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AN HISTORICAL REVIEW
OF
PROHIBITION
and
AN OBSERVATION OF ITS CONFLICT WITH
INDIVIDUAL RIGHTS.

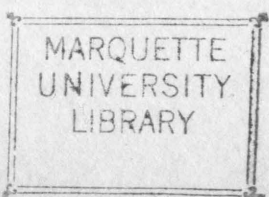
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By
HAROLD J COOKPages 21 to 24

A Thesis submitted to the Faculty of the
College of Liberal Arts, Marquette University,
in Partial Fulfillment of the Requirements for
the Degree of Bachelor of Philosophy.

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cannot be forbidden.... He who tries to determine everything by law will foment crime rather than lessen it." --- SPIROZA.

That in any institution of government, but most especially so in one of professed democratic proclivities, the drawing, legitimizing, and interpolation upon the subjects of that government, of any legislative measure, which, under the false banner of indispensability, takes away a thing of import in the enjoyment of personal liberty, becomes a mere mockery if there is present, no sentiment or innate understanding of the necessity of such a prohibition back of that law. To show the veracity of this statement will be the purpose of this paper. The method followed will involve chiefly an investigation of the historical background of the 18th Amendment, of the organization backing it, the conflict of this amendment

"All laws which can be violated without doing anyone an injury are laughed at. Nay, so far are they from doing anything to control the desires and passions of men, that on the contrary, they direct and incite men's thoughts toward those very objects; for we always strive toward what is forbidden and desire the things we are not allowed to have. And men of leisure are never deficient in the ingenuity needed to enable them to outwit laws framed to regulate things which cannot be forbidden..... He who tries to determine everything by law will foment crime rather than lessen it." — SPINOZA.

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with rights of the individuals, and finally, an observance of the futility, both, of the law itself, and of an immediate attempt to remedy it.

To even but obtain a most superficial glance at the history of the Prohibition question, one must see the slow moving, purposeful, plodding organization which conceived, nurtured, and fostered this Colossus of legislation.

Prohibition laws in the United States did not spring full-blown from the brow of any one Wayne B. Wheeler, or his cohorts of the Anti-Saloon League. The 18th Amendment was not 'put over' on the American people in a fit of civic absentmindedness, nor did the Anti-Saloon League, as many believe, come like a thief in the night, to steal away our rights and liberties. The step from school and church remonstrances to a constitutional amendment outlawing liquor traffic, is too great to be explained away so easily.

National Prohibition represents a real growth, a slow and deliberate growth, but one as inevitable as Eternity. Although the political activities of the myrmidons of morality account for a large measure of the success which has attended the cause of temperance, the crystallization of moral and economic beliefs into law, demand the backing of a considerable constituency, and the existence of a well defined opinion. For this first requisite, the Anti-Saloon League provided the organization through which this constituency made itself effective; and

for the second requisite, it had the benefit of not only its ability to create prohibition sentiment, but also of its ability to build an effective political machine upon the basis of an already existing body of opinion.

A century and a quarter ago nearly every body took something in the nature of alcoholic beverages. Liquor was on every sideboard. It was in every grocery. It was in all taverns. It was, in some form or other, the regular table drink of the family. The doctor on his calls upon the sick, and the minister on his rounds of the parish, partook of the recruiting drink. To have refused to drink with the host would have been discourteous and even an insult. It was the universal mark of hospitality. At a christening, a wedding, a funeral, at parties, town-meetings, fairs, and at any transaction, public or private, custom demanded that there must be something to drink.

But not only as an agent for promoting socialibility or solemnity was liquor of service at that time. It was believed that man could not really do hard work without its aid. Mechanics and laboring men were provided with a daily portion of spirits, to which they were summoned at 11 and 4 o'clock, much like the far eastern tribes summon their members to prayer. Farmers during their harvest time kept their assistants constantly supplied with a bottle of whiskey or rum. The man who couldn't drink was not supposed to be of much account when it came to working. Beside being equally efficacious against the heat and

cold, strength and staying power were always promoted by its use. The inference that strong drink makes strong men was not wholly unnatural.

"Not until the fatal effects of such belief and practice forced their damaging evidence peremptorily upon the attention of thoughtful minds, was the soundness of this view ever seriously questioned."

AUGUST F. FEHLAND, "A Century of Drink Reform", Chap. I.

From the writings of the forerunners of the Temperance movement, we learn that drinking was rampant following the Revolutionary War. The soldiers in that conflict had been furnished with spirits to strengthen their power of endurance; and with their return home, the unsettled condition of the country, the factions and jealousies, the spread of French skepticism, and the general low tone of morals and religion, intemperance came like a rising tide upon the land until it became asserted that Americans drank more per capita, than any other people on earth.

And it was at this time that the first concerted attempt at regulation was manifested by a stirring of those benevolent men who could read in the bottom of the emptied ale glass, the ominous future of a people addicted to a liquorous diet. The writers of the Cause term this as the Awakening.

At this point it is necessary to bring in a man of great eminence in that day; a man who ranked, in the medical world, with such outstanding scholars as Cullen of Edinburgh and Boerhave of Leyden. This distinguished physician and

citizen, Dr. Benjamin Rush, of Philadelphia, was the author of a paper appearing in 1785, entitled, "An Inquiry into the Effects of Ardent Spirits on the Human Mind and Body". This learned document sounded the first call to battle against that insidious foe of Human kind, Distilled Liquors; and it further marks the starting point in temperance chronology.

Dr. Rush was either the originator of the rhetorical technique practiced today by speakers on Prohibition, or the custom of obtaining sympathy and backing by presenting as common, the most extreme examples, and the relegation of the general and ordinary to obscurity, automatically flows from being imbued with the Spirit of Reform.

This erudite man presents the terrible and nauseatingly disastrous effects of immoderation in drinking, and inferentially concludes therefrom, in a typical reforming manner, that to arise, stamp out, and absolutely prohibit distilled liquor, is the arch necessity for the saving of Man.

Dr. Rush then very discreetly presents the arguments employed to support the common use of ardent spirits, and his reactions to them:

1. That they are necessary in very cold weather.

Rush shows that the temporary warmth they produce is always followed by a greater disposition of the body to be affected by the cold, and suggests that warm clothing and a good meal are a more durable method of preserving bodily heat.

2. That ardent spirits are necessary in very warm

weather. Dr. Rush shows that experience proves the opposite; that spirits increase instead of lessen the effects of heat upon the body, and thereby dispose to diseases of all kinds. He quotes the observation of Dr. Bell, "that rum, whether habitually used, moderately, or in excessive quantities, in the West Indies, always diminishes the strength of the body and renders men more susceptible to disease and unfit for Dr. service in which vigor or activity is required". The extensiveness of this statement demands some qualification however, and it must not be taken too arbitrarily. Dr. Rush himself contends "as well might we throw oil into a house, the roof of which was on fire, in order to prevent the flames from extending to the inside, as pour ardent spirits into the stomach to lessen the effects of the hot sun upon the body.

3. That ardent spirits sustain the body in hard labor.

And now, Dr. Rush drops to the infantile and innane in answering this. "The horse with every muscle of his body swelled from morning till night in the plow- does he make signs for a draught of toddy or a glass of spirits, to enable him to cleave ground or climb a hill? No, he requires nothing but cool water and substantial food". This from a man as professedly and admittedly a learned individual as Dr. Benjamin Rush. licentiousness upon the religion of our people? The Doctor extended himself further to implore that those in authority limit the number of inns, tax heavily spirituous liquors, to stigmatize those convicted of drunkenness, to confiscate the property of habitual drunkards, and come less secure. Indeed it was a century and a quarter

place it with trustees for the families. And now for the most pregnant of all his proposals of reformatations, he beseeched the different Christian denominations to unite to make the consumption and sale of ardent spirits a subject of ecclesiastical jurisdiction; the Methodists and Society of Friends having already for some time viewed them as contraband articles to the pure laws of the Gospel. Quoting Dr. Benjamin Rush:

"Ministers of the Gospel, of every denomination in the United States, aid me with all the weight you possess in society, from the dignity and usefulness of your sacred office, to save your fellow men from being destroyed by the great Destroyer of their lives and souls."

The result of such ecclesiastical supervision would have certainly been pathetic in its shallowness, if this branch of the people had performed with the same laxity and immorality of the present officials. This argument is of course of undetermined weight, but it is reasonable to suppose that these ecclesiastics would have been subjected to, and tempted by, the bribery and consequent criminality of Prohibition enforcement. Are we able to see the far reaching results of such licentiousness upon the religion of our people?

Such a trumpet blast had never before been heard. The walls of custom are so strong that it did not of course lay them low at once, but it did cause them to shake and become less secure. Indeed it was a century and a quarter

later that those walls were, not broken, but only covered with a blanket of hypocrisy.

For his clear temperance convictions, Dr. Rush was doubtless indebted to his own Quaker ancestry, and to his association with men of abstemious habits, notably, the early Methodist preachers, such as Asbury and Coke, who were frequently entertained beneath his hospitable roof. These preachers had very early taken strong grounds against the use and sale of spirituous liquors, and found in this conscientious physician, an ardent exponent of their temperate beliefs.

There were now continual stirrings, of a local character, in and from the breasts of the temperate element, but the next date of significance is that marked by the formation of the 'American Society for the Promotion of Temperance', in 1826. This truly was an epoch in the reform movement. From the experiments of the preceding years the conclusion was reached, that the only practical and effective remedy for intemperance is entire abstinence. The philosophy of moderation was deemed to have been a failure. The efforts of temperance men had hitherto been directed at the regulation and not the abolishment of the use of strong drink. They saw the habits of one reformed drunkard produce, when followed, twenty more. Consequently, despite the labors of moderators, intemperance was steadily being expanded. They saw that a little drinking tempts to more drinking, which cannot ^{be} or is not resisted, which results in intoxication, which tends to repeat itself, which ends in confirmed drunkenness. The fatuity

all its attendant blessings, may universally prevail. How of this conclusion is so obvious as to not even warrant a unfortunate that the organization did not retain and practice criticism.

From the above observation, the Temperates believed that a change in sentiment, by education of the members of the community, will go much farther and be of more the habit of drinking itself. But to bring about such a accomplishment, than a militant prohibitive legislative change in public sentiment and custom, demanded larger and more extensive plans for the work than had been used before.

After ardent prayer and consultation, by these earnest titles, the American Temperance Society effected in Philadelmen, had produced little in results, a conference was called phia the first National Temperance Convention to consider the of the various Christian denominations, at which it was re- means of extending, by the general diffusion of information solved, that systematic and vigorous efforts be put forth to and the exertion of moral influence, the principle of abstin- commensurate with the evil, and continued until it is eradi- nance from ardent spirits throughout the entire country. cated; and further, that a permanent salaried agent be em- This convention of representatives from America and England, ployed to give his entire time to the work. This can truly recommended the formation of a temperance society in every be said to be the seed from which the gigantic present day town and city ward in the United States; a temperance publica- organization of Reform developed.

Though the basis of the society resulting from the mation on the subject of temperance, and thus prove them- above conference was really the entire abstinence from ardent selves benefactors of mankind; that statistics be gathered spirits, it was not explicitly so stated at first in the in every locality, of the progress of temperance, and of constitution, nor was it exacted as a pledge, doubtless for the relation of pauperism and crime, and strong drink, motives of prudence. This high degree of sagacity in naming This was the beginning of the statistical data that later their intentions, as demonstrated by the Society, has always was to be hurled at the people, to gain their gasps of been a thing to marvel at. The original object as stated in the horror at the deplorable conditions thereby portrayed and constitution, was 'to produce such a change of public senti- their consequent support.

ment, and such a renovation of the habits of individuals and the customs of the community, that in the end, temperance with This chronological account now jumps to the decade immediately preceding the Civil War. The Reformers had, following the recommendations of their convention in 1826,

all its attendant blessings, may universally prevail'. How unfortunate that the organization did not retain and practice this noble motive; for to all reasonable minds it is clear that a change in sentiment, by education of the members of the community, will go much farther and be of more accomplishment, than a militant prohibitive legislative measure.

With the gradual spread of the Cause in other localities, the American Temperance Society effected in Philadelphia the first National Temperance Convention to consider the means of extending, by the general diffusion of information and the exertion of moral influence, the principle of abstinence from ardent spirits throughout the entire country. This convention of representatives from America and England, recommended the formation of a temperance society in every town and city ward in the United States; a temperance publication in every family in the land; that editors publish information on the subject of temperance, and thus prove themselves benefactors of mankind; that statistics be gathered in every locality, of the progress of temperance, and of the relation of pauperism and crime, and strong drink. This was the beginning of the statistical data that later was to be hurled at the people, to gain their gasps of horror at the deplorable conditions thereby portrayed and their consequent support.

This chronological account now jumps to the decade immediately preceeding the Civil War. The Reformers had, following the recommendations of their convention in 1826,

been endeavoring to build local and state societies and to implant the theory of communities legislating at their own option. This hypothesis obtained a desired, needed, and appreciated impetus from a decision handed down March 6 1847 by the Supreme Court of the United States dealing with a states' right to legislate on liquor. Quoting Chief Justice Roger B. Taney's opinion:

"If any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce illness, vice, and debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, or from prohibiting it altogether if it thinks proper."

Basing their efforts on the above Supreme Court decision, the Temperance Society made heavy inroads into the legislative bodies of the susceptible states, and until interrupted by the impending Civil War, had succeeded in passing prohibition laws in approximately twelve states located in varied parts of the country.

Fortunately for some, but quite disgruntling for the Society in the instant case, any national conflict, invariably halts the progress of an organized reform. The Civil War was no exception. People were too occupied with things of immediate import, than to bother about any rectification of their morals, and so there was a temporary lapse in the constructive reform, and later, only with

much effort, was the Cause stabilized and the work continued.

The first act in this reconstruction period was the convening of the American Temperance Society in their fifth convention. Held at Saratoga, in 1865, the delegates were confronted with the immense problem of rebuilding and extending all previously acquired and now destroyed reforms. The heroes of the earlier battles were dead, but their zealousness had apparently passed to their unrelated successors, in a manner peculiar to men of a reforming predilection. These ambitious dogmatists resolved to form both a national temperance and a national publication house; the former to concentrate all temperance forces of the land by bringing together the different orders and associations; the latter, to prepare and circulate the sound temperance literature. From this convention was formed the National Temperance Society and Publication-house. The basis of this new society -- total abstinence for the individual and total prohibition for the state, contained the hope for ultimate success of the Cause.

With the spread of the conception of temperance to the religious sects, both Protestant and Catholic, we pass to the first serious organization of the feminine reformers. This organization was effected in 1874 at Cleveland and was the fore-runner of the present day puissant Women's Christian Temperance Union. This was the body politic which attained and developed patience and persistence, a

to serve; members of both parties serve together under the one banner.

concentration so genuine, a courage so undaunted, methods so practical and appealing, as had never before been known. The tremendous stature to which this Union has grown, under its hypocritical motto, "For God, and Home, and Native Land", is evidenced in their very efficient present day political activities.

While the Prohibitionists were ardently engaged in promoting local interdiction, some believed they saw the inadequacy of such a remedy, and in that sight originated the later consummated hope for a national constitutional prohibition. The advocates of this vast scheme now went into political chicanery to further their desires. They instructed their sachems to see to it that such senators and members of Congress should be elected from their several states and districts, as were favorable toward a prohibitory amendment. It mattered not what their party affiliations were, only so they would vote for the amendment.

This principle of reaching into both political parties to further their cause has resulted in the most efficient and comprehensive organization ever perpetrated upon the American citizenry.

The Anti-Saloon League, the latest and most powerful of the Reforming Societies, using omni-partisanship, as its catapult, and agitation, legislation, and enforcement, as its missiles, had as its sworn object the destruction of the American saloon. It was, and is now affiliated directly with no party, and has consequently no party ends to serve; members of both parties serve together under the one banner.

It has proven its superiority over the Prohibition Party, seeking to overthrow the liquor traffic through a "third party" action (a hopeless task); or, the Anti-Saloon Republican movement, seeking to attain this end through the Republican party (optimists indeed). The Anti-Saloon League itself is not palpably sectarian, yet it employs weapons, both of spiritual and of carnal warfare in its most destructive and ruthless ravages.

The Anti-Saloon League labors for practical results. While the destruction of the saloon and the liquor traffic is the real end, it insists upon doing the immediate best thing, even if it results in a crippling and not an actual destruction. By insisting on the enforcement of existing restrictive laws, by urging the passage of more stringent and prohibitive laws, and by literature and agitation awakening a sustaining public sentiment; the League is laboring in every possible and practical way to hamper, restrict, restrain, close in, and kill the open legalized liquor traffic. A comment upon the avowed purpose of this hellion will come in a later discussion of the ethical element of the 18th Amendment.

With the establishing of the organization of Prohibition, the writer passes to an observation of the current conflict of this Amendment with the individual rights of its subjects.

II.

There is a school of sociologists and economists that, claiming the State has the duty to safeguard and promote the common welfare, concludes therefrom, that the State has the power to make any laws whatsoever, or to restrict or annul any rights of the citizens as it sees fit. The laws it may enact, become by that act, good and just laws; any rights it may deem fit to abolish, cease thereby to exist; and any duty it may impose becomes thereby a grave obligation. This belief in State omnipotence is a prevailing element in the minds of the Anti-Drinking Party, and in it lies the false premise under which the entire prohibitive legislative system is working today.

The State is from sound reasoning, only the handmaid of the people, the political organization whose only reason for existence is the individual's inability to defend his rights efficiently, or procure the material and spiritual goods that his social life demands. It is not therefore, nor can it ever be, omniscient in its dealing with the rights, wants, or needs of its citizens.

Any legislative act of a prohibitory nature must always take into consideration, whether the rights to be curbed are of an inalienable nature, whether the wants are consistent with public development, and whether the need of such legislation is of a degree of imperativeness to demand a rupture of the above rights. As to the first, the right to drink a certain liquid is clearly not an in-

alienable one, and may be ceded. Regarding the second, the wants of men to drink and its effect upon public development is dependent upon a decision as to the third requisite. The need of imperative action may be determined only by viewing the disastrous effects of drinking upon the public development.

An objection to Prohibition as an invasion of personal liberty is met by the assertion that all government involves a surrender of some personal liberty. But among any free people, this relinquishing of liberty is demanded only to the extent to which the right of one individual to do as he pleases has to be restricted either to prevent the violation of the elementary rights of other individuals, or to preserve conditions essential to the general safety or welfare.

There is obviously a vast difference between stealing, murder, or arson, and the restraints intended to compel people to conform in their personal habits to standards imposed by governmental authority. And there is an equally great contrast in the manner in which this restraint is felt. A surrender of personal liberty which is made by practically unanimous consent is a wholly different thing from a surrender which is forced by law in the face of the determined protest of vast multitudes of perfectly normal men and women.

Were there no other difference between Prohibition and other restrictive laws, there would still be the capital

difference that millions of persons openly object to it, as a restraint upon their personal liberty and as an impairment of their comfort and happiness. The advocates of Prohibition absurdly ask that we accept, without protest, a law to which millions of persons object as a gross violation of their liberty, simply because we accept without protest, laws to which practically no one objects at all.

The Supreme Court of Missouri well expressed the measure of rights of citizens when it said, "While power does not exist with the whole people to control rights that are purely and exclusively private, government may require each citizen to so conduct himself and so use his own property as not to unnecessarily injure another. The rights of the individual must yield to the public wants, and his conduct and all property held by him is subject to the control of the State, to the end that he shall so demean himself and use his property with as little hurt and injury to the public as possible.

Every man surrenders some of his individual rights when he associates with and becomes a part of any society or government, and the power of the government is complete to legislate so that while according to every man, the fullest possible liberty to do what he pleases with his own, he must not interfere with the similiar rights of others. This principle underlies and runs through all governments and societies, and is the cornerstone of the police power of the State.†

† State, exrel v. Fireman Fund Ins. Co. 52 S.W. 595.

But explanatory and in furtherance of the above principles, it is an axiom of the law that the standard of duty which men owe each other as members of the society, is that which is generally conceded by a majority of reasonable minds to be the measure of duty. Any standard by which the law can undertake to compel people to regulate their conduct, must be one generally and spontaneously accepted, so that their approving judgment shall accompany the endeavor to enforce conformity. The opinions or sentiments of eccentric persons, or those entertaining extreme views are not to be accepted as proof of accord. From the study of the people and organizations promoting and backing Prohibition, it is not difficult to class them as eccentric extremists and not expressive of the mass public sentiment.

In support of the practice of subjecting the individual's right to whims of a government we have the Hon. William G. McAdoo stating, in an address before the Institute of Public Affairs, University of Virginia, August 13, 1927:

"It is sometimes assumed that it is tyrannical to place individual rights at the mercy of the government. This objection holds good under despotic forms of personal government where the right to speak and act in the name of the community is concentrated in the hands of a single individual or a small group of individuals over whom the community has no control. When such a government undertakes to restrain the freedom of individuals in the supposed interest of the community, we can never be sure that the government is really

acting in the interest of the community as a whole rather than in its own private interest. But this danger is eliminated under democratic government when properly functioning. Democratic government gives to the community itself, or to representatives over whom the community preserves full control, the authority to decide what measure of private rights is consistent with the private rights of others, or in other words with the general welfare. Some one must decide these questions, and there can be no more ultimate judge than the community itself. If the community as a whole, acting through constitutional channels, solemnly concludes that a particular kind of private conduct is hurtful to the interests of other individuals to the point of impairing the general welfare, then the community is entitled to interdict its own conduct. The destiny of the community is in its own hands, and there can be no more ultimate arbiter unless we set up dictatorship on the one hand, or anarchy on the other. This is the meaning of civil liberty under Law".

However, against this statement we have the cold fact of modern political legerdemain. The consent of the governed, the will of the majority are, when applied to the realities of our politics, unadulterated sophisms. An objective view of the processes of our government clearly reveals that in respect of a vast majority of the acts of the government, "consent of the governed" is an absurd exaggeration. Consent means positive agreement, a meeting of the minds. Quoting Hobbes: "When the wills of many concur to one and

the same action and effect, this concurrence of their wills is called consent." To say that most of our laws spring from a concurrence of our wills is to talk the veriest balderdash. Our conduct is directly or indirectly regulated or touched by hundreds of laws that most of us have never heard of. We were not consulted in their making, we gave not consent to them. Consent is here nothing more than non-resistance. Not even in a fictional sense do such laws express the will of the majority, for the unguilded reason that there is no such will to express. At countless points we are protected in our health, our morals, our safety, and innumerable economic transactions by legal restraints that are imposed upon the relatively few in the interest of many. For most of us, these laws are like the hand of Providence whose protection we enjoy without effort on our own behalf. If it gives any satisfaction to our democratic spirit to regard such laws as the product of the will of a majority, this perversion of fact does no serious harm.

Individual liberty becomes the subject of hot and significant dispute only where prevalent opinion is sharply divided among the many as to whether this or that restraint does or does not conduce to the public good. This usually happens only when an important law touches somewhat directly large numbers of people and in consequence invokes their positive interest.

Basing the following and concluding statement upon the obvious ability of the State to legislate, the outstand-

ing conflict of the 18th Amendment with the peoples rights rests in this: The true theory of the source of legislation is that it springs from public opinion or public sentiment, or the greatest good of the greatest number. Members of the legislative branch of the government are selected from different counties or districts, and while there may be in each locality a local public sentiment as to some matters, yet the modern facilities in travel and communication permit the interchange of happenings in all other communities. The various sections are thus exposed to questions affecting the vital interests of the public in general. The power of the national legislative department is limited in so far as it may operate directly upon the individual interests. The necessity of prohibiting liquors is determined by circumstances and locality, therefore, any legislation of a prohibitive nature should come within the province of the local governing bodies and not in the form of a blanket affecting all alike.

III

There is rampant in the minds of people whose sphere of knowledge and observation has been narrow and dim the idea that the 18th Amendment has been a savior of our moral and economic status. They believe that because the two-way doors of the corner saloon have been closed that all alcoholic iniquity has consequently disappeared. In an immediate locality this may be true to some degree. But the concluding section of this paper shall directly attempt to shoot such a belief full of holes by quoting

statistical data tending to prove otherwise.

The death rate per 100,000 from alcoholism derived from "Mortality Statistics" 1924, page 55, read as follows:

1918	-	2.7
1919	-	1.6
1920	-	1.0
1921	-	1.8
1922	-	2.6
1923	-	3.2
1924	-	3.2

Thus, since 1919, with the entire country living under the prohibitory law, with one exception, there has been a steady increase in the death rate, not from poisonous liquor, but from mere alcoholism. The avowed purpose of the Amendment, to stop the drinking of spirits, has evidently not materialized, but on the contrary, from statistics available on death rates, police records, etc., drinking has increased and spread to fields previously untouched by its harrowing barnacles.

The fanatical group of reformers parading under the banner of the Anti-Saloon League seems to derive a maniacal pleasure from the legislating of prohibiting acts into the Statute Books. Their sorrowful wailings of the terrible and devastated conditions existing prior to 1918 have become strangely silent, although the people have not undergone a complete mutation in their moral qualities. Rather, the conditions prior to that time have become increased and aggravated, and not a voice is raised to protest. Their work is done and they now look for other fields of fertility in which they may exercise

their trenchant talons. ~~great moral reforms we have very~~

There are those people of great and expansive optimistic qualities who believe that the Amendment will soon be removed as to its extreme obnoxiousness at least, permitting resumption of the enjoyment of their liberties. But an understanding of the promoting organization back of it refutes this hope. It is hardly believable that a party of the cogency and extensiveness of the above will sit idly by and watch the fruits of 150 years of labor be removed without a struggle. An amendment repealing the 18th Amendment cannot in all probability be passed because of the abilities of of the great Anti-Saloon League to prevent, by coercion and intimidation, its ratification by the requisite number of legislatures.

The chief objection to Prohibition is that it is a legislative absurdity - in that it undertakes to forbid and punish as criminal, acts which neither science nor common sense regard as criminal, vicious, or reprehensible. Those who sincerely urge respect for law and government should see that they are intrinsically worthy of respect and those who demand enforcement should see that laws are intrinsically enforcable. Prohibition has not shown itself to be such a law.

In conclusion, the writer begs to voice the prophecy that the Prohibition Amendment, like the poor, shall long be with us with all of its sycophant odiousness, crime, bribery, and chicanery.

"In achieving great moral reforms we have very little faith in Statutes. Of course statutes must be made to check the vicious, the thievish, the oppressive from violating the physical rights of others. All rights must be guarded. But in his moral and mental capacity, man is the sovereign of his individual self. In matters which do not plainly contravene the legal rights of fellow citizens, the law has no business to interfere except in one or two instances..... The miserable effects of all efforts to legislate men into religion and virtue fill the pages of history and furnish some of the blackest and most horrid items." — Whitman.

1. 'ECONOMY AND MORAL ASPECTS OF THE LIQUOR PROHIBITION', Park and Sagnall, 1912.
An observation of the liquor traffic through the eyes of a social worker, demonstrating clearly an understanding of the individual's rights and the conflict of those rights with law.
5. Franklin, Fabian, 'THE A B C OF PROHIBITION', Harcourt, Brace, & Co., 1927
Chapter IX deals with the inherent difference between what is universally accepted as wrong, and those made wrong by legislation.
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