

GREAT SOCIAL TEST ENDS WITH REPEAL

Eighteenth Amendment, in
Effect for 14 Years, Got Its
Real Stimulus From War.

PROTESTED FROM START

Ratified Without People's Vote,
It Added to Tax Burdens—
Never Fully Enforced.

By RUSSELL B. PORTER.

Repeal of the Eighteenth Amendment means the end of one of the most far-reaching social experiments in the history of the world. It has lasted nearly fourteen years. Never before had there been such an attempt to regulate the habits and customs of a nation of 120,000,000 persons of such varied racial strains by sumptuary legislation. It was the first time the power of the Federal Government had been exercised to reach into the private lives and moral conduct of the people of the States on any such extensive scale.

National prohibition followed three-quarters of a century in which the States tried to regulate and control the liquor traffic by State and local option laws. At the time the Eighteenth Amendment went into effect State-wide prohibition was already in effect in thirty-three States, in eighteen of which it had been incorporated in the State Constitutions. Ninety per cent of the townships and rural precincts, 85 per cent of the counties, and 75 per cent of the villages were dry by State legislation. More than two-thirds of the population and 95 per cent of the land area of the United States were under prohibition.

Prohibitionists Not Satisfied.

State and local laws and the temperance campaigns that were conducted for many years in the wet areas did not satisfy the prohibitionists. They argued that tremendous social and economic advantages would follow national prohibition, that crime and insanity would be reduced, jails and insane asylums closed, workmen's pay envelopes diverted to food, clothing and other goods instead of the saloon; industry, trade and commerce stimulated by new buying power.

The Anti-Saloon League raised large campaign funds among members of the evangelical churches, who were devoted to the ideal of national prohibition on moral and social grounds, and among large industrialists and other capitalists who were convinced that it would increase the economic efficiency of the nation and of their own corporations. One of the most effective propaganda campaigns in the history of the country was organized.

The late Wayne B. Wheeler, general counsel for the Anti-Saloon League; the late Andrew J. Volstead, then Representative from Minnesota, and United States Senator Morris Sheppard of Texas were the outstanding leaders of the movement.

Beginning in 1911, when the proposal came before Congress, national prohibition grew in strength as an issue every year, slowly but surely. It might have taken many years to come to a head had not the World War given it a tremendous impetus through the desire to conserve grain supplies for food instead of alcohol, and to keep liquor from the soldiers. Coming then, when the interest of the nation was concentrated on the war and when millions of men were away in uniform, national prohibition was a sudden surprise and shock to many Americans.

Drafted by Senator Sheppard, the Eighteenth Amendment was submitted to the States by a vote of 65 to 20 in the United States Senate on Aug. 1, 1917, and a vote of 282 to 138 in the House of Representatives on Dec. 17, 1917. The first State to ratify was Mississippi, on Jan. 8, 1918. Nebraska became dry on Jan. 16, 1919, the thirty-sixth State to ratify, completing the three-fourths of the forty-eight States necessary to make ratification effective.

In the end, forty-six of the forty-eight States ratified the amendment, only Rhode Island and Connecticut refusing to do so. Ratification was accomplished by vote of the State Legislatures in the various States, rather than by popular vote in State conventions as specified in the Twenty-first (or repeal) Amendment. The official figures in the forty-eight State Senates were 1,310, or 84.6 per cent, for ratification to 237 against; in the Houses of Representatives, 3,782, or 78.5 per cent, for ratification to 1,035 against.

Meanwhile, on Nov. 21, 1918, ten days after the signing of the Armistice, Congress enacted the Wartime Prohibition Act, which remained in effect until the Eighteenth Amendment became effective, on Jan. 16, 1920, one year after ratification.

Passed Over Wilson's Veto.

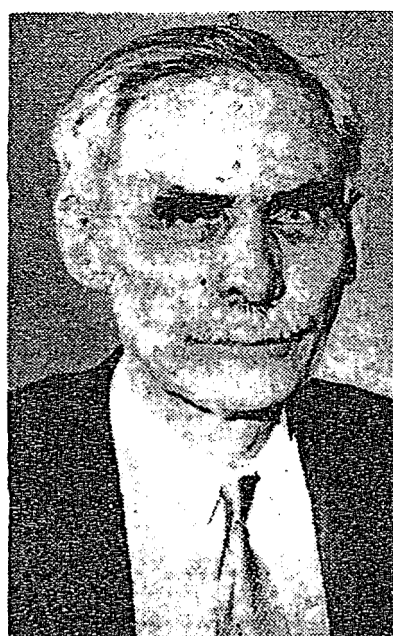
The Volstead Act, fixing one-half of 1 per cent by volume as the definition of the alcoholic content of an intoxicating beverage and providing for the enforcement of national prohibition, first as applied to the Wartime Prohibition Act and later the Eighteenth Amendment, was adopted by the Senate and House on Oct. 8 and 10, respectively, in 1919; vetoed by President Wilson on Oct. 27, and passed by Congress over his veto the following day.

The constitutionality of the Eighteenth Amendment and the Volstead Act was challenged, but was sustained in decisions of the United States Supreme Court on June 1 and 7, 1920. The highest court also held that the "concurrent power" granted to the States in the Eighteenth Amendment authorized them only to enforce prohibition, not to thwart or defeat it.

From the very beginning, country-wide protest was engendered by the Eighteenth Amendment and the Volstead Act. Not only were houses divided against each other but also churches, political parties, business organizations, social groups, whole communities. Prohibition became the most controversial issue in the United States since the Civil War.

Dr. Nicholas Murray Butler, pres-

AUTHORS OF THE PROHIBITION LAWS.



Times Wide World Photo.
Ex. Rep. Andrew J. Volstead.



Times Wide World Photo
from Harris & Ewing.
Senator Morris Sheppard.

ident of Columbia University, took the lead among the intellectual, and Former Governor Alfred E. Smith of New York among the political, opponents of the Eighteenth Amendment. Both started early to fight it and carried their opposition consistently to the end, Dr. Butler going so far as to openly advocate revolt against it as utterly contradicting the spirit of the Constitution and the Bill of Rights, if it could not be repealed. Governor Smith split the Democratic party temporarily through his unsuccessful fight for the Presidential nomination in 1924 and his nomination in 1928, when he took a far more advanced stand against prohibition than other wets in his party were willing to take in those days, and when the party platform remained dry.

During the early years of the great experiment the opposition did not gain much headway. Aside from the extremist prohibition leaders, national prohibition had many supporters among such political leaders as Herbert Hoover and Senator William E. Borah, and such industrialists as Henry Ford, who believed that it was entitled to a fair trial in view of the theoretical advantages which would follow if it could be made to work.

No One Deprived of Drink.

With prosperity so great that taxes were not a burden and with bootlegging, rum-running and speakeasies so widespread that no one really was deprived of his favorite beverages, the general public remained more or less apathetic for several years as the prohibitionists pressed the Federal Government to more drastic enforcement activities and as unwholesome social trends developed in American life in consequence of the growing power of the underworld.

Enforcement was most effective in the first two years of prohibition—1920 and 1921—when the country was still under the influence of the wave of dry sentiment that had carried the Eighteenth Amendment into the Constitution. Forty-seven States, Rhode Island being the only exception, adopted State enforcement laws. New York adopted the Mullan-Gage Enforcement Act, but repealed it in 1923, the repealer being signed by Governor Smith despite warnings that it would end his political career.

Throughout the past ten years there has been a progressive disintegration of enforcement.

As the years passed it became apparent that national prohibition, instead of bringing great economic benefits to the country, was diverting billions of dollars from legitimate business channels and from the government's sources of tax revenues to criminal syndicates. Instead of creating a new and better social world, it was obviously bringing the underworld up to a position of such financial and political influence that it could corrupt officeholders and the police on an unprecedentedly broad scale; that it could engage in its private wars, killings, kidnappings, torturings, hijackings and shakedowns, in defiance of constituted authority; that its speakeasies were as bad or worse than the old saloon; that its minor henchmen and hirelings were crowding the courts and jails, and that its openly scandalous conduct was setting a bad example to the youth of the land, not only in excessive drinking, but also in general contempt for law and order.

Enforcement Brings Bloodshed.

Treaties with foreign nations enabling the Coast Guard to search rum runners flying foreign flags within the twelve-mile limit or one-hour run from the American coast, raids on distilleries and breweries, padlocking of speakeasies, seizures of automobiles and trucks loaded with liquor, pitched battles in which both dry agents and rum runners were killed, and thousands of arrests, fines and imprisonments, all figured in the unsuccessful effort to enforce national prohibition.

In 1926 General Lincoln C. An-

draws, a retired army officer, appointed as Assistant Secretary of the Treasury to reorganize the enforcement system, asserted that the Volstead Act could not be enforced under existing conditions, that the prohibition agents did not seize more than one-tenth of the illicit stills in operation, and that from 12,000 to 15,000 men would be needed to patrol the borders to stop smuggling of liquor. Emory R. Buckner, then United States Attorney at New York, estimated that "reasonable enforcement" in New York State alone would cost more than \$70,000,000 a year, seven times more than the enforcement appropriation for the whole country this year.

In 1929 and 1930 final efforts were made to solve the problem by more drastic enforcement. The Jones "Five-and-Ten" Act, passed by Congress and signed by President Coolidge, provided for five years' imprisonment and \$10,000 fine for violations of the prohibition law. The theory was that violators would be frightened into compliance with the law. Greater efficiency in enforcement was expected from transferring the Prohibition Bureau from the Treasury Department to the Department of Justice. Both these efforts failed.

Tax Burden Increases.

As the depression deepened, bringing with it a larger tax burden in terms of a reduced national income, the effects of prohibition in the costs of enforcement and the sacrifice of large potential tax and customs revenues from the liquor industry came to the fore in public discussion in every State. Even in the former dry rural sections the demand became strong to legitimize the liquor trade so that taxes upon it might relieve the tax burden upon industry, agriculture and the home, and so that a new industry might give impetus to business activity and employment.

At the same time the moral argument against prohibition gained weight with the publication of the Wickersham report in 1931. Of the eleven members of the Wickersham Commission, two favored repeal, seven revision, and only two retention of the Eighteenth Amendment. Moreover, the commission's investigation had confirmed the common knowledge of the failure of the prohibition experiment from the standpoint of social reform.

Last year was the crucial one in the fight against prohibition. The Democratic party put a repeal plank in its national platform and made repeal one of the leading issues of the campaign. John D. Rockefeller Jr. and other former supporters of prohibition among the capitalist and industrial leaders publicly reversed their position. The Association Against the Prohibition Amendment and the Women's Organization for National Prohibition Reform conducted nation-wide propaganda campaigns on almost as extensive a scale as the Anti-Saloon League's campaign for prohibition years ago, whereas last year the Anti-Saloon League made only comparatively feeble attempts to stem the tide.

The result of the election made it clear that the new Congress had a mandate from the people to repeal the Eighteenth Amendment. Even the old lame-duck Congress saw the handwriting on the wall, and voted to submit the repeal amendment to the States. The Senate voted 63 to 23 on Feb. 16, 1933, and the House 289 to 121 on Feb. 20.

Since then the ratification process has gone rapidly. Michigan was the first State to ratify, on April 3. New York voted on May 23. The thirty-third State to vote was Florida, on Oct. 10, which was the last vote before yesterday's repeal elections in six States.

Until yesterday not one State had voted against the repeal amendment, and all the thirty-three States which had voted had given large majorities to repeal except Tennessee, where the majority was about 7,000 out of about 245,000 votes cast.