

THE PROHIBITION MANIA

"All laws which can be violated without doing any one 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 the more 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 entirely forbidden. . . . He who tries to determine everything by law will foment crime rather than lessen it."

SPINOZA.

"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."

WALT WHITMAN.

" . . . the crowning silliness of writing prohibition into the [American] constitution."

H. G. WELLS.

*The*  
Prohibition Mania

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*A Reply to Professor Irving Fisher*  
*and Others by*

Clarence Darrow & Victor S. Yarros

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Boni and Liveright : *New York*

1927

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## PREFACE

Very few books, or even solid and informing articles, have been written on prohibition since the taking effect of the 18th amendment and the Volstead enforcement act. There has been, of course, considerable discussion of the prohibition question in Congress, in state legislatures, on the platform and in the public press, but most of the utterances thereon have been superficial and platitudinous, if not insincere and hypocritical. The problem calls for sober minded and thoroughly rational treatment, and the more intelligent or moderate supporters of prohibition claim to have found in the recent book by Professor Irving Fisher of Yale, entitled "Prohibition at Its Worst," a frank, unprejudiced and reasonable discussion of the several aspects of the subject with which he deals. Indeed, the book has been highly recommended as the best possible defense for the 18th amendment and the Volstead Act, if not as an absolutely irrefutable demonstration of the soundness of that legislation and the utter futility of any effort to repeal or materially modify it. An examination of and reply to Professor Fisher's book in a judicial and candid spirit would seem to be desirable and useful, and this is one of the features of this volume.

The writers cannot and do not lay claim to rigorous impartiality in dealing with prohibition. They are 100 per cent opponents of that legislation; first, because they

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are convinced individualists and, second, because they feel that, even from the viewpoint of much more moderate individualists or lovers of liberty, the case for prohibition is fatally lame and weak. However, in dealing with such arguments as have been or are being made in favor of prohibition, they do not ask of any neutral reader or bystander the complete acceptance of the philosophy of individualism. The appeal in this book is to plain "horse sense" and to incontrovertible facts. They have not consciously made any arbitrary assumption nor deliberately shirked any difficulty that faces either the opponent or the supporter of prohibition. The book is not pro-

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THE PROHIBITION MANIA

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## CHAPTER I

### PROFESSOR FISHER AS A LOGICIAN

IN succeeding chapters of this volume the several arguments advanced by Professor Irving Fisher, of Yale University, department of political economy, and by other pseudo-scientific advocates of prohibition will be examined at some length. In the present chapter it is our plan to call attention to a number of specimens of Professor Fisher's reasoning or logic. If a writer, in the course of an argument, makes many unsupported assertions, gratuitous assumptions, fallacious points and flagrant omissions, it is clear that his general position and conclusions are not entitled to much serious consideration. If he happens to be right in some of his conclusions, that may be considered an accident.

Professor Fisher, as a matter of fact, is wrong in nearly all his conclusions, and arbitrary and quite unscientific in his premises.

Professor Fisher begins by saying that originally he was opposed to legal prohibition and believed that temperance or even total abstinence could and should be brought about by means of education and moral suasion, but that it soon became plain to him that there was a fault in that program—namely, that the will of the

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drinker is weakened by the liquor habit precisely as the will of the dope fiend is weakened by his drug habit. A drinker, therefore, might be convinced that it would be good for him to give up liquor altogether, but his will would not be strong enough to follow that conviction. Compulsory legislation, therefore, appeared and still appears to Professor Fisher to be the only means of eradicating intemperance with all of its deleterious consequences.

Clearly, the implication in this reasoning is that if compulsory legislation did away with the liquor traffic, the drinker who craved intoxicants would not be able to satisfy his longing and would thus be forced to adopt the regimen of total abstinence. Now it is not necessary to be a political economist or a statistician to know that prohibition, which may do away with the legal selling of

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of opium." What meaning does he attach to the term "natural" in this sentence? Since the dawn of history man has used liquor. The great majority of civilized, educated and cultivated people use liquor to-day. Men of science, theologians, educators, moralists, philosophers, members of the most liberal professions, are among the moderate consumers of alcohol, and there is no evidence whatever that any considerable number of them intend to renounce that habit. How, then, can it be affirmed that the use of liquor is no more natural than the use of opium? How many of the types of men and women just referred to are in the habit of using opium? The question answers itself.

Toward the end of the same chapter Professor Fisher says that, while constitutional prohibition was premature, in the sense that it came before certain sections, notably

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main purpose of a law, and not demand also the accomplishment of incidental and non-essential purposes in the face of a widespread and determined opposition in several populous and intelligent sections of the country.

On page 102 Professor Fisher writes: "The saloon is gone. That is the great incontrovertible fact, directly due to the passage of the National Prohibition law. The consequences for good of the abolition of the saloon are incalculable and grow directly from the rapid change which it has produced in lessening an artificial habit of self-poisoning that had long tended to hold western

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the freedom to kill, rob, steal or spread disease, while they do demand the freedom to use intoxicating liquor. The western civilization about which Professor Fisher is so solicitous is the very civilization which approves of the moderate use of intoxicants and resolutely resists the attempt of teetotalers and fanatics to abridge or destroy that freedom.

It is certainly true that personal liberty has been and must be limited to boundaries set by the equal liberty of the social group, but where the boundary line is to be drawn is a question in regard to which there have always existed wide divergencies of opinion and Pro-

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chauffeur, for example, or the railroad engineer would not be deprived of the power of instant decision by consuming a glass of beer with his lunch, or a highball, or a cocktail, with his dinner in the evening. It is amusing to note that Professor Fisher, like Henry Ford and other defenders of bone dry prohibition, when they talk about our industrial and mechanical age, and the incom-

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Certainly not that prohibition is either essential or wise. On the contrary, if the world moved very far toward moderation and temperance before prohibition was even discussed, the conclusion to draw was *that the world was bound to continue to move in the same direction, that is, toward greater and greater temperance and moderation, without legal prohibition.* That Professor Fisher failed to perceive this obvious point is a circumstance that can

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There may be such a thing as moderate intoxication, but it is a totally different thing from moderate drinking, as Professor Fisher probably very well knows. Hundreds of thousand of moderate consumers of alcoholic beverages never drink enough to become either wholly or moderately intoxicated, and they have a right to resent as a gratuitous insult the charge or implication that they desire or favor any degree of intoxication.

In his chapter on "Proposals Other Than Prohibition" Professor Fisher argues that "none of the wet proposals to modify the Volstead Act is a practical proposition, since each requires a violation of the Eighteenth Amendment." Even the recent referenda on Volsteadism are described by Professor Fisher as nullifying the Federal Constitution and creating disrespect for it, and as well as futile, misleading, misrepresentative and insincere. These are not the statements of a careful or scientific thinker. They are, on the contrary, manifestly prejudiced, violent and foolish. How, for example, would a proposal to legalize 2 per cent beer nullify the Eighteenth Amendment or involve disrespect for the Constitution? How, again, can any one undertake to say that all the thousands of supporters of the referenda in question were and are insincere? Professor Fisher must know that among those supporters are men and women as educated, as earnest, as level-headed, and as law-abiding generally as he is himself presumably. Further, Professor Fisher knows that what he calls the futility of the referenda was fully recognized by those who demanded and obtained them. They were intended to serve a single and wholly legitimate purpose—to ascertain public opinion and gradually lead Congress to recognize that

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opinion and modify the Volstead Act in accordance therewith.

The referendum is not an unfamiliar institution in the United States, and not a few states have the so-called public policy acts whereby questions are submitted to the electorates solely for the purpose of advising and guiding the lawmakers who are not legally bound to comply with the verdicts rendered at such referendum elections. To hurl the charge of nullification at millions of intelligent and high-minded American citizens for no other reason than that they believe in educating Congress and keeping it informed of the trend of public sentiment in regard to prohibition is assuredly to betray the temper not of a scientific investigator and student, but of a dogmatist and fanatic.

In his final chapter, "Prohibition Can Be Enforced," Professor Fisher flatly asserts that "Experience in the West proves that the law, when combined with education, can do much to change fixed personal habits." How does Professor Fisher know what the experience of the West has been in respect of prohibition? He is not a Westerner, has not lived in the West, and knows nothing whatever of public sentiment in the West. Even in Kansas, an old prohibition state, there are many representative and enlightened citizens who affirm that their state has never been truly dry, and that bootlegging and home brew have always furnished thousands of so-called law-abiding persons with all the intoxicating beverages they could consume. Illinois is a Western state, and no one has the hardihood to assert that Illinois is dry or ever can be made dry. Neither law, nor education, nor the two combined, can change fixed personal habits un-

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less valid scientific and practical reasons can be presented for such changes. It is idle for the prohibitionists to claim that science and experience are on their side. The exact opposite is true; as we have already said, a great majority of the men of science drink intoxicating beverages in moderation, and simply smile at the assertions of the small minority of their colleagues who call liquor a poison or a habit-forming drug. The same is true of the overwhelming majority of professional and business men. The experience of these millions is of far greater weight and importance than the very dubious experience of a few prohibition states in Western America.

Professor Fisher says that science will ultimately review every human habit and custom and that "it is manifest destiny that alcohol will not survive this scrutiny." Certainly science ought to study and review every human habit and custom. The opponents of prohibition are not obscurantists or stand-patters. On the contrary, they are among the most progressive elements of the population, who encourage and promote science and culture in every way, and if science should ever arrive at the definite conclusion that alcohol in any quantity is physically or morally and socially seriously injurious, they will be among the first to urge individuals to abstain from the use of alcohol. But prophecy is not science, and so far, at any rate, no such anti-alcoholic verdict has been delivered by science.

Professor Fisher says that farmers as a class are prohibitionists, and that they ascribe a certain amount of alleviation of their difficulties since the slump in agri-

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cultural prices to prohibition because of the reduction effected in the drain on the Saturday payroll in the industrial cities and towns. The American farmers undoubtedly are among the most stubborn supporters of prohibition, but, as some of their own spokesmen and leaders have frankly acknowledged, the fact that the Volstead Act as interpreted by certain courts discriminates markedly in favor of the farmers, has not a little to do with their fervent championship of prohibition *for others*. The Volstead definition of intoxicating beverages does not apply to hard cider or fruit juices manufactured on the farms, and the farmer can drink alcoholic beverages to his heart's content without any interference from spies and other informers. The farmer's belief in prohibition would possess more significance if he evinced any disposition to practice in his own life that pretended belief. ✓

In discussing the available statistics on arrests for drunkenness under prohibition, Professor Fisher makes the following astonishing statement on page 32: "R. E. Corradini estimates the percentage of arrests for drunkenness as attested by police heads at 40 per cent in pre-prohibition years, and 90 per cent during the latest years of national prohibition." ✓

Now, even if Mr. Corradini's statistics were regarded as standard, it would not follow that his estimate of the increase in severity of the police toward drunkenness was entitled to any consideration whatever. Amusingly enough, Professor Fisher in attempting to defend the Corradini estimate speaks of the facsimiles of signed statements of police heads in various

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states testifying to the severity of arrests for drunkenness and the only cities he specifically refers to are Pratt, Kansas; St. Joseph, Missouri; Quincy, Illinois; and Harrisonburg, Virginia. A wonderfully convincing list! As Mr. Fabian Franklin, in a notice of Professor Fisher's book, remarks: "As there was nothing to compel Professor Fisher to select these particular little cities, it is a fair presumption that he would have given us something more impressive if he could."

In regard to the general question of the trend of the arrests for drunkenness as exhibited in Professor Fisher's charts and tables, we may here quote the following devastating remarks by Mr. Fabian Franklin in the notice just quoted from:

"In 1916 (the last pre-prohibition year) in spite of the increase of population they have fallen to 17,100. Mr. Fisher takes no notice of this; a scientific investigator would not only have taken notice of it but would have looked up the figures of earlier years to see whether this trend was really significant. If Mr. Fisher had done this, he would have found that arrests for drunkenness in New York City had been 44,100 in 1905 and had been going down throughout the entire period from 1905 to 1916, when they had sunk to the figure above named, 17,100. If a like decline had been shown in Mr. Fisher's prohibition period,—war-time restrictions 1917 to 1919, national Prohibition since 1919—arrests for drunkenness in New York City would have gone down to zero by 1923, whereas, there were actually (as Mr. Fisher states) 11,700 such arrests in 1923, and 12,000 in 1924. What checked the remark-

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able diminution in drunkenness in New York City that (according to the figures) had been going on for eleven years before prohibition? I haven't the faintest idea what it was; but I know pretty well what Professor Fisher would say it was if the case were reversed."

## CHAPTER II

### PROFESSOR FISHER'S FAIRNESS

IN various parts of Prof. Fisher's book he speaks of his fairness and his purpose of presenting the question from both sides. In the preface he says, speaking of his book: "It also endeavors to cover all the important data, on both sides of the controversy, which were presented at the Senate hearings." Still, on the very first page he shows his deep-seated and abiding prejudices on the subject he attempts to discuss. The first chapter reveals his whole psychology and illustrates how one's point of view affects everything one does and says.

It is no trouble whatever for Prof. Fisher to paint black as white and white as black, and he begins early in the game. The first chapter is entitled "How I Became Interested," and on page 5 he begins to tell of his experiences during the war.

"When the war broke out," he writes, "I offered my services to the Council of National Defense. I expected to be assigned to some strictly economic task; but was asked to call a conference on Alcohol to meet with the conference being called by Colonel Snow on Venereal Diseases, *since Alcohol and Venereal Disease are always twin obstacles to the soldiers' fitness to fight.*"

We wonder whether the history of the British army,

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the French army and the German army in the Great War demonstrated that the boys who were given something to drink were in any way incapacitated to fight. Even the American soldiers were able to get some wine when away from the fanatics who controlled the liquor policy of the United States.

But to proceed: Having made the wonderful discovery that Venereal Disease and Alcohol are twin obstacles to fighting, Prof. Fisher called a conference of leading economists and physicians at the New Willard Hotel in Washington in April, 1917. "The conference recommended two war measures: (1) The establishing of a Dry Zone around each Army Cantonment, and (2) Wartime Prohibition."

So the first official act of our author was to go after rum. The effort to get prohibition was not only his first labor on the War Board, but, as his story reveals, his last and only effort in behalf of the war.

The Dry Zone was recommended and "transmitted through various sub-committees, to the Council of National Defense; was approved by the Council, and was finally enacted into law. It was, I believe, a very important factor in keeping up the efficiency of our soldiers."

But to keep the soldiers away from liquor wasn't enough. The country, too, must have War-time Prohibition. Then Prof. Fisher proceeds to tell us how the wicked brewers blocked Wartime Prohibition. Any person who is not a fanatic on this subject can see from his own story that the wicked brewers blocked War-time Prohibition just as a man who is attacked with a gun blocks the assailant by taking the gun out of his hands.

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Prof. Fisher says that the second recommendation for Wartime Prohibition was approved by four successive committees through which it had to pass on its way to the Council of National Defense, and that then "something happened." The recommendation was scheduled to be presented to the Council on April 17, together with that for the Dry Zone around the Cantonments. The spokesman to present the matter was selected. "The small sub-committee that had it in charge met a half-hour before the Council convened in order to *rehearse* the program."

However, somebody was putting a spoke in the wheel. Dr. Franklin Martin, a member of the Council, did not appear until the half-hour was up and then he said "cryptically," that only the Dry Zone recommendation could be presented. "Thus Wartime Prohibition went by the board—for the time."

But, of course, this didn't discourage Prof. Fisher. It would never do that the Great War should be fought without bringing about some noble result like prohibition, otherwise what would be the use of the waste of life? So Prof. Fisher and his friends in the Anti-Saloon League kept busy.

He further informs us on page 7 that he afterwards found out what happened, which was this: "In the course of sounding out public opinion I had sent several hundred telegrams to business leaders and others, asking whether they favored Wartime Prohibition. Most business men, and practically all economists, approved of Prohibition as a war measure. It so happened that one of the telegrams, reaching a business man who disap-

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proved of the proposal was handed to a brewer." ✓  
"Shame!"

Of course, it is plain that Prof. Fisher meant to put prohibition through before this great industry had any notice whatever, and he only slipped up through his misjudging one man out of several hundred, one man who had the common decency to tell a brewer that a movement was on to confiscate his property. Prof. Fisher's sub-committee, that ought to have been interested in preparing for war, was really giving its attention to destroying a great business. The brewers proceeded at once to "train their machine-guns on the members of the Council of National Defense." One member received fifty telegrams in a single day, protesting against Wartime Prohibition. The wicked brewers even threatened that, if the Council should persist in its effort to confiscate their property, they would put the Council of National Defense out of business.

Think of the kind of mind of a man who deliberately conspired to destroy a business in which hundreds of millions of dollars were invested! To destroy a business which had for years paid a large part of the national revenue and of the revenues of states and cities! And to do this without even giving the business a chance to be heard! These brewers were wicked because they did not let Prof. Fisher and his friends in the Anti-Saloon League confiscate all their property without protesting ✓  
against such an outrage.

What would the meat packers have done if Prof. Fisher had undertaken the same thing? What would the vendors and manufacturers of cigars and cigarettes

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have done? What would the candy makers have done? What would the gun manufacturers have done? What would any body of men have done if a committee had undertaken at night to destroy their property without a hearing? And yet the Professor claims that the brewers were unpatriotic and tried to interfere with the conduct of the war.

Of course, Prof. Fisher did not give up. He knew why he was there, and whatever the sacrifice to him might be, he was willing to make it. He determined to lay his time and his life upon the altar of his country; and so he kept on.

On page 8 he says: "Later, a permanent sub-committee of the Council was appointed on Alcohol and I was made chairman. This committee also favored Wartime Prohibition. But its recommendations had no chance even to reach the Council. The brewers had effectually blocked any such action."

Thereupon the members of Prof. Fisher's committee, whose names indicate their views on this subject, "took steps to press the matter directly with Congress." "This had already been independently undertaken by the Anti-Saloon League" (p. 8). Well, well! Was the Anti-Saloon League also a member of Prof. Fisher's committee, or was Prof. Fisher representing the Anti-Saloon League all the time? Or whom was he representing, anyhow?

But, of course, in fairness we cannot charge Prof. Fisher with coming to any snap judgment on this matter, because he tells us on the same page: "The importance of Wartime Prohibition for food conservation was conclusively proved when Professor Alonzo Taylor

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showed that the barley used in beer production destroyed potentially eleven million loaves of bread a day."

Where is the carping "wet" who could criticize the judicial calmness that governed Prof. Fisher when he waited for this conclusive proof before he reached out his hand to destroy private property running into the hundreds of millions?

Beer destroyed enough barley to bake eleven million loaves of bread a day. Where does he get that word "destroy"? There are wicked people in this country who do not believe that barley is *destroyed* when it is made into beer. In fact, there are those of us who, if we must use barley, would rather take it in the form of beer than any other way. ✓

Eleven million loaves of bread a day are a good many loaves. It means almost one-thirteenth of a loaf to every person in the United States every day. I wonder what would have happened to Prof. Fisher if somebody had told him that the use of tobacco destroyed five or six times as much wealth and labor, or that the use of chewing gum destroyed more? Or that the use of automobiles destroyed infinitely more? What would he have said about the gasoline that was burned purely for pleasure? What about candy, and what about the loaves of bread that are destroyed by baking good flour into pies and cakes, to bring indigestion and disease? What about silks and satins and furs and fine houses, and what about everything that ministers to the comfort and pleasure of man? This, too, is all wasted. ✓

But, no. Prof. Fisher's one-track mind held him straight to the main question. His scent was directed to beer, and when it was shown that enough barley was

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"destroyed" every day to make eleven million loaves of bread, that settled the question. He would destroy property running into the hundreds of millions of dollars without the batting of an eye or without the formality of a notice; in fact, after taking all possible pains to have it done before the brewers found it out.

In many places in Prof. Fisher's book he talks about the lobbies and activity of the brewers before Congress and everywhere else, but they evidently were not present when Prof. Fisher and the Anti-Saloon League were conspiring to destroy their property, and they only heard of his action when one business man (we wish we knew his name), out of several hundreds that were handpicked by Prof. Fisher had the decency to tell them that their business was in the hands of fanatics who meant to confiscate it without a moment's notice. And yet the brewers are condemned because they didn't sit idly by and see it done!

The "brewers' opposition" was powerless to prevent Congress from passing Wartime Prohibition. They only stopped it in the Senate by preventing its consideration. They even wickedly bought a paper in Washington so that their cause could be heard in the Capital of the nation.

When the matter was taken to Congress, Prof. Fisher says on page 8, "the brewers' opposition again presented itself. But, at last, *Congressman Randall succeeded in so amending the Lever Food bill* as to provide for Wartime Prohibition."

Those are potent words of our Professor: "Congressman Randall succeeded in so amending the Lever Food bill . . ."

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By the machinations of Prof. Fisher and the Anti-Saloon League, the passage of the Food bill was made to depend upon prohibition. And still it was the brewers who were to blame. This bill passed the House and was stopped in the Senate. Thereupon President Wilson used his influence to have the Food bill passed without prohibition. And to whom did he address himself when he pleaded that fanaticism should not permit the preparations for war to be delayed? Prof. Fisher tells us whom he addressed. It soon appeared that in view of the attitude of the "wets" in the Senate, the Food bill would be delayed indefinitely unless the prohibition clauses were eliminated. "Accordingly President Wilson requested the 'drys' through a letter addressed to the Anti-Saloon League to withdraw these prohibition clauses." (Page 10.)

One cannot help almost shedding tears at the plight of Prof. Fisher under these conditions. He says, on page 10: "I remember sitting up most all of a hot June night in 1917 laboring with the Anti-Saloon League leaders to persuade them to accede to the President's request, in the interest of immediate food legislation, and in the expectation of bringing up Wartime Prohibition again as a separate measure."

It is too bad that Prof. Fisher had to swelter all night because the brewers protested against the destruction of hundreds of millions of dollars of their property on a moment's notice to satisfy the fanaticism of Prof. Fisher and his friends.

Still, Prof. Fisher had his reward for his devotion to the Anti-Saloon League, for a short time thereafter he was given a medal by Wayne B. Wheeler—a medal which

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he records in his book on page 13. This is what the Professor says:

"At a meeting in Atlantic City soon after these events, Wayne B. Wheeler paid me the somewhat doubtful compliment of having 'done more to bring about War-time Prohibition than any other man who wears shoe leather.'"

This ought to be glory enough for all of his trials and tribulations, including sitting up during the hot June night.

It is marvelous how far one's prejudices can affect one's opinions. It seems to us that an impartial man reading Chapter I of Prof. Fisher's book would be shocked that any body of men could be found who in the face of great need, and taking advantage of a situation that might never present itself again, would ask to confiscate property of such great value; property which had been recognized and protected by the law, the same as any other; property which had always contributed far more than its just proportion to all sorts of taxation—and do this without even giving a hearing to the vast interests concerned,

## CHAPTER III

### PROFESSOR FISHER'S IDEA OF SCIENTIFIC ACCURACY

IN a preceding chapter we have supplied numerous illustrations of Professor Fisher's loose and illogical reasoning. Logic, however, is a gift of the gods, and no man can be blamed for defective mental equipment. But it is within the power of any careful thinker to refrain from sweeping, careless and arbitrary assertions or from willful misrepresentations or partial and garbled versions of other men's statements or affirmations.

It is a serious matter to charge any reputable writer with extreme prejudice that vitiates all his conclusions, but unfortunately Professor Fisher's methods, and sins of commission as well as omission, amply justify that charge, and in the interest of truly scientific discussion of the prohibition problem it is necessary to prefer and substantiate it.

Thus, in his chapter on "Alcohol and Longevity," Professor Fisher calls attention to the resolution adopted in June, 1917, by the American Medical Association, in which that organization declared that it is opposed to the use of alcohol as a beverage and favored the discouragement of the use of alcohol as a therapeutic agent, but he omits to mention either the report of the council of the American Medical Association or the resolution adopted by the council in 1922, declaring

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that it is "unwise to attempt to determine moot scientific questions by resolution or by vote" and recommending that the House "shall take no action at this time on the question of the therapeutic value of alcohol." Obviously the force of the resolution adopted in 1917 is considerably diminished if not totally destroyed by the subsequent resolution of the council of the American Medical Association, and no really impartial or scientific writer on prohibition would have failed to refer to or comment upon the latter declaration, or upon the results of a referendum on alcohol as a therapeutic agent.

The facts in regard to that interesting referendum were published by the American Medical Association in a special pamphlet, and they are sufficiently interesting and important to receive considerable attention from impartial students of prohibition.

The Journal of the American Medical Association, in order to secure the views of a representative portion of the medical profession in America regarding the effect of alcohol in certain diseases, addressed an identical questionnaire to 53,900, or more than one third, of the physicians of the United States. Of these, 43,900 were selected by arbitrarily taking every other name on the mailing list of the Journal. The 10,000 physicians who were neither members of the American Medical Association nor subscribers to the Journal were selected in a similar way from the National Medical Directory. Thirty-one thousand one hundred fifteen replies to the questionnaire were received, or 58 per cent of the total number sent out.

The replies were summarized in an article published in the Journal. We quote part of it as follows:

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"1. Physicians of the United States are almost equally divided on the question as to whether whisky is a necessary therapeutic agent in the practice of medicine; about 26 per cent consider beer necessary; about 22 per cent consider wine necessary.

"2. More physicians of cities over 50,000 in population consider alcoholic beverages necessary than do those in smaller cities and in rural communities.

"3. The large majority of physicians who consider whisky necessary believe it valuable in pneumonia, influenza and other acute infectious diseases.

"4. A considerable proportion of those who consider whisky of value utilize it in the treatment of diseases incident to old age and general debility, in convalescence, diabetes, heart failure and shock.

"5. 26 per cent of the physicians who answered the questionnaire consider beer necessary or useful therapeutically, especially in lactation, convalescence, old age, and for the treatment of debility, dyspepsia and anemia.

"6. 22 per cent consider wine necessary and useful, chiefly in the same conditions as beer, but also as a substitute for whisky.

"7. About one-fourth of the physicians stated that they had seen instances of unnecessary suffering or death which they attributed to the enforcement of prohibition laws, including cases due to whisky of illicit manufacture or of poor quality."

Compare this summary with the assertions in Prof. Fisher's book!

In his chapter on "Further Activities of Brewers" Prof. Fisher writes as follows: "We find in reports an item that the distillers, in convention at Chicago on Jan-

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January 7, 1919, agreed to raise one billion dollars if necessary to beat the 1920 National Prohibition law." This alleged item is reproduced by Prof. Fisher and offered to his readers as a statement of an "important and undisputed fact." He does not stop to tell us by what means the brewers intended or expected to "beat" the National Prohibition Law, and the whole citation is simply an appeal to prejudice and antipathy. As it happens, the whole item is a preposterous falsehood. There was no convention of distillers in Chicago in January, 1919. A meeting of members of the National Association of Distillers and Wholesale Dealers was held in Chicago in March of that year to consider the advisability of instituting legal proceedings to test the validity of the Prohibition Law. At that meeting the sum of \$40,000 was subscribed to pay the fees of counsel should proceedings be instituted, and only a part of this sum was subsequently paid.

Perhaps wild statements about this meeting appeared in certain newspapers at that time. One newspaper published an alleged interview with the late Levy Mayer, a prominent Chicago attorney, in which the latter was quoted as saying that he could control several million dollars for the purpose of testing or combating National Prohibition. Had Prof. Fisher taken the trouble of addressing a communication to any official of the National Association of Distillers and Wholesale Dealers or of the United States Brewers' Association, he would have learned of the Chicago meeting and of the \$40,000 there subscribed for the perfectly proper purpose of testing the Volstead Act in suitable proceedings. The difference between the \$40,000 subscribed and the \$1,000,000,000

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which he says the distillers agreed to raise to "beat" prohibition is the difference between a fair and careful statement and a reckless and mendacious charge.

Several avoidable and inexcusable blunders made by Prof. Fisher in his book were pointed out by Professor Walter F. Wilcox of the department of Economics and Statistics at Cornell University, one of our most competent statistical authorities, in a public statement, and this statement is so forceful and destructive that we reproduce it here almost in full:

"Professor Fisher's arguments lead to the following conclusions:

"1. Figures published by the Moderation League and apparently showing that drunkenness in American cities has rapidly increased since prohibition came into force are entirely unreliable.

"2. The estimate of the World League Against Alcoholism that before prohibition only 40 per cent but now 90 per cent of persons publicly drunk are arrested is to be accepted.

"3. Persons arrested for drunkenness are mainly those who formed the habit before prohibition and as that generation dies off conditions will improve.

"These three conclusions demand examination.

"1. The figures published by the Moderation League, Prof. Fisher asserts, include 'statistics for about fifty cities which have not been authorized by the local police authorities,' and from this he concludes that the whole set is unreliable. He gives his evidence for only three of the fifty cities, two small ones, Sturgeon Bay, Wisconsin, and Xenia, Ohio, and one large one, Indianapolis. The figures for Sturgeon Bay have evidently

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been recounted locally and those for certain years changed, but the trend of the figures since 1914, which is the important thing, remains the same. For Xenia the criticism is beside the mark because the Moderation League has not published any statistics for Xenia. About Indianapolis he says, 'These amazing figures appear to have no official support whatever, the Police Department of that city claiming that no figures are available.' As a matter of fact, the figures criticized were reported about a year ago by the Indianapolis Police Department to the Moderation League. A new Chief of Police entered office last January and having no way to check the count by his predecessor, declined to accept the responsibility for it. This situation illustrates the unsatisfactory nature of police records in many American cities but does not discredit the work of the Moderation League, which only claims to publish all the evidence furnished it. Prof. Fisher, then, has blundered in his indictment of the Moderation League.

"2. He accepts the estimate of the World League Against Alcoholism that before prohibition only 40 per cent of the persons drunk in public were arrested, but that now 90 per cent are arrested. This is said to be based upon 'reliable information from police departments.' The statement is probably a rough average made by an honest but biased student, the Research Secretary of the World League Against Alcoholism, from guesses reported to him by a few police officials with no records to help their memory. I say a few officials because most of them, if my experience with them may be trusted, would refuse to hazard a guess. What is certain is that no data are available.

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"The point is important because Prof. Fisher not merely accepts this average of guesses, but distributes it over recent years, computing, or perhaps I should say guessing, that in 1921 only 55 per cent but in 1924 not less than 90 per cent of the persons drunk in public were arrested. He does not give his reasons for assuming that the increasing severity of the police came gradually rather than suddenly; his assumption, however, results in making the increase in arrests from drunkenness since 1920, which, taken in connection with the parallel increase throughout the country in the number of deaths from alcoholism, constitutes a grave aspect of the problem.

"The general impression conveyed by Prof. Fisher's discussion and charts is that of recent years public intoxication, as reflected in arrests, has increased little, if at all. His 'standard' authority, the Secretary of the World League Against Alcoholism, in his testimony before the Senate Subcommittee, went farther and stated, 'We are again on a downward trend which will settle unquestionably below the low minimum of 1920.' The number of arrests for drunkenness in American cities in 1924 increased, indeed, over 1923 only about as fast as the population, but the number for 1925, now available, shows an increase about double that of the population. Apparently instead of decreasing toward the 1920 minimum, the ratio is increasing again. . . .

"Is Prof. Fisher then right in his statement that 'Recruiting for the army of habitual drunkards is falling off and this is the great fact to be remembered about prohibition?' He gives evidence only for New York City, against which stands the evidence for Washington,

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which he has failed to explain away. If he were right, the average age of persons arrested for drunkenness or dying of alcoholism would be steadily increasing as the generation of pre-prohibition sots dies off. About arrests we do not know; about deaths from alcoholism we do. The average age of persons dying from alcoholism in the four-fifths of the United States for which we have the information decreased by more than six months between 1916 and 1923. In the same period the average age of all persons dying about the age of fifteen increased by a year and a half."

The Professor cannot possibly get the wicked brewer out of his head. He specially mentions the brewer again in the discussion of personal liberty. Of course personal liberty as it is generally understood means the liberty of one person to live his life without being controlled by some other individual, and does not mean, as Prof. Fisher seems to think, the liberty to be released from the laws of gravitation or from the inevitability of death. The world has never found any way to purchase that liberty, unless it pays too high a price, but Prof. Fisher makes short shrift of this whole thing by saying, on page 196: "The 'personal liberty' slogan is, in origin and effect, little more than a camouflage for the liberty of the brewers to resume their parasitic traffic."

And again on page 173, he says: "The liberty of the alcoholic-drink manufacturer and seller to profit by the enslavement of the drinker was prohibited in 1920 by the adoption of the Eighteenth Amendment to the Constitution and the passage of the Volstead Act. That is, the liberty of one man to make and sell intoxicating

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drink was held to impair the liberty of another man to enjoy health and economic and social welfare."

If Prof. Fisher believes any such nonsense, it is rather hopeless to think that unintelligent men will not be deceived by it. In another connection he says by way of justification for interfering with a man's desire to take a drink, that a man who drinks has no self-control and therefore we should help him control himself. We have seen such men as Prof. Fisher speaks of. We have seen them eating too. We have seen them playing, working and saving, and making money, but it never has occurred to us that, because a man's inclination was so strong in a certain direction, we would be justified in placing our hand on him and saying "You are not able to control yourself, and therefore we give you liberty by controlling you."

Recently such statements have been made in literature issued by the Lord's Day Alliance, to justify keeping men from working or playing or traveling or getting out newspapers on Sunday. We have never pursued the matter, but the same argument has probably been used to justify prosecutions for witchcraft and heresy. Men should be saved from themselves, otherwise they would go straight to hell.

We wonder what Prof. Fisher really thinks of this proposition: Did the brewers create man's appetite to drink, or did man's appetite to drink create the brewers? Which came first? We suppose he knows that for thousands of years men drank before there were any brewers. Another question might be asked that would simplify it. Does raising potatoes and wheat and corn create men's appetite to eat, or did the desire for food

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lead to the raising of potatoes, wheat and corn? Prof. Fisher is obsessed by "breweries" *et al.* They make you drink. Every one has been annoyed with the solicitations to buy drygoods, but no one was ever dragged into a saloon by the hair of his head. Compare the ads of the vendor of silks and satins, gum and paste and paint and automobiles, etc., etc., etc., that clutter the papers and offend the eye, with the amount of advertising used to sell alcohol.

It is passing strange, however, that so much attention should have been given in Prof. Fisher's book to the wastefulness of the manufacturer of alcoholic beverages. What does it amount to, anyway? Every one knows that the money spent for alcoholic drink was only a drop in the bucket as compared to the money spent on many other things, and that most of the money spent in these days is spent on luxuries, which fact is one sign of improved conditions of life.

Prof. Fisher has a hard time in discussing automobile accidents. Evidently the figures in relation to accidents caused by drunken drivers do not please him, so he talks about the increase in the number of automobiles, which no doubt has been great, and says that the accidents are multiplied not in proportion to the number of automobiles but in proportion to the number of times they pass each other. We did not follow this very closely. It drives us back in mathematics to permutation, and we have forgotten almost all we knew about it. Mayhap the good Professor is right. He ought to be on some things; but are not he and the other prohibitionists making a great fuss about deaths from liquor and about wasting time and energy making alcohol, when as com-

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pared with automobile accidents, deaths from drunkenness are negligible, or nearly so? Haven't we read somewhere about Professors or Pharisees "straining at a gnat and swallowing a camel"?

With some ten thousand deaths by automobiles in a year in the United States, what is the use of worrying about a fraction of that number who might possibly have had their lives shortened by drinking too much?

And, speaking of automobiles, how many people have become bankrupt, how many of them have mortgaged their homes, how many have lost their jobs, how many of them have gone to jail, how many of them have lost their time (assuming that time is wasted when one is not working, as is assumed when dealing with liquor), how many of them have been kept out of church on Sunday morning, how many of them have created a new, strange and weird psychology, all due to automobiles?

It would take quite a philosopher, statistician and metaphysician to show that automobiles have added more to the pleasure and the comfort and the wellbeing of the world than the use of alcohol. And certainly there is no comparison in the cost.

Many questions on this mundane sphere depend on your point of view. Prof. Fisher's efforts to prove that the abstainer lives longer than the moderate drinker are rather amusing, if one has a sense of humor. To him they are doubtless serious. Of course, they do not specially interest us although they give real evidence against Prof. Fisher.

It is entirely possible that the total abstainers are people so void of emotions, so lacking in the spirit of adventure, so regular in their habits, such moderate eaters,

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such early-to-bedders and early-to-risers, that all of their activities are timed by the watch. They probably walk on a very smooth road at a moderate pace, and their thermometer would never register any extreme degrees of heat and cold, especially heat. All of this might contribute to long life, if such a vegetative existence could be called life.

There is one thing at least in which we agree with Prof. Fisher, and that is that the crime wave has been exaggerated and that there are practically no more crimes now than before prohibition. This would doubtless be entirely true if the crimes which resulted from prohibition were not considered, but it must be remembered that many jails, prisons and penitentiaries have been filled by the victims of the Volstead Act, and organizations of liquor sellers fighting to control the traffic have killed each other and contributed not a few murders.

There never were statistics of any value showing the relation between crime and intoxicating liquors. There is no appreciable relation and there never has been.

In the years past, the prohibitionists used to insist that practically all crimes resulted from drinking liquor. Their efforts in this direction were ably seconded by the inmates of penitentiaries and jails. Every man who gets into trouble, no matter what the trouble is, wants an alibi. It used to be whisky, and the prohibitionists were always ready to believe him. As a matter of fact, liquor has always been one of the very smallest factors in what is glibly called crime.

Neither prohibitionists nor anti-prohibitionists need go into finespun theories or doubtful questions to sus-

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tain their cause. These things do not make an impression upon reasoning beings, though we are aware that there are very few of those.

One thing, however, Prof. Fisher seems to be sure about, and that is that the saloons have gone. He never lets us forget this for a moment, in spite of the fact that prohibition officers have reported over and over again that there are more places where intoxicating liquors are sold to-day than before prohibition. And, in addition to this, liquor is delivered at your door. Still, the saloons have gone. There is a great deal in a word, and the word "saloon" has been much discredited. An age-long campaign has been made on this word, and yet there were as many different kinds of saloons as hotels, stores and banks. A saloon is not necessary to the sale of intoxicating liquors. It never has been necessary to it, and if the purveyors of beer and wine had not been so greedy, the saloon would have been much better than it was. The liquor business is easily controlled. For many years it has required a license before one could vend intoxicating drinks. Doubtless municipalities and states have been too lenient in granting licenses and in placing restrictions upon licenses. All of this could have been remedied, except with the prohibitionists who considered intoxicating drink evil in itself and, therefore, one method of selling it is as bad as another.

Though Prof. Fisher is a college professor, and therefore supposed to be very exact and unemotional, he has a rather common penchant for creating prejudice wherever possible. For instance, he refers to New York as the "wettest and wickedest city." Evidently it is the wickedest because it is the wettest. To him the words

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are synonymous. New York is like any other city in the United States, only larger. His special grudge against New York is probably due to the fact that the people of the State of New York have repealed their enforcing act, and this will in some cases prevent double jeopardy, of which, strangely enough, Prof. Fisher seems to be so fond. Ordinarily a right thinking man would believe that if a person is once held responsible for criminal conduct, he should not be sentenced again for exactly the same thing. The prohibitionists gloat over the fact that a man may be punished under the Federal law for selling liquor to John Smith on the first day of July in the city of New York at Broadway and 42nd Street, and after he has served his term, be again punished by the State of New York for selling liquor to John Smith on the first day of July in the same place in the city of New York.

There seem to be no lengths to which a man will not go to forward a cause or a superstition in which he believes. Prohibitionists as a rule are equally happy that important buildings may be closed by an injunction, after a hearing in court without a jury. It has been commonly supposed that life, liberty or property could not be taken without trial by jury, but unceremoniously and without regard to fundamental rights, courts may padlock the most valuable property and practically destroy it without allowing a jury to determine the facts. This is generally approved by people who are anxious to accomplish the end and have no scruples about the means.

Strange, too, are the conflicting arguments that are advanced in a sacred cause. Prof. Fisher has used pages and pages to prove that liquor is wasteful and

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extravagant and that production would be greatly increased if we had thorough prohibition. Production of what, and for what? Does he believe there is any scarcity of property in these days? Do we need any more production? If so, what should be done with the things produced? Prof. Fisher has himself disposed of this question.

On pages 66 and 67, in referring to automobiles and things in general he has this to say about the effect of prosperity:

"Not only is there a pronounced increase of amateur drivers, but the character of the population that has come universally to own and drive cars is radically different from that of the class to whom this form of recreation was originally accessible. The automobile has fallen into the hands of reckless and dangerous elements, unskilled and given to the *coarser pleasures*, seeking relaxation in drink. Professor Thomas Nixon Carver of Harvard (pp. 63-64), in a recent book has fully analyzed the consequences of the recent wide diffusion of prosperity, *which has put purchasing power into the hands of irresponsible men and women of low mentality.*

"This has created a market for the sale of all kinds of goods and services, including a flood of cheap literature, tabloid newspapers and magazines, the more sensational types of film plays, and so on, including advertisements of a sort designed to appeal to *people of this character.* Of course, the automobile offers as much attraction to them as to anybody." Passing strange! "It may quite possibly prove, ultimately, the means of diverting their pleasure-seeking into more wholesome channels."

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You can see that Prof. Fisher is not in the least "class conscious."

And again on page 184, Prof. Fisher uses the following language: "History is full of examples of how luxury enervates and harms, and leads to the decline of civilizations. With wealth often come luxury, abuse of power, and degeneration of the racial stock."

Almost sounds like a Bolshevik. But that cannot be, for in another place Prof. Fisher compares nullification with Bolshevism, which he says would mean the destruction of private property. Still, why should not a propagandist contradict himself? He wants to make comrades of the Bolsheviks on one hand and of the capitalists on the other. This is surely admissible in the cause of prohibition. However, there ought to be limits to inconsistency. But on page 201 is a still stranger statement. In this statement, evidently made with the purpose of dragging in the ghost of the World War, and parading it before the hundred-per-cent Americans, Prof. Fisher speaks of the Germans in a way that most of us have renounced in the nine years that have gone by since the international welter of blood and hate. We, like Prof. Fisher, were much excited at the time and earnestly tried to promote the cause of the Allies, but we have come to doubt whether we were not a bit credulous about the Germans, after all. However, eight or nine years seem to make no difference with Prof. Fisher, when he is advocating a righteous cause.

On page 201 he quotes A. Mitchell Palmer, who, by the way, does not seem to be referred to as often as he was during the war, while he was Attorney General. This is what Mr. A. Mitchell Palmer is reported to have

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said, and what Prof. Fisher endorses by putting it in his book:

"It is around these great brewery organizations, owned by rich men, almost all of them German by birth and sympathy, at least before we entered the War, that have grown up the societies and organizations of this country intended to keep young German immigrants from becoming real Americans."

This might not have looked quite so bad when the war propaganda was at its highest and the world was on fire, but men have had time to reflect and understand, and it seems to be of doubtful propriety to brand a people who are intelligent, frugal, and industrious, and whose labor and saving have done more than their share toward creating the wealth of America.

We wonder if Prof. Fisher really believes that the brewers were less patriotic than the distillers or the vintners or the packers or any other organization that sold provisions, goods or ammunitions to warring countries at exorbitant prices. I wonder if Prof. Fisher really thinks that the German brewers were under suspicion by such patriots as A. Mitchell Palmer because they were brewers rather than because they were Germans. ✓

Prof. Fisher quotes with evident approval the words of Mrs. Helm Bruce, Chairman of the Law Enforcement League of Kentucky, to the effect that since the Volstead Act, Kentucky streets are full of highpowered automobiles and trucks, and are no longer dangerous. This is really humorous. I imagine that this worthy lady has taken no pains to find out about the relative danger in Louisville streets from highpowered automobiles and from men whose breath smells of liquor.

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However, we suppose that Prof. Fisher would have been able to make a "shrewd" guess on it. Perhaps Louisville has a special kind of highpowered automobile or provides special qualifications for drivers to make highpowered automobiles safe for democracy. Statistics have something to say about this.

Just recently the government has made a report that in 1926, in seventy-eight principal cities of the United States, there were 6,693 deaths caused by automobile accidents. In the city of New York alone, there were 1,084, which are almost three to one of the deaths claimed to have been caused from liquor before prohibition, or even since. The ratio is doubtless much the same everywhere in the United States.

As a matter of fact, one never knows for certain whether any one dies of drunkenness. Many things conspire to cause the death of one who dies what we call a natural death, in bed. It is not an easy matter to trace it to any one thing, but if a highpowered automobile kills a victim on the streets, we at least *know* what causes death.

## CHAPTER IV

### A PERPLEXED ADVOCATE

PROF. FISHER'S whole psychology about prohibition is perplexing. If he were not an intelligent man, it would be much easier for him to justify himself. The ordinary prohibitionist believes it is wrong to drink, and if a thing is wrong, it must be gotten rid of at whatever cost. They have no scruples about the extent of the punishment or what other evil is done in carrying it out. The thing they do not want done must be stopped.

The theory of the law evidently disturbed the learned Professor when he commenced his prohibition career. In spite of his best endeavors, he cannot make his prejudices consistent with his intelligence, but he tries. He tells us in the beginning of the book that he took a strong dislike to alcohol when he went to Colorado in 1899, on account of his lungs. Prior to that time, he had never drunk "except for occasional sips of wine at my friends' tables."

Still, up to the time he wrote his book, he seemed to be torn between his hatred of liquor and his devotion to prohibition on the one hand, and his consciousness that the Eighteenth Amendment and the legislation and persecutions under it are tyrannical and unjust and could not be sustained by experience and logic. He says him-

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self that he was very reluctantly converted to prohibition.

He has become so well converted, however, that he takes pains to quote the big prohibition boss, Wayne Wheeler, who has given Prof. Fisher the certificate of character already referred to. Of course, wearing such a medal, he cannot be too squeamish concerning the really important questions involved in the theory of prohibition. Still, we do find him filled with misgivings.

On page 2, he says: "I knew that all laws affecting personal habits are resented by those whose personal habits are thereby reflected on, and that such laws are, therefore, difficult to enforce. I realized then, as I realize now, that laws without sufficient public sentiment behind them are apt to become a dead letter and to lead to disrespect for law in general."

Still, in spite of Prof. Fisher's enlightened views of law enforcement, he seems to be for any measure that will coerce the public into obedience of a hateful law in which they do not believe. His criticism of judges and other law enforcing agencies shows he has overcome his scruples, and also what he would like to have done.

Prof. Fisher says: "As to the various means necessary for bringing about the effective enforcement, we have ample opportunity for expert advice. We certainly need an enforcement act in New York, Maryland, and Massachusetts, Civil Service requirements for Prohibition officials, and more and better judges. As to our judges, it is reported that one particular judge fined a bootlegger five cents and then gave the convicted man the money with which to pay the fine. Of course this is not representative. Fines have become severer and jail sentences have come oftener and have been longer; but

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there is still a great deal that can be improved in our judiciary.

"To the criminal small fines mean less than an excise tax. To many foreigners who come in touch with our courts and learn through these courts of American ideals and institutions, the lukewarm attitude of certain judges does not foster respect for our government and they probably expect the same lack of severity if they should choose to violate other laws. . . .

"Many, if not most, bootleggers are aliens. It is they who do the most to cause disrespect for American law, having no respect for it themselves. I believe that alien bootleggers who are caught should be deported."

To compel the people to obey a law in which they do not believe, judges must tyrannize; sentences, which are now barbarous, when the offense is considered, must be increased still more; the penitentiary must be more freely resorted to; men who sell liquor, provided they are not citizens of the United States, must be deported, no matter what the circumstances of the sale may be.

This is certainly drastic, and must commend itself to all people who believe in democracy and who have any sense of proportion about the administration of punishment.

Prof. Fisher says: "The eminent grafters of the Tweed Ring, the gamblers of the Louisiana Lottery, the criminals of the Credit Mobilier scandals, and all swindlers, high and low, when caught, like the wretch who felt the halter draw, lack good opinion of the law. Public sentiment, in the history of all these cases, has uniformly turned a deaf ear to the offenders."

It would be interesting to know whether Prof. Fisher

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thinks there are any degrees of guilt between burglary, for instance, and taking a drink.

There is a very strange psychology amongst prohibitionists. Many of them no doubt believe that the most drastic penalties which could be imagined should be visited upon those who violate the spirit of the prohibition amendment. This class of people is always talking about the violation of the Volstead Act, regardless of all of the other provisions of the criminal statute. They are anxious to have the Eighteenth Amendment and the Volstead Act strictly enforced, no matter how many Constitutional provisions are violated and how many settled safeguards of liberty are trampled in its enforcement.

Prof. Fisher believes that using intoxicating alcohol can be put in the same category with murder, robbery and burglary. With him, as with most prohibitionists, there is no such thing as liberty. Whenever a thing is unwise or harmful, it is sound policy to pass a criminal statute *and every one must conform*, no matter what his views may be.

Of course, there is no one who is wise enough to draw the exact line where legislative interference should end. Even Prof. Fisher no doubt believes that somewhere between playing a game of baseball or golf and highway robbery there must be a line in the regulation of human conduct. The only purpose of government is to promote the happiness of the individual, and it is not possible that individuals can be happy without at least some degree of liberty.

There are no kinds of habits that will not be objected to by some people. It is very common to find large

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numbers of people objecting to theaters, dancing, card playing, horse racing, and likewise objecting to all games and sports on Sunday. Many people object to the eating of certain kind of food and others to the taking of certain sorts of drink. People object to the method of dress that is habitual with others. Customs and habits never have been and never can be uniform, but somewhere the legislature must fix the line of criminal responsibility.

First of all, a statutory crime should be some act that is regarded as *intrinsically* wrong under all the circumstances of the case by a large majority of the citizens; that is, it must be such an act that its contemplation causes a revulsion of feeling in most men. Many individuals have a strong aversion to eating meat, but they are a small minority of the citizens of any government. The same might be said of many habits, customs and ways of life. The criminal code proceeds upon the theory that the act forbidden and for which a penalty must be inflicted is wrong in itself. Prohibition has been adopted, because with a large number of people drinking is considered inherently wrong. Deportation is a very serious penalty, more serious than the ordinary penitentiary sentence. Yet Prof. Fisher believes that an alien in America who sells liquor should be deported.

It is obvious that a man who sells liquor is not guilty of wrongdoing any more than the man who buys. Whatever the penalty may be, the moral guilt, if any, is the same. It is likewise obvious that the legislature could not by enactment make something morally wrong which without the act would be right. It was just as wrong intrinsically to drink alcoholic liquors before the Volstead Act was passed as it is to-day. Is a man who

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takes a drink in the same category as the man who robs a safe or willfully takes a human life? Evidently Prof. Fisher thinks he is.

It will be conceded that no man can be free who has not some choice as to his eating and drinking, his going and his coming. Even Prof. Fisher says that he has taken drinks at the houses of friends, simply to be a good fellow. However reprehensible that may have been, it could hardly have been classed by intelligent people with burglary and robbery.

Prof. Fisher's intelligence, however, seems not to be satisfied with his advocacy of tyranny and barbarity to bring about the enforcement of the Volstead Act. No matter how well he tries to do, he is always slipping. His fanaticism tells him one thing and his intelligence tells him another.

This is specially noticeable when he comes back to the question of education as to the facts of alcoholic drink. Why education? There is already in the statute books a law, fierce and cruel and savage, a law which like the old laws against witchcraft and heresy cannot be made too severe, because it reflects not the intelligence of the people but the bigotry of the people. Why education?

The only purpose of educating people as to the use and abuse of intoxicating liquor must be to teach people that alcohol is injurious to life or health, or that it is evil in itself; the first reason would appeal to self-control, the other to a criminal statute. The latter recognizes the idea which the law has always recognized: that man should not be punished unless he had a sense of evil-

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doing when he did the act. If by education, good or bad, this sense of sin can be drilled into most of the people, then the great mass of them may possibly obey the Volstead Act, and it would only need enforcement on a small minority, like every other criminal statute.

On page 12 Prof. Fisher, speaking of the war preparation, says: "And the Anti-Saloon League very astutely took advantage of the situation to propose the Act submitting the Eighteenth Amendment. Other important agencies which helped to bring that Amendment about were the Women's Christian Temperance Union, the various church temperance organizations, especially the Methodist, the Methodist Church South, the Baptist, and the Presbyterian, the Order of Good Templars, and the Prohibition party."

Prof. Fisher tells how the Volstead Act was passed, and who were its sponsors. It was not the people or Congress, but the same forces, which through organization and agitation and political assassination have made prohibition the only political issue before the American people.

Prof. Fisher places the credit, or the responsibility, where it belongs:

"On top of that, the Volstead Act overrode by a two-thirds majority a presidential veto, becoming effective January 17, 1920. *To be sure, this impressive majority was secured not altogether as an expression of the popular will. The Anti-Saloon League, patterning after the very thorough organization of the liquor interests in every congressional and state legislative district, had built up a superb political machine of deadly efficiency. It had already filled a political graveyard of national pro-*

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*portions of which the membership of Congress was on notice."*

Where, by the way, does the learned Professor get his authority for this line contained in this quotation: "The Anti-Saloon League, *patterning after the very thorough organization of the liquor interests,*" etc.? The liquor interests never had such an organization as the Anti-Saloon League. They never organized Congressional districts or devoted their time to politics or brought about legislation. True, they did fight for their property the same as every other man or organization fights for its own, but this is not the same thing.

On page 231, the Professor says: "It appears that, with the advent of Prohibition, many schools have relinquished instruction on the physiological effects of alcohol. But if ever youth needed scientific instruction it is now. Such education should be resumed and improved."

Again on pages 233 and 234 he says: "It is my firm conviction that a great tactical blunder has been made by those responsible for dropping the educational program, and turning to a mere law observance program. Prohibition made its great strides when the evils of alcohol were stressed. *It lost ground as soon as that emphasis was lost.*

"The public who had not already been converted to prohibition, and who never understood the basic reasons for it have acquired the impression, from being preached to by judges and clergymen and exhorted to obey the law merely because it is law, that no other good reason for obeying this law exists. They have acquired the idea that this prohibition law is a bad law, resting only on

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the whimsical ideas of fanatics. No one can be really enthusiastic over obeying a bad law believed to have been 'put over' on an unsuspecting people.

"What is needed now is to go back to first principles, to educate the public to understand that there is a reason and a good one."

No general campaign is made to prove that burglary or robbery or larceny are wrong. An overwhelming majority of the people of every nation at once feel a sense of wrong, by the mere contemplation of acts of this kind. They need no special education. This education that Prof. Fisher speaks about is to be directed to the American people in order to teach them that really the use of intoxicating liquors is an evil and should be suppressed. Either brute force is right in this matter or education is. Prof. Fisher seems to favor both, although apparently with great reluctance.

From the nature of things the world over, there has been an everlasting contest between those who would leave human beings comparatively free to work out their own destinies, and the bigots that think that whatever they believe must be right, and that any means are justified in enforcing their views. It is an old, old contest, which will never end. If anything is settled, it is only for a time. As fast as one thing is prohibited, meddlers find something else to engage their attention and furnish them with activities.

Criminal codes should be as short as possible. Their provisions should relate only to subjects that are generally recognized as criminal. The length of the criminal codes has a direct connection with the number of crimes. Prohibition is one of many laws which has made crim-

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inals. It has filled jails and penitentiaries with men who had no sense of wrongdoing in making wine, or selling it or drinking it.

Prof. Fisher ridicules the idea that crime is often the result of bad laws. On page 91 he says: "Doubtless the violators of the Prohibition law blame the law itself for their plight, just as the grafters, etc." More men and women have been convicted and executed for witchcraft than for any other crime, excepting possibly heresy. Who was to blame for the terrible tortures and unnumbered executions for witchcraft, the witches or the law? Where should the blame be placed for the executions for heresy, which raged for hundreds of years throughout Europe? On the men and women who insisted on doing their own thinking, or on the laws that were passed and executed, making freedom of thought a crime?

## FOREWORD TO CHAPTER V

PROFESSOR FISHER relies on his diagrams more than any other part of his book. We place these diagrams at the end of this volume. It is not feasible to separate them for the reason that they are referred to at different points in Chapters 5 and 6. We believe that these Charts present the most astounding effort to juggle figures and draw false inferences that ever came under our notice. We submit that an intelligent study of these Charts as referred to in our texts shows conclusively Professor Fisher's false and misleading and puerile arguments, and likewise prove exactly the contrary of what he says that they prove. From these charts it is shown that since 1920 the use of intoxicating liquors has rapidly and constantly increased. ✓

Every chart that in any way bears on the case is here presented exactly as in Mr. Fisher's book.

## CHAPTER V

### PROFESSOR FISHER'S DIAGRAMS

PROF. FISHER illustrates his book by a series of diagrams. He informs us that we really do not need to read the book if we but study the diagrams. They are guaranteed to be fool-proof, and the guarantee seems good. Whether Prof. Fisher ever tried to make out what the charts really prove seems somewhat doubtful.

We are aware that Prof. Fisher is an eminent statistician. This book proves it. Nothing daunts him. Whenever the charts and other information seem to be against him he explains them away in the method of the statistician. Handling figures is a profession by itself. No matter how carefully one studies them, one is never sure which side the figures prove, although he is perfectly sure on which side the statistician is. These diagrams, like the rest of the book, are directed to showing that the prohibition law, after all is said and done, is a great success.

The diagrams relate to what seems to be the amount of alcohol used, the number of drunken people arrested before and since prohibition, the moral condition of various cities in the United States, especially New York, the amount of crime of various kinds, and other relatively irrelevant matters.

With the exceptions of Nos. 2 and 5, all of these

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diagrams are directed toward the bolstering up of Prof. Fisher's thesis.

Nos. 2 and 5 are meant to show that Mr. Shirk, who was employed by the Moderation League, presented misleading charts to aid the wicked "wets" before the Senatorial investigation at Washington. We will not discuss these charts for the reason that we do not understand Prof. Fisher's position. Therefore, we will confine our attentions to the professor's diagrams which he uses to prove the virtue of the present prohibition law.

For convenience, Prof. Fisher divides time into three periods: Pre-Prohibition, Wartime Restrictions and National Prohibition. [This is done somewhat on the order of the historians who lump time as A.D. and B.C., or the scientist who speaks of the first, second, and third Glacial Period or the time before and after the Tertiary Age. All these things make a very convenient starting point.]

Of course, Prof. Fisher chooses his time in what seems to be a purely arbitrary way. For instance, a long period elapsed before the wartime restrictions. How much of this period he takes is not clear, neither is it clear why he takes it. Sometimes he starts at 1914, again at 1910.

What else happened between 1910 and 1925, which in the main covers the period of these charts, Prof. Fisher does not tell us. Between these dates there was some period of National Prohibition and Wartime restrictions, and back of that Pre-Prohibition. Other events of more or less importance happened during this time, but no events are important to Prof. Fisher except those that relate to liquor.

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Amongst the other events that happened between those periods was the World War, a catastrophe unparalleled in the history of mankind. All sorts of consequences flowed from this war during its four-year course and the time that has elapsed since, but the World War had no effect upon the human race, its life, or its habits, in the estimation of Dr. Fisher. The only thing that had an effect was the attitude of the government toward alcohol.

In a more or less elaborate discussion of the World War, which covered a period of time when Prof. Fisher was on the Board of National Defense, the only thing of any importance that was done, so far as he reports, was the discussion of the question of getting rid of alcoholic beverages. Even the Ice Age had no such effect upon the inhabitants of the earth as the prohibitionists' efforts to use the war to carry out their fanatical ideas.

Prof. Fisher makes the National Prohibition period begin with January 17, 1920. This was in fact the date that the National Prohibition law went into effect. Between 1916 and 1920 is another period of time, which Prof. Fisher calls "Wartime Restrictions." No effort is made to explain what he means by "Wartime Restrictions." He informs us that the wartime prohibition law was not passed until after the Constitutional Amendment and the legislation which took effect January 17, 1920. So far as the Wartime Restrictions are concerned, it must have meant such restrictions as were thrown around the boys and young men in the training camps after the United States entered the war. These restrictions, of course, were quite drastic but had no application outside the territory occupied by the training

## PROFESSOR FISHER'S DIAGRAMS

camp and other places where the Army was in preparation.

Before 1916 is an indefinite period when we had no National Prohibition, but as Prof. Fisher says, we had a great deal of state-wide prohibition. A much larger territory in area was "dry" than "wet," and this condition had existed for a long time.

Before discussing the diagrams, it is well to make a preliminary statement, for fear that the tables will not be understood. If we did not know that Prof. Fisher was an expert statistician, and that he had long been interested in teaching young men, and that in both of these professions he would naturally take great pains to make things clear,—if we did not know these facts, we might be tempted to think that these diagrams were purposely made misleading. We cannot imagine that that is true. Still, the manifold evidence in Prof. Fisher's book shows that he is absurdly biased against any use of alcoholic beverage, and his adoration for prohibition might unconsciously color even his diagrams. Prof. Fisher approaches the diagrams by discussing two experts. One, the "Bad Man" employed by the Moderation League, an organization consisting of well-known New England people, but evidently in the pay of the liquor interests, since otherwise the members could not be opposed to prohibition. This expert is Mr. Shirk. Prof. Fisher speaks of him on page 20, as "a lawyer who needs statistical training." This is not so bad. It is probably true of most lawyers, and perhaps of all statisticians.

Prof. Fisher feels so strongly that Mr. Shirk can not be relied on, and that his statistics are valueless, that he

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says on page 30: "Ordinarily a conscientious statistician would reject figures, the accuracy of which is largely questioned at their sources." This may be a good rule, but if so, we should expect Prof. Fisher to leave out of future editions of his book all of the tables that he has submitted.

At least Mr. Shirk is discredited in the eyes of Prof. Fisher. On page 41, Prof. Fisher says: "Leaving Mr. Shirk entirely, and substituting for his statistics those of Mr. Corradini, a careful statistician," etc. From this time on, Prof. Fisher ties close to Mr. Corradini. Who he is, we do not know, neither have we any information except such as is contained in a statement made by Prof. Fisher as to Corradini's attainments as a statistician. Of course, we understand why Dr. Fisher throws overboard Mr. Shirk and accepts Mr. Corradini without a question. We learn from the same page, 41, and many other pages, that Mr. Corradini is connected with the "World League Against Alcoholism," and has long been connected with this and similar organizations. Prof. Fisher's book shows a great deal in reference to the activities of Mr. Corradini. In the appendix of Prof. Fisher's book, entitled "List of Authors, Titles and Publishers," we find that Dr. Corradini is the author of "Broadway Under Prohibition," published in 1924 by the World League Against Alcoholism, also the same author published "The Bowery" in 1923, issued by the same company. Likewise Dr. Corradini published "Saloon Survey" in 1925, for the same League; likewise "The Passing of Saloons in New York City," in 1925, published by the same company; likewise Dr. Corradini published the book entitled "The Production and Con-

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sumption of Alcohol in the United States," published by Research Department of the same World League Against Alcoholism, in 1926, although a note informs us that it is not yet published, but as it has already been quoted as an authority on page 244 of Prof. Fisher's book, he must have read it and approved it, or at least heard about it.

Of course, Prof. Fisher cannot be blamed for accepting this investigator unconditionally, in view of his obvious standing and his familiarity with prohibition. In fact, on account of the length of time that Dr. Corradini has been connected with the Anti-Alcohol people and the number of books he has been responsible for, he does not need statistics.

Let us see, from Prof. Fisher's book, how good a statistician Corradini is, and likewise how reliable are Prof. Fisher's figures. Before presenting his charts, Prof. Fisher seems convinced that they are not as good as they should be, and therefore, he does not present them, but presents imaginary, fictitious and hand-picked figures that emanate solely from the fertile brain of the great Corradini. Some criticism might be passed on Prof. Fisher as to the way these diagrams are presented. There are many people who might look at them and get the idea that they are presented from statistics and are therefore true. Some people might think they were *real* statistics and not guesses or wishes. True, Prof. Fisher puts people on their guard, but he does it so obscurely that casual readers, especially those interested in Prof. Fisher's side, might get the impression that the charts were based on *real* figures.

Very reluctantly we confess that although we have had considerable experience with statistics, on the first read-

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ing we thought ourselves that these charts were made from *real figures*.

But let us see how they are made up. On page 32, Prof. Fisher says, in reference to Mr. Shirk's figures:

"The next correction is one which I will not insist on, although it is based on an estimate of a known increased severity of arrests for drunkenness during the period of wartime restrictions and National Prohibition, *and without such a correction Mr. Shirk's figures are of little worth.*" Underneath this is a note in small type, which reads as follows: "Robert A. Corradini estimates the percentage of arrests for drunkenness as attested by police heads, at forty per cent in pre-prohibition years, and ninety per cent during the latest years of National Prohibition."

"As Mr. Corradini's statistics of drunkenness arrests gathered from the Police Departments of 626 American cities and towns are generally regarded as standard, *I have adopted this estimate provisionally in correcting the totals of arrests in Mr. Shirk's tables.*"

This statement leaves something to be desired in the way of clarity, but then Prof. Fisher is a statistician. What he means to say is this: that Prof. Fisher has presented to the people of the United States, as real figures, charts relating to arrests for drunkenness and kindred subjects, wherein he has changed the figures on the theory that before prohibition only forty per cent of the drunken people were arrested, that during prohibition ninety per cent were arrested; that is, in those figures preceding prohibition he has taken the amount of drunkenness shown by the figures and multiplied them by two and one-half, and the total is carried into

## PROFESSOR FISHER'S DIAGRAMS

the charts as the real figures on drunkenness and kindred conduct. In the years since prohibition he has increased the real figures by about ten per cent.

This is explained by notations under Chart 8, in which, after putting a headline in large type, reading as follows: "Beverage alcohol reduced by more than nine-tenths," he has put another line in smaller type: "Corradini's estimate for United States." Then again, in small type: "Computed by R. A. Corradini from data in Federal Reports"; and after that, in small type under the headings, this is inserted: "A shrewd *estimate* of the consumption of absolute alcohol in beverage form by the American public has been made by Robert A. Corradini from data of the Federal government, showing," etc.

All of which means that in these charts, no one gets statements of fact, but only "shrewd" estimates of Mr. Corradini.

It will be noticed that Chart 3 and most of the other charts are made up of a light background, which indicates drunkenness as shown by arrests, or indicates some other condition meant to show the use of alcohol. Above that, in darker background, is what is meant to show the gain since prohibition. Chart 3 does not seem to show definitely whether Corradini's estimates are used, or the real figures, and turning to Chart 4, you will observe in the dark background a broken line running much higher than the unbroken line; the broken line indicates the figures as they are; the solid line, the estimates made by Corradini. Prof. Fisher uses the Corradini "data," if they can be called data.

Most of the charts, therefore, are pure estimates, and, in fact, all of them are estimates where Dr. Fisher's

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purpose can in any way be served. That there may be no question about the method of taking and measuring these charts, attention is specially called to the reading matter under Chart 4. In large type, "Drunkenness less than one-half of what it was"; in somewhat smaller type, "In 349 cities selected by the Moderation League," in still smaller type, in a paragraph, is found this: "Arrests for intoxication in 349 cities selected by the Moderation League, as reported by the Police Departments in about 300 cities, and by the Moderation League in remaining cities. Also probable number of cases of intoxication in these cities, as computed from Robert A. Corradini's estimates of the percentage arrested of all cases of intoxication. For the previously 'wet' states this is 40 per cent in 1920, and previously, 55 per cent in 1921, 75 per cent in 1922, and 90 per cent in 1923 and thereafter; for the previously 'dry' states it is 90 per cent throughout. The percentage here used is a composite series proportionately adjusted to the wet and dry cities in the group."

It is obvious and has otherwise been explained that the dotted line over the dark surface marks the real figures, and the unbroken line signifies the estimates of this wonderful statistician.

Chart 8 shows nothing excepting Corradini's estimate. It is out of line with every other table submitted, and is absolutely absurd and does not pretend to represent all the alcohol consumed in the United States.

Chart 9, which refers only to states *formerly dry*, is based entirely upon the assumption that arrests represent 90 per cent of the offenders. Whereas, on the opposite page, table 10, "Drunkenness in wet state group," we

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find in very small type, under the table, the following: "It would seem to be a very cautious estimate to say that probably more than 90 per cent are arrested to-day, and less than two out of every five were formerly arrested." The way the table is made up is also shown by a line reading, "Hypothetical Percentage Arrested of all Intoxications." Here are put down 40 per cent for 1920, and afterwards 55 per cent, 75 per cent and 90 per cent. This means that to increase the arrests, previous to 1920 where arrests are wanted to prove their case, the statistics are multiplied by two and a half. Where arrests are not wanted after 1920, Prof. Fisher assumes that the vigilance of the police constantly grew so that their actual reports of arrests showed 55 per cent of all offenders in 1920 and thereafter showed 90 per cent. After claiming that the police only arrested 40 per cent of the offenders before prohibition Mr. Corradini could not well help admitting that some drunken people got away without arrest after 1920.

In reading this chart or practically any of the rest one should remember that where drunkenness is shown by the charts before prohibition, the statistician has deliberately made the chart by multiplying the real figures shown by two and one-half and carrying this product into the chart, whereas, in the late years, he has estimated that 90 per cent of all intoxicated people were arrested. It is perfectly plain that if the real figures are correct for both periods, drunkenness has very substantially increased in the last four or five years over pre-prohibition times.

In order to show a decrease, Prof. Fisher is obliged to take what he calls estimates, which are deliberately made up from the imaginings of Corradini.

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Practically the same thing is shown in Chart 11.

Underneath it are given the percentages from which the chart is made.

Percentages are likewise used in Charts 12, 13, 14, 15, 16, 17, 18 and 19; all are made up in the same misleading and unscientific way. They are pure assumption.

Every one of these charts shows the great growth of drunkenness from the low point in 1920. And yet by assumption and presumption, this is sought to be overcome by Prof. Fisher and Dr. Corradini. The balance of these tables do not concern the direct question of drunkenness, and this method was evidently not used. These will be discussed separately from the ones showing drunkenness.

Under Table 14, which is one of the Corradini fictions, Prof. Fisher shows what expedients may be resorted to by men of science to make figures show something that does not exist; 14 refers to Philadelphia, and, referring to the figures as they are, the last two years given show a great increase in drunkenness, as compared with any time previous to prohibition. This in spite of the fact that the figures previous to prohibition are multiplied by two and a half, and since that time practically 10 per cent has been added.

Prof. Fisher suggests that it may be that the bad showing from his standpoint results from the increased efforts that have been taken to arrest people for drunkenness in Philadelphia in recent years. This might make the arrests much more than 90 per cent. It looks, from the chart, as if they were much more than 100 per cent. All of Prof. Fisher's charts utterly ignore the fact that since 1920 the increase of drunken-

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ness has been steady and great. Prof. Fisher justifies the use of Corradini's "shrewd" guess by saying that before prohibition it would naturally occur that drunkenness was overlooked by the officers more than it has been since prohibition. This would naturally occur to Prof. Fisher, and even to us, and it is reasonable.

But it ought to likewise naturally occur to Prof. Fisher that the whole method of drinking has changed since prohibition; that people drink at home, in their clubs, and on social occasions, and that therefore the arrests are very much fewer. The class of drinkers, too, have been those who could better afford it, and those who are not so easily detected and arrested, and it seems probable that only a very small percentage of people who get drunk since prohibition are ever arrested. It is strange that a statistician and professor should not have thought of a thing so simple and obvious as this. This applies not only to prohibition times, but pre-prohibition times; so in pre-prohibition times, the real arrests reported have been multiplied two and one-half times. This may be good sense, but it has no connection with statistics or with genuine tables. Under the chart also is a line reading: "Hypothetical percentage arrested of all intoxications," placing it from 53 to 90. However, a statement is made plain below the chart, that everything previous to 1920 was estimated at 40 per cent, and therefore, in diagramming, multiplied by two and one-half. It is difficult to harmonize these two statements.

As to this particular chart, Chart 6 leaves little question about the way these figures were handled. The dotted lines are there. The statement made under the chart reads also: "*The probable total cases of intoxication*"

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tion in these cities," and, directly underneath the chart, the words, "Hypothetical percentage arrested of all intoxications"; and this runs from 1914 to 1917 inclusive, 40 per cent, meaning that the figures were multiplied by two and one-half; 1918, 50 per cent, meaning they were doubled; 1919, 60 per cent; and on up to 90 per cent in 1924. For the three years, 1922, 1923 and 1924, these figures were made on the assumption that 90 per cent were reported, and therefore the chart shows about 10 per cent more than the actual figures. As directly under the chart there are certain figures indicating percentages of arrests, and above it a line reading "Arrests in thousands," there can be no doubt about the interpretation of this chart.

## CHAPTER VI

### WHAT PROFESSOR FISHER'S CHARTS PROVE

LET US examine these charts more closely and see what they prove. For instance, let us take Chart 10. The printed matter below this table, put in large type, reads as follows: "Probably two-thirds of the drunkenness has been eliminated in the 'wet' states." "Probably" is a rather indefinite word for a statistician to use. As well might he use "perhaps" or "maybe." It really has no value in a work of statistics.

Chart 10 pretends to have assembled figures which include arrests for drunkenness in 436 cities with a total population in 1920 of some 18,000,000. These figures are taken from 14 states, as reported by police departments. Let us take the table as it is and see what it shows. In pre-prohibition days, Prof. Fisher gives us one year of wartime restrictions, 1917, where the drunkenness was up to the pre-prohibition time. The next year it was about a quarter less, and for the year 1919, the third year, it had gone to about three-fifths of the pre-prohibition time. But in 1920, the first year of National Prohibition, drunkenness in the "wet" state group has sobered down to about one-third of the amount of pre-prohibition days. This could be due to nothing except that, first, there was some sort of wartime restriction, and then in the year 1920 we had a

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National Prohibition law and Constitutional Amendment. One must have been the result of the other, because they both occurred at the same time. Any professor could see that there was no escape from this logic. However, a very singular thing occurred.

The low point in arrests for drunkenness according to these charts was in 1920, and drunkenness meant arrests for drunkenness. In 1920 there were 95 arrests to a thousand people. In 1910, long before National Prohibition or even Wartime Restrictions, there were 228 arrests to a thousand people.

But the perversity of human nature is hard to reckon with. After righteousness had won and reduced the arrests for drunkenness from 228 in 1910 to 95 in 1920, Satan seems to take courage. In 1921 there were 136 arrests; in 1922 arrests had risen to 188; in 1923 they had climbed to 218; in 1924 to 226. All of these, it must be remembered, are composite men, and the pre-prohibition figures are multiplied by two and a half, while the others are not changed. We find the late figures so far above the pre-prohibition days that even a disreputable "wet" is shocked. It will be noted that, in this and other charts covering drunkenness, we have used the dotted lines which show actual figures of drunkenness, but that the light background showing drunkenness before 1917 has been multiplied by two and a half.

When we take pains to examine this remarkable chart we have a feeling that a battle had been waged from 1917 to 1924 between Righteousness on the one hand, representing the prohibitionists, and the Power of Evil on the other, representing the "wets"; that for three

## WHAT PROFESSOR FISHER'S CHARTS PROVE

years the Powers of Righteousness had driven iniquity back until they had conquered two-thirds of the territory, and thereupon Satan had got his second wind and retaken two-thirds of the lost ground and was still moving on.

Prof. Fisher does not carry his figures beyond 1924, but we are informed by Mr. Walter F. Wilcox in the Journal of the American Statistical Association for December, 1926, that 1925 shows a still further loss to the "drys" and that the eight months of 1926 show that Satan is still increasing his lead. In this article, under the heading of "Deaths from Alcoholism in New York City," the figures of 1924 show 625, 1925 shows 733, and 1926 would show 837 deaths, assuming the statistics as given for the eight months of 1926 would be just the same for the balance of the year.

To return to Chart 10, which is like all the rest except those that should be specially discussed. Why was it that in 1920 the arrests for drunkenness had fallen to 95 per thousand as against 228 per thousand in 1910, and why did it go back in 1924 to 226, and why is it probably higher to-day than it was in 1910? The reason is perfectly obvious. The law is not the only thing that affects drunkenness or the arrests for drunkenness. In fact, it's one of the smallest things. Human conduct cannot be ascertained by reading statutes. Other things affect the activities of man. Before discussing it fully let us call attention briefly to another chart.

On Page 70 of Prof. Fisher's remarkable book he speaks of the revelation made of the conditions of drunkenness in Washington. In this he quotes from Mr.

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Shirk, who says that the arrests of persons under twenty-two years old averaged 44 a year for the four pre-prohibition years, 1914 to 1917. A bone-dry law was then enacted for Washington and immediately youthful drunkenness increased until in 1924 it had reached 282, an increase of 540 per cent.

This needs an explanation, and Prof. Fisher is nothing if not an explainer. He says that when war was declared Washington became a vast encampment, a sort of Mecca for the youth of the country; that this condition remained to a large extent after the war on account of bureaus, commissions, and the like that were still doing business; that this condition might be accounted for by the large number of young men in Washington at that time.

So it might, but it never seems to occur to Prof. Fisher, when he shows *fewer* cases of arrests for drunkenness during this war period in other cities of the United States, that one reason there were fewer arrests was because Washington and various other camps in the United States were filled not only with the young but with many others busy in the activity of war, and that these were closely guarded and under strict rules, and the amount of drunkenness in such places is not shown by any tables or statistics so far published.

It is amazing how quickly the Professor grabbed at this straw to explain the conditions in Washington, and it is equally amazing that this explanation never occurred to him in any of the numerous tables that he cites to bolster up his case. However, the whole basis of Prof. Fisher's conclusion needs further examination, or rather—*examination*.

## WHAT PROFESSOR FISHER'S CHARTS PROVE

What was it that reduced arrests for drunkenness in the "wet" states group from 228 in 1910 to 95 in 1920, and then increased it to 226 in 1924 as shown by Table 10?

The war in Europe began in August, 1914. Very soon thereafter the United States was called upon to furnish supplies for carrying on the war. A period of industrial activity and high wages set in which was perhaps unparalleled in the history of the United States, excepting possibly during and after the Civil War. By the time we entered the World War there were no idle people in America. In 1917, when the United States went in, every resource of the country was drafted to carry on the war.

We are sure that Prof. Fisher knows perfectly well that the conduct of men, especially in regard to the use of liquor, was regulated largely by economic conditions, and he knew that in those days everybody was working and receiving high wages. The use of alcohol was at a minimum. Not only was that true, but idleness, sports, and the like had to give way to the universal demand for labor, which naturally brought into the ranks of the toilers every available man or woman.

The same condition prevailed in every country in the world. In England, for instance, fighting in the trenches were the temperate, the industrious, the intelligent people of England, alongside the drunken, the discouraged, the down-and-outs that inhabit every great city. They were all moved by a common cause and a common emotion, and they all did their best.

One who understands anything of the psychology of man knows perfectly well how he is moved by emotions

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and how one sort of emotion can be sublimated into another. The use of alcohol is one of the methods that men take for exultation. It's not the only one. Religion sometimes has the same effect. Strong devotion to social and political schemes ministers to the same need. The mass psychology accompanying war, with a deep desire to win and the excitement incident to the greatest adventure known to man, leaves little need and little room for other stimulation.

This condition continued in 1919 and 1920, when the war was over and the boys overseas began returning. Then the camps were disbanded and gradually all kinds of men in and out of the war returned to their normal life and normal psychology.

Then the use of intoxicants, in spite of the difficulty in getting them, began to increase and doubtless has increased ever since. To be sure, the high price of liquor, the difficulty in getting it, the barbarous penalties attached to it, the insane efforts to stop its use, have no doubt had something to do with its consumption. But as people have found new ways to get it and learned to make it themselves, these difficulties have been overcome and what Prof. Fisher calls "gains since prohibition"—which could more properly be entitled "results of prohibition tyranny"—have been gradually and steadily overcome.

Practically the same situation and the same reasons that apply to Table 10 apply to 3, 4, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 29, 30, 31, 32, 33, and 37. In the main these tables treat of the question of arrests for drunkenness, diseases which are supposed to be connected

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with liquor, conditions in certain cities, towns, and states, and other alleged facts more or less directly connected with the use of alcoholic liquor. They all tell practically the same story. Each one of them shows the impossibility, to say nothing about the foolishness and tyranny, of seeking to enforce a criminal statute which is utterly obnoxious to a large proportion of the American people.

Chart 1 shows an effort to prove that there has been a lessening in the number of first offenders since prohibition. It is obvious that this has no value and is utterly irrelevant to any attempt at statistical discussion. The note on page 21 shows the absurdity of including it in any book meant to give information clearly.

This chart pretends to reveal the situation in regard to first offenders from 1914 to 1916, but it is perfectly obvious that there was no evidence whatever that any offenders in these years or any other years were first offenders. It is very seldom that a Court makes any such inquiry in reference to trivial offenses, as being intoxicated was once considered. There was nothing whatever to base this on prior to 1913, and nothing to indicate that every person shown in this chart up to 1918 was a first offender. It is extremely improbable that when one was arrested for drunkenness the Court took pains to examine the records to find out whether there were previous finger-prints taken of the same person. No finger-prints were made of these offenders before 1913. No police officer would take the finger-prints of a man who was arrested for drunkenness. Probably this sort of thing was introduced by prohibitionists. (See page 21.) This is likewise utterly

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inconsistent with the other charts which have already been discussed.

It might be noted in passing that Prof. Fisher repudiates Mr. Shirk, who did the investigating for the "Moderation League, for no reason that is obvious except that he isn't a prohibitionist." He likewise gives a certificate of competency to Mr. Corradini, whom he certifies as a "careful statistician." He seems to believe he is careful because Mr. Corradini has for a long time been gathering statistics for the "World League Against Alcoholism." This is sufficient, in the eyes of Prof. Fisher, to make a good statistician of the wildest guesser. Mr. Corradini has shown his guessing powers in his opinion that the total consumption of alcohol since prohibition is not more than 3 per cent of the pre-prohibition consumption. This is given without any sort of figures to base it on, as admitted by Prof. Fisher.

If the total consumption is 3 per cent of the pre-prohibition time, one would think that Prof. Fisher would not take pains to write his book and work himself into a white heat over the liquor interests and their wickedness. If in six or seven years the use of liquor has decreased to 3 per cent of pre-prohibition days, we might well look forward to its near demise.

However, incidentally Prof. Fisher might look into this guess of this wonderful statistician in connection with the tables that he has himself prepared and to which we have just referred.

This expert, Mr. Corradini, appealed so strongly to Prof. Fisher that the Professor carried Corradini's guesses into charts. If any one interested in Mr. Corradini's guess has Prof. Fisher's charts, he should

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examine Chart 8, which is the result of Corradini's guesses. It will be seen by Chart 8 that from the time we went into the war in 1917 there was a regular, constant, and marked decrease of alcohol drunk clear down to the present time. If Prof. Fisher had been able to carry it one year further, the alcohol trail would probably have run into a hole in the ground. On the other hand, every single one of the other tables referred to, amounting to 15 or 20 in number, covering statistics of drunkenness, shows a constant and pronounced increase in the consumption of alcohol from 1920 on—such a constant and important increase that in many instances the so-called gains of the preceding years are almost, if not quite, wiped out.

Why on earth Prof. Fisher should present Chart 20, is more than one can even guess.

This chart purports to show that arrests for automobile traffic offenders have increased away beyond arrests for drunkenness. Well, what of it? Everybody knows that traffic accidents and traffic violations have grown to an enormous extent and are growing every year. These have no relation to drunkenness, and it is not pretended that they have. If they had any relation to drunkenness, then Prof. Fisher could not show that drunkenness decreased while automobile accidents vastly increased. If this table proves anything, it proves that Prof. Fisher and his fanatical prohibition allies had better get busy with the deaths and accidents caused by automobiles instead of worrying about prohibition.

The astounding number of deaths by automobiles and the great number of accidents growing out of their use

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does not disturb Prof. Fisher. If he and his allies would turn their scent to gasoline instead of alcohol, they might possibly save a great many lives.

Prof. Fisher passes from charts showing the use of alcohol and arrests for drunkenness, etc., to collateral questions. These collateral matters in his opinion show that prohibition is a success.

Charts 21, 22, 23, and 24 are devoted to juvenile delinquency in New York City, and these should have been prepared by a statistician interested in children instead of prohibition, in facts instead of theories.

These charts are prepared on the theory that juvenile delinquency, or a large part of it, is due to the use of alcohol; that, of course, it is a drunken father or mother whose children become delinquent.

There is nothing original in this idea. In the past, every delinquency, every crime, every false step, every case of poverty, has been attributed to alcohol by the prohibitionists. But let us see about delinquency.

During the last twenty years juvenile courts have been established in most of the large cities of the United States. Their work has vastly increased, especially during the last ten years. Prior to that time a large number of children were sent to the Criminal Court to be dealt with in the same manner as adults. These are now taken to the Juvenile Court, on the theory that juvenile delinquency is not so much the fault of the children as it is of the parents and society. In first arrests, as a rule, no record is made. This movement, of course, has appealed to all humane people.

Charts 21 and 22 have to do with juvenile delinquency.

These two charts are made up from the "Children's

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Court of New York City" and from the Gerry Society. It will be observed that in the Gerry Society report there is a constant, regular, and very natural decrease in juvenile delinquency from 1917 to 1924. In 1924 the delinquency was about one-third of what it was in 1917. In the chart made from the Court, No. 21, there has been a constant decrease in juvenile delinquency from 1917 to 1924, excepting 1922, when it shows a slight increase. The Gerry Society, Chart 22, shows a decrease in 1922. The table made up from the reports of the Children's Court in New York City, however, differs materially from the Gerry Society report. Instead of there being a decrease in juvenile delinquency of two-thirds from 1917 to 1924, there is a decrease of about one-third in juvenile delinquency.

How much does alcohol have to do with juvenile delinquency? Nobody can answer this question with exactness. Juvenile delinquency first of all has to do with the financial condition of those in charge of the delinquent, and every one knows that where wages are high and work plenty, there is comparatively little juvenile delinquency. The condition has existed all the time from 1917 to the present day.

It needs no fantastic theory to explain these facts. If any reader wants conclusive proof on this matter he should compare Charts 21 and 22, which deal with juvenile delinquency, with all the first eighteen or nineteen charts already discussed, and also 29 to 33 inclusive. Every one of the eighteen or nineteen charts show a constant and very material increase in arrests for drunkenness in the cities, states, and the country in general, and likewise the same is shown by 29 to 33 in-

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clusive; whereas during all this time, while drunkenness has increased according to the showing made by Prof. Fisher, the Tables 21 and 22 concerning juvenile delinquency show a constant and much greater decrease in every single year except possibly 1922, where it was probably about stationary. It would seem as if a real expert would have perceived this just by reading the proofs of his own book.

Nearly the same story is told by Charts 23 and 24. These charts deal with a more serious class of offenses than those put under the heading of juvenile delinquency. They are called "juvenile cases requiring court action." It is not quite as clear that the delinquency of boys rising to the dignity of court action is as entirely in the hands of their parents as the general cases of delinquency.

These Tables 23 and 24, which are supposed to show juvenile criminality, do not correspond with the first nineteen or twenty; and twenty-nine to thirty-three inclusive of the charts that have been referred to. However, they do not show quite so uniform a decrease as is shown by the juvenile delinquency. The Gerry report shows a constant decrease up to 1923, when there was a slight increase. The chart made from the Police Department shows an increase in 1922 and a decrease in 1923, with another increase in 1924.

Amongst other things both these charts show how uncertain statistics are and how unreliable the charts founded on those statistics. Both of them, however, show a substantial decrease from 1920 to 1924, which is at sharp variance with the first nineteen charts and twenty-nine to thirty-three inclusive relating to drunkenness.

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Of course, cases of juvenile delinquency rising to the dignity of requiring court action are largely governed by the condition of the family, and the fact that these, as well as minor juvenile delinquents, have steadily decreased shows simply that the conditions of living have been much improved since the time the World War began.

These four charts do not add to Prof. Fisher's argument; rather, they show how incorrect his theories are. Still more they show how eager he is to grasp any statement, however remote or doubtful, and construe it as having a bearing upon prohibition.

On pages 94 and 95 Prof. Fisher states that he presents charts depicting a decreased number of New York offenders in crimes related to liquor. These are shown by charts 25, 26, 27, and 28. Of all Prof. Fisher's amazing work this part is easily the most astounding. Not content with presenting the kind of charts that we have discussed, most of which deal directly with cases of drunkenness and the consumption of alcohol, Prof. Fisher undertakes to show by tables that the good that prohibition has done is further exemplified by the decrease in crimes naturally connected with alcohol. What are these crimes and what do the figures show?

Calling attention first to Chart 26: On this is placed the heading in large caption, "Disorderly houses virtually disappear in New York City." This shows that beginning with 1913 there has been a constant decrease in the number of disorderly houses in New York with the one exception of 1922, when there was a slight increase. At the end of 1924 they were almost wiped out.

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Wartime Restrictions went into effect in 1917 and prohibition in 1920. From 1913, according to Prof. Fisher's figures, to 1917, before there was anything in the way of either prohibition or restriction, nearly half of the disorderly houses were wiped out in New York. In fact, according to Prof. Fisher's tables, the movement to suppress disorderly houses began in 1911.

In 1911 there were 421 arrests for maintaining disorderly houses in New York. In 1913 there were 399. In 1916 there were 239, or only about half the number of 1911. In 1917, when the same movement to suppress them was going on, the arrests had fallen to 142. All of this is shown by Prof. Fisher in his chart and makes absolutely certain what every well-informed person knows,—that this movement commenced long before prohibition and worked entirely independent of it.

There has been no such progress in getting rid of these places in any year since 1917 as there was before. The greatest progress took place in 1915, before anybody but the Anti-Saloon League ever dreamed of prohibition. This movement has been carried forward to the present time, but most of the work was done several years before there was any prohibition.

Why is this chart paraded in this book? Prof. Fisher surely knows that the campaign in the various cities of the United States to suppress disorderly houses began years before prohibition and was entirely separate from it; that it was mostly accomplished before prohibition, and that the destruction of disorderly houses had nothing whatever to do with prohibition.

If any one cares to see the fairness with which this question is approached, he needs simply to read part of

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the note to Table 26. This reads as follows: "With the passing of the saloon another age-long evil, that of institutionalized social vice, has all but disappeared. *Both in their existence and in their destruction the two evils are inseparable.* Note how closely the curve of this chart of arrests for keeping disorderly houses parallels the curves of reduced alcoholic consumption. These arrests to-day are only 3 per cent of what they used to be and 97 per cent of disorderly houses are eliminated, chiefly due, in all probability, to National Prohibition."

Not alone on the face of this chart is Prof. Fisher shown to be absolutely incompetent or hopelessly prejudiced, or utterly unreliable, but the same thing is shown by comparing this table with the first nineteen and twenty-nine to thirty-three inclusive, that already have been referred to.

In all of these charts there has been a steady and material increase in the use of alcohol since 1920, and in Chart 26 there has been a constant decrease in disorderly houses with the exception of 1922, when there was a slight increase, and yet Prof. Fisher brazenly tells us that "the curve of this chart of arrests for keeping disorderly houses parallels the curves of reduced alcoholic consumption." Prof. Fisher cannot deny a deliberate attempt to deceive except by pleading the grossest incompetency.

In spite of all that has gone before, Prof. Fisher has reserved for the last the most astounding specimen of his zeal in the sacred cause of prohibition. In picking out crimes that are connected with alcohol and inferring from the decrease of these crimes to prove the decrease in the use of alcohol, he has taken four specific things.

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Chart 25 shows crimes against chastity in New York City; Chart 26, "Arrests, disorderly houses, New York City." Chart 27, "Moral tone of metropolis improves in New York City." Improvement of the moral tone is shown in the diagram, which reads as follows: "Profanity in New York City." Chart 28, "Cases of assault and battery decrease in New York City."

This, then, is the array of crimes connected with alcohol whose decrease Prof. Fisher relies on to prove that drinking alcohol has gone out of style.

Chart 25 is characterized as follows: "Crimes related to drink reduced." "Computations made from data obtained from the Police Department of New York City": "The Police Department has found it necessary to arrest only two-thirds as many offenders for crimes against chastity since prohibition as were arrested before prohibition. The marked benefit appeared immediately after the advent of National Prohibition, and after a slight reaction in the second year thereafter it became yet greater."

The number of these crimes under Chart 25 before 1916 is not shown. However, according to the chart, in 1916 there were 5,594 arrests; in 1919 there were 5,049 arrests. Not much of a change after Wartime Restrictions, with all the pains that were taken in this regard.

In 1921 there were 4,408 arrests; in 1924 there were 4,166. The change of conditions as to restrictions touching this very question in the preparation for war and during the war is amply sufficient to account for the reduction without seeking to introduce any fantastic theory.

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But what were these crimes? We have no information at all upon that subject except in a general heading, "Crimes Against Chastity." This furnishes no information. As a rule most of such crimes have no connection with intoxicating liquors, and it is plain that they show no such relation in this case.

It might be further remarked that from 1921 to 1924 there was a constant decrease in this class of crimes, whereas in the first nineteen and twenty-nine to thirty-four charts there was a constant and very material increase in the use of intoxicating liquors.

If there could be any possible doubt about the decrease in the use of alcohol from 1917 to the present, this doubt is removed by the perusal of Prof. Fisher's illuminating Chart 27. This chart represents the acme of logic, discrimination, and the statistician's art. There is no occasion for any one to be "wet" after perusing this chart. This chart shows the number of arrests for profanity in New York City. We very much doubt whether there was ever any connection between profanity and the use of alcohol. But we are quite certain that there has been considerable connection between profanity and prohibition, and the charts ought to show, if they show anything, that profanity has increased instead of diminishing.

But this chart is in the book and it demonstrates that there is nothing too silly for an advocate of prohibition to use, even though the advocate is a college professor and a statistician. This chart shows a constant decrease in profanity in New York City from 1916 to 1924 until in 1924 there were 1,695 arrests for profanity as against 7,383 arrests in 1916; 1,695 "swears" in a year in

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New York means one oath a year to be divided among 3,000 people in what Prof. Fisher calls the "wettest and wickedest city in the United States." We wonder if the Yale faculty would show any more restraint. Every single year from 1916 to 1924 showed fewer arrests. There were four and one-half times as many "swears" in 1916 as in 1924. Surely New York City is looking up. This table ought to give courage and hope to the prohibitionists.

. It's useless to observe that while cases of arrests for profanity have gone down from 3,602 in 1920 to 1,695 in 1924, less than half, in the same period the use of alcohol as shown by the first nineteen tables and twenty-nine to thirty-four has gone up amazingly. There is but one answer we can think of, and that is that the first nineteen tables are wrong. If there are fewer arrests for swearing in New York than there once were, surely there must be less alcohol consumed.

There is something else decidedly wrong with Prof. Fisher's Charts 19 and 27. It seemed strange, when we looked at them and compared them with Chart 18, "Drunkenness in New York State," to see that drunkenness in New York State mounted far higher than drunkenness in New York City since prohibition.

We knew there was a reason for it, but it didn't strike us at once. The intelligent reader who cares to be at all right will see that the drunkenness in New York City as shown by all of the charts, some fifteen or twenty in number, was far less than anywhere else in the United States since prohibition; this in spite of the fact that Prof. Fisher characterizes New York as the "wettest and wickedest city in the United States."

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Statistics on arrests may not show anything about the number of offenses committed. They may only show the attitude of the police and the authorities toward those offenses.

If New York is the wickedest and the wettest city in the United States, the chances are that the police would pay very little attention to arrests for drunkenness and, therefore, show the lowest number anywhere in the United States. Compare Chart 19, for instance, with Chart 14, which shows the drunkenness of their neighboring city, Philadelphia.

As to the marvelous and astounding Chart 27, which attempts to prove the thoroughness of prohibition enforcement by proving that the people of New York have stopped swearing—somebody must have spoofed the guileless Professor. Instead of looking up these figures himself—for which we perhaps should not blame him, excepting that 27 ought to strike any person of ordinary intelligence (to say nothing of a college professor) with its utter absurdity—instead of doing this himself, some one else probably did it for him.

What are the facts? New York is a pretty big place and there is a good deal going on there—some things that are important, more important than drunkenness or even swearing. So for a number of years, the Police Department has given directions not to arrest people for drunkenness unless it was some flagrant case, and not to arrest people for swearing at all *except on complaint*.

One doesn't need to be a college professor to know that if the Police Department were to hunt up cases of swearing, they would be obliged to watch almost every

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citizen in New York and, of course, would have no time for even such important matters as smelling people's breath and patrolling the streets.

Neither of these charts is calculated to deceive any person not anxious to be deceived, but they do show the prejudice with which this book was prepared and the carelessness of the workmanship.

We know that Prof. Fisher is a very learned man, which may be one reason why he is not competent fully to understand the connection of profanity with other social movements and deficiencies. If New York City is engaged in the business of arresting people for profanity, it's the only town or city we have ever heard of that carries on any such campaign.

The last of this series is No. 28, entitled "Cases of assault and battery decrease in New York City." One can't help wondering whether Prof. Fisher ever saw this and some of the other charts that have been referred to; or whether some zealous fanatic might not have made these out and handed them to him, he failing to examine them. Or, whether, which is still more likely, some wicked wet smuggled them in. If there is one chart in the whole number submitted that sustains his theory, we have failed to find it.

But let us look at this No. 28. This chart shows that in 1913 there were 2,858 arrests for assault and battery in New York City. There was a constant reduction of these up to and including 1916, when there were 2,039. Up to that time there was no prohibition or even war-time restriction.

In 1922 there were 1,481 cases of arrests for assault and battery. In the three years, from 1913 up to and

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including 1916, when no prohibition was thought of, the number of arrests for assault and battery had decreased to 2,039, or practically one-third. Five years after 1917, in 1922, there were 1,481 arrests for assault and battery. The decrease in numbers and in proportion was less in these five years under prohibition than in the three years before prohibition. There was a very slight reduction in arrests in the years between 1917 and 1922, and a slight reduction after 1922, but this shows conclusively that assault and battery in the years shown by these tables have no relation to alcohol.

Again we would suggest that this Table 28 be compared with the first nineteen, and twenty-nine to thirty-three, inclusive, which show a persistent and large increase in the use of intoxicants, while this table shows virtually the same number of arrests for assault and battery.

This completes the effort to show that from the decrease of crimes connected with alcohol it was to be inferred that less alcohol was consumed. So here it is. In an effort to prove that drink has decreased by proving that associated crimes have decreased, we are given these absurd statements in reference to crimes against chastity, disorderly houses, profanity, and assault and battery, every one of which militates against Prof. Fisher and his friends, and none of which has any connection with the liquor traffic. Yet we are told that because crime has decreased, people haven't been drinking.

Compare this paltry list of inconsequential "crimes" with the Criminal Code of New York State, and the criminal ordinances of the City of New York. These

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would fill a good-sized volume, and from that list of "crimes" Prof. Fisher and his friends have singled out four that have no possible connection with liquor and as to them proved nothing, and yet they have asked us to believe in the benefits of prohibition on the strength of these crazy tables.

What other crimes are there that one can call to mind immediately, and why have we no information on those? We have heard of murder, of robbery, of burglary, of larceny, of forgery, of arson, of obtaining money under false pretense, of passing worthless checks, of crimes almost without number. Do these show an increase, or did Professor Fisher fail to examine in relation to them?

Within the memory of all of us the prohibitionist has stoutly maintained that every crime was the result of intoxicating liquors, and yet when our jails are as well tenanted as ever and crime keeps its old place, an attempt is made to prove decreased use of liquor by this pitiful exhibit.

Charts 34, 35, and 36 deal with deaths due to cirrhosis of the liver in various parts of the country. Under Chart 34 is the following caption: "Two-fifths of deaths from cirrhosis of the liver eliminated in the United States." It will be observed in this chart that, beginning with 1911, there was a decrease up to and including 1920 when it began increasing. In 1911 there were 7,892 deaths; in 1917, 7,641. All of this before prohibition.

While the figures in Chart 34 under 1911 seem to show 7,392, it was evidently a mistake and should be 7,892. This is verified under the next caption, "Deaths

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per million population," which shows that 1911 was the highest number that the chart gives.

From 1917 there seems to be a steady decrease to 1920, when it remains stationary or rises, but not materially different. This again should be compared with other tables. For instance, with Table 33 on the opposite page, which shows deaths from alcoholism in New York City. Deaths from alcoholism have steadily increased from 98 in 1920 to 682 in 1925, so whatever happened to cirrhosis of the liver, deaths from alcoholism have increased faster than they had diminished in the previous years, until they practically reached their pre-prohibition point.

Chart 34 again may be compared with Table 32, which shows deaths due to alcoholism in New York State. These increased steadily from 1920, when they were 123, to 1924 when they were 569.

Again it can be compared with Table 31, "Deaths due to alcoholism in Connecticut." This state is put down by Prof. Fisher, where, by the way he lives, as a particularly hilarious one. In 1920 deaths from alcoholism in Connecticut were 14. In 1924 they had steadily risen to 63. What can possibly be the matter with cirrhosis of the liver?

Cirrhosis of the liver can be compared also with Table 30, "Deaths due to Alcoholism in the United States," where they have risen from the low point of 873 in 1920 to 3,098 in 1924. Why is cirrhosis lingering?

Or compare it with Table 29, "Deaths due to Alcoholism in the 'Wet' States." There again 1920 was a low level, but from 1920 to 1924 deaths due to alcohol-

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ism in the "wet" states rose so enormously that he refuses to give any figures. Cirrhosis should hurry up.

What is true of cirrhosis in the United States as shown by 34 is practically shown by 35 and 36 upon the same subject, although there are variances in each one of these charts.

Not being doctors or expert statisticians, we are unable to determine how cirrhosis fell off and drunkenness and the use of alcohol leaped during the same time. We might hazard a guess that in the first place cirrhosis is not entirely due to alcoholism. A considerable part of it is due to syphilis and other causes; the campaign against syphilis began many years earlier; and we are also inclined to think that cirrhosis does not show itself so quickly as drunkenness, or arrests for drunkenness, or many other things that are directly connected with liquor.

We are getting tired of these charts, but there are two more to which we have not referred: 37 and 38. Even a prohibitionist who examined these tables should be ashamed of them.

Thirty-seven is insanity due to alcoholism in "wet" states. Thirty-eight is insanity due to alcoholism in Connecticut.

We have already been informed that Connecticut is a "wet" state, but without going into the question in detail, we wish to call the attention of those who care to look to the lack of uniformity in these two tables covering the same subject.

Drunkenness due to alcoholism in "wet" states has constantly increased as has insanity in wet states since 1920, as is shown by practically all the charts dealing with

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the subject, but it has not increased in Connecticut. Insanity due to alcoholism decreased materially in the "wet" states from 1913 to 1917. It decreased less in Connecticut.

In the tables showing insanity due to alcoholism in the "wet" states there was a very material decrease from 1912 to 1916, before even restriction was in force, and a still more marked decrease under Wartime Restrictions before prohibition was "invented," and after 1920 up to 1925 a very constant increase.

We wonder if the same brain and hand prepared the Table 37 and the Table 38 on opposite pages covering the same subject, and whether even a proofreader ever looked at them before they were put so close together in this amazing book,

## CHAPTER VII

### BREWERS, DISTILLERS AND PROHIBITION

SMALL as Prof. Fisher's book is, he manages to devote a considerable amount of his space to attacks on brewers and distillers because of their alleged activities, open and subterranean, in opposition to prohibition. The brewery interests, he says, have not been destroyed, and he quotes Senator Arthur Capper of Kansas as saying that the liquor interests are still alive. Moreover, the 40 or more anti-prohibition organizations which have sprung into existence since the advent of prohibition are warned against insidious efforts of the liquor interests to use them for the furtherance of the lowest selfish aims. Professor Fisher thinks it highly improper for any distillers' or brewers' organization to buy and circulate the pamphlets or circulars that are prepared and issued by such organizations as the Moderation League, the Association Against Prohibition, Amendment to the Constitution Liberty League of Massachusetts. Indeed, Prof. Fisher accuses the brewers and distillers of

*License they mean when liberty they cry.*

Now it is perfectly logical for a writer who has religious and profoundly moral objections to the use of intoxicating beverages to condemn the liquor interests

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as dangerous enemies of all that is good and worthy in our social, Christian civilization. On the other hand, to any unprejudiced person endowed with common sense it is equally plain that the brewers and distillers have the legal and moral right to fight prohibition, to carry on educational and other activities in opposition thereto, and to avail themselves of any evidence, regardless of its source, that favors their position. There is no reason whatever why the brewers and distillers should meekly accept defeat or submit to confiscation of their property rights.

Bankers, manufacturers, meat packers, merchants, employers' associations, trade unions and professional associations have the right to protect and defend their respective interests, to work for the repeal of legislation adverse to such interests, or to promote legislation that would be beneficial to them. Why, then, in the name of reason or fair play should the brewers and distillers voluntarily renounce their rights of citizenship? Brewers and distillers are as respectable as any other class or organized trade interest in the country. Some of them may have resorted to illegal and vicious means of self-protection, but so notoriously have privilege-seeking manufacturers and bankers. The wholesale denunciation of distillers and brewers in Prof. Fisher's book is, in itself, an evidence of hopeless bias and inability to take a sane and sensible view of the prohibition problem. Has Professor Fisher heard of the lobbies at Washington and at the state capitals? Has he heard of the hundreds of trusts, monopolies and other illegal combinations in restraint of trade and fair competition? Has he heard of slush funds and the corruption of electors

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in political campaigns? If he has heard of these things, his virtuous indignation at the liquor interests is decidedly Pecksniffian.

Prof. Fisher quotes Senator Arthur Capper as saying that the liquor interests are "deeply concerned in the success of the campaign now being waged" to modify and liberalize the Volstead Act, and he jumps at the conclusion that these interests seek and favor license when they encourage movements against sumptuary legislation. This conclusion, however, is obviously arbitrary and illogical. The brewers no more seek and favor license when they directly or indirectly promote the movement to liberalize the Volstead Act than do the hundreds of thousands of persons who are not brewers or distillers and who oppose prohibition because they believe it to be unwarranted, unnecessary, mischievous and unenforceable. If these citizens are not chargeable with advocacy of license, then clearly the brewers and distillers are equally exempt from that charge. It is a familiar and shabby trick to call license that which you do not happen to favor while appealing to the sacred principle of liberty in defending some habit or practice which you do favor. No man of science permits himself the use of this transparent and futile trick.

Prof. Fisher asserts in several places that the "personal liberty" slogan is in origin and effect little more than a camouflage for the liberty of the brewers to resume their parasitic traffic, and the only concession he is willing to make to those opponents of prohibition who are neither distillers, brewers nor financial or other allies of brewers or distillers is found in the statement that "a few wealthy and influential men persist in joining

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with the liquor interests in the cry of personal liberty."

Now, the assumption that only a few wealthy and influential men oppose prohibition in theory and break the prohibition laws in practice is so manifestly contrary to notorious facts that it can be characterized only as ridiculous. If Prof. Fisher had taken the trouble to make a little investigation, even among his personal friends, colleagues, neighbors, and acquaintances, he would have found that the number of wealthy and influential men who violate prohibition laws and have absolutely no sympathy with them is by no means so negligible as he implies. He would find, too, that among the middle classes, including the professional, scientific and artistic elements of the nation, disregard of prohibition is widespread and persistent. It is therefore, simply absurd to say that these millions of persons are deceived by any camouflage on the part of the liquor interests. It is perfectly safe to say that if all the distillers and brewers in the country were suddenly converted to prohibition and completely suspended all their efforts to bring about its repeal or modification, such wholesale conversion to Prof. Fisher's notion of goodness and virtue would not produce the faintest impression on the millions of determined opponents of prohibition who have never had the slightest connection with the liquor interests.

Here we may note Prof. Fisher's equally fallacious statement that "alcoholism among the rich merely carries on in a democracy one of the outdated traditions of feudalism, when drinking was a lordly luxury."

Prof. Fisher is an economist, not a historian, but this does not excuse his amazing ignorance of the customs

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and habits of all ranks and conditions of people throughout the ages. Do not the peasants of Europe and of Central and South America drink intoxicating beverages? Do not the mechanics and wage workers drink such beverages? Have not the men of science, poets, artists, and professional men always consumed such beverages, and is not the literature of Europe and America full of glowing praise of wine and spirits? The truth is, it is prohibition and not alcoholism that obviously bears the taint of aristocracy and plutocracy. In the United States many of the captains of industry who preach prohibition do not practice it in their own homes or in their clubs. This is why many labor leaders condemn prohibition as class legislation. The rich man can pay high prices for liquor and get it in abundance from his bootlegger, while the workman is forced to buy much adulterated and poisonous stuff at the prices he can afford to pay, or make his own liquor, or else practice total abstinence.

## CHAPTER VIII

### THE ALLEGED ECONOMIC BENEFITS OF PROHIBITION

PROFESSOR FISHER is "inclined to believe that prohibition has saved and added much more than the \$6,000,000,000 [that he has] estimated as a safe minimum." Ignoring Prof. Fisher's "will to believe," let us see how he establishes the claim that six billion dollars is a safe minimum estimate of the savings effected by prohibition.

First, he assumes that each daily glass of beer reduces productivity 2 to 4 per cent. Then he draws the conclusion that the productivity of labor would be increased by prohibition from 10 to 20 per cent. Yet, on his own showing, the experiments cited in his book merely demonstrate that the "equivalent of two to four glasses of beer a day will impair the work done in type-setting by 8 per cent," and that the "capacity for mental work was lessened by from 25 to 40 per cent by the equivalent of six to eight glasses of beer a day."

It is simply childish to deduce from these figures the further conclusion that a *daily glass of beer* will reduce productivity by from 2 to 4 per cent. This is not reasoning, and the students of economics at Yale are to be pitied if the same sort of reasoning is applied to problems in political and social economy. *There is no proof whatever that a glass of beer reduces productivity even  $\frac{1}{8}$  of 1 per cent.* The probability is that it tends

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to increase productivity slightly, as any other food would if consumed at the proper time and in the right quantity.

We are told that in Russia productivity in textile mills increased 8 per cent after the prohibition of vodka, while in the mining districts of Russia, according to the Russian Minister of Finance, the increase in productivity amounted to 30 per cent. In the first place, these claims have not been verified by any impartial student, and it is ridiculous to cite them as "proof." In the second place, Russian drink habits are notoriously different from the drink habits of American mechanics and wage earners. The Russian is known to be impetuous, impulsive and prone to overstep the limits of moderation; the average American is steady, orderly, industrious and even-tempered.

Professor Fisher next tells us that F. W. Taylor, the chief apostle of scientific management, favored prohibition because he believed that it would promote industrial efficiency. Can any one take this sort of "proof" seriously? Mr. Taylor is dead and cannot be called as a witness as to the actual effect of prohibition on industrial efficiency. Similarly, a Connecticut manufacturer who claimed to have made a careful estimate before prohibition of the cost of drunkenness among his employees assured Professor Fisher that the elimination of drunkenness alone without elimination of moderate drinking "would increase his factory output over 20 per cent." It is strange that Professor Fisher did not take the trouble to ask this same Connecticut manufacturer whether or not prohibition *had* increased the output of his factory 20 per cent. Can the mere beliefs of unknown manufacturers, who might or might not be preju-

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diced, expressed prior to the advent of prohibition be accepted as evidence in favor of the economic benefits of prohibition? Has ever a man of scientific reputation or standing ventured to advance such preposterous "proofs"!

But Professor Fisher has what he calls "other economic evidence" in support of his claim that prohibition has saved the nation at least \$6,000,000,000 a year. Let us glance at this other evidence. He tells us that between 1892 and 1919, inclusive, "real wages" remained almost stationary, whereas such wages increased 36 per cent between July, 1914, and January, 1925; the most of this sudden improvement coming immediately after prohibition. But does it necessarily follow that prohibition was the *cause* of this sudden improvement? The co-existence of two phenomena has never been considered conclusive evidence of a causal relation between those phenomena. Yet Professor Fisher does not even attempt to establish any such causal relation. He simply indulges in guess-work and cites certain expressions from other writers who likewise indulge in guess-work. Thus he quotes Herbert Hoover, Secretary of Commerce in President Coolidge's Cabinet, as saying that American productivity or efficiency has increased by from 25 to 30 per cent in the last several years, whereas the increase should not have exceeded 15 per cent if it were due entirely to the increase in population during the same period. As to the factors which account for this 10 to 15 per cent increase in efficiency, Mr. Hoover names four—namely, elimination of waste through standardization and otherwise; improvements in methods of management, notable advances in science, *and* prohibition. How

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much of the increase is attributable to prohibition, Mr. Hoover did not venture to guess, and the claim that Prohibition is one of the factors in the increase under consideration rests on no evidence whatever.

Professor Fisher also quotes Professor T. N. Carver of Harvard University as saying that he cannot explain "the amazing signs of prosperity among our working classes without bringing in prohibition as a contributing factor." How much that factor is supposed to have contributed, Professor Carver did not undertake to estimate. It would be interesting to know if Professor Carver has really tried to explain prosperity or whether, like Professor Fisher, he is so obsessed of prohibition as to ignore every other fact or reason beneath the sun. In matters of this sort nothing is easier or cheaper than an opinion.

Has it not occurred to Professor Fisher, Mr. Hoover and Professor Carver that the "amazing signs of prosperity among our working classes" may be due chiefly to virtually uninterrupted employment for several years, especially during the period of the World War, at very high rates of wages? Has not the severe restriction of immigration under the new American policy been an important factor in providing employment, doing away with the ups and downs in many industries, and enabling the wage workers to command exceptionally high rates of pay?

Professor Fisher further tells us that "just as prohibition increases prosperity, it decreases poverty." How marvelous! One wonders whether this is the first instance in history when an increase in prosperity also decreased poverty. Does not an increase in prosperity

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mean a decrease in poverty? The extreme guilelessness and naïveté of Professor Fisher is further illustrated by the following quotation which he makes from a speech delivered by the late Warren S. Stone, in which he said that "prosperity, happiness, and sunshine where formerly there were only squalor and misery, are a result of Prohibition." As if the United States had never before enjoyed "prosperity, happiness and sunshine," and as if "squalor and misery" have now totally disappeared from the country and are not to be encountered anywhere. Of course, prosperity means new accounts in savings banks, well-fed children, better housing, and the enjoyment of various forms of recreation; but such prosperity had been repeatedly enjoyed by the American people before prohibition and will continue to be enjoyed long after prohibition is nullified or repealed.

For instance, according to the report of the Comptroller of the Currency, the total deposits of the savings banks of the country increased from \$2,449,547,885 in 1900 to \$4,470,486,246 in 1910. Again, between 1900 and 1917 the increase in the number of life insurance policies amounted to \$8,405,650. Prohibition obviously had nothing whatever to do with the rising curve of prosperity indicated by the foregoing figures, and it is impossible to doubt that if prohibition had never been enacted into law, the same curve would have continued its steady upward trend, had industrial and commercial conditions continued favorable.

An economist should know that American prosperity and American high living and wage standards have been ascribed for many decades by all schools of political economy and political science to America's vast natural

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resources, America's relatively free institutions, the youth and vigor of the country, the absence of social castes and rigid class lines, the system of universal and elementary education, and the abundant facilities for vocational and other instruction. If these well-known major features were sufficient to account for American prosperity and exceptional industrial-financial strength before prohibition, why have they ceased to be adequate to account for the prosperity enjoyed since prohibition?

In short, Professor Fisher has not offered a scintilla of proof to support his assertion that prohibition has added \$6,000,000,000 a year to the wealth and income of the United States. In fact, he has not proved that prohibition has added a dime to such wealth or income.

In the same chapter Professor Fisher asserts that, "prohibition has replaced a parasitic industry by constructive industries," and that "breweries and saloons have given place to something more valuable." It is hardly necessary to point out that when he calls the liquor industry a parasitic industry he is guilty of question begging. It is a parasitic industry from the standpoint of prohibitionists, while to the opponents of prohibition it is one of the legitimate and wholesome industries—certainly as legitimate and useful as tobacco, chewing gum, candy, jewelry, golf equipment, automobiles and hundreds of others. Professor Fisher says that on the Bowery, in New York, 3,000 former saloons have been replaced by such essential and desirable establishments as restaurants, shoe stores, grocery and butcher shops, hardware shops, banks, etc. Pray what else could have replaced the saloons? It is perfectly natural that

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one business establishment should be replaced by another of the same general sort; a corner that is good for a saloon is equally good for a restaurant, candy shop, or pool room. Professor Fisher forgot to mention, however, some other not in the least useful establishments which have replaced some of the vanished saloons—namely, speak-easies, dubious so-called ice-cream parlors, drug stores that make at least part of their profits by selling liquor and patent medicines, garages, automobile stores and gambling joints.

The large gain which has taken place since 1920 in the number of savings bank deposits and in the amount of the deposits in such banks is usually attributed to prohibition by the supporters of the Eighteenth Amendment and Volsteadism. They sometimes quote the off-hand statements of bankers and other business men in support of that unwarranted claim. It is hardly worth while to undertake an elaborate refutation of that arbitrary claim; but any intelligent person who has paid some attention in recent years to the discussions of thrift savings and investments in the United States since the war is well aware of the fact that several distinct factors are jointly responsible for the steady gain in savings bank deposits. The major features only may be mentioned here. They are these:

- (1) The government war and post-war thrift campaigns.
- (2) School savings.
- (3) Bankers' thrift campaigns and popular advertising.
- (4) The high wages received by all kinds of workers during and since the war.

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(5) The practical disappearance of unemployment for a period of years.

In an address on the "History of Thrift in America," published in 1925, Fred W. Ellsworth, vice-president of the Hibernian Bank & Trust Company, of New Orleans, wrote as follows:

"The growth of thrift in America during the past dozen years has been much greater than in all the previous history of our country. Part of this had been due, of course, to the natural increase in our wealth. The war, with its necessity for economy, helped materially; but there can be no doubt that the improved style of teaching, of salesmanship, of advertising that is now employed by all banks have been large factors in this development."

According to W. E. Albig, deputy manager of the Savings Bank Division of the American Bankers' Association, in a report on savings deposits in the United States for the period of 1912 to 1925:

"Almost one-fourth of the gain in the number of savings accounts can be attributed to the growth of school savings," and school savings, Mr. Albig regards as a by-product of the systematic instruction in the public schools in the value of thrift.

The economic good has been a topic of temperance lectures and propaganda within the memory of man. More work can be done if men are not permitted to drink. Possibly this is true. There is no way to find it out for certain, because the human machine is only capable of so much, and if one kind of relaxation is taken away, most likely another will be found. The mistake of many prohibitionists in this field has always been

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that they regard man simply as a working machine. If he is not good for that, he is not good for anything, and if he can work, there is nothing else that he should do.

Professor Fisher has adopted the very bromidic slogan invented by some organization in Kansas, probably a Rotary Club. This he copies on page 336. "Better Boys and Better Business." Why boys and business should have been coupled together we do not understand, unless that both begin with B. Of course, he assumes that good boys and lots of business naturally go together. Professor Fisher is not wanting in idealism. Outside of this amazing book he has shown it in various causes, and inside of this book he cannot conceal the fact that he has idealistic emotions. Still, he falls into the adoption of the Kansas slogan, "Better Boys and Better Business." A whole chapter is devoted to better business, and the whole book reeks with it.

We must expect, he says, that the use of alcoholic beverages will slow down the human machine, and since the human machine is the most important machine in industry, we should expect the use of alcoholic beverages to slow down industry. We should expect prohibition, if enforced, to speed up industry.

Let us see how much there is in that statement. We presume even Professor Fisher and his prohibition friends would not say that the human machine should be kept at work producing "better business" for twenty-four hours a day. They would not say that it should never be slowed down. In fact, the tendency of labor saving machines, of labor organizations and their modern methods has been to slow down the human machine. The daily hours of labor have been reduced

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from an average of perhaps twelve hours thirty years ago to eight to-day. Gradually workmen have added to this the Saturday half-holiday. A movement is now on foot, which has already made considerable progress and which will surely win, for a five-day week.

In most people's lives, eight hours of sleep are indulged in daily, during which time the human machine is slowed down to the vanishing point. The other eight hours not spent in sleep or in work are likewise given to slowing down the human machine. This is done by means of games and sports, entertainments and reading, music, cards, movies, prayer-meetings, and any other ways the individual may choose. If a part of an entertainment consists of a drink, why should not that be the proper method of slowing down the human machine and a proper recreation while the human machine is slowed down?

Professor Fisher, in order to sustain his fantastic figures, assumes that a certain amount of intoxicating liquors are drunk and that such certain amount would naturally slow down the human machine a certain degree; assuming that the intoxicating liquors should be drunk in working hours; assuming that every laboring man drank, then and in that event it would mean that a certain amount of wealth was not produced which would have been produced if the working man did not drink beer; then, in addition thereto, a large amount of money would be saved by transferring labor from unimportant industries, like making alcohol, to important industries, like making flying machines or sealskin coats, and in this way prohibition would be a great boon to the human family.

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It is utterly impossible to analyze such statements. They are made of assumptions piled on assumptions, and if they were true, the question would still remain, "What of it?" Need the human race have any substantial fear that enough goods will not be produced?

Not long ago, the President of the United States, discussing the dire straits of the raisers of cotton, suggested certain ways to handle the crop already produced, but warned the Southern planter that he must not raise so much cotton in the future. The farmers have been warned to raise less wheat, less oats, less corn, less tobacco, less live stock, etc. The steel mills close when they have enough on hand and there is danger that the amount of steel will be excessive, thus lessening the price. There seem to be enough lawyers, doctors, professors and preachers to supply the demand. In all lines of industry the question of production has been solved and so thoroughly solved that the captains are as much engaged in not producing as in producing.

Unless some different form of distribution is provided, the struggle will always be to limit production rather than increase it; and if some different form of distribution should be provided, the hours can be much more substantially reduced. No intelligent person believes that men should stop drinking beer or wine or alcohol in any form, *in order that production may be greater.*

Let us see how really sincere the Professor's argument is. If a saving of energy could be made by not producing alcoholic beverages, it could be made equally well by no longer making chewing gum or by not raising tobacco and making cigars and cigarettes. It could be done by stopping the production of automobiles, which are used

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for pleasure and for nothing else. It could be done by making no more silk stockings or silk dresses or fur coats, or producing no more diamonds or expensive food or gasoline. It could be done by closing the movies or the theaters, which was once done in obedience to the same motive that has sought to take drink from the people. It could be done by dispensing with baseball grounds and keeping at work the throngs who now pack our parks. It could be done by plowing up expensive golf fields, and using them for the production of food. It could be done in a thousand different ways, where time is wasted, if in fact it is really wasted by recreation, by the use of luxuries, by pleasure, by doing anything excepting work.

The fact that so much is produced to-day that it cannot be readily sold is shown by reading the ads in every newspaper and magazine, on every barn and fence; by letters that flood the mails; by noting the efforts made in every conceivable way, calling upon the public to buy something that it does not want, that it has never thought of before, and that some profitmonger desires to sell. Many of these products cost the seller several times more for advertising and selling than for production. There is no sense, logic, decency or sincerity in the argument that the time used in making alcoholic beverages or drinking them is needed for production. No economist or prohibitionist can defend this thesis for a single moment. He always runs from the attack, and takes refuge in some such statement as this: that these other forms of pleasure do not make widows and orphans and bring disease and death. The economic reason is the

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sheerest nonsense and hypocrisy. It is hard to maintain patience and temperance in discussing statements so plainly hypocritical as those that are used in reference to economic good.

Does Prof. Fisher really believe that while the saloons were on the Bowery, there were not plenty of other places where groceries, candy, shoes, hardware, jewelry and silks and satins could be bought? Does he not know that as saloons were closed, some other businesses took their place, no matter how crowded those other businesses might be? Does he not know that the laws of trade in the end regulate the number of all of these establishments that can possibly survive? Did it do any economic good to substitute a restaurant that could not sell beer for a restaurant that could sell beer?

But more amazing still is the statement made on pages 182 and 183. We wonder just what did induce the Professor to write this trash and publish it in a book. Did he really not know better, or did he think that only prohibitionists would read and enjoy it, or did he believe that no one thinks and, therefore, would not know better? Here is what he says:

"Kentucky, the home of more distilleries and breweries than any other state, was reported by Mrs. Helen Bruce, chairman of the Law Enforcement Committee of that state, to be happy, prosperous and sober. The great whisky lobby was gone. The saloons had disappeared. Kentucky's streets, full of high-powered automobiles and trucks, were no longer dangerous. Its factories had ceased to be empty on Mondays, but filled with clear-eyed men (page 182). Patrick H. Callahan,

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manufacturer of Louisville, Ky., said that when prohibition came the distillers immediately put their money into legitimate business. Unskilled labor formerly employed in distillery work at poor wages, found more staple employment at better pay, increasing their purchasing power for the benefit of tradesmen. The flood of new money invested in skyscrapers and other buildings in Louisville had produced a new skyline. Assessments for taxes rose from \$122,000,000 in 1920 to \$319,000,000 in 1925. Building permits increased from \$2,179,158 to \$29,910,000 in the same period, and national bank deposits from \$68,000,000 to \$92,000,000. Savings bank deposits went up from \$30,000,000 to \$44,000,000. Population grew from 234,000 in 1920 to 305,000 in 1925—a growth which, under old conditions, would have taken seventeen years. But police records showed arrests for drunkenness reduced from 6,172 in 1919 to only 2,462 in 1924” (pages 182-183).

No doubt Prof. Fisher knew that Mrs. Helen Bruce and Patrick H. Callahan had for many years been intense prohibition workers, but does he know or care anything about their means of observation? Does he not know himself that to attribute these conditions to prohibition is so absurd that to place it in a book containing any argument or any fact would discredit the book?

Is the condition of Louisville, Kentucky, any different from that of any other city in the Union? If so, what is the difference, and if different, it cannot be on account of prohibition, because that has extended over all the land.

Did Mrs. Helen Bruce examine the eyes of these Kentuckians, to find that they are “clear-eyed” or that

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their eyes were any different after prohibition than before? Does Mr. Callahan know that unskilled labor formerly employed in distillery work at poor wages found more staple employment at better pay increasing their purchasing power for the benefit of tradesmen, and if so, was that a part of the general condition that came from the higher wages growing out of the war, or was it distinctive to Louisville, Kentucky? Is the building boom in Louisville, Kentucky, any different from that in Detroit, Cleveland, Chicago, or any number of American cities, and is it not due to the fact that during the war, constructing new buildings was forbidden, until there was a veritable famine in housing and office and factory space? Is he not aware, too, that the construction of new building is falling off very generally? Does he not know that this is regulated by supply and demand and does not depend on whether the working man drinks beer? Does Mr. Callahan or Prof. Fisher think that Louisville or any other city in the United States is benefited because the assessment of taxes increased threefold in five years? Does such a condition show improvement or political and business graft and reckless extravagance growing out of the war? Is it due to prohibition that population increased 30 per cent and during the same time assessed values made for taxation increased 300 per cent? Will there not be a general reckoning on account of the madness that has created these debts in every great city?

If all that the marvelous machines that the last half century has produced, if the organization of industry and the unbounded natural advantages of the United States cannot make it possible for men to shorten their hours

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of labor, increase their games and sports and recreations of all sorts, relieve their minds and bodies from tension, and make of themselves something other than what Prof. Fisher calls human machines, then civilization needs "hunching up."

## CHAPTER IX

### THE ALLEGED SOCIAL GOOD OF PROHIBITION

IN a chapter entitled the "Social Good," Professor Fisher makes the following claims:

That in the opinion of social workers "twice as many children to-day would be victims of improper bringing up because of liquor if the dry law were not effective."

That, according to the department of the Salvation Army having charge of rescue work for women and girls in New York, 50 per cent of the aid that used to be furnished in homes prior to prohibition had to be furnished because of drunkenness, and that this cause has been reduced since prohibition to 1 per cent of the total.

That, according to Doctor Ellen C. Potter, of the Pennsylvania Department of Welfare, prohibition has greatly lessened the demand upon charitable relief, has lowered mortality in general, and from alcoholism in particular, has lessened mental illness due to drink and has decreased illness from drunkenness in general.

That, according to several employers of labor, prohibition has cleaned up undesirable neighborhoods in which their establishments were located, wage workers are better off financially, real estate values have risen, and social conditions generally have improved materially since prohibition.

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That there have been fewer prison commitments and there has been a decline in the prison population of the country because of prohibition.

It is hardly necessary to point out that Professor Fisher does not consider it necessary or fair to quote the testimony of a single official, social worker, charity administrator, visiting nurse or priest or probation officer who has publicly expressed himself or herself in opposition to prohibition. There is an enormous amount of such unfavorable testimony, and much of it was given before the congressional committees before which Professor Fisher himself appeared, and of which he writes. It will be noticed further that many of the claims made by the advocates of prohibition are based upon opinion and not upon facts ascertained by investigation worthy of the name.

We shall give here some extracts from the testimony of opponents of prohibition who are, to say the least, as well qualified to testify as are the witnesses cited by Professor Fisher. Before doing so, however, we may call attention to notorious facts—namely, that not a single county jail, state penitentiary, state prison or other correctional or reformatory institution has been closed or dismantled because of prohibition; that not a single charitable organization has gone out of existence. If calls for charity are in fact fewer, it is because of the great financial prosperity of the last ten years. Hospitals and clinics are still overtaxed and urgently in need of additional equipment and space. Further, there has been a steady increase instead of a decrease in the number of patients daily applying for examination and treatment at

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the venereal disease institutions and clinics throughout the United States. The annual crime wave has not failed to make its punctual appearance, and there is a demand among the reactionaries and Babbitts for more drastic penal laws, longer penitentiary sentences for professional criminals, and more executions. When charity is asked, in cases where the applicant drinks, the prohibitionist at once attributes his poverty to drink. As a matter of fact the applicant may have wasted his money for many things that bring no adequate return, but this is true of rich and poor alike.

Had the confident predictions of prohibitionists been fulfilled in the last 6 or 7 years, the United States to-day would be a veritable Utopia so far as crime, the social evil and consumption of narcotics are concerned. But, as everybody knows, those predictions have been falsified in every direction and in every particular, and if any improvement has taken place in the mental or physical health of the nation, such improvement is due to prosperity on the one hand, and, on the other, to ever increasing attention to and appropriations for the promotion of public health.

We are told, for example, by the health authorities of Chicago and Illinois that Chicago is the healthiest large city in the world to-day. Yet Chicago is notoriously one of the wettest cities in the country, and it would be far more logical to assert that the excellent health enjoyed by Chicago is attributable to drink than that the improvement in mental and physical health throughout the United States is due mainly to prohibition.

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Among the social benefits attributed by Professor Fisher to prohibition is this—that, in the words of ex-Congressman Edward Keating of Colorado, the editor of an official organ of a railroad brotherhood, “since prohibition the public has the advantage of dealing with the liquor industry as an outlaw, a hunted thing fighting for its life,” it being easier to regulate the outlawed traffic than it was to regulate the licensed distillery, brewery and saloon. What a paradoxical and wild statement! Is it easier to regulate thousands of illegal stills, to watch and apprehend tens of thousands of professional bootleggers and smugglers, and to prevent or control home brewing, than it was to regulate licensed establishments? This question, like so many others raised by Professor Fisher or the witnesses he cites, answers itself. Nobody can possibly know the extent and proportions of the present outlaw liquor industry and traffic, and hence nobody can possibly know whether or not the problem of dealing with them is simpler and easier than the problem of dealing with the lawful liquor industry before prohibition.

Another social good claimed for prohibition is that in certain districts of Pennsylvania the traffic in habit-forming drugs has largely disappeared since prohibition, because such drugs had formerly been purveyed chiefly through the saloons. Of course, if the saloons in any given district or section purveyed narcotics, that particular traffic naturally vanished with the closing of those saloons. But no evidence is produced to show that the same habit-forming drugs are not being sold in those districts of Pennsylvania by speak-easies, blind pigs, pool rooms or soft drink establishments, as is the case

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notoriously in many other parts of the country. Narcotics are known to be sold even to the inmates of jails and penitentiaries, and it is but reasonable to assume that prohibition has increased instead of lessened the demand for habit-forming drugs. There is nothing constructive about prohibition, and, as every student of the social sciences should know, to deprive any considerable element in the population of an article they long for and have long been in the habit of consuming, is not to eradicate the demand for that article, or for some seemingly satisfactory substitute therefor. Many of those who cannot obtain liquor in any form have become habitual users of narcotics, as every physician, charity bureau or social worker is well aware.

Still another social good claimed for prohibition is the reduction in the death rate from alcoholism. Such reduction did occur immediately after the passing of the Volstead Act. But what is the situation to-day? Some time ago the Metropolitan Life Insurance Company reported that among its 17,000,000 industrial policy holders the death rate from alcoholism was higher in 1926 than in any year since 1917. In fact, the death rate from alcoholism in 1926 was six times as high as that of 1920, the year of the lowest rate ever recorded. The report declares that if the present trend continues the death rate from alcoholism will be as great in 1928 as during the worst of the pre-war and pre-prohibition years. It is true that Professor Fisher, with his incalculable enthusiasm for prohibition and equally and utter disregard for all scientific canons and principles, hastens to claim that the death rate from alcoholism and cirrhosis

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of the liver have increased fastest where "nullification has been greatest" and in particular in New York and Maryland, which have no set prohibition enforcement laws. But Professor Fisher himself is bound to admit in the same statement that Indiana, which has the most rigid prohibition enforcement law, also shows a steadily increasing death rate from alcoholism. If one wishes to gauge the value of Professor Fisher's statement as to cirrhosis of the liver, we need only turn to Professor Fisher's three charts on this subject—Nos. 34, 35 and 36. These show that while the use of alcohol had vastly increased from 1923 to 1925, cirrhosis of the liver has stood still or decreased. If "nullification" explains the present death rate from alcoholism in New York or Maryland, what explanation is there for the same phenomenon in Indiana? No, it is absurd to blame New York and Maryland for the growing contempt for Volsteadism. The increase in the death rates in question is due to increase in the consumption of bootleg liquor—an increase admitted by General Andrews himself. This increase is no doubt partially due to the substitution of whisky for wine and beer.

Professor Fisher makes several casual references to the venereal diseases, and without directly saying so, seeks to create the impression that prostitution and the social diseases are concomitants of the consumption of alcohol. In one place he says that "Strong drink and prostitution are Siamese twins." In another he quotes the saying of Reich that "Alcohol plays an undoubted part in the acquisition and spread of venereal diseases."

No doubt, writers on the social evil have always

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claimed that there is a close connection between liquor and prostitution. This claim must have been based on the notorious fact that prostitutes and their patrons use alcohol. But there has never been any really scientific study of the relation between prostitution and the venereal diseases on the one hand and moderate consumption of alcohol on the other. The Interdepartmental Social Hygiene Board at Washington in its report for 1920 declared that according to the investigations of the surgeon general of the Federal Public Health Service, a large number of cases of venereal disease in the army were not contracted by association with commercialized prostitutes. One report from an army post to the surgeon general stated that "men who contract venereal disease are usually infected by women or girls who work in the mills, and 50 per cent of the men are said to pay nothing to these women for their association."

Further, the Interdepartmental Social Hygiene Board, after investigating many cases of delinquency among women and girls, declared that "in general, the girls come from poor homes and have had limited opportunities. They are poorly educated and started to work early at unskilled labor."

And what has been the effect of prohibition on venereal disease? Superficial readers of Professor Fisher's book would undoubtedly conclude that prohibition had caused a very material decline in venereal disease cases. It is perfectly safe to say that had there been such a decline, Professor Fisher and his friends would have credited prohibition with that "social good." Alas, the figures show no decline! From the reports of the

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State Boards of Health to the United States Public Health Service the following table has been prepared:

Year	Total	Gonorrhoea	Syphilis	Chancroid
June 30				
1920	326,117	172,387	142,869	10,861
1921	434,704	203,281	217,817	13,606
1922	333,718	152,959	171,824	8,935
1923	338,681	156,826	172,238	7,777
1924	363,063	160,790	193,844	8,429
1925	372,813	165,523	200,584	6,706
1926	389,231	166,655	215,547	7,029

(The foregoing statistics are given in the Annual Reports of the United States Public Health Service: for 1920, p. 316; for 1921, p. 367; for 1922, p. 290; for 1923, p. 257; for 1924, p. 251; for 1925, p. 255; and for 1926, p. 271.)

It is passing strange that these figures show that the cases of venereal disease were about one-third higher in 1921 than in any other year. This was after prohibition had been in force for a year and at a time when all of Professor Fisher's charts show that drunkenness was lower than in any other year except 1920; in fact, drunkenness and the use of alcohol from the Professor's charts was less than half as much as in the succeeding years. The student who carefully examines Professor Fisher's charts can easily see that they destroy practically every statement he makes.

Those who, like Professor Fisher, assure us that prohibition has greatly improved the morals of the nation would do well to read such a report, for example, as that of John Clarence Funk, Director of the Pennsylvania State Bureau of Protective Social Measures. This re-

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port notes the disappearance of the lower type dance halls since the advent of prohibition, but calls attention to a new type of dance hall known as the "closed type," in which women and girls are kept by the management for assignation purposes. One such resort, raided near Tacoma, Washington, contained women and girls from 16 to 30 years old, and medical examination showed 97 per cent of them to be diseased.

Summaries of statements made before the Subcommittee of United States Senate:

John Sullivan, president of the New York State Federation of Labor:

"I am the father of a large family myself, and I have always preached temperance since the first day I came into this labor movement. I shall continue to do it, but I believe most honestly, it is my firm conviction, that the Volstead Act and the 18th amendment have set back temperance in America at least 50 years.

"The situation is becoming worse day after day. Boys and girls drink together out of the same flask. Hundreds of men who never touched hard liquor before prohibition are drinking it now. Every man I have come into contact with has stated that, if he had his glass of beer, as before prohibition, he would never take the stuff sold by bootleggers."

William J. McSorley, President of the Building Trades Department of the American Federation of Labor:

"I have been national president of the building trades organization for twenty-five years and have traveled in

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every city and hamlet in this country, as well as Canada, and I am frank to say that the great majority of the building trades mechanics of the country are in favor of modification of the [prohibition] law. . . . The department I represent believes that the law should be modified, so that the working men who desire to have wine and beer may procure it at reasonable prices. Modification of the Volstead Act would make for temperance, sobriety, as well as for better morals, because I know of numerous instances where men are now drinking whisky who never before drank it in their lives, and they would not drink it now if they could have good beer."

Andrew Furuseth, President of the International Seamen's Union of America:

"The condition under prohibition as regards drinking is worse than it ever was, because the stuff men now drink is worse than it ever was. Drinking among seamen has got worse because of prohibition. If men were permitted to go into a restaurant and get a glass of beer or claret with their lunch or meal, they would not bother with anything else. Not 10 per cent of them would be looking for hard liquor."

James O'Connell, President of the Metal Trades Department of the American Federation of Labor:

"My observation is that the Volstead Law is being flagrantly violated on every hand. It is creating a state of affairs that is anything but safe or elevating. No matter how much money Congress may spend for enforcement of prohibition, or what additional laws it may

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enact, or what additional punishments it may provide for, the Volstead Act cannot be enforced. It is against a man's own instinct. The Volstead Act is a failure and always must be a failure."

Father Francis Kasaczun of Sugar Notch, Luzerne County, Pa., in the heart of the anthracite coal industry, says:

"In my little town, Sugar Notch, all the saloons are still open. In addition they have opened up pool rooms, cigar stores, lunch rooms and candy stores where they sell hard liquors. Private families make and sell liquor. In some cases families sell it to the saloons. Children fourteen years old drink hard liquor. Because of hard drinking many workmen lose their health and employment. Ninety per cent of the liquor consumed in my community comes from private stills. There is no trouble in getting liquor in the entire anthracite region. You can get liquor at any place and at any time if you look half decent and are not suspected of being a revenue man."

John T. Frey, President Ohio State Federation of Labor:

"Judging by my personal experience, there is no difficulty in Ohio in securing all the home-made liquor that you want. The trade union movement in Ohio has discussed the question in its conventions, at district meetings and at city meetings, and the sentiment is overwhelmingly in favor of modifying the Volstead Law so as to make it possible to secure wholesome beer and light

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wines at reasonable prices. If this were done, working men who are drinking hard liquor would give it up. The still would go out of existence and moonshine would become a mere tradition."

William Roberts, representing President Green of the American Federation of Labor:

"I have traveled about 30,000 miles throughout the United States. I have met people in all walks of life. Everywhere there is plenty of distilled liquor, but little real beer. The homes of the people have been turned into breweries and distilleries. Women as well as men drink dangerous stuff because they cannot get wholesome beer. The American Federation of Labor has repeatedly demanded modification of the Volstead Law so as to permit the manufacture and sale of wholesome beer. In seven years, not half a dozen letters of protest have been received by the Federation from its four million members against the position taken by it on the prohibition question."

Mrs. Viola M. Anglin, deputy chief probation officer, city magistrates' courts of New York City:

"Intoxication cases have not decreased in the family court. Children and wives are suffering more than they did before prohibition. The 16 probation officers under my supervision tell me that there are from 100 to 200 stills in each of their districts. In many instances the backroom of a former saloon is used as a still or speak-easy, and the whole neighborhood knows of it. Stills are operated not only in cigar stores, delicatessen stores and similar places, but also in the homes of the people who

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live in tenements. The windows of the small shops of the district are full of corks, test tubes and tops for bottles. These, as everybody knows, are not there for display only."

Henry F. Hilfers, Secretary New Jersey State Federation of Labor:

"Since prohibition we have a distillery in practically every home in our state, and lately they discovered a so-called community distillery in one of the exclusive suburban towns near Newark. Thousands of workmen who had never touched hard liquor before prohibition drink it now and make it in their own home. Their wives and children have acquired the habit of consuming hard liquor. Disrespect for the prohibition law is practically universal in New Jersey from the highest element in the population to the lowest. Prohibition has increased crime. It has endangered the life and limb of those using the public streets. Statistics show that drivers of automobiles arrested for drunkenness have increased 100 per cent in the last few years. The question is not where can you get liquor, but where can't you get it?"

Finally—and the unkindest cut of all—the New York Committee of Fourteen, an anti-vice agency of exceptional efficiency, states in its last annual report that the Volstead law has been responsible for an increase in commercial vice, and that immorality thrives in night clubs and speak-easies and cabarets, because the conditions in

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these establishments are more inviting than they were in the old saloons!

Such testimony as the foregoing might be multiplied indefinitely, but no purpose would be served by further quotations of the same purport and tenor. We may note that Prof. Fisher's book contains no such quotations and no comments on them.

## CHAPTER X

### IS ALCOHOL A POISON?

"ALCOHOL," says Professor Fisher, "is always a life shortener and nothing else."

This assertion is so dogmatic and positive that many credulous readers might infer that it is based on abundant and scientifically valid evidence. In truth, however, there is absolutely no scientific evidence to support the assertion. Men of science differ widely and notoriously on the question, and it would be easy to cite as many alleged authorities on one side as on the other. So far there has been very little truly scientific investigation of the effect of alcohol on longevity and health.

In 1910 the late Professor Hugo Münsterberg, of Harvard, in a volume of essays entitled "American Problems from the Point of View of a Psychologist," devoted two chapters to the question of temperance versus prohibition, and the following quotation from the second chapter is as pertinent and sound to-day as it was at the time it was written:

"Of course, there are not a few who are convinced that alcohol is ruinous for every one, even in moderate quantities; and it has become the fashion to support this belief by the results of scientific investigation. I am convinced that there exists no scientifically sound fact which demonstrates evil effects from a temperate use of

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alcohol by normal adult men. Every claim on the one side has been disproved by just as important experiments on the other side. Even on physiological ground, everything is uncertain. Dr. Williams, of New York, tells us that alcohol is never a food; and Dr. Dana, of New York, the president of the New York Academy of Medicine, tells us that alcohol is always a food. Dr. Williams writes that alcohol always lessens the power of work; and Dr. Dana writes that, as proved by recent experiments, alcohol has no effect, one way or the other, on the capacity to work if given in moderate daily doses. Dr. Williams writes that alcohol is the greatest evil of modern society; and Dr. Dana writes that the immediate removal of alcohol from social life would lead to social and racial decadence.

"But I, as a psychologist, am naturally more interested in the mental side. Dr. Williams and so many others dogmatically assure us, for instance, that alcohol cuts off the power of mental production. But is a psychological laboratory really necessary to demonstrate the hollowness of such general statements? I know scores of men who never produce better than after a moderate use of alcohol, and it is well known that this is true in exceptional cases even where immoderate use is indulged in. I had to hypnotize only recently a well-known New York author whose secret trouble is that he has never written a page of his brilliant books except after immoderate use of whisky.

"Dr. Williams assures us that moderate use of wine and beer reduces the powers of intellectual activity; and again the psychological experiment is said to have proved that. Here I must instinctively think of my teacher who

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has given to the world the methods of the psychological experiment, the greatest living psychologist. He is seventy-seven years old, has written about forty volumes which are acknowledged the world over as the deepest contributions to psychological thought, wrote last year an epoch-making book; and yet for sixty years has taken beer and wine twice a day with every meal. Two summers ago I attended a number of international congresses and saw there at many banquets the leaders of thought from all nations. I watched the situation carefully but did not discover any abstainers among the sharp and great thinkers of any nation.

"To demonstrate that the abstainers enjoy clearer methods of thinking than such drinking scholars would indeed be an interesting experiment, but from the prohibitionist literature I cannot gain the impression that clearness of thinking is their particular strength. Typical of their lack of clearness is the way in which they draw arbitrary conclusions from real experiments. For instance, it is quite right to claim that alcohol makes our mental associations slower, but they interpret it as if that involved a destructive crippling of our mental life. They do not even ask themselves whether or not this retardation of association of ideas may not be a most helpful and useful relaxation of certain brain centers. With the same logic they might demonstrate to us that sleep is a most ruinous invention of nature, as it paralyzes our brain centers still more; and they have not the slightest understanding of the fundamental fact that such an inhibition in certain parts of the brain belongs to every single act of attention. They do not take the

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trouble to ask whether or not our associations are also changed through the digestion of a dry meal.

"With such careless misinterpretations of isolated experiments we could most easily demonstrate that every hour of physical exercise is ruinous for the higher mental life; or that the fatigue from the hearing of one hour's lecture makes mental cripples out of all of us. The fear of those who want to cut off a bottle of light beer from the evening meal of a hard-working laborer on account of the psychological experiments is comparable only with the fear of the bacteriophobists. They would like to see every man live isolated in the middle of the ocean because in every other place the laboratory can demonstrate numberless microbes and bacteria.

"The only reasonable argument against moderate drinking by normal adult men is a fear that they may transcend wise limits. Yes, in the pamphlets written against my essay I confess the only word which made an impression on me was one contained in a Chicago pamphlet, which said we must consider that Americans are reckless and carry everything to excess. But can that really be the attitude of a civilized nation? To legislate as if the citizens were irresponsible children, incapable of moderation, would mean a degradation of the whole country. With the same justice we might prohibit every sport because it becomes ruinous to the organism if carried to an excess. To be sure the Americans are reckless and excessive; otherwise we should not have ten times more railroad accidents than Europe, and gambling and an absurd chase for money all over the land. But the only sound consequence is that every reformer should educate toward moderation in all fields."

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The latest and most painstaking study of the subject is that of Professor Raymond Pearl, Director of the Institute of Biological Research, Johns Hopkins University, published under the title of "Alcohol and Longevity." While Professor Pearl admits that the number of cases which he was able to study was unfortunately insufficient to warrant absolutely certain conclusions, he points out that no more comprehensive or scientific study of the subject has been made by any other investigator. He emphasizes the difficulties of social experiments, since human beings are not rats or guinea pigs. Indeed, he expresses the opinion that it will be necessary to conduct experiments on animals rather than on human beings in order to ascertain fully and definitely the effects of alcohol on longevity and health. At the same time the data which he was able to analyze and digest amply justified the limited and cautious conclusions which he feels at liberty to draw. These conclusions he sums up as follows in the final chapter of his work:

"1. In a fairly large and homogeneous sample of the working class population of Baltimore the moderate drinking of alcoholic beverages did not shorten life. On the contrary, moderate steady drinkers exhibited somewhat lower rates of mortality, and greater expectation of life than did abstainers. This superiority is not great in the male moderate drinkers, and may not be significant statistically. But it certainly gives no support to the almost universal belief that alcohol always shortens life, even in moderate quantities.

"2. Those persons in this experiment who were heavy drinkers of alcoholic beverages exhibited considerably

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increased rates of mortality and diminished longevity, as compared with abstainers or moderate drinkers.

"3. If both moderate drinkers and heavy drinkers in this sample of the population are pooled together, and the resulting heterogeneous group is compared with abstainers, the drinkers, as a class, have higher rates of mortality and lower expectation of life than the abstainers as a class. This result is in agreement with the experience of life insurance companies. But it is fully demonstrated in this book that this result appears only because the impaired heavy drinker risks are pooled with the actuarially superior moderate drinkers, and bring down the resulting pooled average."

Some writers, including Professor Fisher, have criticized Professor Pearl's methods and inferences, but most of their criticisms are trivial and captious. Thus, it has been alleged that the statistics collected over many years by actuaries and medical experts of certain life insurance companies yield results that are in conflict with those arrived at by Professor Pearl. As a matter of fact, Professor Pearl's data are more extensive than those of the insurance companies, *having regard to the all-important matter of lifetime habits*, as is pointed out by Professor H. M. Parshley in a communication to the *Saturday Review of Literature*.

It will be time to challenge Professor Pearl's results when some other competent statistician and biologist has presented more extensive studies on the same question. Moreover, Professor Pearl quotes at considerable length from four or five works of investigators like C. R. Stockard, K. Pearson, C. H. Danforth, E. C. MacDowell,

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E. Rost and G. Wolf, F. Bilski, A. Pictet, J. W. H. Harrison and M. C. Mann, whose experiments on animals appear to demonstrate that alcohol *does not shorten life nor seriously affect health*.

We may quote here some of the very brief summaries of these results as given by Professor Pearl:

"1. The *racial* effect of alcohol is preponderantly either beneficial, or at the worst, not harmful. This is true for characters depending upon general vigor in guinea pigs (after early generations are passed), fowls, rats, mice, rabbits, insects, and probably frogs.

"2. This beneficial racial effect appears to be the result primarily of the fact that alcohol acts as a definite, but not too drastic selective agent, both upon germ cells and developing embryos, eliminating the weak and leaving the strong.

"3. The only racial effects of alcohol which can possibly be regarded as harmful which have yet been brought to light by this mass of experimental work are:

"(a) The production of defective offspring in early generations by alcoholized guinea pigs (Stockard). This result is peculiar to the guinea pig and is not confirmed, even for that animal, by Pictet. No such effect has been noted in any other animal: either the fowl (Pearl, Danforth); rat (MacDowell, Hanson); mouse (Gyllenswärd, Nice, Bluhm); rabbit (Rost and Wolf); frog (Bilski); or various insects (Pictet, Harrison, Mann).

"(b) A possible slight reduction in activity and ability to learn of the offspring of white rats (MacDowell).

"(c) A reduction in fertility following the administration of alcohol. But as this marks one element of a

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selective process which ultimately is beneficial to the race, it is questionable whether it should be reckoned a *racially* harmful effect at all."

At the end of these quotations, Professor Pearl is careful enough to point out that the application of the experiments made upon animals to man is to be made very cautiously, but he truly remarks that "it is an extremely satisfactory thing to have such a large body of critical experimental results, so consistently agreeing in regard to their main, broad conclusions."

Professor E. H. Starling of University College, London, in his book entitled "The Action of Alcohol on Man," published in 1923—a work in which the author had the coöperation of men of learning and experience, such as Dr. Robert Hutchison, Physician to the London Hospital, Sir Frederick W. Mott, pathologist to the London County Council Asylums, and Professor Raymond Pearl of Johns Hopkins University—after impartially and scientifically considering the evidence pro and con, reached the following conclusions:

(1) Alcohol is without doubt a food. It is necessary in most cases to limit the intake of alcohol to such a small amount that as a food it can form only a small proportion of the total diet.

(2) The ease of absorption of alcohol and the fact that it does not require digestion makes it useful as a food in the weakness of old age and in some cases of disease.

(3) For the normal individual the food value of alcohol is of no importance. In most cases it is not as a food that alcohol is consumed, but rather to add to the

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pleasant taste and enjoyment of food and so to promote digestion and assimilation. The justification of wine has always been that it makes glad the heart of man. ✓

(4) While alcohol is unsuitable for the highest mental efforts or during the performance of prolonged muscular feats, to individuals who need relaxation rather than increase of attention, or of nervous excitement, a small dose of alcohol may result in improvement of efficiency. Thus, a man's play at golf may be improved by a glass of whisky, and a shy man may be emboldened to make a speech or to comport himself naturally at a social gathering.

(5) The narcotic action of alcohol on the highest centers of the brain is of value in freeing a man from the cares and worries of the day's business, enabling him to digest and assimilate his food and to restore his ability to sleep.

(6) A glass of wine or beer taken with lunch will not interfere with the carrying out of the afternoon work of a normal healthy individual.

(7) When the work of the day is finished, a greater freedom in the use of alcohol is permissible. Half a bottle of light wine, a pint and a half of ale, three ounces of whisky, or a quarter of a bottle of port may safely be consumed by a normal healthy individual when his work for the day is over. It is even probable that the amounts given might be doubled on occasions.

(8) Such quantities of alcohol might be taken throughout adult existence without interfering with bodily health or efficiency, and are sufficient to obtain the beneficial results and the increased pleasure in living which are the enjoyment of alcoholic beverages.

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We may note that, in the preface to the work, Professor Starling says that while the evidence presented by him might not convince all unbiased readers, it convinced him that "in a civilized society such as ours the abolition of all alcoholic beverages from among our midst, even if carried out by universal consent, would be a mistake and contrary to the permanent interest of the race." And he adds: "If it were enforced by legislation against the wishes and convictions of a large proportion of the members of the community, I believe it would be little short of a calamity."

There is indeed a widespread opinion, which is supported by a number of medical and statistical gentlemen employed by certain life insurance companies, that statistics gathered and properly interpreted by such insurance companies have demonstrated that even the moderate use of alcohol measurably shortens human life and is injurious to health. Possibly the insurance statistics in question possess some value, but that value is exceedingly small. Professor Pearl justly says that "the evidence on which the current statements [on behalf of the insurance companies] are based would not be accepted by any one trained in the critical valuation of statistical and biological evidence as 'proving' anything."

Professor Pearl, in fact, rejects that material as quite useless for any scientific study of the alcohol problem, and he gives the following reasonable grounds for his adverse conclusion:

"I. There is no definite knowledge of the alcoholic habits of the individual over any significant portion of his life. The only knowledge an insurance company has

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of an individual is (a) the statements of the individual himself when he applies for a policy; (b) the continuance of his life evidenced by payment of premiums, and (c) his death, as evidenced by a claim under the policy contract. Now, granting that every applicant told the truth when he applied, the picture of his alcoholic habits then set down is, and can be, only of that time and the immediate past. But nothing is more certain than that the drinking habits of many individuals change from what they were at the comparatively early age at which insurance was applied for. These habits may and do change in both directions. Some persons become heavier drinkers, others less heavy, than when they applied for insurance. So then, in fact, it may be taken to be the case that in the non-abstainers section of insurance experience such as we have cited, there is a mixture, in wholly unknown proportions of (a) persons who, for the major portions of their lives, have been total abstainers; (b) moderate drinkers; (c) excessive drinkers. There will also be the same three classes, again in quite unknown proportions, represented in the abstainers' class in the experience of all companies except those, like the United Kingdom Temperance and General Provident, which require an annual statement from the policy holder as to his continued abstention.

"2. Since most insurance companies are known to discriminate against persons using alcohol as a beverage in more than a certain (to the applicant unknown) amount or degree, an incentive is at once created for the applicant to understate the amount of his alcoholic indulgence. The discrimination may take the form of a

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refusal to accept the risk, or an increased premium rate, or a reduced participation in so-called bonuses or dividends. But in either case there is a powerful incentive for the applicant to make out as favorable a case as possible for himself."

## CHAPTER XI

### HOW MUCH ALCOHOL IS NOW CONSUMED?

How much alcohol is really consumed in the United States to-day, is one of the questions put by Professor Fisher and answered as follows:

"It seems safe to conclude that the total consumption to-day is certainly less than 16 per cent of pre-prohibition consumption, probably less than 10 per cent, and possibly less than 5 per cent."

How does Professor Fisher arrive at his final estimate?

He quotes Doctor J. M. Doren, chief chemist of the Bureau of Internal Revenue, as affirming that the diversion of industrial alcohol for beverage purposes is probably between thirteen and fourteen million gallons a year, and he hastens to point out that this quantity is only from 8 to 9 per cent of the pre-war consumption of beverage alcohol. Then he deducts from the amount given the gallons which are recaptured and confiscated by the government, as well as the estimated total lost through leakage, breakage and evaporation. The conclusion then emerges that a good deal less than 8 per cent of pre-prohibition consumption of alcoholic beverages is consumed to-day.

How about the alcohol smuggled into the country from Canada, Mexico, Cuba and the Old World? And

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how about the wines, beers and whiskies distilled and brewed in the millions of homes which notoriously resort to such distilling and brewing? How about the millions of gallons of hard cider consumed on the farms in the country, nature being permitted to produce the desirable amount of alcohol in that beverage? Professor Fisher does not entirely ignore these sources, but he naïvely remarks that "all experts agree that, all put together, they constitute a minor part of illegal liquor, far less than that from diversion of industrial alcohol, that is, far less than 8 per cent of pre-prohibition consumption."

Few experts are quoted by Professor Fisher, and we are informed that one Robert A. Corradini has made an independent estimate to the effect that the total consumption of alcoholic liquor is to-day less than 3 per cent of pre-prohibition consumption. Obviously, the Corradini estimate is too absurd even for Professor Fisher to adopt as his own, and therefore he hesitates between 16 per cent and 5 per cent of pre-prohibition consumption.

Of course, his own estimate is almost equally worthless. Not only does no one know "absolutely" how much alcohol is smuggled into the United States and how much is manufactured in illicit stills and in homes, but no one has the slightest dependable evidence on either of these important points. No one knows whether the amount of alcohol now consumed is equal to 16 per cent or 66 per cent of pre-prohibition consumption. Such wild guesses have no place even in a quasi-scientific book on prohibition. They can be dismissed with unmitigated contempt.

The writers of this book will not venture to offer any

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estimates of their own, but they will call attention to certain significant facts upon which estimates may perhaps be based by those who care to venture into the realm of speculation.

Writing for the *Independent*, Colonel L. Brown in an article entitled "The Paradox of the Vineyards" states that whereas in 1918 California shipped only 6,000 carloads of wine grapes and 12,000 carloads of table grapes, in 1925 California shipped 60,000 cars of wine grapes and 15,000 of table grapes. He adds that "this [1926] season the railroads are planning on a 90,000 carload movement, which means close to 75,000 cars of wine grapes." This relates only to grapes, but all kinds of fruits and vegetables can be made and are being made into alcohol.

Colonel Brown states that "a carload of grapes should yield between 1,500 and 2,000 gallons of wine, a fair average being 1,800 gallons." Where are these gallons of wine made and consumed? Colonel Brown answers this question as follows:

"The market for the wine or 'juice' grape crop lies principally in the leading centers of population. Half of last season's vintage was consigned to five large cities. New York City alone received nearly a fourth of all the grapes shipped from California; Chicago, Boston, Philadelphia and Pittsburgh were the next biggest markets in the order named. Moralists who are wont to decry metropolitan depravity have a strong case if we accept the premise that juice-grape consumption is an index to wickedness. New York City was the destination of close to 17,000 carloads of California grapes last season, com-

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pared with 2,300 in 1918, according to the official records. Although bananas and apples are rightly considered indispensable, New Yorkers managed to subsist with only 14,000 cars apiece of these fruits. Orange consumption amounted to a scant 12,000 carloads. Grapefruit, peaches, and pears combined barely rivaled California grapes. Potatoes were the only product of the so-called perishable group which exceeded grapes in volume, and even the redoubtable tuber did not far outdistance the grape."

No wonder Colonel Brown is of the opinion that "Andrew Volstead should be regarded as one of the patron saints of the San Joaquin Valley" and well may he point to the interesting "phenomenon of endless cars of wine grapes rolling swiftly back again out of this same desert to relieve the thirst of the arid East."

It is hardly necessary to point out that California is not the only state which produces wine grapes, and hence Colonel Brown's modest estimate of the wine production at about two gallons per capita, most of it by amateur wine makers, is manifestly far below the accurate figure.

Doctor H. Bundesen, health commissioner of Chicago, estimated that ten million dollars was expended by the people of that city on alcoholic beverages for Christmas day alone, and he deplored the fact that a very insignificant fraction of that liquor was wholesome or fit to drink. More than 90 per cent of the liquor thus consumed, according to Doctor Bundesen, was of the poisoned or adulterated varieties. If Chicago consumed ten million dollars' worth of liquor on Christmas, how much did the whole country consume on that day alone?

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Clearly, Doctor Bundesen, the health commissioner of the second city in the United States, does not agree with Professor Fisher's or Mr. Corradini's estimates of the total consumption of liquor to-day.

Assistant United States Attorney N. J. Harben, who resigned recently from the prohibition enforcement staff of United States District Attorney Buckner, was quoted in the New York press as saying that "in its present form the Volstead Prohibition Act cannot be enforced in the City of New York, or any other large city."

Clearly, Mr. Harben is also unable to accept the Fisher-Corradini estimates of the amount of alcohol consumed to-day.

Neither is General Lincoln C. Andrews able to accept the Fisher-Corradini estimates, for in assuring Congress that "secret service methods and under-cover men are absolutely necessary if prohibition is to be enforced," he added the following significant admission: "It must be recognized that violations are nation-wide in their occurrence and almost without number."

If the amount were really equal to no more than 5 per cent of the pre-prohibition consumption, there certainly would be no occasion for discouragement on the part of prohibition enforcement officers, or for their saying that the Volstead Act cannot be enforced in any large city.

Two rather important sources of illicit consumption of alcohol are completely overlooked by Professor Fisher, as well as by Mr. Corradini—first, the amount diverted not from industrial alcohol, but from medicinal, and second, the amount diverted from the wines withdrawn on permit for sacramental purposes.

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Who does not know that hosts of physicians, including some of the first rank, lightly issue liquor prescriptions to their relatives, friends and acquaintances, merely because they do not take the Volstead Law seriously? And who does not know that thousands of druggists sell liquor on such fake prescriptions, or even without them? Would it be rash to suppose that at least one-half of so-called "medicinal liquor" is consumed, not by patients who really need it, but by perfectly well persons, who manage to induce their physicians and druggists to sell it to them?

In a speech before the medical education section of the American Medical Association, Dr. A. D. Bevan, chairman of the Council, made the following statement in the course of a vigorous attack on what he called medical bootleggers:

"More than 99 out of every 100 prescriptions written for a pint of whisky are bootlegging prescriptions and are a disgrace to the great medical profession."

Very likely Dr. Bevan, as an uncompromising supporter of prohibition, indulged in some exaggeration, but even if 50 out of every 100 prescriptions for whisky are bootlegging prescriptions the liquor thus diverted from medicinal to beverage purposes cannot be overlooked by prohibitionists who congratulate themselves and the country on the relatively insignificant amount of liquor now consumed.

As to the so-called "sacramental wine" which finds its way into illicit channels, we cannot do better than to quote the following paragraph from the report published in September, 1925, by the department of Re-

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search and Education of the Federal Council of the Churches of Christ in America:

"One phase of the wine question is undoubtedly serious. The withdrawal of wines on permit from bonded warehouses for sacramental purposes amounted in round figures to 2,139,900 gallons in the fiscal year 1922; 2,503,500 gallons in 1923, and 2,944,700 gallons in 1924. There is no way of knowing what the legitimate consumption of fermented sacramental wine is, but it is clear that the legitimate demand does not increase 800,000 gallons in two years. It is probably safe to say that not more than one-quarter of this wine is sacramental—the rest is sacrilegious. 'Literally hundreds' of fictitious Jewish congregations, Commissioner Haynes testified before the Senate Committee which investigated the Bureau of Internal Revenue, had been found engaged in fraudulent schemes to secure the release of 'sacramental' wine."

Finally, the sale of so-called "medicated" wines for beverage purposes, such wines containing a negligible amount of really medicinal ingredients but a very generous supply of spirits or alcohol in one form or another, is not to be overlooked in estimating the total amount of alcohol consumed under prohibition. Many such "medicated" wines have been declared by government officials to be merely preparations of alcoholic liquors masquerading as tonics and patent medicines.

## CHAPTER XII

### WHY DO MEN DRINK?

THROUGHOUT his book Professor Fisher assumes that, apart from its medicinal uses, if any, alcohol is a poison, which, in his own words, is "out of place in the human body." Accordingly, he makes no distinction between drunkards and dope fiends, on the one hand, and moderate consumers of alcohol on the other.

On page 136 he writes as follows:

"Whatever degree of power alcohol still possesses is kept alive chiefly by the inertia of old traditions; by the assumption that so prevalent a practice must have virtue; by the fear of individuals to break away from custom, and by the well-known difficulty of emancipating one's self from any drug habit."

Professor Fisher has no hesitation in characterizing consumers of alcohol in any quantity as conscious or unconscious drug addicts; and any argument in favor of alcohol as a beverage is regarded by him as a mere effort to "rationalize" or justify a practice which is inherently wrong and unjustifiable.

This position is practically the same as that which the late William J. Bryan took in regard to the use of alcohol as a beverage, and which he summed up in a phrase in his speech on prohibition at the National Democratic Convention of 1920. That phrase created a sort of

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sensation in journalistic and other circles and was regarded by the prohibitionists as embodying an irrefutable argument. Mr. Bryan exclaimed to the thousands in convention assembled: "If you don't want to get drunk, why do you want alcohol at all?"

Now, common sense has no difficulty whatever in disposing of this alleged convincing argument. Millions of people drink, and always have drunk, not because they wished or wish to become intoxicated, but because they seek or sought in alcohol a certain exhilaration, relaxation, and stimulation to sociability.

Psychologists of note have not been unmindful of this fact, and, indeed, some have argued that even if the consumption of alcohol could be shown to have slightly deleterious effects, these would be more than counter-balanced by the beneficial effects of increased sociability and good-fellowship caused by alcohol when taken in season and in moderation. To tell all consumers of alcoholic beverages that they are drug addicts, and that they merely invent excuses for pernicious and demoralizing habits when they argue against prohibition or against total abstinence, is obviously to beg the most vital question in the whole controversy.

It is possible, to be sure, that the human race and all of its civilized and educated members throughout the ages have been grievously mistaken in their view of the desirability and net wholesome effect of the moderate consumption of alcohol. That may be granted for the sake of argument. But it certainly cannot be admitted that either Professor Fisher or William J. Bryan, or any of the authorities or pseudo-authorities cited by Professor Fisher, have produced conclusive and con-

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vincing evidence in support of the assertion that alcohol is a poison that has no place in the human system, and that prohibition, therefore, is a great hygienic, as well as economic and social, reform.

They may or may not ultimately make out a case, but for the present it behooves them to be modest and tolerant and to admit that the overwhelming majority of educated and cultivated people do not take their view of alcohol and have not so far found in their arguments any valid reason for that view.

In this chapter we shall quote the opinions and expressions of some men of genius and wide and deep learning on the question under discussion. These men were not all physiologists or chemists, but they have led and influenced scores of millions of the most intelligent of human beings, and not even Professor Fisher, or the followers of William J. Bryan, would venture to deny their claim to high authority in morals and in social and political thought.

We do not know whether or not Professor Fisher is a Christian, in the ordinary sense of the term. He may or may not believe in the divinity of Jesus, but we assume that he certainly regards the founder of the Christian religion as a man of exceptional genius and insight. We know that religious people do not like to be reminded of the actions and words of Jesus in connection with the consumption of alcohol, and they have very good reasons for squirming when their attention is directed to those acts or words. Still, it cannot be improper or illegitimate to quote Jesus, whether God or human prophet and moral teacher, in a discussion of prohibition, or total abstinence.

## WHY DO MEN DRINK?

"Jesus saith unto them, Fill the waterpots with water. And they filled them up to the brim.

"And he saith unto them, Draw out now, and bear unto the governor of the feast. And they bare it.

"When the ruler of the feast had tasted the water that was made wine and knew not whence it was: (but the servants which drew the water knew;) the governor of the feast called the bridegroom,

"And saith unto him, Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now."

*John, 2; 7, 8, 9, 10.*

[The last sentence seems to indicate that this wine was not unfermented grape juice, as some preachers claim.]

Obviously, to those who believe that Jesus was the son of God, or as some theologians would have it "the very God of the very God," the foregoing quotation from the gospels absolutely and finally settle the question. The orthodox Christian cannot consistently be a prohibitionist or a total abstainer. If God, or the son of God, put alcohol into his system, then alcohol cannot be a poison that has no place in that system. God, or the son of God, would hardly set so vicious and criminal an example to the race he is supposed to have come to save. Since, however, this is not the only inconsistency of which many self-styled Christians are guilty, we do not wish unduly to stress this argument. Besides, it is common knowledge that the belief in the divinity of

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Jesus is rapidly dwindling and that most intelligent people look upon him as simply a seer, idealist and insurgent against tradition and convention in religion and in ethics. As such, he might have been mistaken in his own view of alcohol. But it is not without significance to note that the same "mistake" has been made by thousands—even tens of thousands—of other learned, gifted and enlightened men.

We may append here the following additional quotations from the Old and the New Testaments:

"Lay hands suddenly on no man, neither be partaker of other men's sins; keep thyself pure.

"Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities."

I Tim. 5: 22, 23.

"He causeth the grass to grow for the cattle, and herb for the service of man; that he may bring forth food out of the earth;

"And wine that maketh glad the heart of man, and oil to make his face shine, and bread which strengtheneth man's heart."

Psalms, 104: 14 and 15.

"Then said the trees unto the vine, Come thou, and reign over us.

"And the vine said unto them, Should I leave my wine, which cheereth God and man, and go to be promoted over the trees?"

Judges 9: 12 and 13.

Every writer represented in the Bible drank wine and the Fundamentalists assure us that the Bible is inspired!

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Finally we may quote from Professor Hugo Münsterberg's "American Problems" several paragraphs in which the effects and benefits of alcohol taken in moderation under suitable and proper circumstances are discussed reasonably and persuasively:

"Certainly every glass of beer has an influence on the cells of the brain and on the mind; so has every cup of tea or coffee, every bit of work and every amusement, every printed page and every spoken word. Is it certain that the influence is harmful because an overdose of the same stimulants is surely poisonous? To climb to Mt. Blanc would overtax my heart: is it therefore inadvisable for me to climb the two flights to my laboratory? Or course, under certain conditions it might be wise to take account of the slightest influences. Without being harmful, they might be unsuited to a certain mental purpose. If I were to take a glass of beer now in the morning, I should certainly be unable to write the next page of this essay with the same ease; the ideas would flow more slowly. But does that indicate that I did wrong in taking last night, after a hard day's fatiguing work, a glass of sherry and a glass of champagne at a merry dinner party, after which nothing but light conversation and music were planned for the rest of the evening? Of course, alcohol before serious intellectual work disturbs me; but hearing a hurdy-gurdy in the street or thinking of the happy news which a letter has just brought to me or feeling angry over any incident, disturbs me just as much. It is all the same kind of interference; the brain centers which I used for my

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intellectual effort are for a while inhibited and thus unfit for the work which I have in hand. When the slight anger has evaporated, when the pleasurable excitement has subsided, when the music is over, I can gather my thoughts again, and it is arbitrary to claim that the short blockade of ideas was dangerous, and that I ought to have avoided the music or the pleasure or the wine.

“Of course, if we consider, for instance, the prevention of crime, we ought not to forget that some even of these slight inhibitions may facilitate a rash, vehement deed and check cool deliberation. In times of social excitement, therefore, alcohol ought to be reduced. But again this same effect, as far as the temperate use of alcohol is in question, may result from many other causes of social unrest. The real danger begins everywhere with intemperances, that is, with a lack of that self-discipline which is not learned but lost under the outer force of prohibition.

“Psychologically the case stands thus: alcohol has indeed an inhibitory influence on mind and body. The feeling of excitement, the greater ease of motor impulse, the feeling of strength and joy, the forgetting of sorrow and pain—all are at bottom the result of inhibition; impulses are set free because the checking centers are inhibited. But it is absurd to claim from the start that all this is bad and harmful, as if the word inhibition meant destruction and lasting damage. Harmful it is, bodily and socially, when these changes become exaggerated, when they are projected into such dimensions that vital interests, the care for family and honor and duty are paralyzed; but in the inhibition itself lies no

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danger. There is not the slightest act of attention which does not involve such inhibition. If I read in my study the mere attention to my book will inhibit the ticking of the clock in my room and the noise from the street, and no one will call it harmful. As soon as my attention increases and I read with such passion that I forget my engagements with friends and my duties in my office, I become ridiculous and contemptible. But the fact that the unbalanced attention makes me by its exaggerated inhibition quite unfit for my duties is no proof that the slight inhibition produced by attentive reading ought to be avoided.

“The inhibition by alcohol, too, may have in the right place its very desirable purpose, and no one ought to be terrified by such physiological statements, even if inhibition is called a partial paralysis. Yes, it is partial paralysis, but no education, no art, no politics, no religion is possible without such partial paralysis. What else are hope and belief and enjoyment and enthusiasm but a reinforcement of certain mental states, with corresponding inhibitions—that is, paralysis—of the opposite ideas? If a moderate use of alcohol can help in this most useful blockade, it is an ally and not an enemy. If wine can overcome and suppress the consciousness of the little miseries and of the drudgery of life, and thus set free and reënforce the unchecked enthusiasm for the dominant ideas, if wine can make one forget the frictions and pains and give again the feeling of unity and frictionless power—by all means let us use this helper to civilization. It was a well-known philosopher who coupled Christianity and alcohol as the two great means of mankind to set us free from pain. But nature pro-

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vided mankind with other means of inhibition; sleep is still more radical, and every fatigue works in the same direction; to inhibit means to help and to prepare for action.

"And are those who fancy that every brain alteration is an evil aware how other influences of our civilization hammer on the neurons and injure our mental powers far beyond the effects of a moderate use of alcohol? The vulgar rag-time music, the gambling of the speculators, the sensationalism of the yellow press, the poker playing of the men and the bridge playing of the women, the mysticism and superstition of the new fancy churches, the hysterics of the baseball games, the fascination of the murder cases, the noise of the Fourth of July and on the three hundred and sixty-four other days of the year, the wild chase for success; all are poison for the brain and mind. They make the nervous system and the will endlessly more unfit for the duties of the day than a glass of lager beer on a hot summer's evening.

"What would result if prohibition should really prohibit, and all the inhibitions which a mild use of beer and wine promise to the brain really be lost? The psychological outcome would be twofold: certain effects of alcohol which serve civilization would be lost; and, on the other hand, harmful substitutions would set in. To begin with: the nation would lose its chief means of recreation after work. We know to-day too well that physical exercise and sport are not real rest for the exhausted brain-cells. The American masses work hard throughout the day. The sharp physical and mental labor, the constant hurry and drudgery produce a state of tension and irritation which demands before the

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night's sleep some dulling inhibition if a dangerous unrest is not to set in. Alcohol relieves that daily tension ~~x~~ most directly.

"Perhaps no less important would be the loss on the emotional side, at least for the brain of man. The woman's more responsive psychological constitution does not need such artificial paralysis of the inhibiting centers. The mind of the average woman shows by nature that lower degree of checking power which small alcoholic doses produce in the average man. Without the artificial inhibition of the restraining centers the life of most men becomes a matter of mere business, of practical calculation and prosaic dullness. The æsthetic side of life cannot come to any development because it is suppressed by the practical cares. The truly artistic mind, of course, does not need such artificial help. The finest enjoyment of art, of literature and of music demands a mind in which the suggestion of beauty suppresses by itself all selfish and practical ideas. But the mass of mankind is differently organized. They need some kind of help to open their minds to the message of the unpractical and unselfish. Without such help their instinct would lead them only to trivial and vulgar amusements. Truly, the German, the Frenchman, the Italian, who enjoys his glass of light wine and then joyful and elated makes his pilgrimage to the masterpieces of the opera serves humanity better than the New Englander who drinks his icewater and then sits satisfied at the vaudeville show, world-far from real art. Better America inspired than America sober, if soberness is to mean absolute abstaining! In the middle way between this kind of sobriety and intemperance lies that emo-

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tional stimulation which for the hard-working masses is an element of true civilization. Can we forget that in almost all parts of the globe even religious life began with cults of such artificial inspiration? For the Hindus the god Indra was in the wine, and for the Greeks Dionysus. It is the optimistic exuberance of life, the emotional inspiration which alcohol has brought into the dullness of human days, and the history of culture shows on every page the high values which have resulted from it."

In the light of the foregoing citations and quotations, does it not seem silly for Professor Fisher and other dry fanatics to assert that science has condemned alcohol as a poison which shortens life, injures health and is out of place in the human body?

Professor Thomas Huxley defined science as "organized common sense." We know the verdict of the common sense of civilized mankind on the total abstinence and prohibition question. We now find that the real sober-minded and impartial men of science have arrived and arrive now at precisely the same verdict. The fanatical dries, therefore, cannot appeal either to science or to common sense. Practically all their statements are appeals to prejudice and ignorance and are based on quackery masquerading as science.

## CHAPTER XIII

### PROHIBITION THEORIES AND THE REAL REASON

IN view of what we have said in this volume concerning the silliness and futility of prohibition, some will undoubtedly ask the question—Why does any one favor prohibition?

An analysis of the tolerably intelligent elements of the literature on prohibition will, we submit, disclose the fact that the supporters of prohibition plant themselves, consciously or unconsciously, on one or another of the following two theories—the Sacrifice theory, as we may call it, and the Poison theory. The adherents of the Sacrifice theory maintain that, although the moderate consumption of alcohol may not injure health, or shorten life, still it is incumbent on the millions of moderate consumers of alcohol to sacrifice a comfort and a solace in order to promote the welfare of those of their fellow-men who lack self-restraint and who drink alcohol excessively, with results both materially and morally detrimental to themselves, their families and their dependents. In other words, since 1 per cent or 2 per cent of the population drink to excess, waste their substance, abuse their families, and perhaps beat their wives, therefore, in order to deprive this 1 per cent or 2 per cent of alcohol, it is necessary that the other 98 per cent or 99 per cent of the population be deprived by law of alcoholic beverages.

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Those who expressly or tacitly advance this theory seem to think that there is nothing unreasonable in their demand. They point to other prohibitions and restrictions which the majority of mankind accepts because it is willing to sacrifice personal liberty for the sake of the weak and unfortunate. They speak of the sacrifice demanded by prohibition as a contemptibly small thing. But, as a matter of fact, that sacrifice millions of humane, sympathetic, educated and cultured human beings will not make and cannot be coerced into making. Society, they point out, cannot send the well to the hospital because some members of society are sick. It cannot deprive reasonable beings of the privilege of operating motor cars because some owners of such cars are reckless, selfish, inconsiderate and perverse. It does not prohibit people from using gas because some persons commit suicide by inhaling gas. It does not deprive us of knives because some people take their own life by means of table or pocket knives. It does not impose sex abstinence on all of us because some consort with prostitutes and contract venereal disease. In short, the Sacrifice theory of some of the prohibitionists has never been applied in any other direction, and could not be so applied. If drunkenness is a serious offense against the general welfare, then let drunkenness be punished as severely as society may deem wise. Let drunkenness be made a misdemeanor and let the drunkard who beats his wife and neglects his children, or makes a nuisance of himself in public, be heavily fined or even imprisoned. Let the abuse in question be attacked directly, and let the attack be leveled at those who misbehave themselves and inflict injury upon others by their misconduct. To

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punish the innocent for the offenses of the guilty is to commit a monstrous and intolerable injustice—an injustice to which the innocent will never submit.

The second theory, or as we have called it, the Poison theory, is that frankly adopted by Professor Fisher and other recent advocates of prohibition. Without rejecting the Sacrifice theory, these writers apparently realize its inadequacy and seek additional support in the second theory. Alcohol, they say, is a poison that has no place in the human system, and to take it is to commit a grievous sin—to shorten one's life and injure one's health. Society, therefore, has a perfect right to prohibit the manufacture and sale of poisonous alcoholic beverages.

We have already seen, in previous chapters, that this Poison or Sin theory utterly lacks scientific or common-sense support. Alcohol consumed in moderation is not injurious to the human system and cannot be treated as a poison. Alcohol taken in excess is undoubtedly poisonous, but so are many other foods when taken in excess. The theory is purely arbitrary and fanciful, and most of those who advance it must know that it is arbitrary and fanciful.

Dr. Fisher is psychologist enough, no doubt, to know that practically all the questions that he discusses in his book have no value in settling the issue of prohibition or non-prohibition, and that, likewise, most of our replies have no such value. The Eighteenth Amendment and the Volstead Act were not passed because anybody thought that the use of alcoholic drinks was wasteful in its manufacture and wasteful in its consumption. Nobody knows and few care. The only way one could tell whether it was wasteful or not would be to deter-

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mine whether other things would be produced if alcoholic beverages were not made; and, if so, what things; what food or liquor would be eaten or drunk or what means taken to kill time if men drank nothing that contained alcohol. This, of course, is absolutely impossible to determine.

To find out the effect of alcohol on crime, it would be necessary to determine the number of crimes committed and the people who were responsible for them, to appraise the physical system of each offender, the conditions under which the act occurred, and the inducing causes thereof. This, of course, never has been done and never can be done.

To determine the effect of alcohol on society, it would be necessary to consider everything that this mythical society makes and consumes, the relative value of the various things made and consumed, the definition of value that is to be adopted for a starting point, and the various kinds of values that different people attach to different things. This never was done and never can be done.

To determine its effect on longevity, it would be necessary to find out the effects of different kinds of alcoholic drinks on different kinds of people; what they would eat or drink if they did not drink intoxicants; what they would do if they did not use alcoholic beverages on social occasions; to determine the course of life that one would take if he were shut off from any alcohol; of how far the human system has been adapted through the ages to its use; above all, of what sort of sports or social enjoyment would take its place, or, if none would take its place, whether the drab and cold world that would result

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would cause men to live longer or shorter. All this cannot be determined from the nature of things. Neither can it be determined whether a few days, a few weeks, or a few years of extension of life, with this sacrifice, would be worth the while.

For those that believe that life could be extended and that the extension is worth while, the opportunity is ample. All they need to do is to choose their own way of living and leave the rest of us to go our way unmolested by their meddling.

There is probably no argument that Dr. Fisher raises against liquor that he cannot raise against tobacco, tea and coffee, and many other articles of diet. Most of the professional prohibitionists, including Prof. Fisher, have raised them against tobacco and are raising them now.

### The Next Crusade

Prohibition being a ghastly farce and failure, its more fanatical friends will have their hands full for years and will not be likely soon to undertake another "holy crusade." But let no one suppose that if prohibition were a success, its defenders and supporters would rest contentedly on their laurels. No, indeed; they are already planning another campaign—a campaign against tobacco in all its forms.

We do not know whether the prohibition of the production and sale of tobacco will ever be compared, as a wonderful social and moral reform, with the abolition of slavery. Since the prohibition of alcohol as a beverage has been thus compared by enthusiastic drys, prophecy in connection with the next crusade would be rash. At

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any rate, the school or wing to which Prof. Fisher belongs would be ready to embark upon an anti-tobacco campaign to-day if they could count on any measure of sympathy and aid from the great public, rural or urban.

What their arguments would be we know from certain pamphlets, notes and chapters written by Prof. Fisher himself or by his personal and professional friend, Prof. Henry W. Farnam, also of Yale. The latter gentleman was a co-worker with Prof. Fisher's department of the war board, which used those perilous days to make the world safe for Autocracy. He is the author of "Notes on the Nicotine Question" in which we find the following utterance :

"The head of a theological seminary in the South, after speaking of the prohibition of the liquor traffic, says: 'The next great crusade here must be against tobacco. In no part of the United States is the habit so fatal a scourge, for even women and little children are addicted to it by thousands.' "

Prof. Farnam is in complete and fervent agreement with this unnamed theologian as to the necessity and importance of a campaign against the use of tobacco. He refers with satisfaction to the uncompromising anti-tobacco attitude of the Salvation Army, the Methodist church, the Y. M. C. A., the W. C. T. U., various clergymen and other "moral" forces of the nation.

Prof. Fisher is not ready to announce the next crusade, but he has written feelingly on the alleged menace of tobacco and has demonstrated to his own satisfaction that tobacco never does any one the least good while inflicting much physical and mental injury on all who use

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it. Every charge he makes against alcohol he makes against tobacco, including poisoning, life-shortening, and waste of land and capital.

We do not care to examine the "arguments" offered by these crusaders against tobacco. Some of the pseudo-arguments, we may remark in passing, are so silly and farcical that only cranks incapable of perceiving their own total lack of either sense of humor would ordinarily use. Thus we are told that art and beauty suffer grievously from the ugly bill-board advertisements of tobacco manufacturers or tobacco merchants, advertisements that deface the landscape in the vicinity of every city or town in the country. As if tobacco advertisements were more offensive than advertisements of pickles, catsup, rubber tires, chewing gum, gasoline, near-beer, bathroom appliances, and what not!

We suppose that millions of prohibitionists love their pipes or their cigars, and would denounce a campaign against their tobacco habits as monstrous and imbecile. Well, let these millions beware! They will soon be called drug addicts, self-poisoners, perverse and wicked creatures, deluded or insincere defenders of a life-shortening and health-destroying vice. They will be told that all prostitutes smoke, and that no good man or woman can afford to cultivate a habit that will bracket them with unclean and immoral outcasts. Why, Count Leo Tolstoy—who could talk the wildest nonsense on occasion—actually made that point and has been quoted with approval by Prof. Farnam!

The consistent meddler and prohibitionist cannot stop. He hates pleasure and considers it a sin. His criteria ignore the principle of rational human happiness. He

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lives, moves and has his being in anti-joy crusades. Tobacco is undoubtedly his next objective.

It is idle to discuss the economic effect of alcohol, tobacco, face powder or any other luxury upon the country or the individual.

The only reason that men labor is to produce something that they need or want. Labor is not a blessing in and of itself. Intelligent people do not work from the love of work; they work because they want the fruits of toil; it therefore follows that in order to prove the economic good it would be necessary to know what would be done under prohibition with the labor that is put into alcohol.

It would likewise be necessary to determine how many hours in a day, and how many days in a year it is best for men to work, and the kind of work they should do, to produce the greatest comfort and happiness to man. None of these are possible to know. The question could not be answered, and if it were answered, it would make no difference in the feelings of human beings on this subject.

The question of prohibition has been arrived at in a larger way than this. For generations, an open, covert and persistent campaign has been waged in the United States against the use of alcoholic drinks. This campaign has been in the nature of a religious crusade. It has been religious in that it concerned the human emotions, in that it talked of sin, and in that it was conducted in the same manner as religious revivals. Men and women have been taught that it was sinful to drink, and have been moved to pass prohibition laws as they would pass laws against burglary, robbery and larceny. Some

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aid was given to this movement by business in the hope that it would produce more wealth which business would get. Still, whatever help this has added has been casual, and doubtless most of it came from the men connected with big business who were prohibitionists for quite other reasons.

The long campaign on the issue that the use of liquor is sinful has really produced results. Clever politicians with plenty of money at their command have been able to organize these results and to scare legislative bodies into carrying out their will. Of course, everybody knows that prohibition is an infringement on human liberty. All the criminal statutes, as Dr. Fisher says, are infringements on the liberty of the individual to do certain things he wants to do, but infringement should not be decreed unless the thing forbidden is calculated to result in direct injury to some one else.

Every thinking man must recognize the difference between taking a drink and picking a pocket, and yet the ordinary prohibitionist would make the penalty greater for drinking than for larceny. The average prohibitionist would revel in the idea that one may be convicted twice for taking a drink, and only once for larceny. If there are no lines that can be drawn between the matters which are the proper subject of criminal statutes and those which are not, then any band of fanatics may make any conduct a crime. They may forbid the eating of meat, the playing of all games on the Sabbath, and on every other day; legislate against theaters and theatergoers; pass statutes determining the religious belief of a citizen, and make penalties to correspond. There is noth-

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ing that they cannot do. The majority have the power to act. The minority can only be protected from injustice by a spirit of tolerance or by constitutional inhibitions. No thinking man is with the majority on all questions, and for this reason criminal legislation should touch only matters that the great mass agree are wrong.

This whole subject is one of public policy and public policy alone. No one pretends to believe that excessive drinking is good. No doubt the excessive use of alcohol is injurious, as is the excessive use of anything else. The excessive use of alcohol has affected only a small minority of the people. The excessive use of food has always affected most of them. So long as alcohol is drunk, a few will drink too much; so long as food is eaten, many people will eat too much. If a proper autopsy were performed on every human cadaver and the operator had the power to tell what he found, he would find infinitely more people whose death had been hastened by the use of food than by the use of alcohol.

Eminent physicians have stated this over and over again, and deaths all around us are constantly proving that it is true. Many a man who would send other people to jail for moderate drinking sends himself to the grave from the much coarser vice of overeating. Overworking also has caused the death of many. Work of itself is not vicious, but overworking is injurious, and Americans are an overworked people. The pursuit of money is a prolific cause of insanity, disease and death. The high pressure that is used in the effort to get rich, without knowing just what constitutes being rich, is undermining health, destroying peaceful life and reaping a harvest for institutions for the insane.

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Still, if one wishes to die from too much work, or from too much attention to business, or too lively a pursuit of wealth, or too intense an interest in pleasure, what of it? The world is made up of all kinds of people, and nobody has the intelligence, the toleration, the breadth of view, to make himself the arbiter of every other man's conduct. This whole question is one that should be settled by each individual, upon his own attitude toward life.

If he is broad, tolerant and considerate, he would interfere with others just as little as he possibly could. If he is ignorant, bigoted and cocksure, he is anxious to inflict his ways of living upon every other man. It is the old, old story that has come to us through the ages, the effort of man to control his fellow-man instead of leaving him to work out his destiny for himself.

No man can read history without understanding the pain and cruelty that this effort has caused to the human race. The bigoted are always aggressive and active. They hesitate at nothing. Intolerance has always been too common a vice. Now, as ever, eternal vigilance is the price of liberty. Men should consider that there are no two individuals who can honestly agree upon *every* subject. Human structures are different. Human environments are different, human experiences are different. What a man believes is made up of an infinite number of things which he cannot fully realize himself, and while men may agree on a few points, no two men can ever agree on all.

So long as this is true and so long as we must live together, if we wish to live, every man should be taught tolerance above all things else. He should leave his

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neighbor free to live as he desires, unless he directly interferes with the freedom of some one else.

If one views the history of the race, there can be no question that this is the wisest policy and the surest way to bring happiness and contentment to all,

## CHAPTER XIV

### DOES CONTEMPT FOR PROHIBITION BREED CONTEMPT FOR OTHER LAWS?

MANY of the supporters of prohibition, as well, it must be admitted, as many of its opponents, are wont to assert that evasion and violation of prohibition inevitably produce disrespect for and indifference to other laws of a far more fundamental character. Professor Fisher, for example, says that if the wets were to succeed in bringing about the nullification or "laxity of enforcement" of prohibition, they would enormously increase "the very disrespect for law which they profess to deplore."

In an impassioned and vehement address before the City Club of Chicago in support of prohibition, Raymond Robins, for many years an ardent temperance agitator and one of the leaders of the Progressive party in 1912 and 1916, declared that "In an hour such as this it is the duty of all citizens, without regard to personal preference, to rally to the support of the social order at the point of the greatest strain, which is the Volstead Act and the Eighteenth Amendment." Mr. Robins further contended that "obedience to valid law is liberty," and he heaped contempt and scorn upon those citizens who "join with criminals and bootleggers in betraying the prohibition law."

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Familiar as such assertions and claims are, there is not a serious and informed student of social and political science who does not know that they are all utterly fallacious and baseless. Disrespect for one particular law, or a group of particular laws, does not necessarily breed contempt for other laws of a different character and different origin. It is a truism that any statute which lacks effective support in public opinion and sentiment speedily becomes a dead letter, and it has never been contended by impartial thinkers that these dead-letter statutes react fatally upon other statutes enacted and retained with the sanction and support of public opinion and sentiment. Each legislative act sinks or swims, survives or perishes because of its own intrinsic qualities. The obnoxious and foolish law is violated just because it is obnoxious and foolish, while the necessary sane law is observed because it is necessary and sane. This in a nutshell is the law and the prophets of lawmaking and law observance.

Significantly enough, Professor Fisher himself, in another place, admits that "success [in prohibition enforcement] is purely a question of public sentiment," and expresses his entire agreement with those who maintain that "we cannot enforce a law of this kind without a strong public opinion behind it." Nay, more, Professor Fisher adds that "practically, among independent Americans, we do not get far merely by shouting, 'Obey the law because it is the law, even if it is a bad law.' The voters resent any idea of 'theirs not to reason why!'"

The foregoing admission may be commended to those Babbitts or professional and good-natured "joiners" who join with the conscious hypocrites in shouting "Obey

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the law, because it is the law, even if it is a bad law!" This shouting is intellectually dishonest as well as utterly futile. Intelligent and self-respecting men never have obeyed bad laws just because they were laws and never will obey them, and they will not be misled by the absurd pretense that violation of a bad and foolish law necessarily encourages disrespect for sane and wise laws. The man who regards prohibition with contempt does not, after indulging in a drink of an alcoholic beverage, rush out and pick the pocket of the first person he encounters. Neither does he forge a check or conspire with professional thieves to blow up a bank safe.

In the South, which is notoriously the most conservative section of the United States, the 99 per cent of white citizens who have successfully evaded or violated the constitutional provision for negro enfranchisement have not, as a consequence of that course, displayed any marked tendency to violate the laws against murder, manslaughter, burglary, theft, arson and commercial fraud. Despite the nullification of the Fourteenth, Fifteenth and Sixteenth Amendments, the South has remained the most religious and conventionally moral section of the country. Contempt, therefore, for one set of laws does not breed contempt for other laws.

Another conclusive illustration of the willful absurdity of the charge that disregard of prohibition must inevitably lead to disregard of other laws is supplied by the well-nigh universal treatment of the so-called "general property tax" in the several states which still cling to that impossible and obsolete form of taxation. Commissions and individual writers on taxation without number have in the last 30 or 40 years condemned the gen-

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eral property tax as being essentially unfair and discriminatory, unsuited to modern conditions and unenforceable. Everybody knows that the taxes on intangible personal property as well as the taxes on certain forms of tangible personal property are evaded and dodged by millions of otherwise conservative and law-abiding persons. These people have not been accused of breaking the important and sane criminal laws of state and nation as a necessary consequence of their total disregard for antiquated and confiscatory tax laws. Curiously enough, not even the fanatical prohibitionists, who tell us that as good citizens we must obey the Volstead Act as long as it remains on the statute books, have ever been known to make like emotional and hysterical appeals to the evaders and breakers of the tax laws in question.

Similarly, in the states which still retain old "blue laws" against certain forms of recreation on Sunday, the men and women who constantly break those blue laws are not implored to refrain from such conduct because of the imminent danger of losing their moral sense, their sense of proportion and their ability to discriminate between laws that are necessary and useful and laws that are mere survivals of a superstitious past or present fruits of inveterate fanaticism and obscurantism.

The gentlemen who beseech us to obey law as law cannot be as ignorant of history and contemporaneous facts and tendencies as they profess to be. They must know that nullification is not a modern phenomenon. They cannot have forgotten the disregard for the fugitive slave laws throughout the North. They cannot be

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unaware of the widespread and wholesale violations of the general property tax laws. They cannot be unaware of the solemn farce occasionally staged in New Jersey, South Carolina and elsewhere by overzealous and misguided states' attorneys who, for purposes of their own, seek to revive the dead blue laws. Knowing these things, their plea for the observance of prohibition by those who regard it with unalloyed contempt cannot possibly be serious or sincere.

Even a short and utterly inadequate sketch of the method employed by the people in modifying or overthrowing unjust constitutional provisions and statutes ought to be illuminating.

Most laws grow out of the customs and habits of the people. When they do grow out of such customs and habits, they are generally easy to enforce, because most people have already conformed to the idea. Now and then a law or a constitutional provision is placed upon the books that has never received popular approval. In that case, there is a constant conflict, until the constitutional provision or law becomes a dead letter, or until the people are convinced by reason and judgment or subdued by tyranny and oppression. This kind of modification and repeal of laws can be traced as far back as we wish to go. Christianity in its early years was taken to the Roman Empire. It met with all sorts of opposition and most stringent laws. Penalties for teaching or professing Christianity, like the penalties attaching to most religious laws, were cruel and severe, including death in every hideous form, by torture, by wild beasts, and by burning. The Christians, however, did not obey the law. Had they done so, Christianity would never

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have spread to Western Europe or become the prevailing religion of the United States.

For several hundred years, not only in Rome, but throughout Europe, Christians suffered death and torture, because they would not obey the law. Many of these were citizens of the country where the persecutions raged, but no one except the rulers ever urged the doctrine that whatever the law, it is the duty of a citizen to obey.

Later, under the Inquisition, for three or four hundred years, Christians were persecuted by other Christians. They were persecuted and put to death in fiendish ways, because they would not obey the law and worship in a special way. Many millions of human beings were put to death by the judgments of courts and by war, for maintaining their right to think for themselves, in spite of statutes. When Protestantism finally triumphed in Great Britain, the same sort of laws were passed against Catholics, who did as men of intelligence and courage will always do, stand up for their freedom to worship as they pleased; and, in spite of fire and sword and death in every conceivable way, they refused to obey the law.

Suppose these same sort of statutes should be passed in America to-day. Suppose the Catholics should pass an act to put to death every one who professed Protestantism, or the Protestants pass a law to confiscate the property of the Catholics, and to send them to prison or to death. How many of the votaries of the forbidden religion would obey such laws?

One needs only to consider the laws against witchcraft, which literally consigned millions to death in

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Europe, millions who were inoffensive and innocent, to know how foolish is the statement that it is necessarily wicked to nullify laws by disobedience.

Those who so glibly bludgeoned the anti-prohibitionists to-day owe their right to their religion, their right to their foolish opinions and dishonest statements, to those who suffered imprisonment for defying unjust laws. The laws against witchcraft died because juries refused to convict, and intelligent and human judges would not pass sentence. This in spite of the fact that preachers as great and idealistic as John Wesley stated that to doubt witchcraft was to doubt the Bible, and the most eminent judges in England and in continental Europe had sustained the laws.

Those laws against witchcraft spread to America. Women were hanged in New England upon the charge of witchcraft, which all people to-day believe was an impossible crime. But the intelligent at last revolted against it and the juries refused to convict, and in that way the laws were overthrown.

Would our modern prohibitionists have approved the burning and hanging, the torturing and maiming of millions of innocent people charged with heresy and witchcraft, when they themselves do not believe such a crime possible? Would they have stood by the fire or the gallows and piously folded their arms and said so long as the statute was on the books it must be obeyed?

A long code of laws in America, which have passed into history under the name of "Blue Laws," were inspired by religious zeal and fanaticism. Many of their punishments were severe and oppressive to the last degree. These laws forbade women to dress their hair

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in a way to attract attention, or to wear ribbons, or to attend theaters; they forbade traveling on Sunday except to church; made it a criminal offense to sleep in church; or play any sort of game on Sunday. Diet was strictly regulated by law. It was made the duty of men to deliver offenders to the police for punishment. They encouraged citizens to be spies and informers, as does prohibition. They forbade dancing, forbade children to walk on the streets or in the fields on Sunday, for "they misspent their precious time, which tends to dishonor God and the reproach of religion, grieving the souls of God's servants."

Parents were required to punish children for these offenses and report to the authorities in case punishment did not accomplish results. The Massachusetts Colony provided death for cursing or striking parents, if done by a boy or girl over sixteen years of age.

All of that class of Puritans that assumed that they were saviors of society supported these laws and urged their full enforcement. Many of these laws have been repealed. Many have not been repealed. Many of them were dead years before they were repealed. People finally became too humane and intelligent to obey them, in spite of the committees which sought to keep them on the books. Nearly all statutes of this category, are dead whether repealed or not.

There was a time in New England when the Blue Laws were so well obeyed that to visit a theater, a New Englander had to go to New York. Just as many Americans go to Havana, Canada, Mexico, and Europe for a drink. But finally under various pretenses and disguises, theaters were bootlegged into Boston, as religious

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opinions, and good things generally have always been bootlegged all over the world, against the laws passed by the bigoted, arrogant and cruel.

It has been less than one hundred and fifty years since some two hundred offenses were punishable by death in England. These included smuggling, pocket picking, sheep stealing, poaching and the like. These laws were never repealed, until English juries refused to convict, no matter what kind of evidence they had before them. The people were the humanizers of the English Penal Code, as they are of all laws and constitutions.

Men and papers that so loudly disclaim that a law is sacred and must be obeyed surely know something about the endless number of laws that are not obeyed and have not been repealed in the United States. If it is law obedience they want, why should they not now and then turn to some other law than the Volstead Act? It is not law obedience that interests them. It is that through training and bigotry they have come to regard the use of alcohol as a most heinous offense, and that with it by comparison almost any other crime is insignificant.

Let anybody read the statutes on Sunday observance in the state where they live, and see how many provisions are uniformly violated in most of the states: to work on Sunday; to sell any goods or merchandise; to play any games; to go to a theater or any place of amusement; to play golf or baseball; to drive for pleasure; to go on Sunday excursions on boats or trains; to operate street cars and railroad trains; to publish and circulate newspapers; in fact, to do almost anything on Sunday but go to church is a criminal offense. Why

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should not some of the prohibitionists give us wets a rest and turn their attention to the enforcement of these obsolete laws which are still on the books?

No one could possibly enumerate all the laws that have been killed, and that have been repealed, because they did not fit the time or were unwise at the start, and people would not obey them.

When a law concerning such matters as Sabbath observance or prohibition is once placed upon the books, it is almost impossible to have it repealed. There are always committees to go to legislative bodies to urge that it be retained. There are always newspapers and periodicals of all kinds devoted to the cause. The wary politician interested in votes is afraid of these committees and these periodicals, so the statute stays upon the books until it has ceased to function.

It seems inconceivable that men of intelligence can have the effrontery in the face of all the facts, in the face of all the history of the past and the experience of the present, in the face of their own conduct and attitude in reference to the law, to "parrot" the foolish expression that while a law is on the books, it must be obeyed.

Perhaps the most notable case of what prohibitionists are pleased to call nullification was the attitude of the North just before the war.

The Fugitive Slave Law permitted the owner of a slave who was carried into a free state, so-called, to pursue his slave to such state, no matter what were the laws of the free state in reference to slavery, and to bring such slave back to captivity. As almost everybody knows, under this law, a slave named Dred Scott

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was taken to Illinois, a free state, and he applied for a writ of habeas corpus to prevent his removal from Illinois. This was carried to the Supreme Court of the United States, which held that the master had the right to reclaim his slave, wherever he might be found.

Did these virtuous, law-abiding people of the North respect this law because it was a law? It was as much a law as the Volstead Act is a law. In the greater part of the North, it was not respected in the slightest degree. The whole Republican party was against it. The New York legislature denounced the Supreme Court of the United States by resolution. The New York Assembly passed a bill declaring that neither race nor color should prevent any person becoming a citizen of New York, and enacted a law making it a felony to hold a negro as a slave on the soil of New York.

These bills nullified the Constitution and the law, as Chief Justice Taney had interpreted them. Horace Greeley in the *New York Tribune* declared that the people were the interpreters of the Constitution. William Cullen Bryant in the *New York Evening Post* declared that the North would never submit to the slaveholders' constitution.

To *enforce* a law which is utterly obnoxious to a large percentage of people is to create disrespect for law. It shocks the sensibilities of those called upon to enforce it. It lowers their estimate of legislative bodies who will put such laws upon the statute books and expect self-respecting men to obey them.

It would be difficult to find any lawyer who has made any sort of study of this question who failed to come to the same conclusion about unpopular laws. This was

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well put by James C. Carter of New York, one of the ablest of American lawyers, in a lecture delivered before the Harvard Law School. Mr. Carter used the following language :

“When a law is made declaring conduct widely practiced and widely regarded as innocent to be a crime, the evil consequences which arise upon attempts to enforce it are apt to be viewed as the consequences of the forbidden practice, and not of the attempt to suppress it; and it is believed that the true method of avoiding or doing away with these consequences is to press the efforts at enforcement with increased energy. But when a mistake has been made, its consequences can not be avoided by a more vigorous persistence in it. . . . An especially pernicious effect is that society becomes divided between the friends and the foes of repressive laws, and the opposing parties become animated with a hostility which prevents united action for purposes considered beneficial by both. Perhaps the worst of all is that the general regard and reverence for laws are impaired, a consequence the mischief of which can scarcely be estimated.”

As a matter of fact, social groups were organized long before there were laws, and instead of social groups being patterned on the law, the law has been patterned on the social group.

Upon this subject, Mr. Carter in the same address said :

“The popular estimate of the possibilities for good which may be realized through the enactment of law is, in my opinion, greatly exaggerated. Nothing is more attractive to the benevolent vanity of men than the notion that they can effect great improvement in society by the simple process of forbidding all wrong

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conduct, or conduct which they think is wrong, by law, and of enjoining all good conduct by the same means; as if men could not find out how to live until a book were placed in the hands of every individual, in which the things to be done and those not to be done were clearly set down.”

A wise ruler studies the customs and habits of his people and tries to fit laws and institutions to their habits and folkways. He knows perfectly well that any other method would create friction, and that only disorder and disorganization would result.

Man came before laws and laws are for the good of man, and they should be fitted to communities and groups much as clothing should be fitted to the individual.

There is nothing new about all of this. There are prohibitionists who believe in spying, search and seizure, and double jeopardy, and every species of hounding and brutality toward men who have no consciousness of doing wrong. They might learn a lesson from Trajan, the Emperor of Rome, who reigned about the year 112 A.D. Pliny was at that time Governor of a Roman province, and he wrote to Trajan for instructions as to how to carry on the prosecutions against the Christians. He told of the hardships he met in doing it; how as a rule they fanatically stuck to their religion, whatever the penalty; how sincere they seemed to be; and of his reluctance to follow the prosecutions any further than absolutely necessary.

The Emperor replied to him in reference to the cases :  
“Do not go out of your way to look for them.”

Nothing could be more amusing than the recent

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(eleventh?) decision of the Citizens' Committee of One Thousand to launch a vigorous educational campaign throughout the land. At the meeting at which this decision was reached and gravely announced, nothing was said about nullification of the civil war amendments or about nullification of the general property tax laws, nor about nullification of the blue laws. The only law the "prominent men and women" of the Citizens' Committee of One Thousand had in mind was the prohibition law. The only law they proposed to have strictly and universally enforced is the same prohibition law. One wonders what kind of educational campaign they can embark upon to induce millions of violators of the prohibition law to repent and highly resolve to obey that law. An "educational campaign" which cannot appeal to history, to political science, to political ethics or to the experience of any other community must be a very curious phenomenon indeed.

Perhaps the Citizens' Committee of One Thousand intends to place itself on the platform which was kindly provided for it by President Coolidge in a special message. In that message Mr. Coolidge declared that the "observance and enforcement of law was exceedingly important to the welfare of the nation" and that "it is scarcely too much to say that our rights, our liberty and our life itself depend for their protection upon enforcement of public law." These are very safe generalities, but Mr. Coolidge did not venture to demonstrate that "all our rights, our liberty and our life itself" are dependent for their protection on the enforcement of prohibition. He was wise, of course, in not making any such attempt, since our rights, our liberty and

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our life itself were safely protected by public law before prohibition, and will continue thus to be protected after the repeal or abandonment of prohibition. It is impossible for the advocates of prohibition to escape their vicious circle. Every statement they make begs the very question they profess to consider.

In this connection we may quote the following paragraphs from an article by Mr. Walter Lippmann which was published in *Harper's Monthly* in December, 1926:

"Technically, nullification is practiced when a state makes it a crime to enforce a particular Federal law. But that the object of the movement against the Eighteenth Amendment is to nullify the intent of the authors of the Amendment, no candid man can deny. They meant to prohibit all intoxicating liquors throughout the United States. It is the intention of the wets to legalize some or all intoxicating liquors in those states where a majority desires it. That is the objective. The method may be a gradual failure to enforce the law in wet territory, and the reduction of the Eighteenth Amendment to the status of some of the old unrepealed Blue Sunday legislation. The method may be an amendment to the Volstead Act permitting each state to define intoxicating liquor. Many methods are likely to be employed. Their purpose is to change the practical effect of the Eighteenth Amendment even though its language remains the same.

"Only those who have read American history through rose-colored glasses will be shocked at this prospect. This is a normal and traditional American method of circumventing the inflexibility of the Constitution. When the Constitution has come into conflict with the

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living needs of the nation, and when amendment was impossible, the method of changing the Constitution has been to change it and then get the very human Supreme Court to sanction it. The Constitution gives the Presidential electors the right to use their discretion in the choice of a President. They have lost that right. Yet the Constitution has never been amended to take away that right. The Constitution says that no man shall be Senator who is not thirty years old. Henry Clay entered the Senate at twenty-nine; Robert M. LaFollette, Jr., was younger than thirty when he was elected. The Constitution says that Representatives shall be apportioned according to population as determined by a census every ten years. There has been no apportionment for sixteen years. The provision that slaves should be delivered up on demand was consistently nullified by many Northern States. The provision that the President shall make treaties only with the advice and consent of the Senate was disregarded in important instances by both Roosevelt and Wilson. The Fourteenth Amendment in so far as it provides a penalty for denial of the right to vote is dead. The Fifteenth Amendment is nullified in most if not all the Southern States. If then the Eighteenth Amendment is somehow nullified in certain Northern States, there will be nothing novel or revolutionary about it."

The absurdity of the pretense that good citizens must obey any law just because it is law is neatly brought out in the following short communication from Robert B. Killgore, which appeared in *New York Herald Tribune* on January 28, 1927:

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"Today's *Herald Tribune* contains the following statement by Dr. S. Parkes Cadman: 'Meanwhile, I can repeat that it [prohibition] is the law and should be obeyed.'

"I suppose that if the Reverend gentleman had lived 150 years ago he would have paid his taxes and drunk his tea because it was the law.

"He would have shipped his goods in English bottoms because it was the law.

"He would have bought and used the stamped paper, because it was the law.

"He would have been willing to be transported to England for trial, because it was the law.

"He would have quartered British soldiers in time of peace, because it was the law.

"He would have paid taxes without representation, because it was the law.

"What's the use of prating 'It is the law' when the United States is in existence to-day because the patriots refused to obey the law?"

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## CHAPTER XV

### CAN AND MUST BONE-DRY PROHIBITION BE ENFORCED?

PROF. FISHER does not doubt that fuller and stricter enforcement of prohibition is possible and even feasible, provided education and agitation in favor of temperance and teetotalism are systematically invoked in aid of the law.

It it were true that, as Prof. Fisher maintains, the amount of alcohol now consumed is probably less than 5 per cent of the pre-prohibition consumption; if, further, it were true that "the present public sentiment in favor of going forward, not backward, is, to say the least, strong and determined"; if the process of converting the opponents of prohibition were as simple and easy as Prof. Fisher believes it to be; if it were true than any one who studies the social effects of alcohol on poverty, efficiency, crime and vice necessarily becomes a convert to national prohibition; if, finally, it were true that intelligent and reasonable persons the world over have reached the conclusion that alcohol "is always a life-shortener and nothing else," then indeed the conclusion that prohibition is enforceable and destined to become popular even where the resistance to it is now greatest, is quite logical, if not unavoidable.

Unfortunately for the prohibitionists, not one of the beliefs expressed by Prof. Fisher and his fellow prohibitionists is supported by any considerable volume

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of valid evidence. With some of those beliefs we have dealt in preceding chapters, but perhaps the most impressive and convincing demonstration of the impossibility of full and strict enforcement of prohibition in the United States is supplied by the following recital of the facts concerning the reaction of the world at large to prohibition in general and the American form of it in particular. An excellent summary of recent and present developments in the field in question was presented by the *New York World* in an editorial published in December, 1926. We reproduce it in full:

#### "THE EBBING TIDE OF PROHIBITION ABROAD

"A few years ago dry enthusiasts could issue maps which showed an impressive part of the globe painted in the snow white of prohibition: Finland, the Moslem world, Russia, Siberia, and odd patches of territory elsewhere. Prohibition writers expatiated on what their movement, headed by Ludendorff in Germany, by Lady Astor and Lloyd George, in England, by Gandhi in India, was about to accomplish. Most of their claims were deceptive. Islam and Norway, for example, were never dry. But to-day they stand bereft even of claims.

"(1) Canada was at one time all dry; even Quebec adopted prohibition in 1918. Now all but the maritime provinces have surrendered. British Columbia went to Government control in 1920; Quebec in 1921; Manitoba in June, 1923; Alberta in November, 1923; Saskatchewan in July, 1924. Now Ontario has followed suit. Newfoundland dropped prohibition in 1924.

"(2) Russia adopted prohibition as a war measure.

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The Czar's ukase in 1916 stopped the sale of intoxicants, but left beer and light wines to local option. In 1921-22 the sale of vodka with 14 per cent alcohol was allowed. Next year other liquors were added. In 1925 the sale of 40 per cent vodka and 60 per cent whisky was permitted. Russian prohibition is dead.

"(3) Turkey adopted prohibition in 1921. At first it applied only in Asia, but when the Nationalists took control of Constantinople it was made legally effective there. The experiment was brief. Turkey formally gave it up in 1924, establishing a state monopoly of sale, importation and manufacture. The republic is now thoroughly wet.

"(4) Norway in 1917 stopped the sale of liquors containing more than 12 per cent alcohol. Shortly after the war the legal percentage was raised to 14. Later still it was made 21 per cent. Last October the Norwegian people, by a decisive vote, repudiated even this very weak form of prohibition.

"(5) Sweden does not have prohibition, but the sale of liquor is under state control. The Swedes in August, 1922, voted against prohibition legislation by a majority of 45,000.

"Australia has avoided prohibition; New Zealand has repeatedly voted against it, the last time by an increased majority. The movement for it shows little or no advance in Central and Southern Europe, and England has contented herself with slight restrictions on the hours of sale. But the cause of temperance in many quarters of the globe exhibits a steady and hopeful progress that

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might well be envied by this Nation, in which fanatical legislation has done so much to destroy it."

Is there any reason to believe that human nature in America is different from human nature in Europe or in Australasia, or in the Dominion of Canada? The same sentiment which prompts Europeans, Australasians and Canadians to oppose prohibition, prompts millions of Americans to resist the enforcement of the extreme form of prohibition which has been foisted upon them.

The official and private Mark Tapleys who assure us that prohibition can, and before long will, be enforced as effectively as any other law is enforced offer no evidence in support of their prophecy or claim, nothing save dogmatic or loose statements from sentimentalists, fanatical teetotalers and a certain type of charity or social workers with whom the wish is often father to the thought. Few of the fair-minded and upright persons who have been closely connected with prohibition enforcement share those optimistic beliefs. Here, for example, is the statement made a few months ago by N. J. Harben, Assistant United States Attorney for the District of New York, upon his voluntary retirement from that office:

"We might as well face the facts in the case and acknowledge that so far it has been impossible to enforce the national prohibition act. The people's taste and desires cannot be changed by the passing of the law and it seems that before the law can be enforced the attitude of the people must be changed in some way. I believe that 65 per cent, and probably more, of the people in New York City have in some way violated the national

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prohibition act and therefore have committed a crime. What would happen if 65 per cent of our population was tried and convicted?"

Mr. Harben himself is a believer in prohibition and teetotalism, but his experience in the office just named convinced him that despite the recent rate of padlocking and enjoining establishments convicted of selling liquor illegally, the task of prohibition enforcement was absolutely hopeless. He believes that the number of speak-easies and blind pigs operated in New York City alone exceeded 22,000. He knew that new speak-easies spring up as the old ones are discovered and closed.

To be sure, Prof. Fisher quotes Mr. Harben's former chief, United States Attorney E. R. Buckner, as saying that, "personally speaking," he had no doubt "that the law could be enforced in his district, if they had the right kind of machinery." But, with characteristic unfairness, Prof. Fisher omits to add that by the "right kind of machinery" Mr. Buckner meant, as he explicitly stated, the establishment of Federal Justice Courts throughout the United States, appropriations for prohibition enforcement on a scale that no Congress or Nation would sanction for a moment; and in his own words, "the sending of people to jail in substantial numbers." In fact, Mr. Buckner's testimony coincided with that of his then assistant, since the conditions he laid down are obviously impossible of achievement in a democratic country. A tyrant or dictator might send people to jail in substantial numbers for violation of the prohibition law, but juries of average intelligence and character will not do this

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and cannot be coerced into doing it under any conceivable circumstances.

It may be added that General L. C. Andrews, late Chief of the Prohibition Enforcement Unit and Assistant Secretary of the Treasury, admitted on the witness stand, in answer to a question put to him by Julian Codman, the spokesman of the opponents of prohibition at the hearing of the Senate Judiciary Sub-committee in April, 1926, that his difficulties in connection with prohibition were very serious and well-nigh disheartening, and that if Congress would modify the Volstead Act to the extent of permitting the manufacture and sale of light wines and beers, his task would thereby be greatly simplified and facilitated.

The Anti-Saloon League was so enraged by General Andrews's frank admission that some of its representatives angrily demanded his resignation or his dismissal by the President. What reasonable person will prefer testimony of the fanatical prohibitionist and sentimental teetotalers to the testimony of such witnesses as General Andrews, United States Attorney Buckner, and Mr. Harben?

We may also quote the following paragraphs from a long statement on prohibition and its effects which Dr. Charles Norris, chief medical examiner of the City of New York, submitted to Mayor Walker of that city at the latter's request:

"The sources of alcoholic beverages are the following:

- "1. Pure whiskies and gin of pre-prohibition date.
- "2. Pure medicinal alcohol.
- "3. Moonshine and still products, bootleg variety,

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home distillates, tenement house variety, home-brew wines, beers and cordials.

“4. Bootleg booze, champagnes, whiskies, gin; distilled alcohol from denatured United States Government alcohol.

“My opinion, based on actual experience of the medical examiner’s staff and myself, is that there is actually no prohibition. Instead of licensed saloons, open to inspection, official and public, there are speak-easies which greatly outnumber the licensed saloons of former days. The situation is difficult of control by Federal, state or municipal authority. The speak-easies are the ulcers or the bed-sores, so to speak, of our community life. The liquors sold have no municipal control as to their purity. When the speak-easies are closed, they spring up like mushrooms in the same field again. The term ‘good bootlegger’ is oft heard in these days and it has a real, practical significance. Furthermore, experience has taught us, and it is common knowledge, that at least all people who drank before prohibition are drinking now, provided they are still alive, leaving entirely aside the question of whether they drink more or less. Because of the poor and poisonous quality of the liquor consumed steps must be taken as promptly as possible to remedy this public menace. The mortality from this cause, in my opinion, is larger than the vehicular accidents and the illuminating gas poisoning cases combined.

“Careful consideration of the subject startles us with the lack of knowledge and information that we have concerning the morbidity and mortality statistics. I

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have no information or knowledge of the number of insanity cases of alcoholic origin. You, Mr. Mayor, have asked me to suggest a remedy for the appalling situation. Until all our citizens take a pledge, there is only one remedy, and that is absolute and strict enforcement by Federal, state and municipal authorities. To function perfectly, the enforcement of the Eighteenth Amendment must prohibit importation, compel the closure of all commercial and private stills and home brews, the eliminating of bootlegging, the establishment of a corps of strictly honest prohibition officials, if any such can be recruited in the United States. The reverse of the medallion is that the customs, habits, morals and the religious observances of millions of people are to be altered by some miraculous psychological transformation, which I have seen, heard or know nothing of. Appeal to common sense and unity of ideals and standards seems to me to be the only effective remedy. In a democratic country the ballot, after all, is the determining factor, the solution of a grave public health menace.”

We are told, however, by Prof. Fisher and other prohibitionists that there is simply no legal or moral alternative to the policy of strict enforcement, since the Eighteenth Amendment cannot possibly be repealed, and since the same amendment imposed upon Congress the duty of enforcing its provisions by appropriate legislation.

Perhaps it is true that the Anti-Saloon League and its allies and adherents have it within their power, and always will, to prevent the ratification of any amendment

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repealing or modifying the Eighteenth Amendment. But the further claim that Congress is in duty bound to enforce the Eighteenth Amendment by some such extreme statute as the Volstead Act is gratuitous and based on a radical misconception. The Eighteenth Amendment merely provides that "Congress and the several states shall have concurrent power to enforce this article by appropriate legislation." It has been pointed out by several eminent constitutional lawyers and intelligent laymen that the *grant of a power* to Congress is a very different thing from *an order to Congress* to pass certain legislation. The Eighteenth Amendment does not direct or order Congress to enforce its essential provisions by appropriate legislation. It is not in any legal sense mandatory. Congress is under no obligation to pass prohibition legislation within a specified time or of a specified quality.

Further, Congress might exercise only *a part of the power conferred upon it by the Eighteenth Amendment*. Congress might, as a matter of public policy, leave to the states the enforcement of the Eighteenth Amendment, or it might provide for the control of the importation, exportation, and interstate transportation of alcoholic

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under the Eighteenth Amendment and that the Volstead Act cannot be modified in a way that would ameliorate present intolerable conditions do not seem to realize that with them the wish is not only father to the thought, *but is the thought*.

Not only is Congress free to repeal or modify the Volstead Act, but the states are equally free to repeal their concurrent State Enforcement Acts. The charge that a state which repeals such an act is guilty of nullification is too preposterous to deserve serious consideration. Those self-styled constitutional lawyers who make this charge do so for electioneering purposes only. The power conferred upon the states to pass concurrent legislation, like the power conferred upon Congress, may or may not be exercised, or may be exercised only in part. There is no obligation upon the states to pass any prohibition law at all. The failure to pass such laws cannot possibly amount to nullification of the Eighteenth Amendment since state officials are bound by their oaths of office to enforce Federal laws as well as the laws of their respective states. Governor Alfred E. Smith, of New York, who vigorously advocated the repeal of the State enforcement law, has emphasized in every message

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Prof. Fisher and his allies may, if they will, return wholesale indictments against the millions of educated and intelligent American citizens who thus nullify prohibition, but such indictments are futile and provoke more amusement than indignation.

It is, however, extremely foolish and dangerous for the prohibition fanatics to harp upon the alleged utter impossibility of bringing about by legal means the repeal or reasonable modification of the Eighteenth Amendment. Such harping can have but one effect—namely, to satisfy even conservative and moderate persons that they have no alternative but nullification. On this point we may quote from a statement issued in February, 1927, by Mr. Bainbridge Colby, Secretary of State in the second Cabinet of Woodrow Wilson. Mr. Colby's statement was elicited by a political speech made by William G. McAdoo, a candidate for the Presidency, on the alleged duty of the Federal Government and the states strictly to enforce the Eighteenth Amendment regardless of any and all consequences. Mr. Colby wrote as follows:

"Mr. McAdoo wraps himself in a frayed-out syllogism that the Eighteenth Amendment being now a part of the Constitution, its repeal can only be sought in the manner prescribed by the Constitution, believing, no doubt, that this is not only a conclusive retort but an insuperable barrier to those who would reclaim the country to sanity and rescue it from its present awful dilemma.

"He is fully aware of the fact, and quite contented to reflect, that in pursuing this dubious remedy the will of

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the great majority of the people can be overborne and set at naught by a relatively inconsiderable minority.

"Here, it seems to me, is the saddest feature of the nation's predicament. We cannot retrace our steps. We cannot correct our mistakes. We have violated the spirit of the Constitution by injecting into it, through an abuse of the power of amendment, a piece of legislation pure and simple, which is incapable of modification or repeal, as is other legislation, in the light of our experience and observations of its result and effects, after a fair trial.

"On no other subject would a nation, claiming to be intelligent, presume to legislate in this manner. Human judgment is not infallible on any question. It is prone to error. The deep convictions of yesterday give way to broader views of to-day, which, in turn, will yield to clearer vision to-morrow. There is no guide to sound action so reliable, certainly, in the field of legislation as experience.

"And yet in embarking on the most far-reaching social experiment which is conceivable, we asserted in effect that this untried thing was not an experiment at all, and forthwith proceeded to disable ourselves by casting our action in irrevocable form and putting it out of our power to be aided or served by such enlightenment or wisdom as might come out of our own experience. Legislation of this sort is almost tantamount to our suicide as a rational and self-competent political state."

## CHAPTER XVI

### PILING ABSURDITY UPON ABSURDITY

H. G. WELLS, in a short article on "Woman's Influence in Politics," speaks of "the crowning silliness of making prohibition a part of the Constitution of the United States." Silly as that legislation is, Congress under the unremitting pressure of the Anti-Saloon League, and other dry fanatics, has felt constrained to stretch it and has heaped absurdity upon absurdity and abuse upon abuse.

In the first place, there is the burning question of the moral right of a government to poison alcohol which it well knows will find its way into the beverage market and be consumed by ignorant and simple-minded persons who never see or grasp any of the warnings addressed to the population by the government against the use of bootleg liquor. All governments use certain denaturants in order to protect their liquor legislation, whether regulative or in the nature of revenue measures. But, surely, there is a limit to the practice of poisoning liquor regardless of the numbers annually disabled or killed by the consumption of poisoned alcohol. Many extreme statements have been made both by the defenders and the opponents of the policy of poisoning industrial alcohol. But the following letter, which appeared in the *New York Times* on January 5, 1927, discusses the

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question with eminent fairness and moderation. Incidentally, it exposes the hypocrisy of some of the most voluble and fanatical drys. We reproduce the communication in full:

"More than twenty years ago the *Times* commented editorially on a paper which I had presented at a meeting of the American Association for the Advancement of Science upon the adulteration of whisky with methylated spirits (wood alcohol); later you published a letter from me calling attention to the fact that there were but a few instances of this abuse and then generally on the part of ignorant persons who were not conversant with its toxic properties.

"Those were the days when Dr. Wiley's proposed Hepburn Pure Food Bill was meeting defeat in the Senate because its advocates insisted upon such rigorous safeguards that American manufacturers rebelled. To complete the setting and to make the contrast of to-day's line-up in the 'poisoned liquor' agitation, it is significant to add that the forces which stood at the back of the government's pure food crusade and spurred Dr. Wiley on to extremes were much the same 'reforming' agencies which put through the Volstead Act.

"When I disclosed evidence of the adulteration of foods and beverages and advocated the more rigorous enforcement of the existing laws against adulteration, these zealots prodded the already zealous Dr. Wiley to such extremes in forcing upon Congress laws which would have banned the employment of even the most minute and innocuous traces of preservatives, such as formaldehyde, boric acid, and salicylic acid, that I came

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to regret and to be somewhat ashamed of my own part in bringing on such a crusade.

"Dr. Wiley was led to object even to the use of the small amounts of creosotes which were being used by 'manufacturers' to give to 'Scotch' whisky its smoky taste, in spite of the fact that the amounts employed could not affect the health of an infant injuriously. As for the employment of wood alcohol as an adulterant for whisky, these reformers called loudly for punishment of those who employed it as 'murderers,' and undertook to have the government surround the manufacture of liquor with every conceivable safeguard.

"But now that it is the government that is poisoning alcohol, these same people feel no qualms. In those days they demanded that laws be framed to safeguard the user of liquor and protect him from himself, for, in the case of adulterated liquors just as with adulterated foods, these were purchased by ignorant people, principally for the reason that they could be had cheaper than the authentic article.

"To-day, when the government is employing wood alcohol to adulterate ethyl alcohol, with the full knowledge that it is finding its way into the mouths of a large proportion of our citizens whether legally or illegally, these same crusaders invoke the law of 'caveat emptor.' For the government to endanger human life in 1927 is in their way of thinking not nearly so culpable as for ignorant food adulterators to have done it in 1904.

"Yet every observing citizen is cognizant of the fact that the most diversified beverage use of 'renatured' denatured alcohol is in the preparation of artificial gin, which consists almost invariably of alcohol flavored with

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juniper oil, and which forms the base for the cocktails regularly served throughout the length and breadth of the land, and that this alcohol base has had its source in redistilled denatured alcohol which the government had previously poisoned with methylated spirits.

"At the same time they are utterly oblivious to the trials and difficulties which manufacturers are experiencing in adapting their processes to employ the vile concoctions which the Internal Revenue Department hands out to them in place of ethyl alcohol for legitimate industrial purposes, and that the indignation of legitimate manufacturers is at par with that of the doctors who are allowed, under the law, to prescribe less whisky per week to a pneumonia patient than their judgment deems necessary in one day.

"(Signed) LEON L. WATERS, Ph.D.

"New York, Jan. 5, 1927."

Less shocking, though clearly absurd, is the attempt of Congress to substitute its own judgment for that of scientific and reputable physicians in connection with the questions of the amount of alcohol required by patients in certain cases and under certain conditions. As is well known, the Volstead Act limits the physician to one pint of spirituous liquors per patient for every ten days; and the present regulations of the Prohibition Bureau limit the number of liquor prescriptions by any individual physician to 100 in three months. Despite the fact that the Eighteenth Amendment expressly covers the use of alcohol as a beverage, the United States Supreme Court has decided by a five to four vote that Congress had the power to limit the medicinal use of alcohol as one of the

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means necessary, in its judgment, to prevent the evasion and violation of the essential provisions of the Eighteenth Amendment.

It is true that the Court supposed that Congress had carefully investigated the whole question of the medicinal value of alcohol, and that the limitation in question was passed in conformity with impartial and scientific testimony of physicians and men of science. This, however, was an error. Congress had made no such investigation. It had no more ground for limiting the amount of alcohol prescribed by physicians to one pint every ten days than it would have had for limiting the amount to a few drops. Be this as it may, the power of Congress to enact a foolish provision does not warrant a reckless exercise of that power.

The American Medical Association has protested against the limitation in question as an unwarranted interference with the proper relation between the physician and the patient, and Doctor Samuel Lambert of New York, one of the most distinguished of our physicians, has declared that in his judgment, as well as in that of a large number of experienced and reputable physicians, it is imperatively necessary to use more spirituous liquor in certain cases than the Volstead Act permits.

The climax of absurdity in prohibition enforcement, at least up to the present time, may be seen in what is called the policy of "enforcement by entrapment," a policy which has been perfunctorily repudiated by the Secretary of the Treasury and his former assistant, General L. C. Andrews, but which has been and perhaps still is pursued by district and local prohibition enforcers, especially

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by the so-called "under-cover men" in the prohibition unit. Not all of the cases of enforcement by entrapment have been exposed, but General Andrews himself in a report to Congress, in response to a resolution introduced by Senator Reed of Missouri, admitted the following amazing instances:

1. That of Director Merrick of New York State, who in 1924 hired dry agents to buy liquor, pose as bootleggers and thus act as stool-pigeons in trapping liquor runners and dealers in Northeastern New York.

2. That of three agents in Norfolk who established in 1926 a bootleg barroom, went into partnership with notorious crooks and began trapping petty bootleggers and policemen. The same men set up distilleries in North Carolina and Virginia as part of their scheme.

3. That of "Lone Wolf" Asher in Peoria, Illinois, who engaged in the liquor traffic to obtain evidence against liquor dealers.

4. That of the "chief prohibition investigator" in New York City [A. Bruce Bielaski?], who organized a bootlegging agency called the Bridge Whist Club for the purpose of betraying liquor smugglers and liquor distributors.

In short, agents of the government themselves deliberately violated the prohibition laws by distilling liquor, selling it, and actually conducting bars and speak-easies.

Had any person predicted such monstrous developments before the advent of prohibition he probably would have been regarded as a lunatic, yet to-day we find that high Federal officials do not shrink from supporting and defending a policy of systematic deceit,

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corruption and lawbreaking. As well might Uncle Sam employ *agents provocateurs* for the purpose of exposing and convicting fire bugs, dishonest bankrupts and other lawbreakers!

As to the employment by the prohibition unit of spies and snoopers, euphemistically called "under-cover men," we have seen that General Andrews, like his superior, Secretary Mellon, insisted that without such men prohibition could not possibly be enforced. But even so staunch a prohibitionist as Senator William E. Borah has felt constrained to protest against the methods employed by the spies and snoopers. Some of them are as brutal as they are ignorant of and indifferent to the constitutional rights of the citizen; some are notoriously corrupt and take advantage of their official position to bully and blackmail timid or weak persons. The methods of these spies and snoopers are indefensibly objectionable. Some of these, it appears, are using the "third degree," or certain forms of "Chinese torture." Yet they confidently count on the indulgence of their superiors and the apologies tacitly made for them by the Anti-Saloon League. In the words of Senator James A. Reed: "These spies and inspectors are swarming over the United States of to-day as the locusts swarmed over and plagued Egypt of old." The worst evils of bureaucratic government, the most inefficient and dishonest of all forms of government, are being inflicted to-day upon the American people under the Volstead Act, which, as we have seen, Congress was under no obligation to pass.

↓ Reasonable and partial enforcement of the Eighteenth Amendment would not necessitate the employment of the low-grade spies and snoopers.

## CHAPTER XVII

### SUMMARY

(1) Present conditions are intolerable and must be corrected, as Prof. Fisher and his friends contend, but they can never be corrected in the manner proposed by the prohibitionists.

(2) The conditions described as intolerable even by the prohibitionists are not, as they maintain, in the nature of temporary evils, because there is absolutely no reason to suppose that prohibition will ever commend itself sufficiently to public sentiment in the United States to permit its enforcement to the degree to which necessary and proper laws are enforced.

(3) There is no evidence that any substantial net good results from prohibition.

(4) Prohibition is an outrageous and senseless invasion of the personal liberty of millions of intelligent and temperate persons who see nothing dangerous or immoral in the moderate consumption of alcoholic beverages. To say, as prohibitionists do, that the personal liberty of such persons is actually increased by Volsteadism is an insult to one's intelligence.

(5) The Eighteenth Amendment does not enforce itself and Congress may pass laws to enforce all of it or part of it or may refer the whole matter to the states, or pass no legislation whatever concerning it.

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(6) An amendment repealing the Eighteenth Amendment cannot, in all human probability, be passed in the normal course of political events, simply because the Anti-Saloon League and similar agencies are undoubtedly able by coercion and intimidation to prevent the ratification of such an amendment by the requisite number of state legislatures.

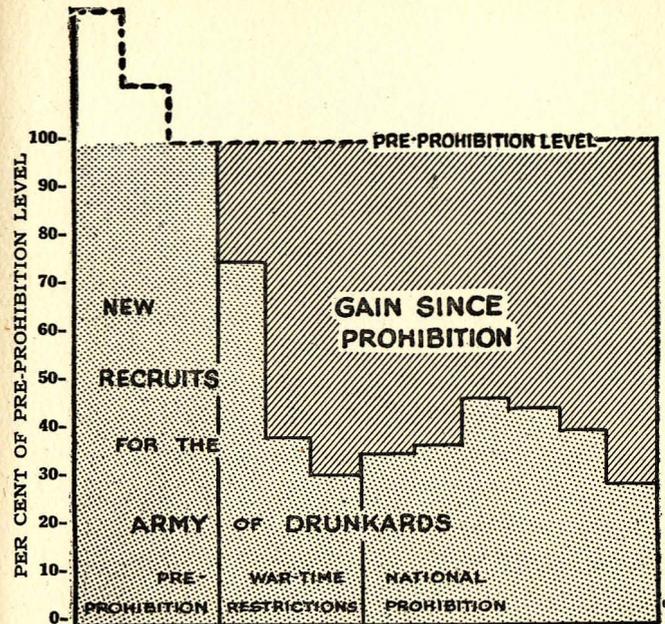
(7) The chief and unanswerable objection to prohibition is that it is a legislative lie and absurdity—in that it undertakes to forbid and punish as criminal habits and practices which neither science nor common sense regards as criminal, vicious or reprehensible. The fate of legislation which thus flouts and contradicts both science and common sense is certain and inevitable. If such legislation is not repealed or substantially modified to conform with public sentiment it cannot escape nullification.

(8) The choice, therefore, before the American people to-day is not between fuller and stricter enforcement of Volsteadism and nullification, but between reasonable modification or repeal of the prohibition laws and practical nullification of them. The opponents of modification or repeal are themselves responsible for the nullification which they profess to deplore. Their disregard of the lessons of history and of contemporaneous experience is willful and perverse. They cannot plead ignorance as an excuse, with any show of reason. The fanatical prohibitionists are the real enemies of temperance and moderation, and the authors of the nullification policy. The lesson of history is plain—reaction begets revolution. Those who sincerely urge respect for law

## SUMMARY

and government should see to it that law and government are intrinsically worthy of respect. Those who demand that laws shall be enforced must see to it that the laws are intrinsically enforceable. Prohibition is not such a law.)

CHARTS

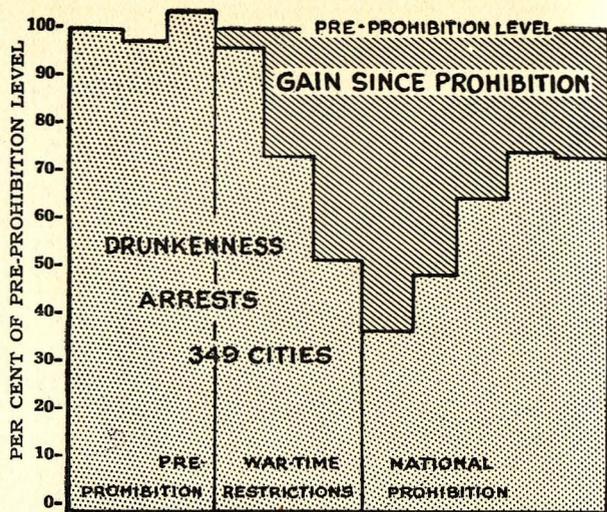


1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925
Number of First Convictions											
12585	11351	10126	7789	4076	3460	3854	4118	5276	5152	4687	3517
Rate per 10,000 population and per cent of the 1916 Level (19.1)											
(24.5)	(21.7)	19.1	14.4	7.4	6.2	6.8	7.1	8.9	8.6	7.6	5.6
(128)	(113)	100	75	39	32	36	37	47	45	40	29

### 1. DRUNKENNESS DIES DOWN AMONG FIRST OFFENDERS in New York City

(First convictions for offense of intoxication per 10,000 population. Source: Fingerprint Bureau, City Magistrates Court, New York City.)

This chart shows that the spread of intemperate drinking is dying down among those who are not already addicted. Recruiting for the army of habitual drunkards is falling off and this is the great fact to be remembered about Prohibition. The addicts themselves are also dying out rapidly.

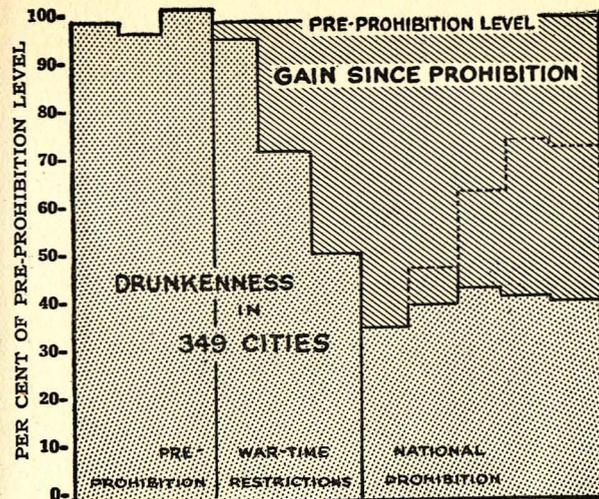


1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)										
507	507	539	521	406	298	226	307	413	484	499
Arrests per 1000 population										
and per cents of the Pre-prohibition Level (19.0)										
18.9	18.5	19.5	18.3	13.8	9.8	7.1	9.3	12.3	14.2	14.1
100	97	103	96	73	52	37	49	65	75	74

### 3. ARRESTS FOR DRUNKENNESS ARE MUCH BELOW OLD LEVEL in 349 cities selected by the Moderation League

(Total number of arrests in 349 cities selected by the Moderation League based upon reports from police departments in about 300 cities and reports collected by the Moderation League in about 50 cities. The statistics of the number of arrests are Shirk's and cover 350 cities including Chicago, where disorderly conduct is not separated from drunkenness. The figures of arrests per 1000 population and the chart have been corrected to exclude Chicago.)

Per capita drunkenness is falling off at a rate which is only hinted at by this chart, which compares only arrests before the war (when perhaps two out of five persons were arrested) with conditions at present (when nine out of ten are being arrested). Yet even in this obviously unfair comparison it is clear that Prohibition has reduced the number of drunken persons arrested upon our streets by one out of every four that used to be arrested. Previous charts have already shown that a growing proportion of these arrests are for "repeaters"—habitual drunkards—and that the new recruits to this class of offenders are rapidly disappearing.

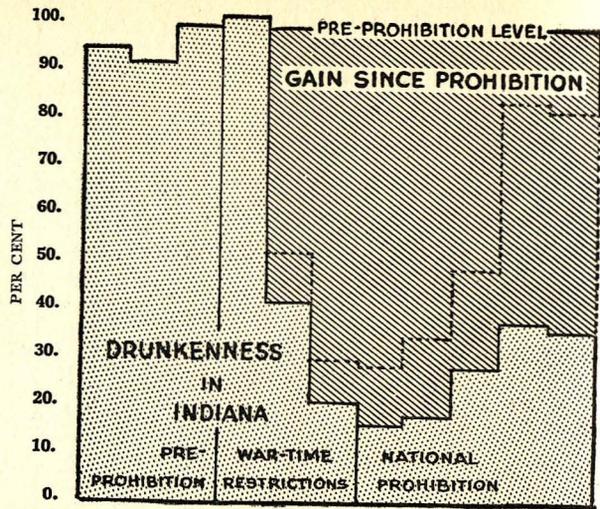


1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)										
507	507	539	521	406	298	226	307	413	484	499
Arrests per 1000 population										
and per cents of the Pre-prohibition Level (19.0)										
18.9	18.5	19.5	18.3	13.8	9.8	7.1	9.3	12.3	14.2	14.1
100	98	103	97	73	52	37	49	65	75	74
Hypothetical Percentage Arrested of all Intoxications										
53	53	53	53	53	53	53	64	79	90	90
Probable total cases of Intoxication (per 1000 population)										
and per cents of the Pre-prohibition Level (35.8)										
36	35	37	35	26	18	13	15	16	16	15
100	98	103	97	73	52	37	41	44	43	42

### 4. DRUNKENNESS LESS THAN ONE-HALF OF WHAT IT WAS in 349 cities selected by the Moderation League

(Arrests for intoxication in 349 cities selected by the Moderation League, as reported by the police departments in about 300 cities and by the Moderation League in the remaining cities. Also probable number of cases of intoxication in these cities, as computed from Robert A. Corradini's estimates of the percentage arrested of all cases of intoxication. For the previously "wet" states this is 40% in 1920 and previously, 55% in 1921, 75% in 1922, and 90% in 1923 and thereafter; for the previously "dry" states it is 90% throughout. The percentage here used is a composite series proportionately adjusted to the wet and dry cities in the group.)

The number of arrests for drunkenness has little significance except as it throws light on the actual extent of drunkenness, that is, the total number of cases of intoxication. When the change in the percentage actually arrested before and after Prohibition is taken into account, the marked improvement after Prohibition is clear.



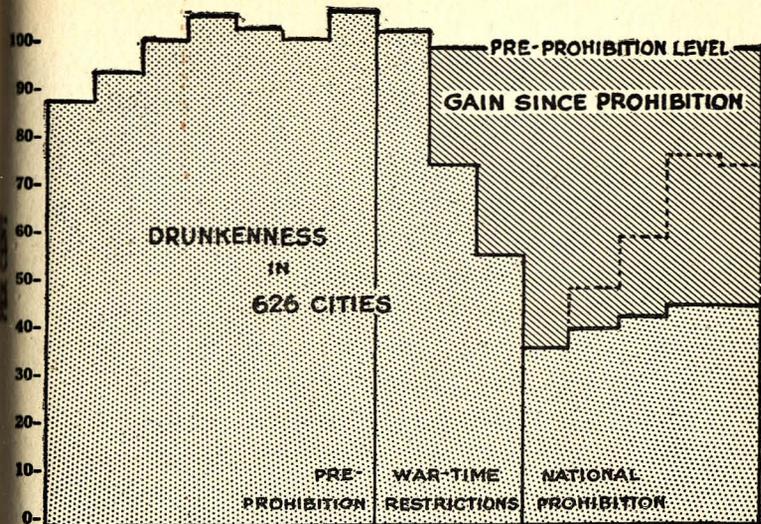
Year	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Arrests in thousands	5.4	5.4	6.7	6.4	3.4	2.0	2.0	2.4	4.7	6.4	6.4
Arrests per 1000 population and per cents of the Pre-prohibition Level (17.1)	16.4	15.9	19.0	17.5	9.0	5.1	5.0	6.0	11.0	14.6	14.2
Hypothetical Percentage Arrested of all Intoxications and per cents of the Pre-prohibition Level (42.6)	96	93	111	103	53	30	29	35	64	85	83
Probable total cases of Intoxications (per 1000 population)	41	40	48	44	18	8	7	8	12	16	16
Hypothetical Percentage Arrested of all Intoxications and per cents of the Pre-prohibition Level (17.8)	96	93	111	103	42	20	17	18	29	38	37

## 6. DRUNKENNESS PROBABLY RECEDES IN INDIANA

omitting Indianapolis, for which figures are unavailable

(Arrests for intoxication in 12 cities having an aggregate population of 402,000 in 1920, as reported by police departments in 8 cities and compiled by the Moderation League in 4 more. Also, the probable total cases of intoxication in these cities.)

Correcting Mr. Shirk's figures for Indiana by omitting Indianapolis, we find that the state has followed the usual course after Prohibition, at first with a great reduction in the number of arrests; then, as police activity becomes more drastic, an increase in the rate of arrests per capita, approaching but not reaching the Pre-prohibition Level, with a peak in 1923 and a renewed decline thereafter. Applying very moderate estimates of the percentage arrested shows us that the probable total cases of intoxication in this state is doubtless no greater than in neighboring states, and probably amounts to no more than 40 per cent.

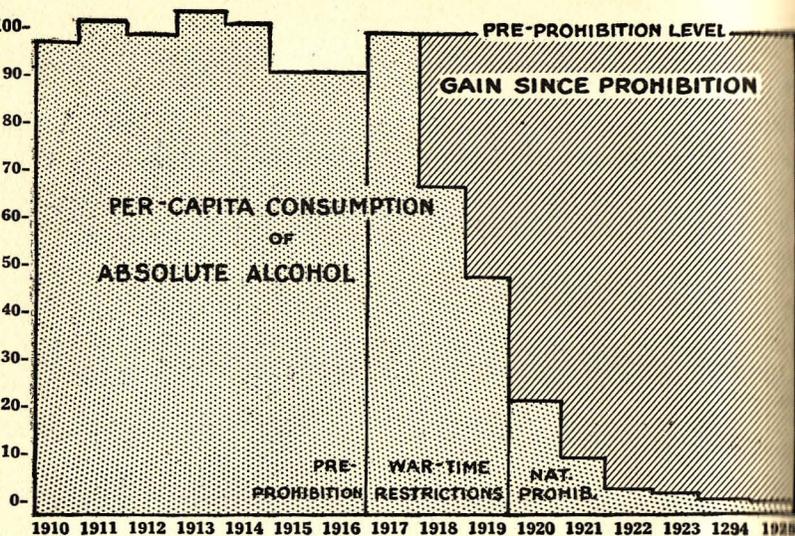


Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)	314	351	386	441	445	453	514	532	382	290	194	267	362	429	431
Arrests per 1000 population and per cents of the Pre-prohibition Level (17.8)	15.8	16.8	17.9	18.9	18.3	17.9	19.1	18.4	13.4	9.9	6.5	8.8	11.7	13.7	13.5
Hypothetical Percentage Arrested of all Intoxications and per cents of the Pre-prohibition Level (33.6)	89	94	101	106	103	101	107	103	75	56	37	49	60	77	76
Probable total cases of Intoxications (per 1000 population)	53	53	53	53	53	53	53	53	53	53	53	64	79	90	90
Hypothetical Percentage Arrested of all Intoxications and per cents of the Pre-prohibition Level (42.6)	89	94	101	106	103	101	107	103	75	56	37	41	44	45	45

## 7. ENTIRE COUNTRY SHOWS PROBABLE REDUCTION OF DRUNKENNESS in records of 626 Cities

(The aggregate number of arrests for intoxication in all cities for which statistics authenticated by the local police department are available. For 1924, these comprise 626 cities with a total population of 32,000,000 persons scattered over 44 states; in 1910, they comprise 514 cities with a total population of 19,800,000 persons scattered over 40 states. The broken line on the chart shows index numbers of the per capita rate of these arrests. While the 350 cities of the previous chart were largely in formerly "wet" territory, about one-quarter of the population of these 626 cities comprises formerly "dry" population and the figures of percentage of persons arrested are accordingly modified. The full line shows the probable total cases of intoxication.)

Far more reliable evidence of the results of Prohibition is to be found in the statistics for 626 cities than in the figures for 350 cities, particularly as all of the data for these 626 cities are based upon actual police reports. The above chart therefore shows the grand total statistics for more than one-quarter of the population of the United States, including more than one-half of the urban population.



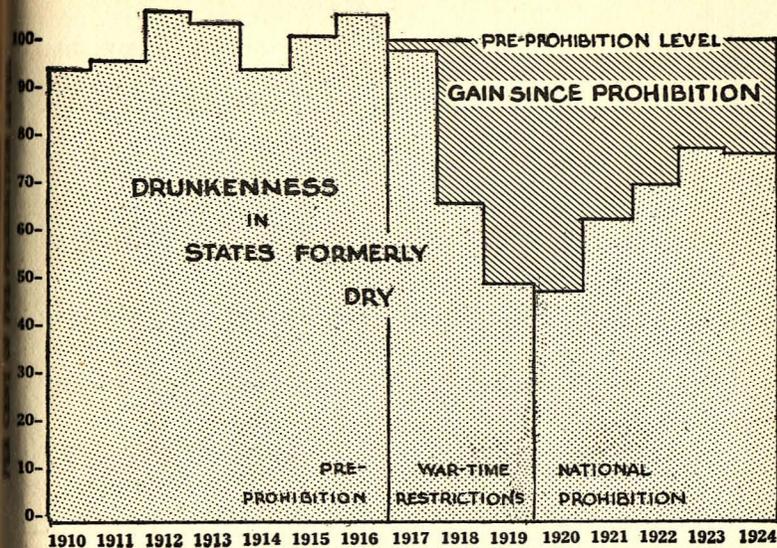
Estimated Aggregate Consumption of Absolute Alcohol (millions of gallons)															
154	162	160	168	166	152	154	170	118	85	41	19.3	7.5	7.1	4.4	3.9
Estimated Per Capita Consumption (in gallons) and per cents of the Pre-prohibition Level (4.72)															
4.74	4.92	4.79	4.97	4.86	4.38	4.38	4.78	3.27	2.33	1.11	.516	.198	.185	.113	.099
100	104	101	105	103	93	93	101	69	49	24	11	4.2	3.9	2.4	2.1

### 8. BEVERAGE ALCOHOL REDUCED BY MORE THAN NINE-TENTHS

(Corradini's Estimate for U. S.)

(Computed by R. A. Corradini from data in Federal Reports)

A shrewd estimate of the consumption of absolute alcohol in beverage form by the American public has been made by Robert A. Corradini from data of the Federal Government, showing (1) the distribution of liquor for industrial purposes from the licensed distilleries, and (2) the percentage this alcohol comprises of all alcoholic beverages seized by the Prohibition and revenue agents. From these two sources it is, of course, possible to estimate the total volume of alcoholic beverages. Mr. Corradini has checked this estimate by an entirely independent computation in which the various amounts of liquor smuggled over the borders from different countries and the probable quantities produced illegally in this country, or manufactured legally and illegally diverted, have all been estimated. This computation closely checks the figures shown in the chart above. It would seem clear from the data shown in the text that the present consumption of absolute alcohol must be less than 16 per cent of the pre-war quantities, that it is probably less than 10 per cent, and is perhaps less than 5 per cent, as Mr. Corradini estimates it above.

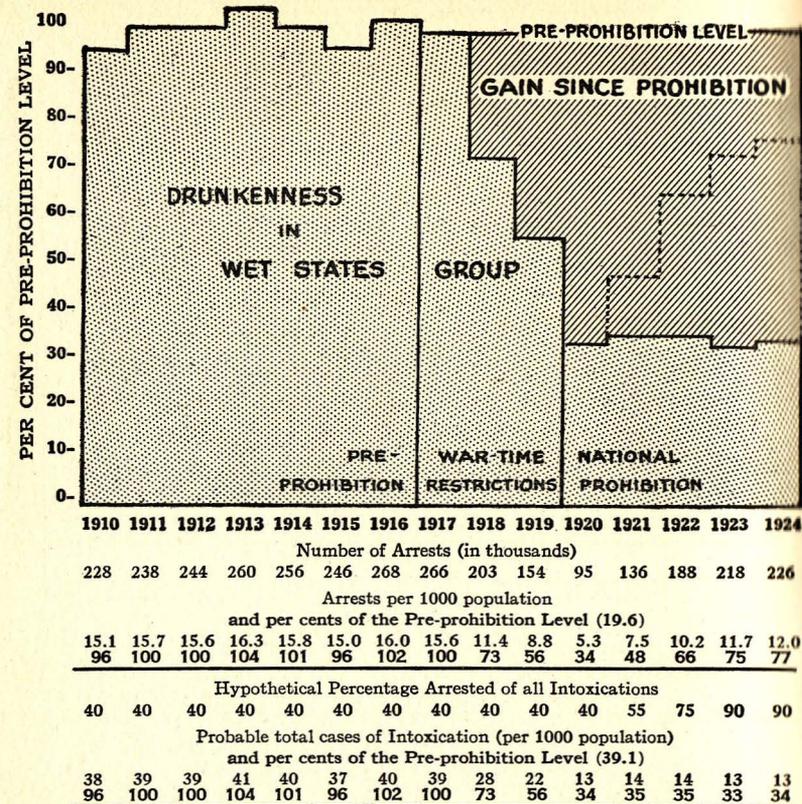


Number of Arrests (in thousands)														
57.9	61.2	70.8	71.2	68.0	75.6	81.4	78.0	54.9	42.0	41.0	55.9	64.6	73.4	75.2
Arrests per 1000 population and per cents of the Pre-prohibition Level (19.0)														
17.9	18.1	20.1	19.5	17.9	19.2	20.0	18.6	12.6	9.4	8.9	11.8	13.2	14.6	14.5
94	96	106	103	94	101	106	98	66	49	47	62	70	77	76
Hypothetical Percentage Arrested of all Intoxications														
90	90	90	90	90	90	90	90	90	90	90	90	90	90	90
Probable total cases of Intoxication (per 1000 population) and per cents of the Pre-prohibition Level (21.1)														
20	20	22	22	20	21	22	21	14	10	10	13	15	16	16
94	96	106	103	94	101	106	98	66	49	47	62	70	77	76

### 9. MARKED IMPROVEMENT AFTER NATIONAL PROHIBITION EVEN in states formerly dry

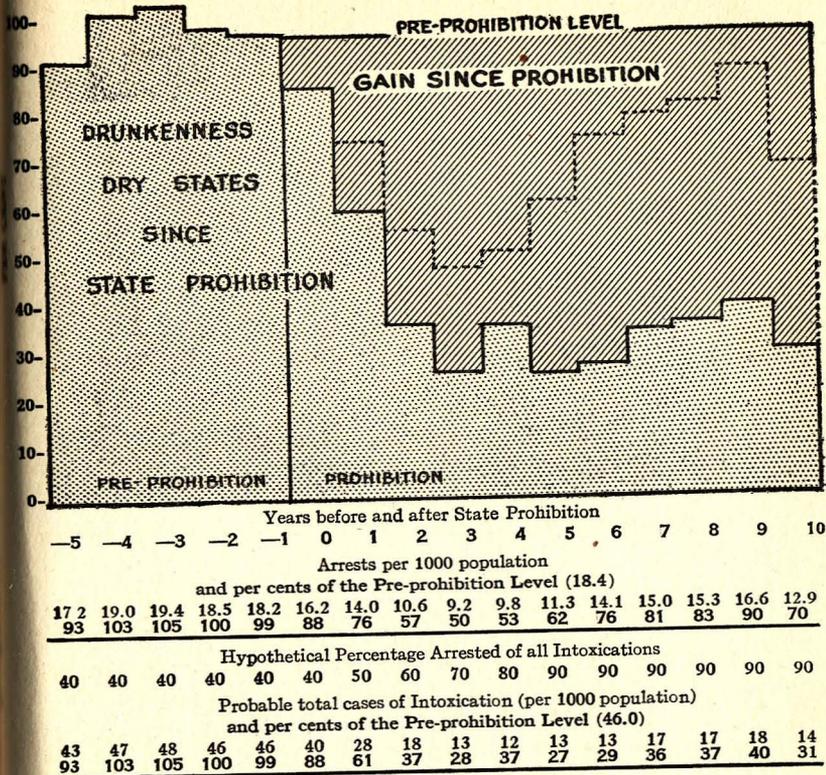
(Arrests for drunkenness in 67 cities with total population in 1920 of 4,616,000, in 24 Dry States where statistics are available, from 1910 to date, as reported by the police departments. Full line shows probable number of cases of intoxication.)

Since Prohibition came to the Dry States at various dates, we cannot so easily apply a correcting factor for police stringency, nor estimate the total number of drunken persons from the data of arrests. But even assuming that the same stringency prevailed in these states before 1920 as after, the record of National Prohibition shows improvement.



**10. PROBABLY TWO-THIRDS OF THE DRUNKENNESS HAS BEEN ELIMINATED in the "wet" states**

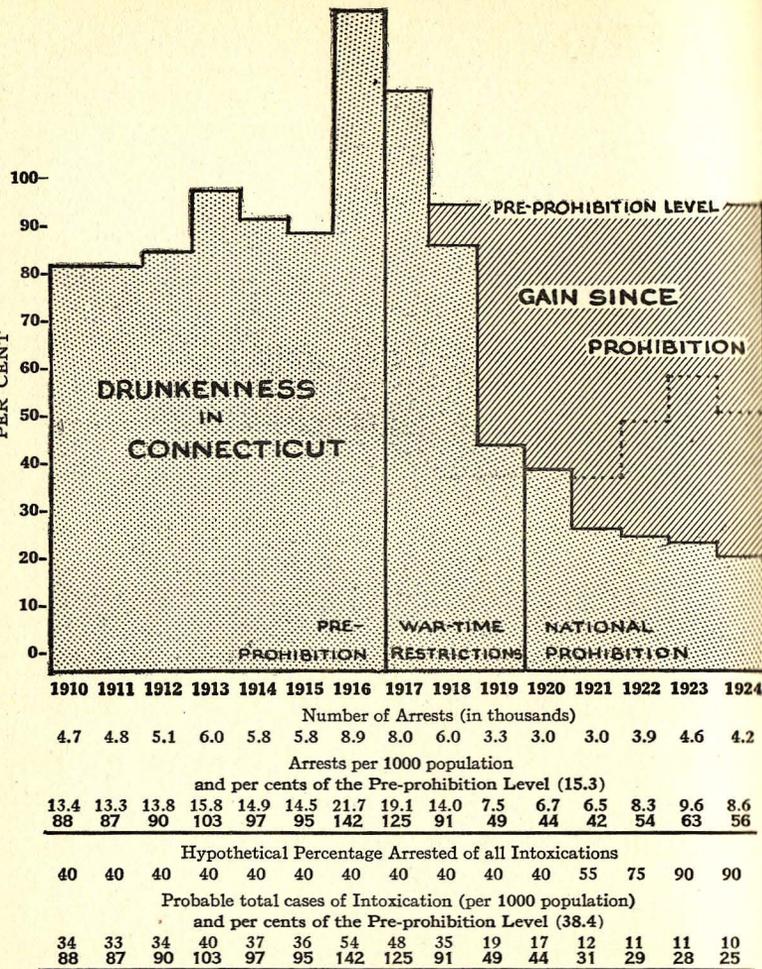
(Arrests for Drunkenness in 436 cities [with total population in 1920 of 17,810,000] in 14 states, as reported by police departments. Also probable total cases of intoxication.) That the former wet states are three times as sober as they were is one of the most significant facts about Prohibition. The importance of the wet states group is that in them we have a clean-cut picture of the effects of National Prohibition, whereas in the total U. S. the influence of states already dry before 1920 operates to blur this picture. The number (per capita) of arrests has been reduced by about one-quarter and this in itself is a substantial benefit, but it must be remembered that police severity is much greater than it was, so that where formerly only a small part of the arrestable drunken persons were actually arrested (the others being helped home), the police now have to arrest nearly every one who is intoxicated, partly on account of public opinion and partly to prevent deaths from bootleg poison. Of this change in police policies there is widespread evidence but the exact percentages arrested now and formerly are of course unknown. It would seem to be a very cautious estimate to say that probably more than 90 per cent are arrested to-day and less than two out of every five were formerly arrested. From these figures we see that the total drunkenness (whether of those arrested or escaping arrest) is probably only one-third of what it used to be. If less conservative percentages were to be used, the fraction would of course be still smaller!



**11. AFTER STATE PROHIBITION, PROBABLY THREE-QUARTERS OF DRUNKENNESS DISAPPEARED in the states formerly dry**

(Arrests for intoxication in 56 cities having a population in 1920 of 4,198,000, in 19 States which had State Prohibition before 1915, as reported by police departments. Full line shows the probable total cases of intoxication.)

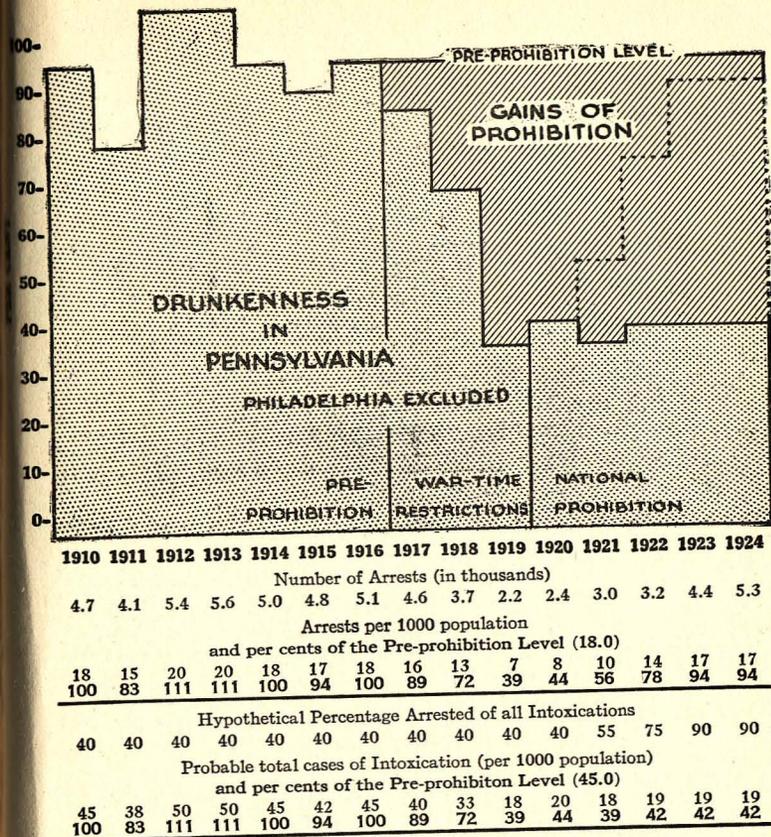
No clear picture is afforded of what happened in the dry states unless all statistics for these states are brought together, relative to the dates when each went dry by adopting State Prohibition. This chart gives the story of the results of State Prohibition wherever it was tried more significantly than the previous chart comparing the states before and after the coming of National Prohibition. After National Prohibition not much improvement is shown since they were already dry before National Prohibition. It is interesting to note that these states reached a peak in the seventh, eighth and ninth years after going dry, and in the tenth year begin to show further reduction of drunkenness.



### 12. THREE-QUARTERS OF PRE-WAR DRUNKENNESS HAS PROBABLY DISAPPEARED in Connecticut

(Number of arrests for intoxication in 7 cities, having a total population in 1920 of 446,169 as reported by police departments. Full line shows probable total cases of intoxication.)

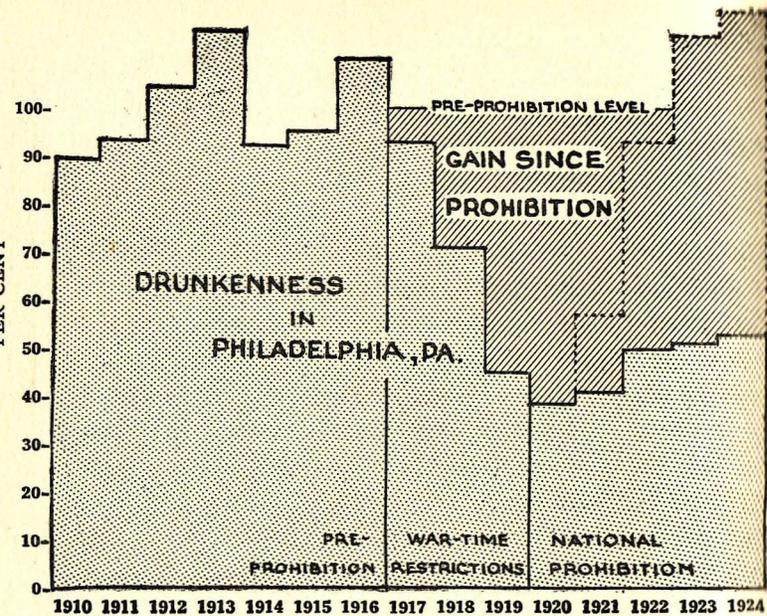
Connecticut is an excellent example of prohibition at its worst, because in this state the sentiment against prohibition was so strong that the amendment was never ratified by the state. Nevertheless it is clear that this state has benefited greatly by prohibition. The number of arrests for drunkenness has been cut almost in two, and the number of drunken persons is probably only one-quarter of what it used to be prior to 1917.



### 13. DRUNKENNESS PROBABLY LESS THAN HALF OF WHAT IT WAS in Pennsylvania outside Philadelphia

(Arrests reported by the Police Departments of 6 cities having a total population in 1920 of 300,000 inhabitants. The full line shows the probable total cases of intoxication.)

The State of Pennsylvania has seen probably 58 per cent of the usual pre-war, Pre-prohibition drunkenness eliminated since 1918. The present level of drunkenness in that state has been so consistently maintained as to suggest that the number of new recruits to drinking is very slight. Arrests for drunkenness have risen under Prohibition until almost as many are arrested now as before, owing to the increased vigilance of the police with respect to intoxication. In this state two favorable circumstances are pictured, namely the low level of drunkenness and the increasing police activity.



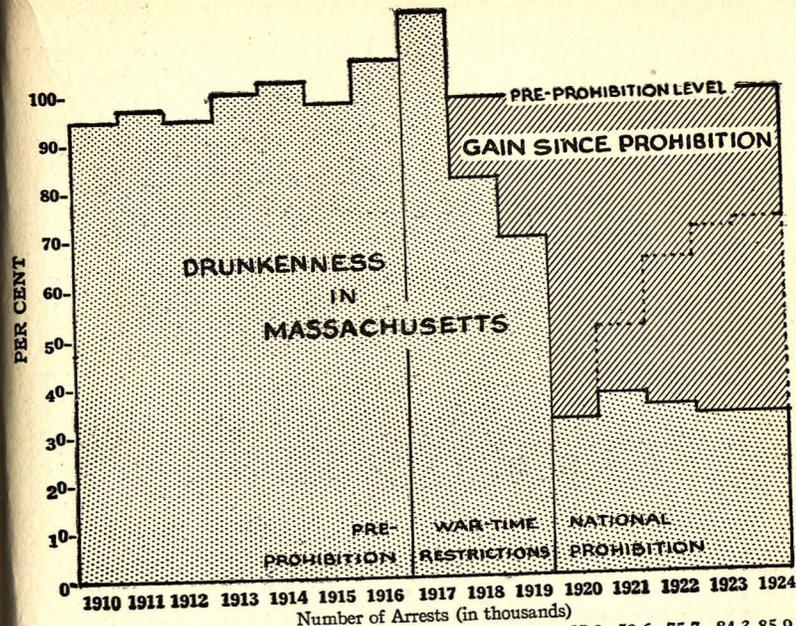
Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)	28.7	30.5	34.8	39.3	36.5	33.2	39.2	33.6	26.0	16.8	14.3	21.9	36.3	45.2	47.8
Arrests per 1000 population	18.5	19.3	21.6	24.1	19.0	19.7	22.9	19.3	14.7	9.3	7.9	11.8	19.3	23.8	24.8
and per cents of the Pre-prohibition Level (20.7)	89	93	104	116	92	95	110	93	71	45	38	57	93	115	120
Hypothetical Percentage Arrested of all Intoxications	40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)	46	48	54	60	47	49	57	48	37	23	20	21	26	26	28
and per cents of the Pre-prohibition Level (51.8)	89	93	104	116	92	95	110	93	71	45	38	41	50	51	53

#### 14. EVEN UNDER EXCEPTIONAL CONDITIONS DRUNKENNESS PROBABLY HAS DECREASED in Philadelphia

(Total population in 1920 was 1,823,779. Computations made from data furnished by the police department. Full line shows probable total cases of intoxication.)

Philadelphia shows so great an increase of arrests in the last few years that the rate of arrests per capita is actually higher than it was before Prohibition. This is the natural result of a marked increase in police vigilance with respect to drunkenness. The probable number of intoxications can be computed from this. If it be assumed that the increase in police vigilance has been no greater than elsewhere, then drunkenness would seem to be only about half of what it used to be; but if there be assumed a greater increase than usual in police vigilance, under General Butler, then the decline in drunkenness will be seen to be even more pronounced.

[ 230 ]



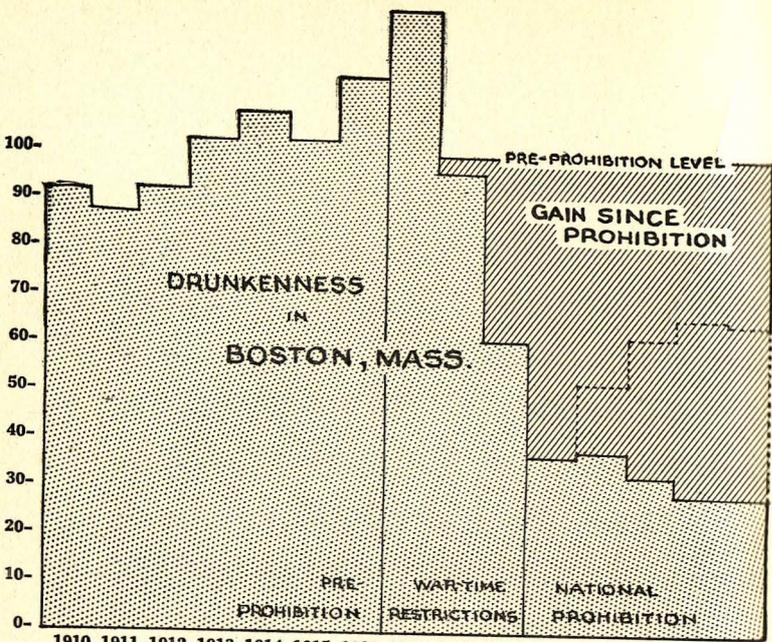
Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)	95.7	99.0	98.7	104.9	108.2	106.1	116.7	129.5	92.8	79.2	37.2	59.6	75.7	84.3	85.9
Arrests per 1000 population	28.4	28.9	28.4	29.8	30.4	29.4	31.8	34.8	24.6	20.8	9.6	15.2	19.1	21.1	21.4
and per cents of the Pre-prohibition Level (29.6)	96	98	96	101	103	99	108	118	83	70	32	51	65	71	72
Hypothetical Percentage Arrested of all Intoxications	40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)	71	72	71	74	76	74	80	87	62	52	24	28	25	23	24
and per cents of the Pre-prohibition Level (74.0)	96	98	96	101	103	99	108	118	83	70	32	37	34	32	32

#### 15. TWO-THIRDS OF DRUNKENNESS HAS PROBABLY DISAPPEARED in Massachusetts

(Arrests in 357 cities having a total population of 3,852,356 people in 1920. Full line shows probable number of cases of intoxication.)

No state in the Union affords so complete a picture of the results of Prohibition, from the statistical point of view, as the formerly "wet" state of Massachusetts, for in this state alone reports of arrests for drunkenness can be had from the extraordinary total of 357 cities and towns, or from more towns and cities than in all the rest of the United States combined. It is in such large numbers of reports, each individually well authenticated, that safety lies for drawing conclusions, as the influence of special conditions in any one locality is less likely to distort the picture of so large a total. In this chart the contrast is striking between the very regular and consistently high level before Prohibition and the equally regular and consistently low level after Prohibition.

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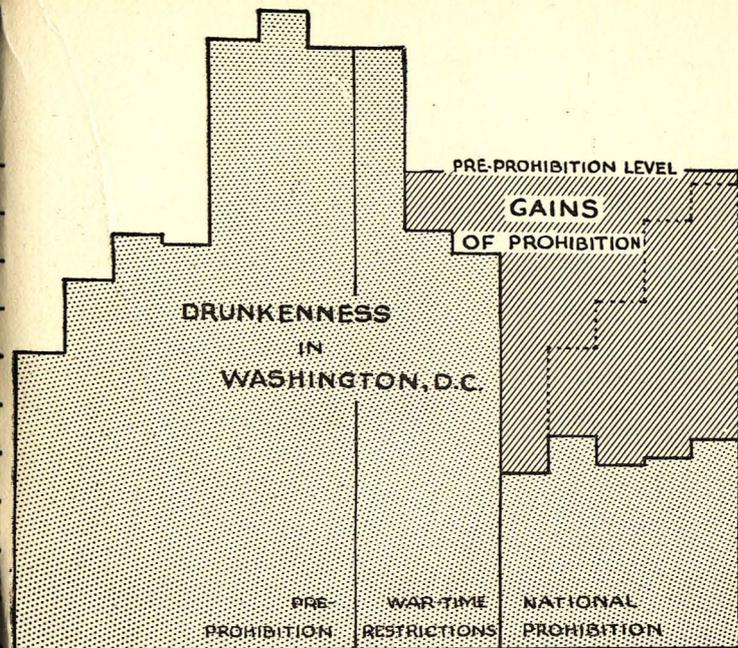


1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)														
47.7	46.4	49.8	55.0	59.2	57.8	65.1	73.4	54.9	35.5	21.8	31.0	37.6	39.6	39.5
Arrests per 1000 population														
and per cents of the Pre-prohibition Level (78.2)														
71.1	68.2	72.2	79.6	84.6	81.4	90.4	100.6	75.3	47.9	29.1	40.8	48.8	51.4	50.6
91	87	92	102	108	104	115	129	96	61	37	52	62	66	65
Hypothetical Percentage Arrested of all Intoxications														
40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)														
and per cents of the Pre-prohibition Level (196.0)														
178	171	181	199	212	204	226	252	188	120	73	74	65	57	56
91	87	92	102	108	104	115	129	96	61	37	38	33	29	29

**16. DRUNKENNESS DROPS FROM LARGE AND INCREASING FIGURES TO SMALL, DECREASING PROPORTIONS in Boston**

(Total population in 1920 was 748,060. Computations made from data furnished by the police department. Full line shows probable total cases of intoxication.)

Boston is typical of many large cities in which the trend of drunkenness was rising rapidly before Prohibition, only to drop to very small proportions as soon as Prohibition came, and continuing to diminish thereafter.

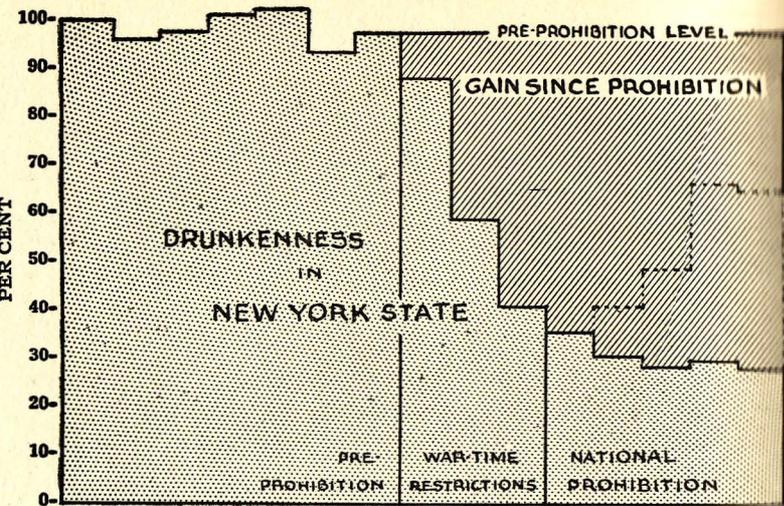


1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	
Number of Arrests (in thousands)															
3.8	4.9	5.7	5.7	8.9	9.8	9.4	9.7	6.9	6.7	3.6	5.4	6.4	8.1	9.0	
Arrests per 1000 population															
and per cents of the Pre-prohibition Level (18.7)															
11.5	14.4	16.3	15.8	24.0	25.1	23.5	23.6	16.4	15.6	7.0	11.7	13.6	16.9	18.4	
62	77	87	85	128	134	126	126	88	83	37	63	73	90	98	
Hypothetical Percentage Arrested of all Intoxications															
40	40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)															
and per cents of the Pre-prohibition Level (46.7)															
29	36	41	40	63	59	59	41	39	18	21	18	19	20	20	
62	77	87	85	128	134	126	126	88	83	37	45	39	40	44	

**17. DRUNKENNESS PROBABLY BUT HALF OF WHAT IT WAS in Washington, D. C.**

(Total population in 1920 was 437,571. Computations made from data furnished by the police department. Full line shows probable total cases of intoxication.)

The experience of the nation's capital is typical of many cities, where arrests for drunkenness had been rapidly rising, showing a steady increase in the amount of drunkenness, prior to the Prohibition Amendment. Since Prohibition, the number of arrests has not been as great, while the probable amount of drunkenness these represent is less than 50 per cent of the average for 1910 to 1916, and only one-third of the 1914-1916 average. If the rising trend before Prohibition be taken into account, it will be seen that the benefits of Prohibition are even greater than here indicated.

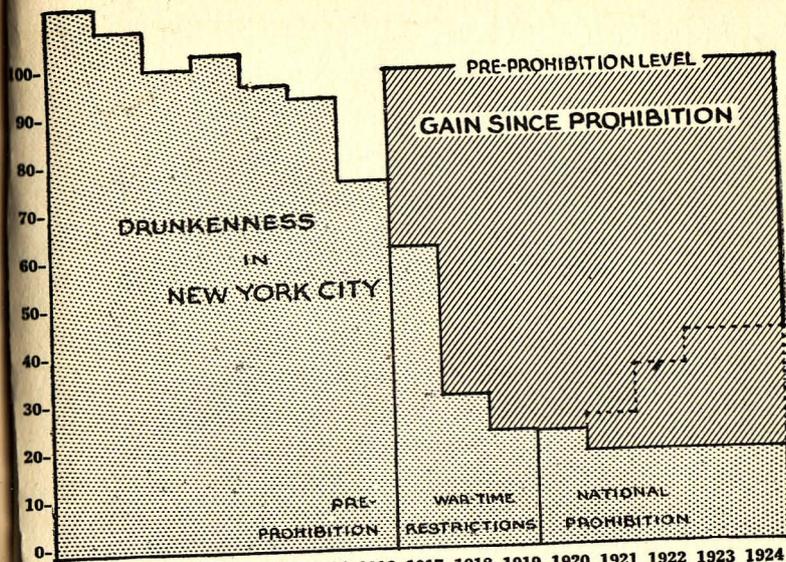


Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)															
	44.4	43.8	44.9	47.9	49.3	45.9	48.4	44.7	30.1	21.0	18.6	21.5	26.1	36.3	36.6
Arrests per 1000 population															
	7.33	7.10	7.15	7.49	7.57	6.93	7.19	6.54	4.33	2.97	2.59	2.95	3.53	4.83	4.80
and per cents of the Pre-prohibition Level (7.25)															
	101	98	99	103	104	96	99	90	60	41	36	41	49	67	66
Hypothetical Percentage Arrested of all Intoxications															
	40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)															
	18	18	18	19	19	17	18	16	11	7	6	6	5	5	5
and per cents of the Pre-prohibition Level (18.1)															
	101	98	99	103	104	96	99	90	60	41	36	31	29	30	29

### 18. DRUNKENNESS IS CUT TO PROBABLY LESS THAN A THIRD OF WHAT IT WAS in New York State

(Number of arrests for intoxication in 29 cities, including New York City, having a total population in 1920 of 7,182,573, as reported by police departments. Full line shows the probable total cases of intoxication.)

For all its exaggerated reputation to the contrary, New York State can be seen to be no worse than its neighbors, for the rate of arrests per capita in the total population has apparently already passed its peak, and drunkenness itself is probably now less than 30 per cent of what it used to be prior to 1917.

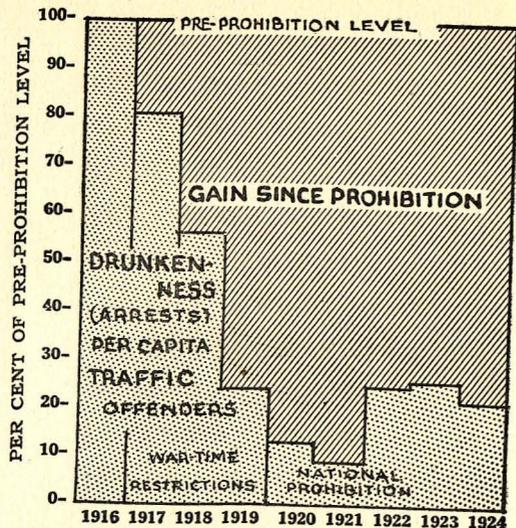


Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Arrests (in thousands)															
	22.5	22.0	20.6	21.7	20.3	20.2	17.1	13.8	7.1	5.6	6.2	8.6	10.6	10.9	
Arrests Per 1000 population															
	4.7	4.5	4.2	4.3	4.0	3.9	3.2	2.6	1.3	1.0	1.0	1.1	1.5	1.8	1.8
and per cents of the Pre-prohibition Level (4.1)															
	115	110	102	105	98	95	78	63	32	24	24	27	37	44	44
Hypothetical Percentage Arrested of all Intoxications															
	40	40	40	40	40	40	40	40	40	40	40	55	75	90	90
Probable total cases of Intoxication (per 1000 population)															
	12	11	10	11	10	10	80	6	3	2	2	2	2	2	2
and per cents of the Pre-prohibition Level (10.3)															
	115	110	102	105	98	95	78	63	32	24	24	19	19	19	19

### 19. FOUR-FIFTHS OF DRUNKENNESS APPARENTLY ELIMINATED in New York City

(Total population in 1920 was 5,620,048. Computations made from data furnished by the police department. Full line shows the probable total cases of intoxication.)

Few cities are so widely criticized and so closely watched by the rest of the nation as is New York City. Here, too, the large foreign element makes for a strong "wet" sentiment, which brought about the repeal of the Mullen-Gage law giving local cooperation to the federal "dry" forces. In New York City the arrests for drunkenness are now less than half as many as before Prohibition. To estimate the total amount of drunkenness, the same hypothetical percentages, representing increased police severity, are employed as in the country in general—simply for lack of any special estimate for New York City although probably the increased severity is not as great there as elsewhere.

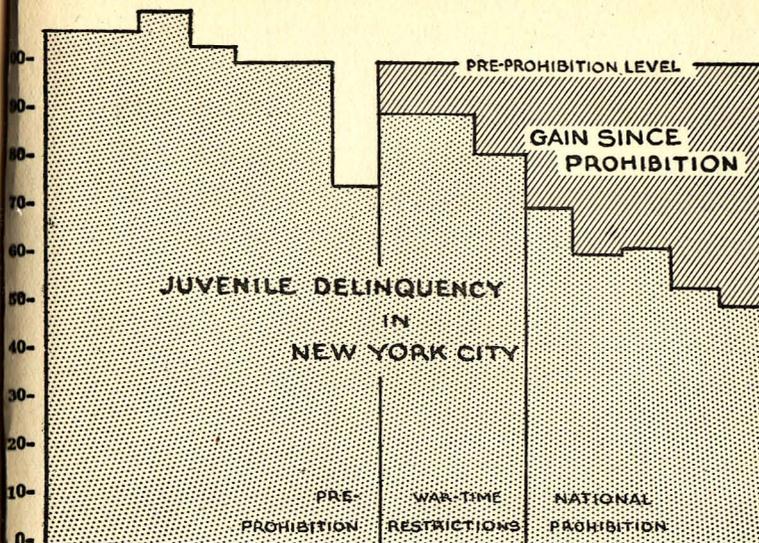


Year	1916	1917	1918	1919	1920	1921	1922	1923	1924
Arrests for Drunkenness (in thousands)	78	71	56	36	28	40	61	75	79
Arrests for Traffic Violations (in thousands)	58	65	73	111	156	153	184	210	261
Arrests for Drunkenness per 100 Arrests for Traffic Violations	135	109	76.7	32.4	18.0	26.2	33.2	35.6	30.3
and per cents of the Pre-prohibition Level (135)	100	81	57	24	13	19	25	26	22

## 20. TRAFFIC OFFENDERS VS. DRUNKARDS in ten cities

(Arrests for intoxication and for all traffic offenses as reported by the police departments, in ten cities, including five cities in Ohio; and New York City; Dallas, Tex.; Washington, D. C.; Philadelphia, Pa., and Baltimore, Md. These are in five states and the District of Columbia, and have a combined population of 8,770,000.)

In these ten cities, with nearly one-twelfth the total population of the United States, the arrests for drunkenness have become almost negligible as compared with the arrests for traffic violations. The usefulness of this comparison arises from the fact that the increase in police activity of enforcement has probably proceeded in like ratio for each class of offenses.

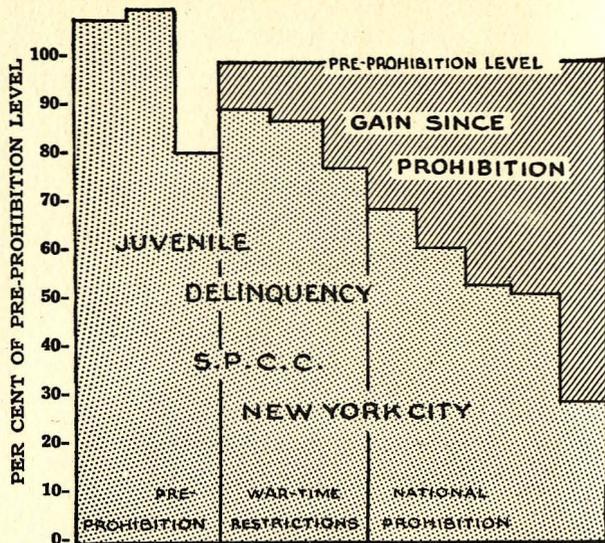


Year	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Total number of Delinquency Arraignments (at Children's Court)	7.95	8.04	8.56	8.02	7.90	7.93	5.97	7.23	7.04	6.73	5.83	5.12	4.67	4.58	4.36
Arraignments per 10,000 Juveniles and per cents of the Pre-prohibition Level (92.9)	98.2	98.1	103.	95.7	93.3	92.6	69.0	82.7	83.0	75.3	64.6	56.2	57.0	49.3	46.5
	106	106	111	103	100	100	74	89	81	81	70	60	61	53	50

## 21. JUVENILE DELINQUENCY IS CUT IN HALF in New York City

(Total arraignments for juvenile delinquency aged 7 to 15 years, per 10,000 of the juvenile population. Computed from Annual Reports of the Children's Court, of New York City.)

No safeguard against the so-called crime wave in the rising generation has yet been found which seems more effective than Prohibition. For the sake of the city's children, drink must go. For every life shown saved in this chart is worth many years of the future. The probable expectation of life of the average adult saved by Prohibition and the saving in the lives and morals of the young have increased with every year of Prohibition.

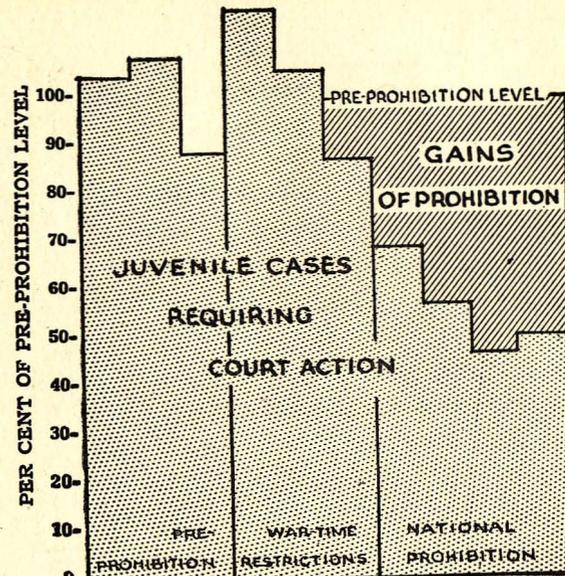


Year	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924
Number of Children arraigned at Children's Court by S. P. C. C.	8722	8935	6365	7433	7321	7220	5824	5198	4619	4490	2492
Children Arraigned per 10,000 Juveniles and per cents of the Pre-prohibition Level (94)	103	104	74	85	83	73	65	57	50	48	27
	109	111	79	90	88	78	69	61	53	51	29

## 22. GERRY SOCIETY ARRAIGNMENTS REDUCED in New York City

(Computations made from data obtained from the reports of the New York Society for the Prevention of Cruelty to Children.)

Further evidence of reduced delinquency among children in New York City is shown in the records, charted above, of the Society for the Prevention of Cruelty to Children (Gerry Society) of arraignments in the Children's Court. These records show that a decline set in with the first wartime restrictions of drink, and continued under National Prohibition with a steady downward trend until, in 1924, more than 70 per cent of the cases formerly handled have disappeared.

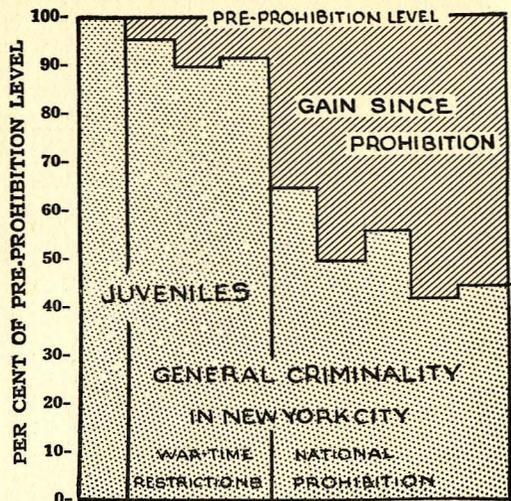


Year	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923
Number of Cases	2283	2489	2013	2718	2477	2071	1643	1375	1140	1260
Cases per million population and per cents of the Pre-prohibition Level (432)	448	469	380	506	454	375	292	242	197	214
	104	108	88	117	105	87	68	56	46	50

## 23. LESS THAN HALF OF CHILDREN FORMERLY BROUGHT INTO COURT in New York City

(Computations made from data obtained from reports of the New York Society for the Prevention of Cruelty to Children.)

The Gerry Society (Society for the Prevention of Cruelty to Children) finds that during the period of National Prohibition the number of cases of juvenile criminality has fallen sharply to less than 50 per cent of that in Pre-prohibition years.



1916 1917 1918 1919 1920 1921 1922 1923 1924

Number of Arrests

2279 2217 2101 2186 1553 1191 1376 1026 1291

Arrests per million population

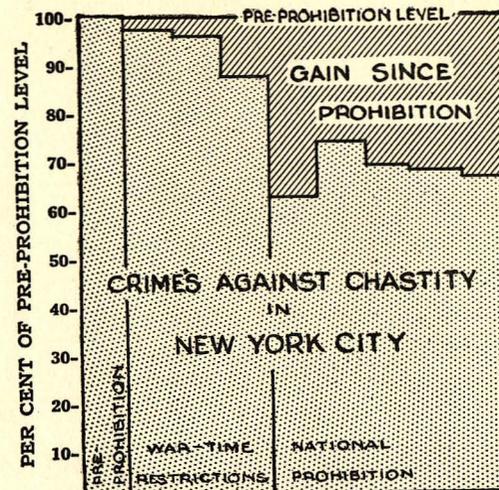
and per cents of the Pre-prohibition Level (431)

431 414 386 395 276 209 238 175 190  
100 96 90 92 64 49 55 41 44

#### 24. DECREASED ARRESTS OF BOYS AND GIRLS FOR CRIMES IN GENERAL in New York City

(Computations made from data obtained from the Police Department of New York City.)

Immediately after the adoption of National Prohibition one-third fewer boys and girls were arrested for general criminality. In succeeding years this proportion of arrests has declined still further, until in 1923 and 1924, they were less than 45 per cent of the pre-war average. The benefit of Prohibition has been to save thousands of youngsters from criminal pursuits.



1916 1917 1918 1919 1920 1921 1922 1923 1924

Number of Arrests

5594 5559 5562 5049 3610 4408 4158 4155 4166

Arrests per million population

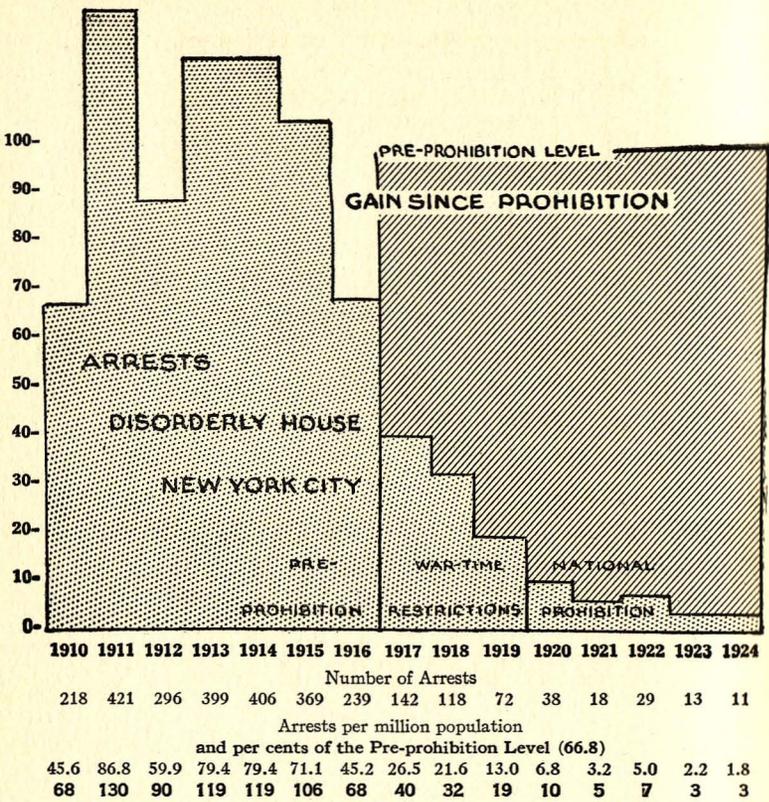
and per cents of the Pre-prohibition Level (1060)

1060 1040 1020 913 642 772 718 709 700  
100 98 96 86 61 73 68 67 66

#### 25. CRIMES RELATED TO DRINK REDUCED in New York City

(Computations made from data obtained from the Police Department of New York City.)

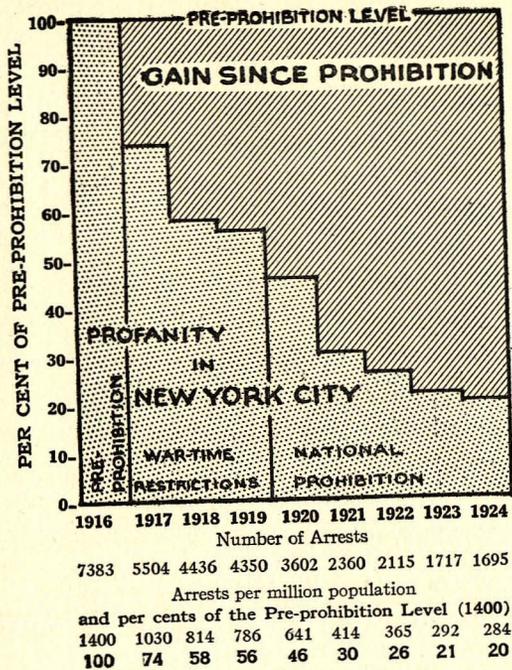
The police department has found it necessary to arrest only two-thirds as many offenders for crimes against chastity since Prohibition as were arrested before Prohibition. The marked benefit appeared immediately after the advent of National Prohibition, and after a slight reaction in the second year thereafter it became yet greater.



## 26. DISORDERLY HOUSES VIRTUALLY DISAPPEAR in New York City

(Computations made from data obtained from records of the Court of Special Sessions, New York City.)

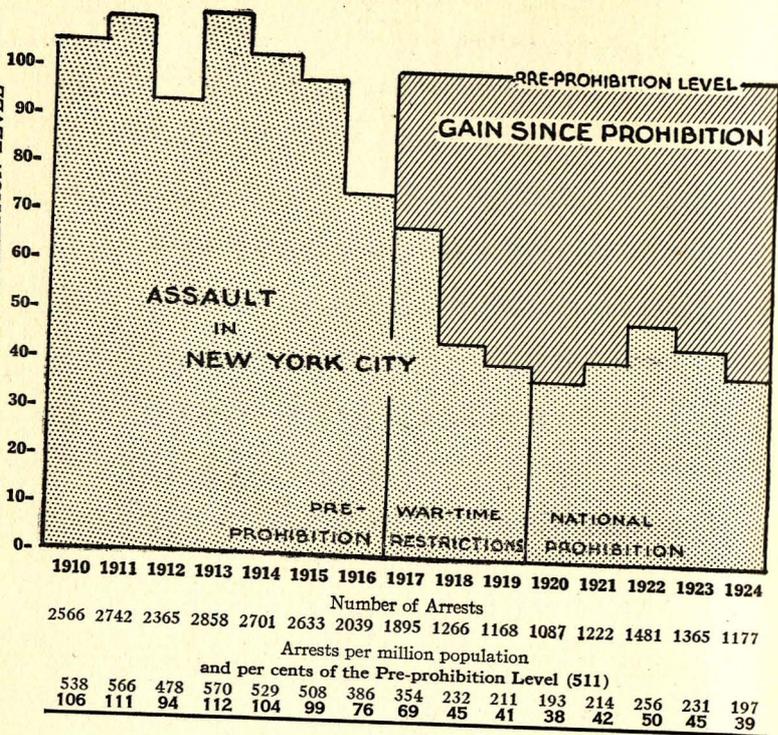
With the passing of the saloon another age-long evil, that of institutionalized social vice, has all but disappeared. Both in their existence and in their destruction the two evils are inseparable. Note how closely the curve of this chart of arrests for keeping disorderly houses parallels the curves of reduced alcoholic consumption. These arrests to-day are only 3 per cent of what they used to be, and 97 per cent of disorderly houses are eliminated, chiefly due, in all probability, to National Prohibition.



## 27. MORAL TONE OF METROPOLIS IMPROVES in New York City

(Computations made from data furnished by police departments.)

Temperateness in speech would be expected as a consequence of the change of habits following the abolition of the drink traffic. Drink and foul language are closely associated, and this chart bears testimony to the passing of profanity as a public nuisance. Eighty per cent of arrests for this cause have been prevented perhaps through National Prohibition. Along with it have disappeared the mud and filth and slums that formerly distinguished the metropolis.

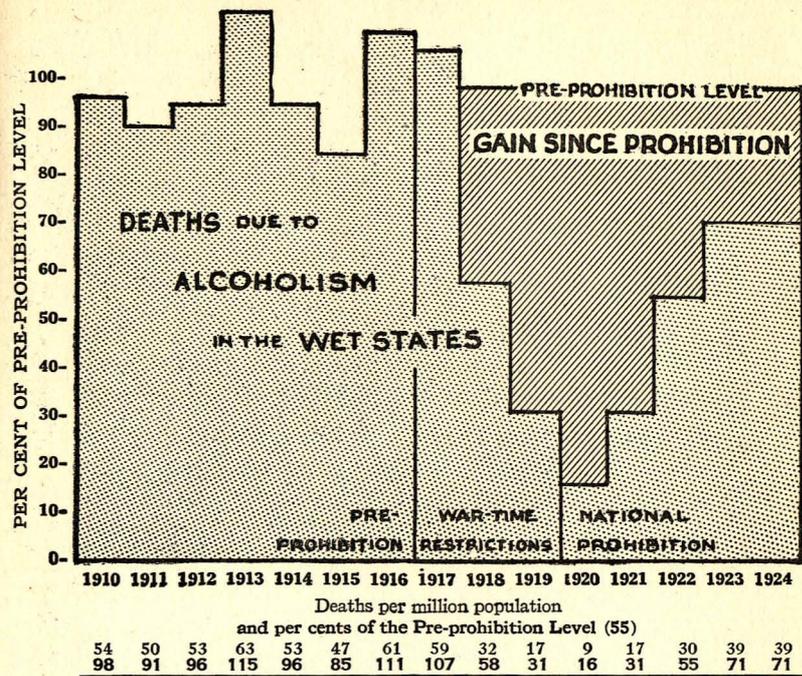


## 28. CASES OF ASSAULT AND BATTERY DECREASE in New York City

(Computations made from data obtained from records of the Court of Special Sessions, New York City.)

Crimes of violence thrive on drunkenness. The decrease in cases of assault and battery in the metropolis of the nation has amounted to about three-fifths, due apparently to wartime restrictions and National Prohibition.

[ 244 ]

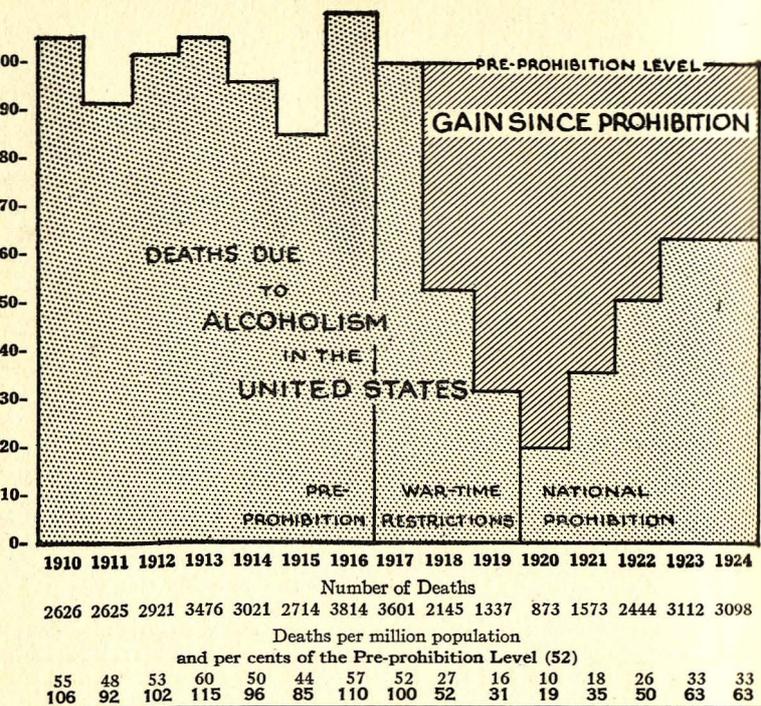


## 29. UNUSUAL SAVING OF HUMAN LIVES THROUGH PROHIBITION in the former Wet States

(Computations made from data furnished by the United States Bureau of the Census.)

This chart shows the benefits which can be attributed to National Prohibition more clearly than any other chart, because the states already dry before National Prohibition are not included. It is seen that the death-rate from acute and chronic alcoholism fell in 1920 to less than 16% of what it had been before prohibition. Then, as the reaction came, after the inauguration of National Prohibition and also the toxicity of bootleg liquors rose, the death-rate among Pre-prohibition addicts rose with it, so as to bring the death-rate up to nearly three-fourths of the Pre-prohibition Level. As this class of drunkards disappears, the death-rate from alcoholism seems likely to fall again and to become almost negligible. For the peak seems to have been reached in this secondary reaction in 1923-24. The dark area on the chart represents a saving of thousands of human lives.

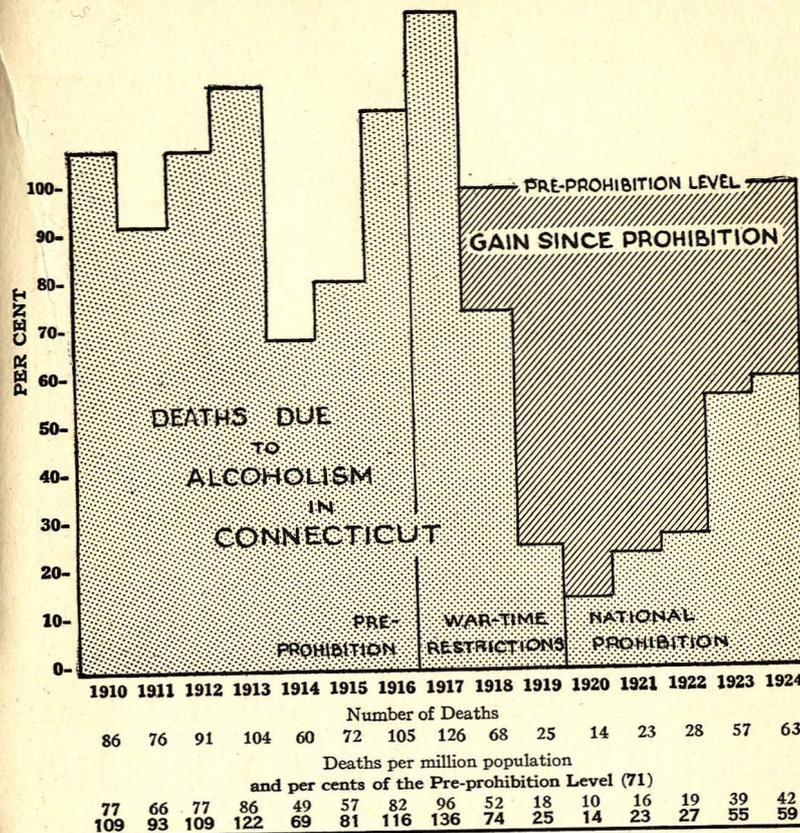
[ 245 ]



### 30. DEATHS DUE TO ALCOHOLISM ALMOST ELIMINATED IN 1920 in the United States (Registration Area)

(Computation made from data furnished by the United States Bureau of the Census.)

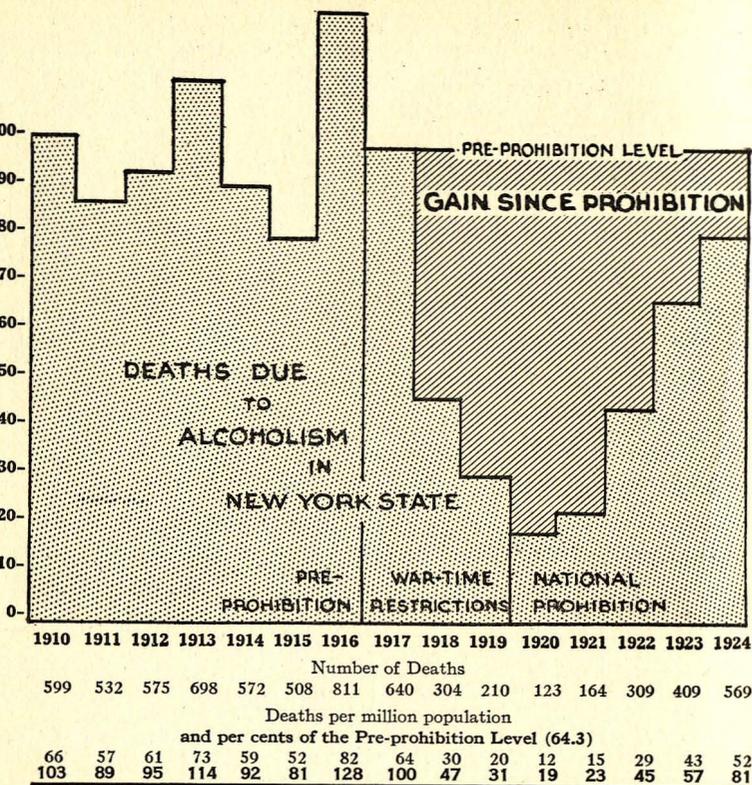
The mortality due to acute and chronic alcoholism in the entire country began to decrease only upon the beginning of wartime restriction of the liquor traffic. Between 1917 and 1919 the number of deaths fell to 31% of the pre-war level. Because of the reaction which came and the greater toxicity or poisoning power of bootleg liquor, the number of deaths rose after 1920, beginning with National Prohibition. The results of restrictions show a decided benefit, for in 1924 the number of deaths was little more than one-half of the average number between 1910 and 1916, and the period between 1920 and 1924 shows a drop of 52% as compared with Pre-prohibition mortality. The peak of the reaction has apparently passed, and mortality will probably again decline. This peak was perhaps no more than the accelerated mortality of Pre-prohibition addicts. The dark area on the chart represents a saving of thousands of human lives which can be attributed to Prohibition.



### 31. DEATHS DUE TO ALCOHOLISM MUCH REDUCED in Connecticut

(Computations made from data furnished by the United States Bureau of the Census.)

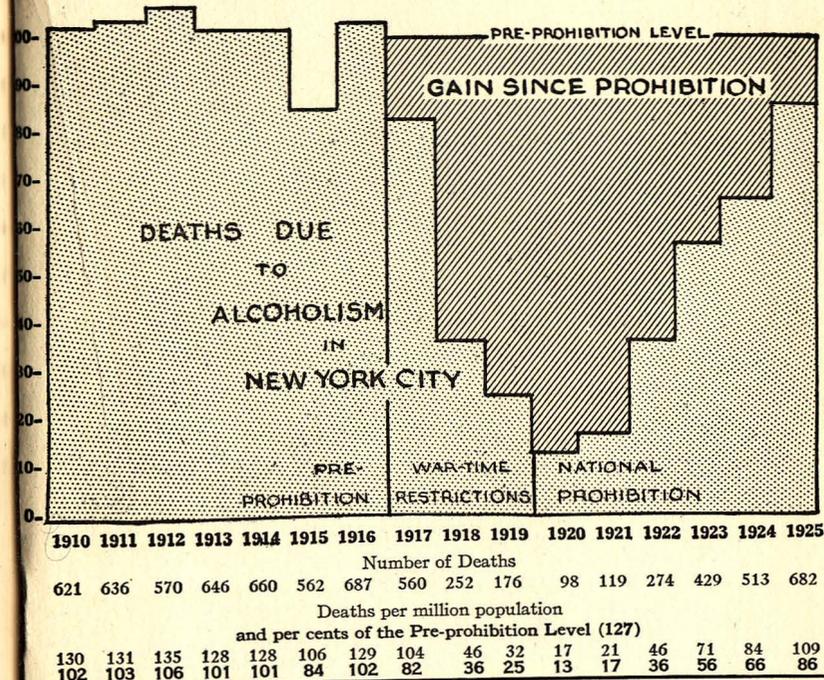
What Prohibition has done for an avowedly "wet" state is shown by the mortality statistics of Connecticut. The number of deaths due to acute and chronic alcoholism between 1920 and 1924 is only 36% of the number between 1910 and 1916. The accelerated death-rate among Pre-prohibition addicts was apparently near its peak in 1924 and was even then 40 per cent below the Pre-prohibition Level. The dark area represents a saving of hundreds of human lives as a result of Prohibition.



### 32. DEATHS DUE TO ALCOHOLISM GREATLY REDUCED in New York State

(Computations made from data furnished by the United States Bureau of the Census.)

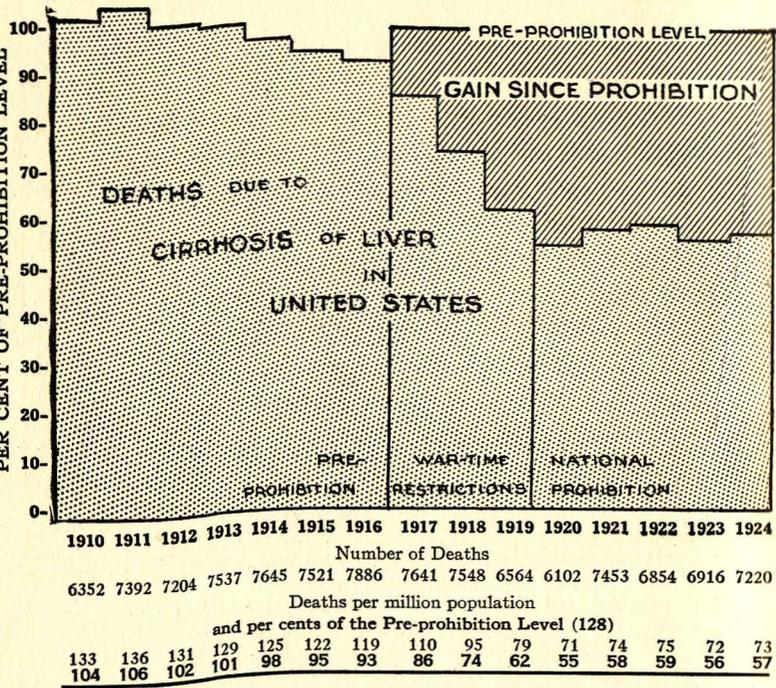
Deaths due to acute and chronic alcoholism fell from an average of 64 deaths per million population in the period 1910-1916, to an average of 30 per million population during the period 1920-1924, representing a decrease of about 53 per cent. The dark area represents a saving of thousands of human lives as a result of Prohibition. The rapid increase since the agitation resulting in the repeal of New York's enforcement law seems significant.



### 33. DEATHS DUE TO ALCOHOLISM MUCH REDUCED in New York City

(Computations made from data obtained from records of the Board of Health, N. Y. C.)

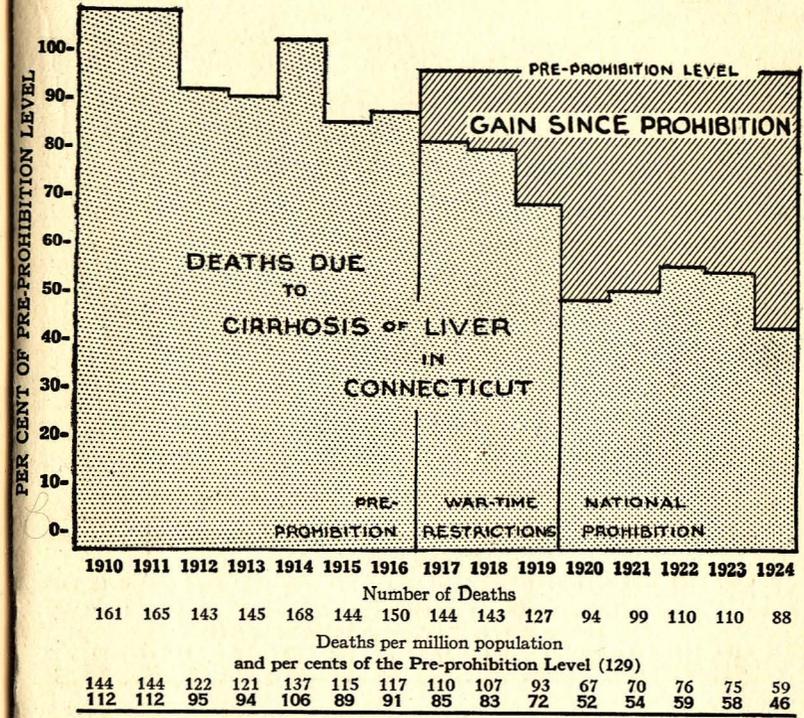
In spite of the repeal of the Mullen-Gage law and in spite of the greater poisoning power of bootleg liquor, the deaths from acute and chronic alcoholism are held below the Pre-prohibition level. With the elimination by death of the confirmed drunkard it is reasonable to expect that the deaths due to this evil will be reduced again in the future. The dark area on the chart shows that hundreds of lives have been saved by Prohibition.



**34. TWO-FIFTHS OF DEATHS FROM CIRRHOSIS OF THE LIVER ELIMINATED in the United States (Registration Area)**

(Computed from data from the U. S. Bureau of the Census.)

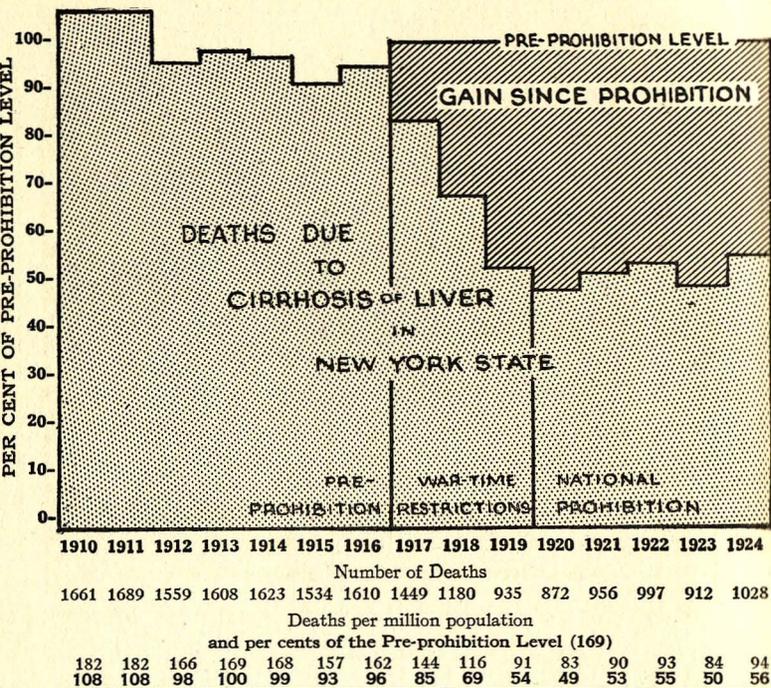
Results of Prohibition have been immediately evident in the reduction of the death-rate from cirrhosis of the liver by more than forty per cent throughout the United States. The consistent and regular levels of this curve before and after Prohibition make the change more significant.



**35. DEATHS FROM CIRRHOSIS OF THE LIVER FALL BY MORE THAN HALF in Connecticut**

(Computations made from data furnished by the United States Bureau of the Census.)

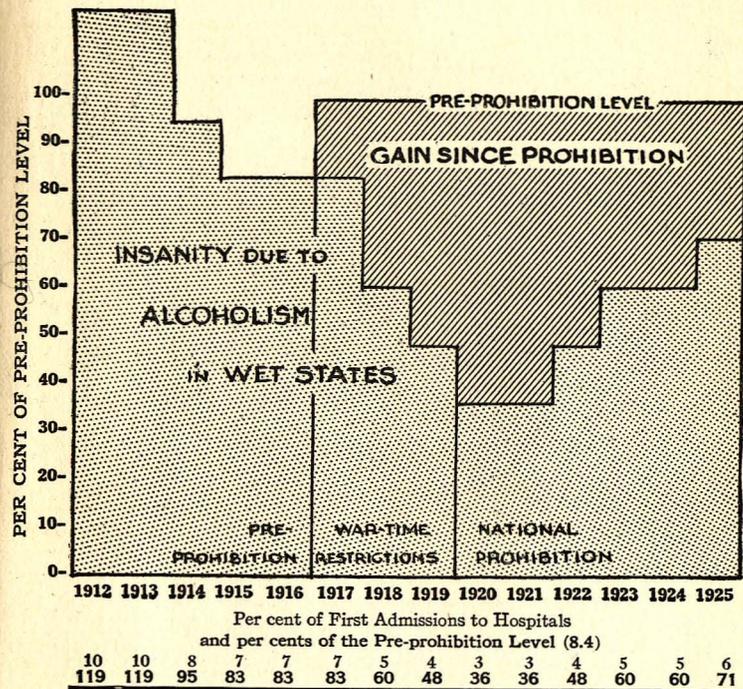
Connecticut, the typical "wet" state before Prohibition, shows the deaths due to cirrhosis of the liver reduced by more than half from the pre-war level. Connecticut is "game"; she rejected the Eighteenth Amendment, but, when adopted, she decided to enforce it by state law. One result is this notable saving of human lives.



### 36. DEATHS FROM CIRRHOSIS OF THE LIVER CUT ALMOST ONE-HALF in New York State

(Computations made from data furnished by the United States Bureau of the Census.)

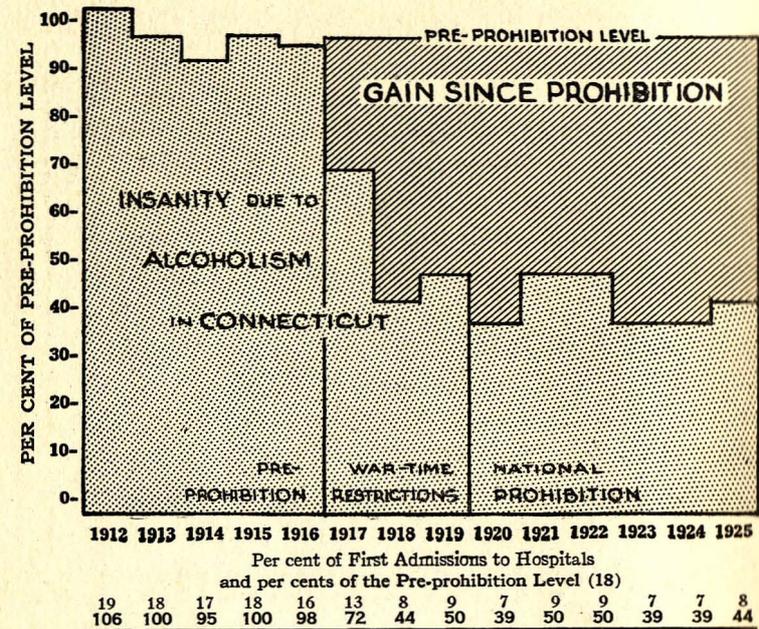
Despite its reputation as a "wet" state, New York has benefited under Federal Prohibition (and without a state enforcement law) in the reduction of deaths from this disease, which is heavily affected by the alcohol habit. Nearly half of the deaths formerly attributed to "hobnail" liver have been prevented during the period of National Prohibition, saving thousands of lives.



### 37. ALCOHOLIC INSANITY DECREASES SINCE PROHIBITION in states formerly wet

(Computations made from data furnished by the hospitals of the states.)

Alcoholic psychoses, including many forms of insanity affected by alcohol, followed the same course as the diminished mortality from acute and chronic alcoholism, in that there has first been a very pronounced decline with the advent of Prohibition, and a gradual secondary reaction. This smaller excess of insanity due to alcoholism is probably the result of increased toxicity of bootleg liquor, culminating in a recrudescence of mental disease among addicts.



### 38. ALCOHOLIC INSANITY REDUCED BY MORE THAN HALF

in Connecticut

(Computations made from data furnished by the State Hospitals.)

In the typically "wet" state of Connecticut, which has in good faith passed an enforcement act although it voted in opposition to the Eighteenth Amendment, the curve of alcoholic insanity falls lower than in the other formerly wet states, and shows further evidence of continued decline.