoholic Control had published its first annual report. The board reported gross sales of \$7,062,497 during the first year of operation. Per capita sales ranged from a high of \$15.28 per person in Durham county to a low of \$2.70 in Bertie county. State sales tax amounted to \$493,628; reserve for law enforcement totaled \$128,270; and counties and towns received \$1,249,907 in net profits. The board reported 2,900 arrests and 2,249 convictions for liquor law violations. A total of \$36,556 was levied in fines, and jail sentences imposed on offenders added up to approximately 474 years.<sup>5</sup> Although the number of convictions is impressive, fines averaged less than twenty dollars per conviction, and jail sentences averaged three months each.

The board reported that establishment of ABC stores had resulted in a decrease in the sale of illicit liquor in the control counties. Enough funds had been accumulated in the enforcement reserve to begin an intensive campaign against the bootleggers. The board expected bootlegging to be almost totally eliminated in the control counties by the end of another year of operation.<sup>6</sup>

In order to discourage lobbying and corrupt practices, the board required all distilleries selling liquor to the state to report any

contributions for political purposes whether made by the firm or by an individual. Salesmen representing the distilleries were forbidden to give away samples or to entertain socially any clerk or store manager. 7

Three important bills dealing with alcoholic beverage control were introduced during the 1939 legislative session. Representative Grady Withrow introduced a bill in the House calling for a statewide referendum on the liquor issue. Senator John W. Umstead introduced one in the Senate to allow the state Alcoholic Control Board to establish warehouses from which persons in dry counties could make mail order purchases of liquor. Both the Withrow and Umstead bills were killed in committee. 8 A third bill providing for more efficient regulation of the sale of beer and wines was passed by both houses. 9

The Winston Salem Journal said the Umstead bill was a reaction of the wets to losing the only two local option elections called in 1938. 10 The editor of the News and Observer said democracy demanded that the liquor issue should be decided only on the basis of a vote of all the people of the state. Calling attention to the fact that the wets had lost in fourteen of the twenty-two county elections which had been held, he said: "In this state the tide is again running surely against liquor." 11

Local option elections were called in 1939 in Hertford, Richmond, and Buncombe counties. In all three, the prohibitionists won. 12 Correspondence found in the Clarkson Papers reveals how the dry campaign in Buncombe county was planned and conducted. Testimonials obtained from persons living in the control counties were used as campaign literature. Burgess suggested that every church bell in the county be rung at thirty minute intervals on election day, a tactic which he said had been helpful



in getting out the dry vote in other elections. A schedule for speakers was drawn up, with both Burgess and Judge Clarkson making speeches in  
13  
the county.

Two local option elections were held in 1940. The control forces called a second election in Person county, where the drys had won in 1937. Again, the drys won. The drys called their first election to close stores in Johnston county and won by an almost four to one margin. Cale K. Burgess hailed the Johnston county victory as a turning point. He predicted the closing of other stores and said the United Dry Forces would ask for a referendum in the next legislature. The editor of the News and Observer said the election was the "most significant vote on the liquor question since the first authorization of elections on county stores by the 1935 General Assembly."

When the legislature met in 1941, Representative C. D. McGowan of Pender county introduced a bill in the House calling for a statewide referendum. Burgess reported that 60,000 people had signed a petition favoring the referendum. The McGowan bill was first referred to the Committee on Propositions and Grievances by dry speaker O.M. Mull. This committee, headed by C. E. Quinn of Duplin, also a dry, reported the bill favorably. Then the wets succeeded in having the bill transferred to the Finance Committee, which had a wet majority and reported the bill unfavorably. Control advocates then succeeded in changing the rules of procedure to require that a two-thirds rather than a simple majority vote of the House was required to bring to a vote a bill which a committee had reported unfavorably. Representative McKinley Edwards of Swain attempted to get a roll call vote on his motion that the minority



report on the McGowan bill be considered. He did not expect to win the vote, but hoped to force legislators to take an open stand on the liquor issue. His plan failed when Representative D. L. Ward of Craven moved  
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that the Edwards motion be tabled.

"An adjournment bent legislature dealt a lethal blow to prohibition legislation yesterday, as wet forces displayed the third in a series of adroit parliamentary maneuvers which tied the hands of the drys," said  
16  
the Winston Salem Journal. The drys did achieve one victory: The sale of fortified wines (those containing over fourteen percent alcohol) was prohibited in dry counties and limited to ABC stores in wet counties.

Finding they could make no progress in achieving a return to total prohibition through legislative enactment, the drys attempted to close some stores by local option elections. Elections were called to close the stores in Warren, Bertie, Vance, and Franklin counties. In Bertie and Vance the stores won by a narrow margin, and in Warren by a two to one majority. The drys succeeded in closing the stores in Frank-  
17  
lin county.

There was little prohibition agitation during the 1943 and 1945 wartime sessions of the legislature. The "gag rule" was retained, effectively blocking any move toward a statewide referendum. The United Dry Forces ceased to function as an organization. Shortly after the legislature adjourned in 1943, church leaders met at West Market Street Methodist Church in Greensboro and organized the Allied Church League for the Abolition of Beverage Alcohol. Dr. I. G. Greer, superintendent  
18  
of the Baptist orphanage at Thomasville, was chosen as president. Although the new organization included most of the Protestant denominations

of the state, it was never as active or as effective as the United Dry Forces had been.

It appeared that a stalemate had been reached in the controversy. Drys lacked sufficient strength to force a referendum through the legislature or to close existing stores through local option elections. The wets could not summon enough support to call new elections to extend the local option system.

When the legislature convened in 1947, the wets tried a new tactic. A bill was introduced in the House to allow any city with a population equal to that of the smallest county in the state to call a local option election when fifteen percent of the voters of the city petitioned to do so. This bill was killed in committee. Then bills were introduced to allow five cities to hold local option elections: Asheville in Buncombe county; Franklinton and Louisburg in Franklin county; and Tabor City and Whiteville in Columbus county. <sup>19</sup> Buncombe and Columbus counties had both voted dry in county elections held earlier. Franklin had been one of the two counties to vote out stores. Following a precedent set in the 1935 and 1937 legislatures when the towns of Pinehurst and Southern Pines in Moore county and Windsor in Bertie county had been allowed to establish stores without a county wide vote, the legislature passed the local bills. This marked a turning point in the controversy. In the future, many towns and cities of the state would be authorized to establish stores through special legislative enactments without a county wide vote.

Twenty-seven counties had adopted the Alcoholic Beverage Control (ABC) system by the end of 1937. Stores in Franklin and Johnston counties were closed within three years. No additional counties adopted the system

until 1947. In the thirteen years that followed, seven counties adopted the system and nine cities located in seven other counties opened stores without a county wide vote. By 1960, stores were operating in two western counties, twelve piedmont counties, and twenty-four eastern counties. 20

The 1960's saw the most rapid expansion of the system since its beginning in 1935. Fifty-nine towns located in thirty-four counties opened stores without a county wide vote. Thirteen additional counties established stores through county wide elections. By the end of the decade, stores were operating in twelve western counties, twenty-eight piedmont counties, and forty eastern counties. After 1937, only two counties, and no towns, closed stores once they had been established. 21

Throughout the period of rapid expansion, drys attempted to get a statewide referendum in virtually every legislative session. Debate on the issue was neither as heated nor as prolonged as in the earlier years. After 1947, liquor tended to be primarily a local issue. Then, in 1966, the "brown bagging" question claimed statewide attention.

The 1937 Alcohol Beverage Control act specified that liquor was not to be "displayed" in public places. This provision was commonly interpreted to mean that liquor could be carried into restaurants and night clubs, so long as the bottles were not placed on the tables. Thus the practice grew of carrying bottles in brown paper bags into these establishments. Ice and other ingredients were sold to the customers, who mixed their own drinks, using liquor from their bottles kept in brown bags under the tables.

In the early spring of 1966, Judge William Grist, in a Charlotte Recorder's Court, ruled that the Turlington act prohibited the drinking

of liquor anywhere except in one's own home. Following this ruling, he applied to the state attorney general's office for an opinion on the case. Assistant Attorney General James T. Bullock issued an opinion which supported Judge Grist's ruling that "brown bagging" was illegal.<sup>22</sup>

There were immediate charges that the whole episode was the result of a pre-arranged plan to test North Carolina liquor laws. The Rev. H. L. Thompson, pastor of the Thomasboro Baptist Church in Charlotte and president of the Christian Action League, said: "This could be a tremendous effort by the liquor crowd to bring in liquor by the drink, to pull the wool over the eyes of the public. But we're going to fight them to the last ditch."<sup>23</sup>

Both Bullock and Judge Grist denied that there had been any pre-arranged agreement. Judge Grist said he did not expect his ruling to result in the enactment of a liquor-by-the-drink law in the next legislature. He said the legislature would probably only clarify existing laws: "It might mean the legislature will legalize what we've been doing for years."<sup>24</sup>

An announcement by the state ABC board that it would enforce the new interpretation of the law "to the extent of its ability" caused general consternation among restaurant and night club operators. Ed E. Swain, manager of the Charcoal Steak House in Raleigh, said: "It's going to be one hell of a thing to enforce. I don't know who they're gonna arrest, the people carrying the brown bags or the owners of the places." Thad Eure, Jr., co-owner of the Angus Barn restaurant and president of the North Carolina Restaurant Association, said: "I certainly don't think the state can afford to hire enough officers to station in every restaurant."

And I don't think it's any of my business or my right to ask a customer what he has in a briefcase or a brown bag-- or a shoe box, for that matter." <sup>25</sup>

At a hearing before Judge H. L. Riddle on April 18, attorneys of the restaurant owners and of the Mecklenburg county ABC board asked that the law be clarified. The restaurant owners sought an injunction to restrain law enforcement agencies from enforcing the liquor laws as newly interpreted. Judge Riddle ruled in favor of the "brown baggers" and enjoined Charlotte and Mecklenburg officers from attempting to enforce the new interpretation of the law. Rev. Ferguson denounced the ruling and said his group would seek a Supreme Court ruling on the issue. <sup>26</sup>

On November 30, 1966, the Supreme Court ruled that liquor could legally be possessed only in homes, or in a sealed package in one's automobile while on the way home after making a purchase in an ABC store. Again, the state ABC board announced it would attempt to enforce the law according to the new interpretation. <sup>27</sup>

When the legislature convened, a bill was promptly introduced in the Senate to legalize "brown bagging." Before it came to a vote, Senator Herman Moore introduced a bill to legalize liquor by the drink. According to the News and Observer, wet strategy called for ramming a "brown bagging" bill through the General Assembly and following it with a bill to allow local option elections for liquor by the drink. By submitting his bill before the "brown bagging" bill was acted upon, Senator Moore had upset the planned timing and drawn the wrath of some of his colleagues:

If Senator Herman Moore had turned loose a skunk in the State House, he wouldn't have offended some of his colleagues more than he did with his bill to allow the



sale of liquor by the drink. The Mecklenburg senator introduced his bill on Wednesday and at week's end even some of the advocates<sup>28</sup> of liberalized liquor laws were still holding their noses.

Although the Moore liquor-by-the-drink bill had the support of many restaurant, motel, and hotel operators, it failed to pass. There were rumors that the Mecklenburg delegation would try to obtain passage of a local bill to allow their county to hold an election on liquor by the drink, but no such bill was introduced. The "brown bagging" bill passed the Senate by a voice vote. Although no roll call was taken, it was believed that only twelve senators out of fifty had voted<sup>29</sup> against it.

The Senate "brown bagging" bill permitted drinking in homes or secondary residences such as beach cottages, and hotel and motel rooms; in private clubs; on private property by the owner and his "bona fide" guests; and on "special occasions" in any commercial establishment obtaining a permit from the ABC board, whether the establishment was located in a wet or dry county. All clubs and commercial establishments wishing to allow "brown bagging" were required to purchase a license ranging in cost from \$100 to \$300, depending on the size of the establishment.<sup>30</sup>

The House rejected the Senate "brown bagging" bill. The main point of contention was the section of the bill which permitted drinking on private property by the owner and his "bona fide" guests. This section had been added in the form of an amendment on the insistence of Senator John Burney of New Hanover. Senator Burney had argued that without this provision, the bill was discriminatory against poor people.



He said that people should be allowed to drink at fish fries as well as at country clubs. Burney's amendment was denounced in the House by Representative R. D. McMillan of Robeson who said any "honky tonk or juke joint" could have liquor simply by the owner claiming that those present were his "bona fide" guests. The House also refused to accept the "special occasion" provision of the Senate bill which allowed "brown bagging" at commercial establishments in dry counties. A substitute version of the bill drawn up by Representative Sam Johnson passed the House by a vote of seventy-two to thirty-seven.

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The House bill differed from the Senate bill in that "brown bagging" was prohibited in all commercial establishments in dry counties. The House bill allowed drinking in private homes, hotel and motel rooms, but not on other private property unless owned by a social, fraternal, recreational, or patriotic organization.

After considerable haggling, a compromise bill was finally agreed upon containing the following provisions: (1) Brown bagging was permissible in restaurants in wet counties if a permit was obtained from the ABC board. In order to obtain a permit, a seating capacity of at least thirty-six was required. For establishments with a seating capacity of thirty-six to fifty persons, a permit could be obtained for \$100. Establishments with a seating capacity for more than fifty persons were required to pay \$200 for a permit. (2) Bars and dance halls without a substantial food business were to be denied permits. (3) "Brown bagging" was permissible in private clubs in both wet and dry counties. Members were required to maintain liquor lockers, with each member providing his own bottle. Employees of the clubs were prohibited

from mixing drinks for the members. (4) Cocktail parties in the ball-rooms of resort hotels in dry counties were made legal. (5) "Brown bagging" was made legal in hotel and motel rooms in wet and dry counties and on private property not primarily engaged in commercial entertainment and not open to the general public at the time of the party. (5) It was made legal to carry as much as one gallon of liquor in one's car at any time, provided the seal was unbroken and it was not carried in the passenger compartment.<sup>32</sup> The effect of the "brown bagging" bill was to define and legalize a custom of long standing in the state.

On May 5, 1971, the first liquor-by-the-drink bill was passed by the state legislature. The bill permitted Moore county residents to hold a local option election to decide whether liquor would be sold by the drink in that county. A second bill was passed on June 18 to allow citizens of Mecklenburg county the same privilege. Senator Jyles Coggins of Wake county attempted to amend the Mecklenburg bill to include the other counties of the state. His amendment was voted down, as was an earlier statewide liquor by the drink measure in the House.<sup>33</sup>

On March 15, 1972, the Supreme Court of the state declared the Mecklenburg liquor by the drink law unconstitutional. Moore county had previously voted against liquor by the drink. Chief Justice William H. Bobbitt, who wrote the opinion, said: "We hold . . . that the Mecklen-<sup>34</sup>burg act is a local act regulating trade and therefore void." This decision of the court apparently means that no county will be able to approve the sale of liquor by the drink until some form of state wide legislation is passed.

## FOOTNOTES

## CHAPTER FIVE

<sup>1</sup>Letter, Cale K. Burgess to Heriot Clarkson and attached notation by Clarkson, February 26, 1938, Clarkson Papers.

<sup>2</sup>Charlotte Observer, November 16, 1941; Greensboro Daily News, March 13, 1938; News and Observer, June 18, 1961.

<sup>3</sup>Greensboro Daily News, March 19, 1938.

<sup>4</sup>News and Observer, February 24, 1938.

<sup>5</sup>North Carolina State Board of Alcoholic Control First Annual Report, pp. 11, 13.

<sup>6</sup>Ibid., p. 11.

<sup>7</sup>Ibid., pp. 10, 16.

<sup>8</sup>News and Observer, February 15, 17, 1939.

<sup>9</sup>Public Laws of North Carolina, ch. 158, pp. 332-349.

<sup>10</sup>Winston Salem Journal, February 15, 1939.

<sup>11</sup>News and Observer, February 15, 23, 1939.

<sup>12</sup>Whitener, Prohibition in North Carolina, pp. 222-223.

<sup>13</sup>Letters, Cale K. Burgess to Guy Weaver, July 20, 1939; G. M. Beam to A. G. Reynolds, July 17, 1939; A. C. Reynolds to Heriot Clarkson, July 7, 1939; Cale K. Burgess to Ministers of Buncombe County, July 31, 1939.

<sup>14</sup>News and Observer, July 1, 1940.

<sup>15</sup>Ibid., February 21, 22, March 12, 15, 1941.

<sup>16</sup>Winston Salem Journal, March 15, 1941.

<sup>17</sup>Whitener, Prohibition in North Carolina, p. 224.

<sup>18</sup>Greensboro Daily News, March 26, 1943.

<sup>19</sup>News and Observer, March 28, April 1, 1947.

<sup>20</sup>State Board of Alcoholic Beverage Control, Greensboro, N.C. Office, mimeographed data on the establishment and location of ABC stores.

<sup>21</sup>Ibid.

<sup>22</sup>News and Observer, April 7, 1966.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid., April 6, 1966.

<sup>26</sup>Ibid., April 19, 20, 1966.

<sup>27</sup>Winston Salem Journal, December 1, 1966.

<sup>28</sup>News and Observer, April 4, 1967.

<sup>29</sup>Ibid., April 4, 10, 1967.

<sup>30</sup>Ibid., April 4, 1967.

<sup>31</sup>Ibid., April 7, 19, 1967.

<sup>32</sup>Ibid., April 21, 1967.

<sup>33</sup>Ibid., May 6, June 19, 1971.

<sup>34</sup>Ibid., March 16, 1972.

## CONCLUSION

Over the past forty years, North Carolina has developed a patchwork system of alcoholic beverage control. Forty-four counties now operate ABC stores, certain cities in thirty-eight other counties operate stores, and in eighteen counties of the state no liquor may legally be sold. Liquor sales are made only in sealed packages for off-the-premises consumption. In no county of the state may liquor legally be sold by the drink.

The sale of alcoholic beverages in the state is regulated by five separate laws: The Turlington act (1923); the Alcohol Beverage Control act (1937); the Beverage Control act (1939); the Fortified Wine act (1941); and the "brown bagging" act (1967). Numerous local acts have also come into effect during this period.

North Carolina's Alcoholic Beverage Control system grew slowly in its early years of existence. Ten years after the repeal of the Eighteenth Amendment, only twenty-five counties of the state were operating ABC stores. Expansion of the system was retarded by the continued existence of strong prohibition sentiment, especially in the western half of the state.

Precise reasons for the more rapid expansion of the system after 1950 are difficult to ascertain. Increased urbanization may have been a factor. The 1940 census showed slightly over twenty-seven percent urban population in the state. In the next ten years, the number of urban residents increased to a little over thirty percent. The 1960

census showed an urban population of almost forty percent, and the last census in 1970 showed a further increase of five percent.<sup>1</sup> The fact that after 1960 thirteen counties adopted the ABC system through county wide elections and certain cities in thirty-four other counties established stores indicates that by this time prohibition sentiment tended to be concentrated in rural areas with cities accepting legalized liquor more readily.

Throughout its entire period of development, the ABC system has enjoyed a more widespread acceptance in the eastern section of the state than in the Piedmont and western sections.<sup>2</sup> The reason why sectional differences have exerted so large an influence in the development of the system is not clear.

Economic factors may have contributed to the growth of the system. Inflation and rising taxes have probably made revenue from the sale of legalized liquor appear more and more attractive. It is perhaps significant that the Winston Salem Journal, which had so staunchly supported the prohibitionists during the first decade after national repeal, was by 1947 hopefully speculating on the amount of revenue to be gained from city ABC stores.

Robert A. Hohner has suggested that prohibition was a middle class reform and that repeal was the product of a coalition of the rich and the poor.<sup>3</sup> No case studies have been done to test his theory. It is probable that an examination of precinct voting records in the cities of the state might reveal whether Hohner's thesis is valid. No studies have been done on the role of the Negro in the controversy. It has commonly been said that fear of the Negro has been a factor in Southern



prohibition sentiment. During the past four decades, the sections of North Carolina with the highest percentage of Negro residents has consistently been the wettest section of the state, while the section with the fewest Negroes has most favored continued prohibition. This would seem to indicate racial fears have not been a significant factor during the period of this study. Again, case studies of precinct voting records would be useful in determining what part the Negro vote played in the extension of the ABC system in North Carolina.

Victor S. Bryant, co-author of the 1937 Alcohol Beverage Control act, attributed the growth of the system to its underlying philosophy. He said the system had been successful in promoting respect for law in general; had sought throughout its operation to promote temperance; and had taken control of whiskey out of the hands of private citizens operating in violation of the law. He said, "Local enthusiasm for the system, local determination to see the system operate well, and drive the illicit manufacturer or dealer out of business, and local pride in enforcement, constitute the backbone of the North Carolina control system."<sup>4</sup>

The fact that, by 1938, prohibitionist leaders were having difficulty securing adequate financial support for the dry crusade, and the platform of the state Democratic party had ceased to endorse prohibition, indicates that general public support of prohibition was lessening. The expansion of the ABC system has surely been due in part to changing moral standards and social customs.

As difficult as it is to assign specific reasons for the growth of the ABC system, it is even harder to measure its impact on the state. In Guilford county, for example, it appears that legalization was

followed by a reduction in the illicit liquor traffic. One former moonshiner reports that he experienced little difficulty with the law prior to the opening of ABC stores in the county in 1951. After legalization, he had thirty-five stills chopped down in a two year period. The still itself was not expensive to replace, but the seizure of truck loads of sugar, the destruction of mash, and the seizure of whiskey made his business unprofitable. As a result, he, and others like him, turned to other means of earning a living.

One investigator found that the expansion of the ABC system had been accompanied by a change in the nature of the illicit liquor business in the state. During the 1930's, although there were some large operators, most of the state's moonshiners were small, independent, operators who sold direct to their customers at the still or from his home. By 1960, the moonshining business had become highly commercialized, and was largely in the hands of professional, semi-criminal operators. Few moonshiners continued to retail their product at the still. Where the small operators had taken pride in producing a quality product for their customers, now liquor was made hurriedly, and often by a process which caused lead contamination.

Although the quality of moonshine liquor had deteriorated, the cost had risen: The moonshiner was receiving \$4.00 per gallon from the distributor, who sold it to the retailer at a \$2.00 per gallon profit. Retailers received up to \$12.00 per gallon for the illicit liquor. Even so, prices were almost \$2.00 per gallon cheaper than the lowest priced legal liquor. Annual sales were estimated to be approximately equal to sales of legal liquor. The main thing greatly influencing illegal sales

was the threat of poisoning. Whenever there were reports in the press of persons being poisoned by drinking moonshine whiskey, legal sales rose. An average of four thousand illegal stills were being seized in the state each year, which accounted for twenty percent of the national total.<sup>7</sup>

The investigation blamed the continued existence of the illicit liquor business in part on a lack of sufficient law enforcement officers and the reluctance of the courts to mete out stiff fines and sentences to convicted offenders. Most of all, public apathy was held responsible for the existing situation: "The moonshiner's greatest asset is that people care little if a man makes five hundred gallons of moonshine a day."<sup>8</sup>

Throughout the controversy over legalization, opponents of the system argued that legalization of liquor would result in increased liquor consumption, broken homes, more welfare recipients, and a higher crime rate. Whether or not this has actually been the case is impossible to say. In any given city of the state, it is difficult to determine how much of the rise in legal liquor sales has been due to increased consumption and how much to other factors such as population shifts and the availability of illicit liquor. The same difficulty is encountered in attempting to interpret the growth in crime rates. The investigator is confronted with the problem of determining whether a higher arrest rate is due to the availability of legal liquor or to other factors such as more efficient law enforcement, racial tensions, and stresses due to increased urbanization. For similar reasons, it is not possible to say what impact legalization of liquor has had on welfare rolls and divorce rates.

The fact that the ABC system has grown rapidly in the past decade indicates that the majority of North Carolina citizens evidently feel that the system has worked well.

The "brown bagging" controversy of 1966-1967 resulted from the fact that North Carolina's liquor laws have often been hastily drawn and passed by the state legislature. In many respects, the laws are vague and contradictory. Perhaps in the future the state's patchwork system of alcohol beverage control will be replaced by a clear, uniform liquor code.

## FOOTNOTES

## CONCLUSION

<sup>1</sup>North Carolina Manual, p. 217 (1941), p. 118 (1951), p. 122 (1961), p. 121 (1971).

<sup>2</sup>See Appendix, Table 8.

<sup>3</sup>Robert A. Hohner, "The Prohibitionists: Who Were They?" South Atlantic Quarterly, XLVIII (Autumn 1969), p. 505.

<sup>4</sup>Victor S. Bryant, The North Carolina Alcoholic Beverage Control System, 1958, pp. 13, 15.

<sup>5</sup>Fred A. Self, personal interview, April 9, 1972.

<sup>6</sup>David C. Wright, "Moonshining in North Carolina: A Story of Big Time Crime," Television script for a program shown on WFMY-TV, June 1, 1961, North Carolina Collection, University of North Carolina at Chapel Hill, pp. 20-21.

<sup>7</sup>Ibid., pp. 4-5.

<sup>8</sup>Ibid., pp. 24-25.

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## APPENDIX

TABLE 1

## VOTE FOR GOVERNOR IN THE DEMOCRATIC PRIMARIES 1936

Section	Percentage of the Total Vote				
	First Primary			Second Primary	
	Hoey	McDonald	Graham	Hoey	McDonald
East	29	41	30	45	55
Piedmont	34	40	26	52	48
West	62	24	14	79	21

Source: Compiled from statistics in North Carolina Manual (1937) pp. 113-115.

TABLE 2  
 VOTING PATTERN OF THE SENATE  
 1937 LEGISLATIVE SESSION

Districts Represented	For Referendum (Dry)	Against Referendum (wet)
Eastern	3	16
Piedmont	11	11
Western	5	3

Source: Journal of the Senate (1937), p. 156.

TABLE 3  
 RESULTS OF LIQUOR CONTROL ELECTIONS HELD IN 1937

For Control (West)	Against Control (Dry)
Chowan	Alleghany
Cumberland	Columbus
Dare	Currituck
Johnson	Jones
Durham	Granville
Wake	Person
Washington	Stokes
	Wayne

Source: North Carolina State Board of Alcoholic Control  
First Annual Report, p. 31.



TABLE 4

SENATORS FROM WESTERN DISTRICTS: VOTING PATTERNS  
IN THE 1935 LEGISLATIVE SESSION

Senatorial District	Senators Voting Wet	Senators Voting Dry	Border or Coastal County in District	No Border or Coastal County in District
Twenty-fourth		1		*
Twenty-seventh	1	1	*	
Twenty-eighth		1		*
+Twenty-ninth		1	*	
Thirtieth		1		*
Thirty-first		1		*
Thirty-second		1		*
Thirty-third		1		*
Total	1	8	..	..

+ one or more counties in the district voted wet in 1933.

Source: North Carolina Manual (1935), pp. 13-17, 112-113.

TABLE 5

SENATORS FROM EASTERN DISTRICTS: VOTING PATTERNS  
IN THE 1935 LEGISLATIVE SESSION

Senatorial District	Senators Voting Wet	Senators Voting Dry	Border or Coastal County in District	No Border or Coastal County in District
+First	1	1	*	
+Second	2		*	
Third		1	*	
Fourth	2			*
+Fifth	1			*
+Sixth	2			*
+Seventh	2		*	
Eighth		2		*
+Ninth	2		*	
Tenth	2		*	
Eleventh	1		*	
Total	15	4	..	..

+ one or more counties in the district voted wet in 1933.

Source: North Carolina Manual (1935), pp. 13-17, 112-113.

TABLE 6

SENATORS FROM PIEDMONT DISTRICTS: VOTING PATTERNS  
IN THE 1935 LEGISLATIVE SESSION

Senatorial District	Senators Voting Wet	Senators Voting Dry	Border or Coastal County in District	No Border or Coastal County in District
Twelfth	1	1		*
Thirteenth		2		*
Fourteenth	1		*	
Fifteenth		1	*	
+Sixteenth	2		*	
Seventeenth	2		*	
Eighteenth	2		*	
Nineteenth	1	1	*	
Twentieth		2	*	
Twenty-first	1			*
Twenty-second		1		*
Twenty-third		1	*	
Twenty-fifth		2		*
Twenty-sixth		1	*	
Total	10	12	..	..

+one or more counties in district voted wet in 1933

Source: North Carolina Manual (1935), pp. 13-17, 112-113.

TABLE 7

COUNTIES AND MUNICIPALITIES OPERATING ABC  
STORES AND DATE OF INCEPTION  
(December 31, 1971)

Alamance		Duplin	
Burlington-Graham	1961	Faison	1966
Alexander		Kenansville	1966
Taylorsville	1965	Wallace	1966
Alleghany		Warsaw	1966
Sparta	1961	Durham	1937
Anson		Edgecombe	1935
Wadesboro	1963	Forsyth	
Beaufort	1935	Winston-Salem	1951
Bertie	1937	Franklin	
Brunswick		Bunn	1963
Long Beach	1961	Franklinton	1947
Ocean Isle	1961	Louisburg	1947
Shallotte	1959	Gaston	
Southport	1957	Bessemer City	1969
Sunset Beach	1969	Gastonia	1967
Buncombe		Gates	1965
Asheville	1947	Granville	1963
Burke		Greene	1935
Morganton	1963	Guilford	
Cabarrus		Greensboro	1951
Mt. Pleasant	1967	Jamestown	1961
Concord	1967	Halifax	1935
Caldwell		Harnett	
Granite Falls	1964	Angier	1969
Camden	1970	Coats	1967
Carteret	1935	Dunn	1962
Caswell	1953	Lillington	1966
Catawba	1949	Haywood	
Cherokee		Waynesville	1967
Andrews	1971	Henderson	
Chowan	1937	Hendersonville	1960
Columbus		Hertford	1965
Bolton	1968	Hoke	1962
Brunswick	1967	Iredell	
Chadbourn	1967	Mooresville	1965
Fair Bluff	1967	Jackson	
Lake Waccamaw	1967	Sylva	1967
Whiteville	1967	Johnston	1964
Craven	1935	Jones	1957
Cumberland	1937	Lee	
Currituck	1967	Sanford	1961
Dare	1937	Lenoir	1935

TABLE 7 - Continued

Lincoln		Rockingham	
Lincolnton	1969	Reidsville	1966
Madison		Madison	1969
Hot Springs	1963	Rowan	1949
Martin	1935	Sampson	
Mecklenburg	1947	Clinton	1951
Montgomery		Garland	1969
Montgomery Municipal	1967	Roseboro	1963
Moore	1937	Scotland	1969
Nash	1935	Stanley	
New Hanover	1935	Morwood	1968
Northampton	1965	Stokes	
Onslow	1935	Walnut Cove	1969
Orange	1959	Transylvania	
Pamlico	1952	Brevard	1967
Pasquotank	1935	Tyrrell	1937
Pender	1963	Union	
Perquimas		Monroe	1963
Hertford	1961	Vance	1935
Person	1962	Wake	1937
Pitt	1935	Warren	1935
Polk		Washington	1937
Tryon	1951	Watauga	
Randolph		Blowing Rock	1965
Randleman	1965	Wayne	1964
Richmond		Wilkes	
Hamlet	1963	North Wilkesboro	1965
Robeson		Wilkesboro	1965
Fairmont	1970	Wilson	1935
Maxton	1968		
Pembroke	1967		
Rowland	1967		
St. Pauls	1967		

Source: Mimeographed material furnished by the Greensboro, N.C. office of the State Board of Alcoholic Beverage Control.

TABLE 8  
 SUMMARY OF THE PERCENTAGE OF NORTH CAROLINA  
 COUNTIES OPERATING ABC STORES  
 December 31, 1971

(shown on a sectional and statewide basis)

Year	Sectional %			Statewide %
	West	Piedmont	East	
1935	0	8.8	32.6	17
1940	0	17.5	48.8	27
1945	0	14.7	46.5	25
1950	4.3	26.5	46.5	30
1955	8.7	35.3	51.2	36
1960	8.7	35.3	55.8	38
1965	40	61.8	83.7	65
1971	56.5	82.4	95.3	82

Source: Compiled from mimeographed data furnished by the State Board of Alcoholic Control, Greensboro, N. C. office.