

## THE EIGHTEENTH AMENDMENT

BY CHARLES SLOAN REID

IT IS become a trite observation that the enforcement of the Volstead Act is the greatest farce ever staged by the political wards of the government. It never is a safe advocacy for any law when its most flagrant violators are its staunchest supporters at the polls and through the press.

The item of profit is without doubt the strongest incentive to action among all the influences of the work-day lives of men of this age, and a commodity handled under ban of the law presumably is entitled to over-profits sufficient to compensate for the so-called risks incurred in the operation of its traffic. Through the evidently wise systematic arrangement of master minds of organization the excess profits are made subject to a more or less wide distribution in the purchase of protection and facilities for the most efficient operation, as well as for political influence directed toward the object of making possible a statutory permanence of the law, in violation of which such profits are to be realized. Embracing as it does, in the working arrangement of its organization police and enforcement officers, it is small wonder that the system flourishes, and its promoters wax rich upon the tax-free earnings of a business that never takes a holiday.

Citizen and consumer protection comes gratis, for it is safe to assume that no grand jury may be impanelled, within the ordinary machinery of the law, without one or more members of its body being in sympathy with the liquor traffic, through the influence of his personal needs as a consumer. It would be rare indeed, could the X-ray of truth be thrown upon the thorax of each member of the average grand jury, and his heart be made to show in a dark or light shade of sympathy, to find one hundred per cent of its membership revealing no shading at all in the ray's analysis. And what is applicable to the grand jury is equally so to the trial jury. Convictions from the latter source usually are found, with the idea on the part of the jurymen that only some minor item in the way of a

license fee may be exacted from the offender who was so unwary as to have been caught under circumstances admitting of no possible doubt of his guilt.

Among the officers of the law quite a number of shootings, with resultant deaths, have occurred through quarrels over a division of the spoils derived from protection afforded bootleggers, or over competition for the better or more lucrative situations in gathering the graft of the traffic. In addition to this officered and judicial protection, the citizen and consumer barrier against the law's operation is so widely distributed, that the meshes of the legal net are so rent asunder, it must be a stupid rum-runner indeed who chances to be caught at all.

Each citizen, whose appetite requires an alcoholic stimulant is a potential law breaker, and becomes an actual violator in the gratification of his craving. He enters complicity with the rum dealer as surely as though he stood at the furnace door when the ebullition of the mash was going forward. The confirmed toper may not be troubled with conscience in a matter of this kind; but the occasional drinker, an otherwise conscientious citizen, may be squeamish in his soul, but not sufficiently so to enable him to resist the temptation to complicity in an abuse of the law which provides the necessary gratification.

In the first instant of disregard is born contempt. With this contempt once settled in his heart and mind the individual becomes an impure and inefficient citizen. There is a lie in his secret life and an infidelity in his daily association with the institutions of the land. The entire social structure is weakened by reason of wrecked or impaired individual citizenship. The law against carrying concealed weapons appears less honorable, even the thought of murder loses some of its horror. The idea of liberty is twisted into the freedom of license, and the sober and respectable robes of justice seem to have been displaced by a gaudy array of cap and bells. Politicians and office holders sink more deeply into the double dealing Jekyll and Hyde character in their public service that is none too resistible under the most favorable circumstances.

The large financial institutions of the country are involved. Is it reasonable to conclude that the banker-violator in the indulgence of his morning toddy, even within the closet of his home, may retain in his own mind his full measure of integrity? And losing something of this, how may he continue to inspire honesty of purpose and action among his clients? Naturally the liquor traffic will pass a tremendous volume of business through the banking institutions of

the nation. But is it helpful or progressive? Certainly it cannot be when the entire business from its source is built upon the violation of and contempt for august law, the fabric that is supposed to secure within its folds the unity of the nation as a social and political entity.

As an economic measure, the Volstead act is a glaring failure. It has robbed industry of thousands of workers who see in the bootlegging business an easy way to earn a livelihood, and find the element of personal risk involved to be enticing to the adventurous spirit of the young and vigorous. From school, college, office, factory, transportation service and the farm are recruited the ranks of the rum runners. There is not a trade or institution that has not felt the power of the maelstrom. It is a common occurrence to hear the whispered and friendly report of one formerly in good social position, and possibly of high class-room standing: "Oh, he is bootlegging now." And, alas, sometimes the pronoun is "she" instead of "he."

It is an easy step from bootlegging to banditry and burglary. The getting of easy money through the liquor traffic creates a desire for more lucrative, if more hazardous, adventures, and the result is a career of robbery. It is clearly obvious that crime of this class, statistics of temperance fanatics to the contrary notwithstanding, has increased manifold since the Volstead law became of force.

Witness the police record of a single large city in the South. In 1914 there was state prohibition, but citizens could secure whiskey supplies by express from other states. The record for that year shows, arrests for drunkenness, 2,996; for disorderly conduct, 9,721. The following year, after the passage of an absolute state-wide prohibition law, there were 3,414 cases of drunkenness, and 8,999 cases of disorderly conduct. Let us now look forward to 1922, after four years of prohibition under the Volstead act. We find the record to read, 6,555 drunks, and 24,771 disorderly cases. In the year just closed, the drunks had increased to 7,003, with a decrease in disorderlies to 12,771. In the meantime the murder record in the same city, for the two years of 1922-1923, is 92, or nearly three times as many as for any two-year period previous to the adoption of the eighteenth amendment.

The licensed saloon did have some respect for the law of decency. No child was allowed within its doors. The bootlegger has no conscience about such matters, and the victim of tender age is his chief delight. There is defeated the strongest argument of the so-called bone-dry prohibition advocates. Never before has been such an orgy of drinking among children, boys and girls in their teens,

because never before has it been possible for these young ones to secure this stimulant delivered directly at their own doors, or the place of their rendezvous. Instead of cutting off the prevalent thirst with a passing generation and saving the youth of a following one for the upbuilding of a sober nation, the contrary result is being attained.

Formerly it was not uncommon to find young men who never had tasted alcohol. Now, it is the rarest thing indeed to find one who does not know the dangerous seduction of the purloined cup. This is true of the small towns and the countryside as well as of the cities. No hamlet is safe from the insidious encroachment of the profiteering and devastating bootlegger. His advances are even bold, and his defiance is of a quality that denotes a sense of security. Not only is the worst element of the country engaged in the traffic, but thousands of hitherto respected citizens have entered the game on account of the splendid profits to be realized, and with the idea of giving dignity to a business agreed to be illicit in name only.

These citizens feel that the liberty for whose maintenance our forefathers planned the Constitution has been transgressed, not by a majority rule of the people, but through the trickery of certain political leagues whose membership is to profit in some way from the enforcement of the law. Hence prevails the idea that a fraudulent establishment of law has but a technical binding upon the people, and is to be disregarded in the spirit at the will of the citizen.

In the South, especially so in the small towns, it is safe to say that from twenty-five to fifty per cent of the negroes, male and female, are engaged in some branch of the traffic. Usually their operations are financed by white men, in many instances men of means and standing in their home communities. It is a joke of the small municipality that the eighteenth amendment enables it to collect good revenue from the violators. Indeed it is an easy matter, in the exigency of low treasury funds, to call a raid upon the negro quarters, and to collect in so-called fines weekly license taxes. Funds for meeting these levies usually are forthcoming from unseen or presumably unknown source. The farms are robbed of their negro workers to expand the business of the bootleggers. The activities of these peddlers henceforward are triangular, covering liquor-selling, crap-shooting and petty larceny.

In the cities, as the small operators are driven to the ropes by the syndicate octopi of the traffic, these gentry resort to banditry and burglary, having been unfitted beyond recovery for honest toil. Wit-

ness the amazing increase in crime of this class in the past three years.

But, paradoxical as it may seem, the bootlegger is a blessing to the nation. Had it been possible to enforce the absolute letter of the eighteenth amendment upon the people of America, we today should have been a nation of drug fiends. The super-active business and industrial life of this country is intensely wearing upon the physical and mental vitality of the citizen. There is fag of brain and limb. And, realizing that the pace will not halt upon the cry of his weariness, the citizen instinctively turns to artificial stimulation for the necessary vigor that may enable him to avoid the crush of the juggernaut that threatens him. With drug peddling more easily accomplished than bootlegging, the preventing of narcotic sales would become a problem of more certainly impossible solution than ever.

The colossal revenue loss to the nation in the passage of the Volstead act is increased two-fold in the ruthless waste of the government's funds in its farcically attempted enforcement. It would be conservative to say that there are thousands upon the payroll of the nation's constabulary who are drawing salaries from the department on one side, and reaping a harvest in protection fees from the other; or, what is doubtless true in many instances, protecting their own illicit interests while in the hands of able lieutenants on the outside. This double loss to the government, on top of the great burden of debt from the prosecution of the war has borne so heavily upon the backs of the tax-payers, that widespread dissention is growing more rife every day.

Another phase of the situation lies in the quality of the whiskey that men are drinking. Unscrupulous blockaders do not hesitate to use any material that will serve to produce the necessary "kick" and at the same time manifold their profits. No thought is taken by this class of distillers on the possible consequences to follow upon the drinking of such poisonous liquors. And it is not alone from the character of the materials gathered, but from that of the vessels used in the distillation that the menace to the drinker grows large. Metal containers of every description are found by the government raiders from time to time, the most common being galvanized iron. From such vessels salts of zinc are gathered in the condensation of vapors, and are preserved in the alcohol to become dangerously, if not fatally, active in the stomach of the drinker.

It may be heartlessly argued that the sooner the country is cleansed, through such poisoning, of the incurable toper the better it will be for the prohibition law and the sober security of the nation.

What becomes of Democracy and, shall we say, Christianity, in a potential wish of this nature? The rich man may secure his tested Scotch, but the common man must be content to take his chance with the blockader whose operations, thanks to the law, are under no expert chemical supervision. The pure food regulation does not function in the basement and wood sheds of back street residences, nor among the fastnesses of the mountains and the tangled refuges of the wilderness. Thus, the slaughter goes on.

In regard to the almost universal use of intoxicants in larger or smaller quantities by the people of America, an incident in the history of a small town in Carolina comes to mind. This town of fifteen hundred native inhabitants, and a guest population of about four hundred comprised in the student body of two flourishing colleges, male and female, at one time had numbered among its business institutions three prosperous licensed saloons. The only competition which the keepers of these saloons had to meet was that of a few blockaders back in the near-by mountains whose operations were of small consequence. Blind tigers or bootleggers were unknown in the town, and minors were unable to obtain whiskey on account of the strict police regulations observed under the license system.

After some years of campaigning and political intrigue, state prohibition was enacted. In this small Carolina town, as was true in hundreds of others throughout the state, an army of so-called "blind tigers" sprang into existence, and with an abundant supply of the wet commodity easily had from among the mountains to the west, the illicit business flourished, until it was no uncommon thing to see half-grown boys and even women drunk in the streets. At this time, the chief marshal of the town, himself a life-long total abstainer, whose reign had extended over a period of more than twenty years, and who was proverbial for his fund of correct information concerning the movements of every citizen, made a report to his principals in which he declared that only two men, himself and Judge N., an attorney and recently appointed circuit court judge, were not guilty of patronizing at one time or another the bootleggers or blockaders. The members of the city council, five resident ministers of the gospel, the personnel of the faculty of two colleges, the entire staff of the county officers and all of the practicing attorneys were embraced in this sweeping arraignment which never was questioned from any source. What was true of this Carolina town was true of scores of others.

Following upon this condition of things, Ben Tillman, considered by many as one of the most powerful demagogues in the history

of state politics, introduced the state dispensary law. The movement was fought by whiskey men and prohibitionists alike. But so great was the hold of Tillman upon the minds of the people, through the various popular measures involved in his campaign, that the dispensary bill was "railroaded" through the legislature, and became a law of the land. And, as many a good nut is found in a blackened shell, the dispensary act in its administration, and notwithstanding all of its abuses, proved to be the best solution of the liquor problem that ever had obtained in the state. All liquors purchased were tested for purity and quality, and subsequently were bottled in regulation packages at the state capitol for distribution to the various local dispensaries, wherever established. At each local dispensary application blanks were supplied for the use of the patrons. These blanks were filled in with the kind and quantity, limited in each day's supply, of liquors desired, a statement of the applicant's age, and his signature.

All whiskeys, wine and beer were sold at a small margin of profit, but sufficient to cover all operating expenses, and still leave a balance to be divided between the state and local school funds. In this way the dispensary almost supported the schools of the state, despite the graft that obtained in its official management. During the life of the dispensary law, blockaders, bootleggers, blind tigers and all illicit whiskey traffickers were forced out of business by the low prices charged for good liquors at the state's local depots of supplies. Drunkenness almost ceased, and drinking among boys became unknown. No self-respecting citizen would purchase in his own right for the use of a minor; and the would-be toper had none to spare from his own daily allowance. The local dispensary had the aspect in the business row of the humble grocery store. No drinking was allowed on the premises, its doors were closed before dark, and during the day, citizens entered and came away with their small packages in a decent and orderly manner.

It is true that, as in the administration of nearly all public affairs, abuses of the regulations were permitted by some of the dispensers. Perjuries as to the age of applicants were known and allowed to pass. In some instances fictitious names were allowed as signatures on the application blanks. But these abuses, at first more or less prevalent in some parts of the state, diminished rapidly through fear of the inspection service.

No system of control of the drink evil, even approximately, since has compared with the state dispensary plan. Following upon the abolition of this law came prohibition, state wide, and with an orgy

of crime and drunkenness never before known. The methods of search and seizure practiced by the constabulary under the law were prolific of killings on every side. Once more the bootleggers and blockaders flourished. Every pocket of the mountains sheltered its blockade distillery, and every back alley proclaimed with its odor the operations of the bootlegger. In the large cities, entire tall buildings were devoted to the conduct of combination dance hall-gambling den-whiskey saloon palaces, in virtual open defiance of the law, while a majority of the grocery stores stocked whiskey between the syrup and vinegar casks in the back room. The fines imposed upon violators meant nothing more than nominal license fees, and the law became a joke of the land. Whiskey men had spent barrels of money to kill the dispensary law, and the result of their fight had brought conditions wherein the culture of lawlessness had found an ideal element for its propagation. Men drank, as they never had drunk; even children toyed with the deadly fire.

The present administration of the eighteenth amendment is but a repetition on a nation-wide scale of the failure of the Carolina law. Statistics are terms with which to juggle. Each system of propaganda gathers its own. In the meantime the plain citizen, with his eyes open and his mind clear of prejudice or self interest, sees the true condition of the country.

It is true that any dispensary system of the nation would have its imperfections which time alone would enable it to overcome. But what department of the government has come to a state of efficiency without a large score of mistakes having been entered against its account? Even our post office department, that amazingly efficient machine which is the wonder and admiration of the world, did not reach its present position of correct administration, except through a travail of error and effort-marking epochs of accomplishment for the brain power of man. A Federal dispensary plan might be worked out, as simple as the growth of a tree in the spread of its branches. With the local option feature, the state might accept or decline its privilege to connect with the main store, according to the frame of mind its people might elect to register. And the option should be extended to the cities and towns, counties and communities within the state accepting the measure.

The margin of profit should be small, in order to eliminate the possibility of illicit competition under ordinary police regulation. Men do not engage in unlawful enterprises for small profits. There must be prospects sufficient to show coverage for risk as well as for adequate income. But the dispensary profits should be large enough

to insure all operating expenses, with a small margin that might be devoted to the maintenance of schools and roads.

Temperance is largely a matter of breeding, its promotion should begin in the home. Through moral persuasion and the teaching of useful labor for the hands and interesting occupation for the mind of the young, in the course of generations a social condition may be attained wherein the vice of drunkenness would be unknown, provided the Federal government takes out of the hands of the thousands of irresponsible and depraved traffickers the dispensing of intoxicating liquors, through the deadly competition of an efficiently regulated departmental service. The schools, churches and benevolent associations should grow away from mincing, puritanical administration, and become clearing houses of sane morality that considers men's bodies as well as their souls.

Legislation, law, never has enforced morals any more than it has cudgelled man's opinions or religious views into single conformity. It may regulate open traffic and punish offenders, but it cannot uproot evil at its source. Too often its penalties merely are paid privileges. Power of the law may crush the individual, but in so doing does not make a friend of him; for he will rise again, mangled it may be, to insult, defy, or attempt to overthrow the thing that has wounded him. Spirit and desire must be accounted for as an equation in the solution of any problem affecting the nation's personal or individual life. Freedom in the sense of privilege so long has been established in the mind of the American citizen, it will not be possible soon to subordinate his individual activities or indulgences to the will of the leaders.

In America, each citizen feels a sense of kinghood in his own right, and this nation should have to turn about in the road and work backward to a state of imperialism, or despotism with its death-dealing bludgeon to effectively enforce the eighteenth amendment. Moderation is the tortoise in the race with fanaticism, and must invariably win in the end. Radical measures always meet with such opposition, that all the sinews of government are not sufficient to withstand the pressure indefinitely. The theory that a few know best what is good for the many never yet has found sustained popular support in a measure affecting personal privilege. How, then, shall a vice that so long has been hugged to the breast of the nation be uprooted at a single twist of the pincers of the law?

The thing has attached itself to the fibres of the physical being, and can be removed only by the most delicately performed operation. Even physicians, with all due respect for their regard for law

in general, would continue to abuse the dry law, as long as there is a sot above ground. The profession recognizes disease, confirmed and chronic, in drink addiction, and it knows that the remedy or alleviation lies in the "hair of the dog," to use a homely expression. It is the sense, training and education of the profession to relieve pain, suffering or physical discomfort; and human sympathy lies deeper than regard for the strict letter of the law. True, there are fanatics among doctors who would think nothing of jeopardizing the life of a patient in an effort to vindicate their own opinions, or to prove their own theories. But mainly the use of alcohol in the practice of medicine, with slight regard for legal regulations, would continue as long as relief from human suffering demanded it.

Then why delude ourselves into believing that the drink evil may be cured through such would-be drastic measures as the Volstead act? That the evil is a menace to American life there is no argument to the contrary. But the solution of the problem is more difficult than might be imagined by votaries of the "choke" policy. The answer does not lie in the licensed saloon, nor in the express package shipment. How else, then, except through a Federal departmental service, may the drink evil be brought under any hopeful degree of control?

It is not unreasonable to conclude that in the course of ten years there would be a rising generation that would know practically nothing of alcohol, through the economic cutting off of all illicit sources of supply. Unprotected traffic cannot long survive the commercial competition of the government; whereas, in the absence of such competition, the demand of the users must continue to foster illegal dispensing. Turning the situation about as one may, theoretically, the solution invariably comes back to the same principles.