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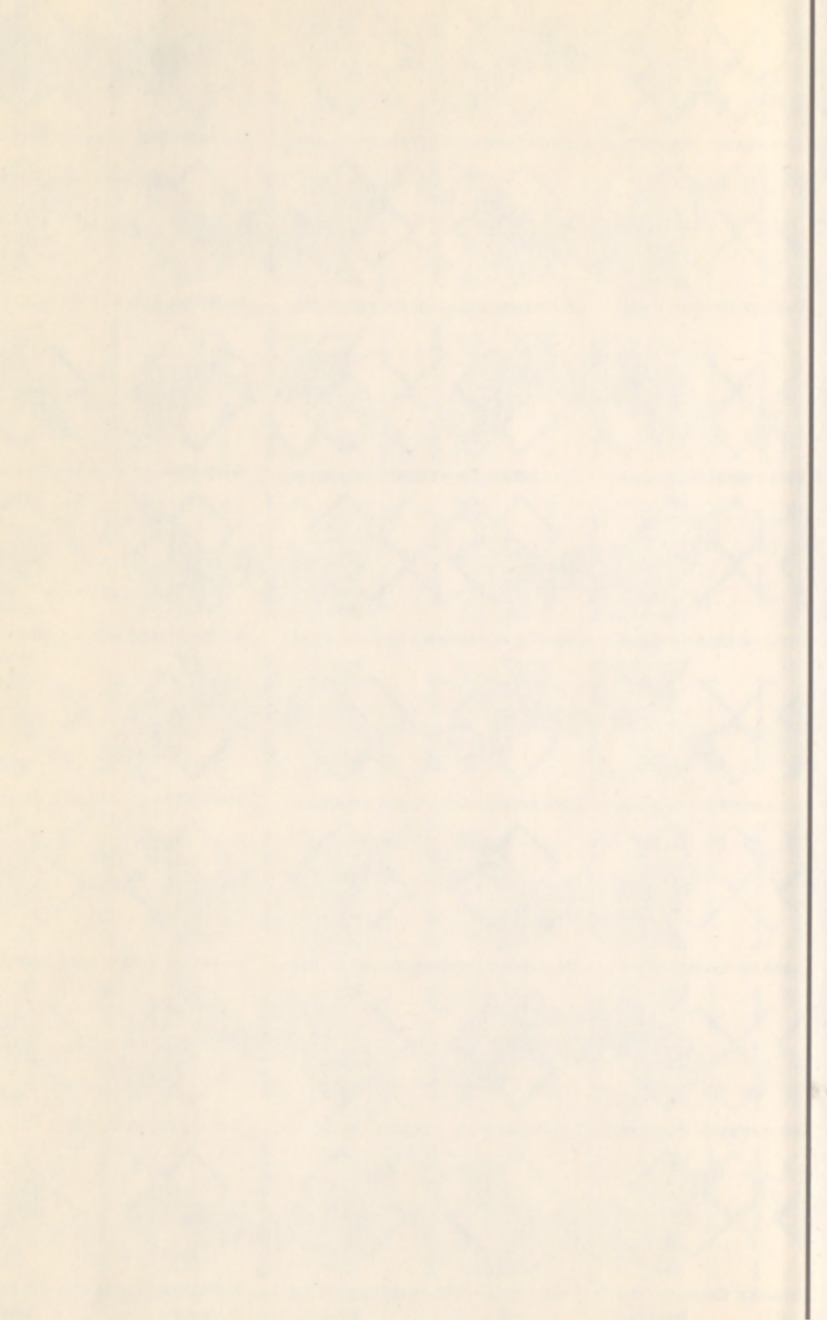
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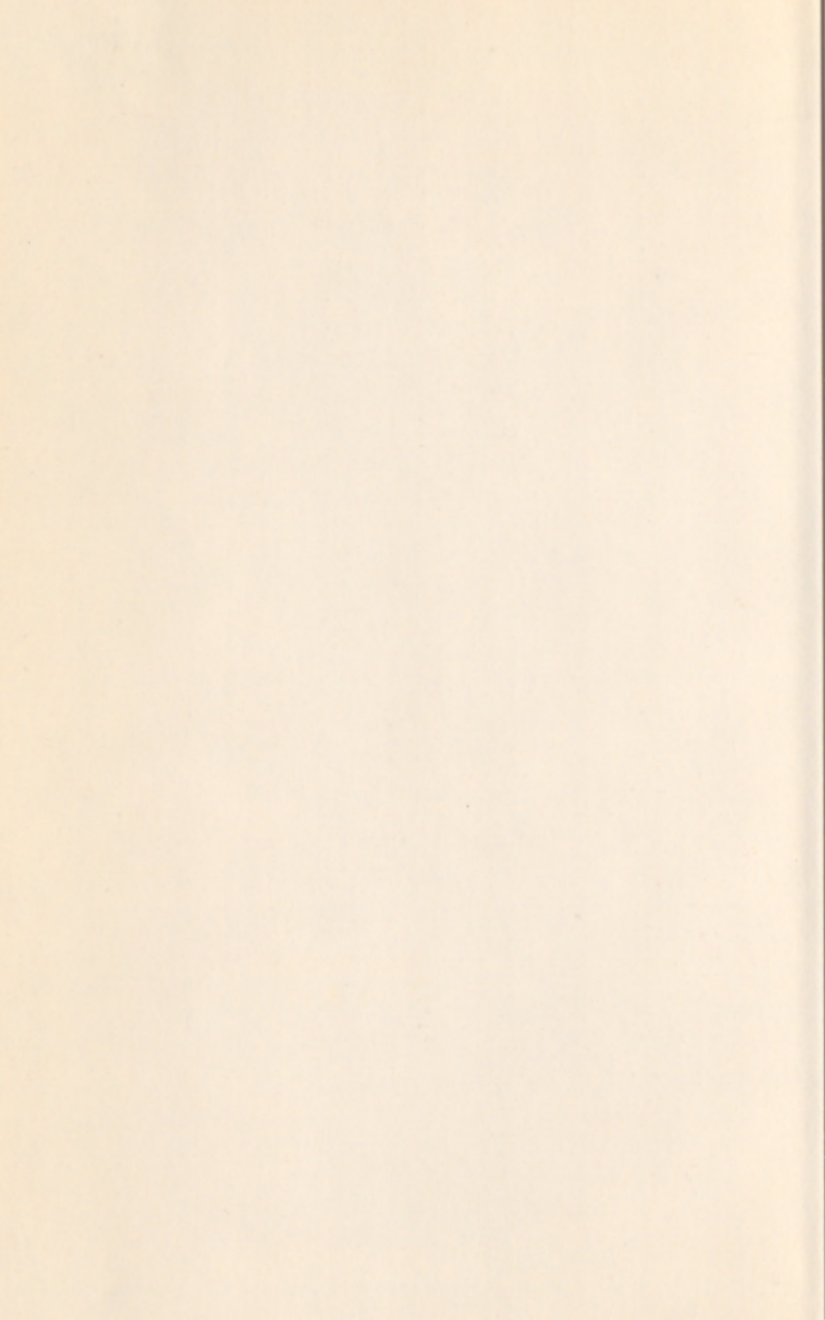


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ALCOHOL AND PROHIBITION

IN THEIR RELATION TO CIVILIZATION
AND THE ART OF LIVING

BY
VICTOR G. VECKI, M.D.,
SAN FRANCISCO, CALIFORNIA



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INTRODUCTION

THE Phrygian King Gordius tied a knot so skilfully that no one was able to untie it. An oracle declared that the one who should unloose it would become the ruler of all Asia, which at that time was considered to be almost the whole world. Alexander the Great took his sword and cut the knot in two.

Real and would-be scientists have tied the alcohol question into such a complicated knot that an untying seems impossible. By every means of right and of wrong an attempt to cut the knot was made in our country, but it proved to be a knotfulness, the sword was too dull; there was no great Alexander behind it, and now we are confronted by a regular knotty puzzle.

To jump into the maelstrom of the present day acrimonious discussion of the alcohol question is a VENTURESOME UNDERTAKING under any circumstance. Wise politicians avoid it most cleverly, experienced physicians approach it cautiously and apologetically, but an almost uncanny number of years of actual medical practice may still leave a man in full possession of youth's "glad inheritance, the inextinguishable love of truth." And thus it happened that this little book was conceived and written with the strict determination to remain outside of all prejudice, and to consider facts only.

Whoever studies the history of the world, and mighty little of it is known, must come to the conclusion that the PURSUIT OF HAPPINESS by individuals, families and later on by nations, was the prime motive of all actions. Of course, at all times everyone considered his own happiness as paramount. Every means to further personal happiness seemed to be justified. Then, as individual efforts to obtain all happiness in sight, necessarily conflicted, laws were made to bring some system into the scramble. And laws were made to be broken whenever an individual or a nation found that any special law was in the way of reaching the coveted happiness, and whenever there was the chance and the power to do so.

In the pursuit of happiness various people, so to speak, tumbled upon various substances that were and are giving, if not real happiness, at least happy moments. There always were philosophers who claimed that happy moments are all that mortals can obtain. Thus coffee, tea, hashish, alcohol, and many other substances became articles of constant and frequent consumption.

There is a Jugo-Slav legend which relates how in ancient times wanderers, finding a vine, put the tender plant into the hollow of a bird's shin-bone in order to be better able to carry it. Afterwards, when it began to grow, they were obliged to transfer it, first into the hollow of a lion's thigh-bone, and then, when the plant was too big for that, into the skull of a jack-ass. When the once so tender plant outgrew

this abode they set it in the ground, and grapes grew from it and the people ate them. When the grapes became too abundant to be eaten they pressed them and drank the juice, later conceiving the idea of storing it away for the time of the year when no grapes grew. Thus the juice became wine and the people drank it. When they drank a little they sang like birds, when they drank more they became brave as lions, and those who drank still more invariably acted like jackasses. And thus it is, up to the present time.

Savages, like animals, live haphazardly, enjoying the present moment with no thought for the future. CIVILIZATION soon developed a science which from the early name of macrobiotics, gradually developed into what we call HYGIENE.

The degree to which a person and also a nation is civilized might safely be judged by the degree of attention they pay to hygiene.

The main trouble with most scientists who undertook to dictate RULES FOR A HYGIENIC mode of LIVING in order to prolong life, was that they were too much inclined to judge by themselves. They were and are guided by personal experience, the big " I " always being greatly in evidence. Enormous individual differences are seldom considered, while pleasures, failings as well as constitutional peculiarities all are being forced into one pattern to suit the whole world.

Then we have all the many and HAPHAZARD RULES and regulations published by interviewers of persons

who have reached an advanced age. An enormous quantity of quasi-information was and is being published, regular systems promulgated and adopted by the credulous, only to be abandoned shortly and forgotten.

When we undertake the study of histories of the lives of most great men we find that, with very few exceptions, they enjoyed life in every respect. We meet with hardly any bigots of great intelligence, and it is almost impossible to contradict Lorand when he states that most of our great men had private lives that would have rendered them unfit for the position of superintendent of an American Sunday school.

There can be no question but that the ALCOHOL USING NATIONS in every way compare very favorably with those whose Mohammedan followers must abstain. There can also be no doubt but that the nations indulging in alcoholic beverages, even nowadays, use too much, yet, as with every question, the truth is not with the extreme ends, and there is a GOLDEN MIDDLE COURSE.

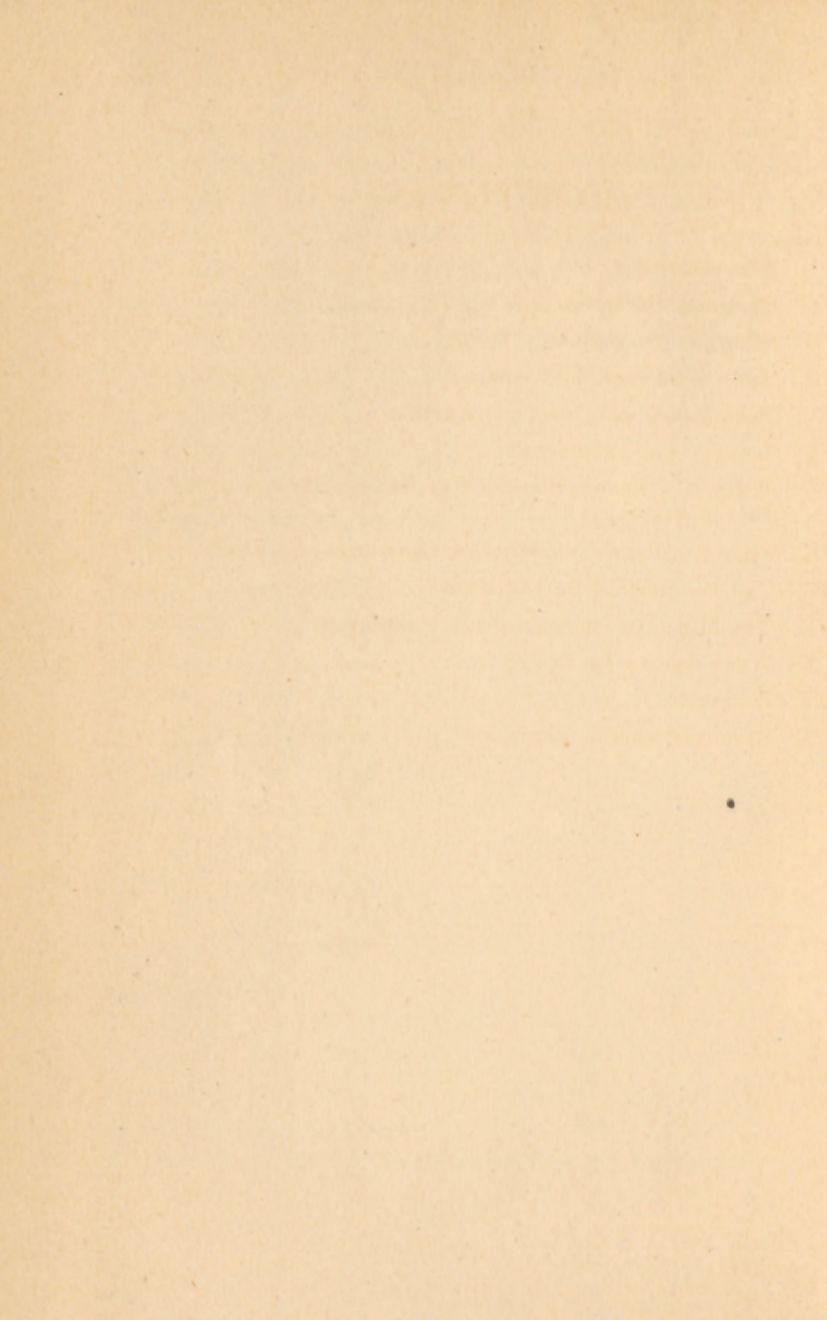
The author shall endeavor to show the legitimate use as well as the abuse of alcoholic beverages, the desirability of temperance, and the abuses in interpretation of the enforcement of prohibition. On the hand of facts it shall be shown what has been accomplished by prohibition so far, who was benefited by the drastic enforcement of the enforcement laws, and that absolute prohibition cannot be enforced, while

temperance is attainable. In addition, the standpoint of the medical profession is made clear, a really hygienic manner of living outlined, and the way to the solution of all problems indicated.

It is not new, but always remains true, that all commandments that ever were given can be condensed into the one: Be kind!

V. G. V.

JUNE 15, 1923.



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ALCOHOL AND PROHIBITION

CHAPTER I

ALCOHOLIC BEVERAGES

WHEN we speak of alcohol we generally mean ETHYL ALCOHOL, the active principle of intoxicating liquors. It may be made synthetically from its elements: carbon, hydrogen and oxygen, but invariably is made by fermenting solutions containing sugar. The chemical formula of ethyl alcohol is $C_2 H_5 O H$. The number of alcohol-yielding substances is endless, from sawdust to grapes, and alcohol itself is easily made if quality is no object.

The easiest to produce, but also the most dangerous and poisonous, is METHYL ALCOHOL, or commonly called wood alcohol. The use of this kind of alcohol for adulteration of whiskey is the cause of many deaths. Such use is criminal under all circumstances, and ignorance but a poor excuse. Cutler,¹ who thinks that wood alcohol should be called methanol, believes that many cases of poisoning escape the attention of the medical profession because of lack of familiarity with the characteristic features, and especially because the symptoms of chronic poisoning are not clearly defined.

The difference in the action of ethyl alcohol and methyl alcohol lies in the difficulty which the organ-

¹ COLMAN W. CUTLER, *New York Medical Journal*, April 3, 1920.

ism experiences in OXIDIZING the latter. Whereas, ethyl alcohol is rapidly split into the harmless end-products of carbonic oxide and water, methyl alcohol is slowly and only partially oxidized in the body and is split into formaldehyde and formic acid, which are in themselves more toxic than the methyl alcohol. Charles Norris² also thinks that many a body is found, and in place of the right diagnosis, "chronic or acute nephritis" is written. We know that one or two teaspoonfuls of methyl alcohol are sometimes sufficient to cause blindness and even death.

Another product of distillation of spirits is the so-called FUSEL OIL. It is less volatile than both alcohol and water and thus accumulates in the last portions of the distilled liquor. It is more intoxicating and more lasting in its effects than alcohol.

In the composition of fusel oil amongst other alcohols, the amyl alcohol predominates, and the acids it contains make it valuable as a solvent of barks. One can easily imagine what it does to the linings of the digestive organs.

As far as we know, alcohol was first made from grapes. Whether people were using intoxicating beverages before the deluge can only be guessed, for the Bible tells us that Noah was the first wine maker.

A witty feuilletonist of a Sunday edition of the New York Times says amongst other things: "In biblical narrative, drinking, and drinking to excess, were certainly begun as early as the tenth generation

² CHARLES NORRIS. "The Lesions in Wood Alcohol Poisoning," *New York Medical Journal*, April 3, 1920.

of the human race. Whether intoxication existed in antediluvial times, is a question of fascinating speculation. There is no hint of it given in Genesis. Yet we are told that the whole earth, save only Noah and his family, were so completely wicked and corrupt that God was sorry he ever made it and determined to destroy it. Now, if it was so desperately wicked without drink, then drink is not the greatest of all evils, for the world was worse before men began getting drunk than it has ever been since. Moreover, if Noah was the inventor of drunkenness, it is interesting to observe that this most pernicious practice was originated by the one righteous and perfect man of his age."

However that may be, we know that the making of WINE is older than real history. Sanskrit, the oldest language known to us, calls it draska; the Egyptians had it, as did the Hebrews, Hesiod and Homer sang of it, the Chinese distilled it in considerable quantities until prohibition made them consumers of opium. In the United States the annual wine production, before prohibition went into effect, was almost forty-two million gallons; some of these wines, mainly produced in California, began to be famous, competing with old European brands.

Thomas Jefferson said that "no nation is drunken where wine is cheap."

Monin in his work on alcoholism, which was presented by the French Temperance Society, and who goes so far as to claim that alcohol gives us nothing

and takes all,³ nevertheless states that sixty-five to eighty-five grammes of alcohol a day, equal to one bottle of wine, is inoffensive,⁴ that wine has a nutritive value and emphasizes the fact that since wine became cheap in Algeria, the consumption of alcohol has decreased by three-fourths, thus greatly benefiting public health.⁵

We may call wine Nature's own yield of alcohol in diluted and palatable form. Unfortunately, it is human to try to improve on Nature, and thus primitive science at first, and later, complicated scientific experiments, produced *SUNDRY CONCOCTIONS* that were advertised in various ways and commercially exploited to the limit.

People who had no grapes in their countries invented cider and beer, then science produced brandy, whiskey, the various cordials: anisette, benedictine, alash, chartreuse, curaçao, kuemmel, maraschino, kirschwasser, crème de menthe, sloe gin, and vanilla liqueur. In some parts of the Orient the milk of cows, mares, asses, and other animals is used in making mild alcoholic drinks like koumys and kephir, while in some countries corn brandy, prune brandy, arack, gin, pulque, mezcal, sake, and rum were manufactured. Even these did not seem to satisfy and it remained for higher civilization to produce absinthe which, containing wormwood

³ E. MONIN. *L'Alcoôlisme*, Paris, 1917, p. 5.

⁴ *Ic.*, p. 73.

⁵ *Ic.*, p. 155.

and other essential oils, is more intoxicating, and therefore more dangerous. It has besides a direct action upon the higher nerve centres, and therefore mainly causes nervous symptoms, such as: excitation, giddiness, hallucinations, terrifying dreams, and convulsions.

We may be sure that if science, in the same manner, forced people to use nicotine and caffeine in place of tobacco and coffee, there would soon follow a justifiable demand for the prohibition of both.

Everyone must admit that all beverages containing a large percentage of alcohol are not fit for ordinary consumption, and really should be under proper control. If quality is no object ALCOHOLIC BEVERAGES ARE EASILY MADE, is one point that must not be lost sight of, and can never be emphasized enough. We cannot enter into the details of manufacture, and it is only too well known what a difference there is between the raw and poorly made, and the finished product. The quantity of oily impurities and fusel oils depends entirely upon the skill of the distiller, upon his good will, conscience and pride. All these qualities are wanting in the average moonshiner, who is always in a hurry, has no reputation to sustain and only sees one end—the dollar, while his simple still cannot produce a proper beverage.

WHISKEY, America's favorite drink, in addition to careful distilling, requires aging in wood for at

least four years in order that the slow oxidation of the alcohol and other volatile bodies may take place.

Finally, one may consider to what manipulation the clandestinely made liquor is further exposed when passing through the hands of the so-called bootlegger, where its dilution with water is the least objectionable operation.

CHAPTER II

ONE SIDE OF ALCOHOL

THE physician is surely in the best position to judge the damage the abuse of alcohol is capable of. Going from home to home and from hospital to hospital he has only too frequent occasion to see and watch the deleterious effects upon individual drunkards and upon their eventual families. This side of alcohol has been given a great deal of publicity, and "DEMON RUM" has been painted in the blackest colors until a great many people were convinced that it is nothing but a poison! Surely, many writers when condemning alcohol unconditionally, only too often rely upon the ignorance of a great many readers.

We know that a POISON is a substance that acts upon living tissue so as to impair its function or destroy its life. Alcohol is a poison. Ponchet determined by experiments that six grams to one kilogram of body weight is the single mortal dose.¹ Thus, a single dose of 850 to 900 grams of whiskey or brandy would kill a man. No one should drink a quart of whiskey in one gulp.

In order to reinforce the accusations against alcohol, a great many more or or less ingenious ANIMAL EXPERIMENTS were made. The great physi-

¹ TRIBOULET, MATHEU ET MIGNON. *Traité de L'Alcoôlism*, Paris, 1905, p. 52.

ologist Howell simply states that "the evil effects of excessive use of alcohol are so continually demonstrated upon men that there is no need for experimental investigations to establish this fact."²

We positively cannot consider experiments on animals, or place human beings on a plane with rabbits or pigeons. Flea-powder does not kill men. Less can we consider experiments where excessive doses were used, doses that would in human beings answer to single doses of over a pint of whiskey.

Stockard, for instance, exposed guinea pigs to complete intoxication for six consecutive days, and then crossed them with normal females. Agnes Blum reports in 1921, at the Berlin Congress of Inheritance, how she injected into mice large doses of twenty per cent. ethyl alcohol in order to find out how alcohol influences propagation. It seems strange to read in the world's foremost medical paper a solemn report of how polyneuritic pigeons could not be cured by beer before the alcohol was extracted.³

One cannot be influenced by the ridiculous experiments proving that alcohol applied directly to protoplasm, living cells and seeds, is deleterious, because the same is true of vinegar, distilled water, sunlight, and many other things. It would be just as logical to claim that milk is a poison because "young plants

² HOWELL. *A Textbook of Physiology*, 8th edition, Saunders Co., Philadelphia and London, 1922, pp. 928, 929.

³ *Journal A. M. A.*, Nov. 30, 1918, p. 1829.

supplied with milk are slower in growth than those supplied with water."

When we come to consider the real facts it becomes evident that ALCOHOL acts as A POISON WHEN USED IN OVERDOSES. But in this sense, whatever "goeth into the mouth of man" is a poison also. Tea, coffee, beef-tea, beefsteak, sweets, starches, even water, all are poisons.

As with all other poisons, we must distinguish between acute and chronic intoxication, in our case acute and chronic alcoholism. Alcohol acts most readily upon the upper and anterior part of the brain, therefore, the higher nervous centres are first affected. First, we have the stimulating, then the exciting, and finally, the blunting effect. The various stages of ACUTE ALCOHOLISM are in the order named—animation, exhilaration, excitement, incoördination, stupor, sleep and eventually coma.

The overindulging individual is most dangerous to other people, especially to his wife and children, when in the stage of excitement, because his powers of perception and volition are impaired, but he incurs the greatest danger to himself when he keeps on drinking until stupor and eventual coma ensue.

Experience teaches that hot drinks act more quickly, sparkling beverages are rapidly absorbed, but also rapidly eliminated. Alcohol is more active when taken on an empty stomach. The tolerance for alcohol is greater in hot weather, hot climates, and in some pathologic conditions causing high fever, as pneumonia and typhoid.

The animation and exhilaration following a moderate consumption of alcohol are caused by a dilatation of the cerebral blood vessels. This increased blood supply to the brain causes the first and mild degree of intoxication, while the higher degrees are being caused by a direct influence of the alcohol upon the brain cells.

DRUNKENNESS, the lack of mental coherence and all self-control induced by alcohol, may be occasional or habitual. We know that occasional drunkenness is frequently caused by bad example and bad company. Information, instruction and education will in these cases invariably be helpful. Conditions are more serious when drunkenness is the outcome of a will impaired by insanity in some form. Then drunkenness is, like other vicious habits, the consequence and not the cause. In such cases alcohol only increases the impairment of the will.

Prolonged and continuous over-indulgence in alcohol causes CHRONIC ALCOHOLISM with all its associated troubles. Loss of appetite, the first characteristic symptom, heralds the impairment of the digestive organs, principally the liver. Later on, the kidneys and the organs of circulation suffer.

Loss of appetite, lack of food, and frequent neglect of food, weaken the system. The individual becomes sleepless, and restless, and from this condition DELIRIUM TREMENS is not very far. The onset may be sudden or gradual. The patient, and by this time he must be acknowledged a patient, begins to see and hear things, has all manner of hallucina-

tions, suspects everyone, dreads all kinds of things, and is most dangerous to himself and others. Such a condition lasts from four to seven days, and ends in exhaustion, stupor, sleep and recovery, or possibly in death, generally due to heart failure. A frequent complication is pneumonia, which also may be a contributing cause.

There is a popular belief that a person can survive only a certain number of attacks of delirium tremens, but in reality the outcome depends entirely upon the constitution of the patient and the treatment given.

Under all circumstances we must distinguish between a drunkard and a dipsomaniac. DIPSOMANIA is a form of recurrent insanity manifesting itself by a paroxysmal craving for alcohol. The dipsomaniac seems perfectly normal between attacks, he has high ideals, is a total abstainer, frequently a most ardent prohibitionist. He knows that alcohol is his terrible enemy, the tyrant under whose lash he suffers most cruelly. No wonder he would like to destroy him, but alcohol is of easy access for the dipsomaniac. Occasional, and even habitual drunkards, are careful of what they drink until they are drunk, but the dipsomaniac will eagerly swallow any kind of alcohol, ethyl, methyl, or amyl, when the irresistible craving, caused with or without accidental contact with the stuff, seizes the poor victim. It is really remarkable that most dipsomaniacs come from teetotaler families.

With but very few exceptions a DRUNKARD IS AN

ABNORMAL to begin with. His progeny will be abnormal, drink or no drink. We neither can nor wish to question the harmful influence of drunkenness in many directions, but we know, as Sullivan, the Superintendent Medical Officer of the Broadmoor Asylum, recently stated, that evidence of the war years offered "quite convincing proof that for the most part alcoholism was a negligible factor in the causation of insanity."⁴

Sometimes people are driven to drunkenness by misfortune, disappointment, or sorrow. Usually they find out that troubles cannot be drowned, because they soon learn to swim. Sometimes the continued overindulgence causes mental, and moral decay and degradation, of a character to make the non-successful a permanent failure, although invariably there is something fundamentally wrong with the habitual drunkard.

And when all kinds of statistics are compiled, it should not be overlooked that the DEFECTIVES AND the DEGENERATES HAVE a marked INTOLERANCE FOR ALCOHOL. When we compare the dried up whiskey drinker with the bloated and flabby excessive beer drinker, we must come to the conclusion that it cannot be the alcohol alone that causes such different conditions.

The study of the glands of internal secretion may explain some phenomena. LeClerc,⁵ for instance, is sure that marked alcoholism must be an important

⁴ *British Medical Journal*, August 5, 1922.

⁵ *Bulletin de l'Academie de Medicine*, December 9, 1919.

factor in some cases of defective development of the thyroid causing cretinism in the offspring.

Alcohol, however, is being accused of all kinds of things which it positively is not guilty of. Bishop⁶ states that "no one has yet been able to prove that alcohol, divorced from the usual unhygienic accompaniments of its abuse, has ever led to organic heart disease." "That it results in arteriosclerosis has been disproved."

Blair,⁷ the Chief of Bureau of Drug Control, Pennsylvania Department of Health, states very properly that "man has a wonderful recuperative power, biologically, intellectually, and even spiritually; he is remarkably adaptive to environment, and harmful indulgence leaves less mark upon the race than moralists would have us believe."

If this were not so, where would the English, the French, the German, and the Slavs be by this time? Nevertheless, it is perfectly true that "indulgence brings its own punishment."

The author wrote in 1910⁸ "Many are the cases of venereal infection due to drunkenness. Under the exhilarating influence of alcohol men and women become more enterprising, daring, less timid, and less prudent. Alcohol before paralyzing, stimulates, inflames the passions....."

⁶"The Effects of Alcohol on the Heart and Blood Vessels." *Medical Record*, August 13, 1921.

⁷*Therapeutic Gazette*, February 15, 1921.

⁸VECKI. *The Prevention of Sexual Diseases*, Critic and Guide Co., New York, 1910.

“ Under the influence of alcohol, judgment and all ethical scruples, which often hold passion in check, are subdued.

“ Youth should always be warned against drunkenness.”

Again and again, we are compelled to admire the old Latin proverb which claims that wine is milk for the old, poison for the young.

Recently, Capps and Coleman gave a statistical report showing “ that if all their patients had been restricted to abstinence or to the light usage of alcohol, a large number who died would have been saved.” We may be sure that a large number of them would have been saved if they were given alcohol in proper doses at the proper time during the course of their sickness. We know only too well that alcoholics do not resist infectious diseases unless alcohol is not denied to them. There is no doubt that under prohibition rule and in the hands of prohibition physicians the chances of the alcohol user are poor in any kind of sickness.

CHAPTER III

THE OTHER SIDE OF ALCOHOL

THE great authority on dietetics, Sir William Roberts, expressed the attitude of most physicians having a large personal experience, when he said: "Alcohol is such an exceedingly bad boy that one is afraid of saying a word in his favor, but I am satisfied that there is a good side, as well as a bad side to the alcohol question."¹

Abraham Jacobi, elected president of the American Medical Association at the age of eighty, and who was never afraid to tell the plain truth without the slightest attempt at apology, stated repeatedly, "Physicians have always found ALCOHOL a valuable, aye, an indispensable, REMEDY. There is hardly a human organism which is not favorably influenced; mainly, the aged, feeble, fat, and convalescent, feel its benefactions." In his treatise on diphtheria he said: "My life has been spent among the sick and the recovering and the dying. That has been so with diphtheria since 1858, when it appeared among us, mild and bad. Many thoroughly septic cases got well after having been 'given up.' No amount of whiskey will ever lead to intoxication when its effect is wanted to combat sepsis."

¹ Sir James Critchton-Browne. *What We Owe to Alcohol*, N. Y., 1919.

Jacobi was not blind to the damages of abuse and it was his opinion that "the very fact that alcohol is recognized as a valuable dietetic resource and precious remedy in disease has been the cause of its being criticised. That should be so. It is natural that its frequent use may lead to abuse. That abuse is liable to become a danger in individuals and to communities. It is true, however, that its legitimate employment as a pharmaceutical remedy has not caused a visible damage, yet the facility of obtaining it for improper uses has caused untold adversaries."

In his introduction to Flint's book on alcohol, Jacobi,² pointedly expressed his opinion by saying: "Disease is liable to lose its strongest ally when alcohol allays anxiety and worry." "My own experience is that in the worst cases of fatal sepsis, diphtheria, erysipelas, puerperal fever, alcohol in the largest doses furnishes the only salvation."

Another man of international reputation, who is never afraid to tell the truth as he sees it, is William J. Robinson. His opinion is all the more valuable because he always was an ardent supporter of temperance, and even prohibition, but never expected that so little temperance would be shown in the application of prohibition. Robinson, in an article entitled "Has Alcohol Any Value?" says:

"Does alcohol possess any value as a therapeutic agent or as a food, or is it altogether worthless? Prohibition has not answered the question. Will it ever be answered? We don't know, but the

² FLINT. *The Whole Truth About Alcohol*, N. Y., 1919.

question is an important one and it will never be settled until it is settled right. And before it is settled right, it will give rise to many more discussions. The Section on Therapeutics and Pharmacology of the Royal Society of Medicine, London, has recently had the subject up on its program and we reprint here an abstract of the discussion from the *Therapeutic Gazette* (September 15, 1920). The president of the Society, not being a practising physician, admitted that he could discuss the subject only from the standpoint of the pharmacologist, and he stated that he would leave the consideration of the therapeutics of alcohol to those who had practical experience. He was skeptical of the importance sometimes attributed to the minute traces of ether and other constituents of wine and distilled liquors, but he announced very positively, that in his opinion there was no doubt that alcohol has a value as a food, as well as a value as a drug, yielding energy to the body practically immediately after its ingestion and taking the place of an equivalent of starch or fat in this action. He did not go so far as to commit himself to the view that alcohol is a desirable source of energy for the body of the healthy person, but in certain conditions there is no doubt of its advantage since it requires no digestion, is rapidly and completely absorbed, and not susceptible, as are carbohydrates, to fermentation by yeasts and the action of bacteria. For these reasons it is able to supply to a system which is temporarily unable to obtain it from normal sources the minimum of energy necessary to

enable it to carry on, and tide over, a critical period. In connection with its employment as a so-called stimulant, Dale admits the correctness of pharmacological research, which indicates that it is not a stimulant in the ordinary sense of the term, but that it does affect the circulation very materially, dilating the superficial vessels and in many instances restores the circulatory equilibrium."

We are interested to note that Dale emphasized the importance of differentiating between results which are obtained by the ingestion of alcohol on the part of normal animals or man, and its employment in those who are ill, and that its habitual use in treating syncope and collapse is not due to a stimulant effect, but to a removal of severe central inhibition. This seems to him to be the explanation of its value, and in pneumonia he appears to think that abnormal reflex irritability of the respiratory centres impairs the oxygenation of the blood, and that alcohol, by restoring a quiet, deep, effective respiration, ought to be of use.

On the other hand, Dale has no confidence in the view that alcohol is a sort of specific against infection, particularly influenza.

Discussing alcohol as a digestive stimulant, Hutchinson stated that there was a general agreement amongst clinicians that ALCOHOL is undoubtedly A FOOD of special value, particularly in diabetes and prolonged fevers; that it is a digestive stimulant often useful in cases of impaired appetite, gastric atony, and in convalescence; that it is also useful as

a carminative in severe cases of flatulence; that its effect in dilating superficial blood vessels is of use in combating the effects of a chill, as well as in rigors; and that it has value in helping to reduce blood pressure during an attack of angina. The drug also is OF SOME VALUE because of its narcotic action IN certain cases of INSOMNIA, especially in old people and in delirium and restlessness of acute illness. Hutchison believes that its value in acute heart failure, as in syncope, depends upon its reflex stimulating effect. By quieting restlessness it is also indirectly of value to circulation. His view is also that there is some reason to believe that in septic infections, it increases vital resistance, a fact that the writer proved some years ago.

A no less well-known authority than Hale White agreed practically with all the views so far expressed. A glass of wine taken with a meal he thought was advantageous when a patient was weak and "on edge." It would not only quiet him and promote digestion, but do no harm, and he said he had never known an alcohol habit formed from taking it during convalescence. Using scientific terms, he cleverly summed up the views of many others when he stated that the chief therapeutic value of alcohol was as a pleasant depressant peculiarly efficacious in inhibiting peripheral sensations, such as slight pain and discomfort, and by its slight cerebral depressant effect diminishing the trivial worries that bother the sick. Concluding his remark, he stated the well-known fact that brandy

was the best alcoholic preparation in diarrhœa, and that old brandy had superior therapeutic effects over that recently made.

Leyton, discussing the VALUE OF ALCOHOL IN DIABETES, showed from clinical experience that its addition to the diet greatly increased the energy of the patient, enabling him to take more exercise and to gain weight.

Langdon Brown expressed a view in accord with Leyton, and also said that it was his belief that alcohol increased the secretion of the gastric juice, besides adding to the patient's comfort when ill, by removing nervous irritation. He agreed with Wilcox's view that the administration of oxygen gas passed over brandy contributed to the recovery of some cases of pneumonia.

Esther Harding, in concluding the discussion, stated that in the case of children the uses of the drug fell under the same headings as in adults. In respiratory embarrassment, especially the rapid, shallow, inefficient breathing of broncho-pneumonia, alcohol quieted the respiration and so made it more efficient. It was true that the indication for the use of alcohol was commencing failure of the right heart, while the effect of the drug was not to flog the already overburdened heart, but to relieve it of some of its intolerable burden by slowing the respiration and improving the oxygenation of the blood. Alcohol was, in her opinion, the most valuable sedative and hypnotic drug we possessed for infants and children, as well as a food in cases where no ordinary diet

could be taken. In milk intolerance of marasmic infants, she found alcohol would sometimes tide a patient over a few days till milk or whey tolerance could be reëstablished, and in cases of persistent late vomiting which causes so many fatalities after severe diphtheria. She has kept a child alive on more than one occasion under such circumstances, on saline, brandy and sugar, given by the stomach, for three weeks.

William Henry Porter, of New York, who for more than forty years studied the pros and cons of alcohol from their scientific and medical aspects, declares³ that he cannot accept a dictum from anyone that ALCOHOL IS NOT A STIMULANT, until the laws that control the universe are radically changed.

“Alcohol is composed of carbon, hydrogen, and oxygen, the same as is sugar and fat, but a much less complex molecule. Like these substances, it is oxidized in the body, yielding heat, stimulation, and energy, just as do sugars and fats. Hence, like these substances, alcohol is a stimulant.

“Alcohol has great power for good when the system is in a pathological condition or greatly debilitated from any cause and cannot secure the necessary heat and energy from the ordinary used food elements.

“Fortunately, because of its less complex molecular structure, alcohol can be oxidized within

³“Alcohol a Nerve Stimulator,” *New York Medical Journal*, April 3, 1920.

the body at times when sugar and fat cannot be so utilized—

“Hence the virtue of alcohol as a therapeutic stimulating agent in times of dire need. So far as I know, there is nothing that can take its place.

“My clinical observation proves conclusively that many lives have been saved by the proper use of alcohol at such times, when without this stimulus they inevitably would have been lost.”

Of course, as Porter clearly states, alcohol when improperly used is a depressant, but it has been positively proved that alcohol can be used so as to secure a stimulating effect without developing any of the subsequent depressing action.

Careful experiments which were made in Professor Ehrmann's clinic in Neuköln, Germany, prove that half an hour after ingestion of a five per cent. alcohol solution on an empty stomach, pure gastric juices can be obtained. Chittenden, Mendel and Jackson also found that alcohol and alcoholic drinks had a marked effect on the empty stomach, INCREASING VERY GREATLY THE FLOW OF GASTRIC JUICES and the content of acids and solids. Haneborg and M. Morichan-Beauchant both agree that alcohol could be of great service in certain affections of the stomach.⁴

Hare stated in 1903 that alcohol in medicinal doses combatted infections by INCREASING THE BACTERIOLYTIC POWER OF THE BLOOD. “As is well known, the benefits derived from the moderate use of alcohol manifest themselves mainly in the direction of

⁴ *Le Monde Medical*, 1922, p. 472.

recuperation after great fatigue during convalescence from debilitating diseases, or in the debility due to old age.”

Sajous,⁵ one of the greatest authorities on endocrinology, states that alcohol “when employed in therapeutic doses as a stimulant, or used daily in moderation, PROMOTES THE FUNCTIONAL ACTIVITY OF THE ADRENALS and therefore general oxygenation and metabolism.”

The same holds good for the thyroid. Therapeutic or non-toxic doses increase the defensive efficiency of the body against disease and infection.

Sajous comes to the conclusion that “alcohol, in keeping with other powerful tonics such as strychnine, stimulates functional activity when administered in therapeutic or moderate doses, and that it becomes an active, destructive toxic when taken in large doses.”

Charles G. Stockton,⁶ the eminent physician of Buffalo, N. Y., states that alcohol “as a remedy probably has been more widely employed than any other agent, and until recent times the great importance of this was unquestioned.”

“The arguments advanced against the therapeutic use of alcohol might be raised as justly against the employment of any really powerful drug.”

Stockton emphasizes the importance of alcohol as a substitute for food, when other food is not

⁵ “The Effects of Alcohol upon the Endocrines,” *Medical Record*, August 13, 1921.

⁶ *Medical Record*, August 13, 1921.

tolerated, while "to omit it approaches criminal neglect."

"In diabetes, when it is incumbent to lessen the caloric intake of carbohydrates or of fats, or of both," nothing else will take the place of alcohol.

"IN OLD AGE, when the organs have undergone degeneration from senility.....there can be no doubt of the very GREAT IMPORTANCE OF ALCOHOL. Used judiciously and with the same care which is exercised in the prescription of other drugs, alcohol often enables an aged person to live on, not only with greater functional power, but with comparative satisfaction. Thus the patient is spared misery of mind and body."

Alonzo Clark, whose wisdom in therapeutics no one can doubt, published in collaboration with his interne, Stephen Smith, a report of the great success in the treatment of typhus by the very liberal employment of brandy.

The well-known surgeon of New York, Robert T. Morris, when considering the use of alcohol in surgery, says:⁷ "There appears to be no place in which it holds a superior position to other agents which may be employed for the purpose for which alcohol is employed. Alcohol as a STIMULANT AFTER SURGICAL OPERATION, for the purpose of overcoming the effects of shock and for stimulating flagging energies into activity, appears to have a place of considerable importance at times, although a good deal of judgment on the part of the surgeon is required

⁷"Alcohol in Surgery," *Medical Record*, N. Y., August 13, 1921.

in order to avoid injurious action. CONTINUOUS VOMITING AFTER SURGICAL OPERATIONS is sometimes QUIETED PROMPTLY by small doses of champagne, and patients who are making slow recovery from the shock of operation occasionally make prompt response for the better when alcohol is given in the form of good wine or spirits.”

Mellanby⁸ argues that “if a food be defined as that which can supply useful energy to the body, then alcohol is a food.”

Though one cannot accept Mellanby's classing of alcohol as a narcotic, we must agree with his deductions that even if we cease to regard alcohol as a stimulant, except in so far as it irritates the nerve-endings of such organs as the mouth, œsophagus, and stomach, we must concede that its effects, whether as a beverage or as a medicine, may be no less important, even though they are to be explained by its narcotic action on the central nervous system.

Mellanby comes to the conclusion that “alcohol can supply a large amount of energy to the body, both in health and disease,” when used as a food under proper precautions, frequently in small doses, seven to ten cc. every hour. This amount can be oxidized in that time, and diluted to about five per cent. strength.

While Mellanby thinks after exposure and starvation alcohol alone would not be sufficient, it surely

⁸ “The Action of Alcohol on the Human Economy,” *British Medical Journal*, August 5, 1922.

is useful when protein and shelter can be supplied immediately after.

Bishop,⁹ considering the effect of alcohol on the heart and blood vessels, states that "the great fundamental cause of premature arteriosclerosis in the overworked business man is undoubtedly founded on the reflex action of worry upon metabolism, and it is more than likely that the moderate use of alcohol at the proper time of the day and in the proper quantity, removing as it does this nervous and mental tension and abolishing worry for the time being, may be indeed A PREVENTIVE OF ARTERIOSCLEROSIS."

Engelen¹⁰ found alcohol to be EFFECTIVE IN ARHYTHMIA due to non-compensated mitral insufficiency, and comes to the conclusion that alcohol may correct abnormal irritation of the heart.

George B. Wallace¹¹ knows that there can be no doubt but that alcohol RELIEVES the most dreadful ATTACKS OF ANGINA PECTORIS.

Von Noorden, who certainly needs no introduction in the scientific world, orders that in beginning diabetic coma no food should be given except 150 to 200 gm. of brandy in a day.¹²

Fuller¹³ states that the immediate effect of alcohol is to reduce both hyperglycemia and glycosuria in most cases of mild or moderate diabetes. The

⁹ *L.c.*

¹⁰ *Medizinische Klinik*. December 4, 1921.

¹¹ *Medical Record*, N. Y., January, 1922.

¹² *Medizinische Klinik*. January 14, 1923.

¹³ *Journal of Metabolic Research*, Morristown, N. J., May, 1922.

effect is most pronounced when the alcohol is substituted for the caloric equivalent of fat, but is also frequently manifest when the alcohol is given as an addition to the previous diet. These effects are usually lacking in diabetic cases of great severity. It is now generally acknowledged that in diabetes, alcohol is the most efficient protein sparer.¹⁴

Liebig, one of the greatest chemists the world has ever known, more than half a century ago pronounced alcohol a food. Many chemists tried to contradict him, all kinds of experiments were made, but at present it is the consensus of opinions of chemists and experienced physicians alike, that ALCOHOL IS A FOOD OF SOME VALUE.

Since 1888, and long before anyone dreamed that drastic anti-alcohol laws would be passed anywhere, the author was teaching through various publications that certain kinds of red wines, like the California Burgundy type, French Burgundies, and Dalmatian Opolo in small quantities have an aphrodisiac effect, that good and real beer is extremely useful in some cases of very distressing sexual shortcomings of men, and that alcoholic beverages are positively effective in frigidity of women.

There was always added the warning that any beneficent action could be expected to continue only so long as the consumed quantity acted as a stimulant, and that beyond this a depressing, and eventually paralyzing, influence is invariably exerted,

¹⁴ *Journal A. M. A.*, June 7, 1919, p. 1681.

while inherent and other individual differences must be taken into consideration.

The final word in judging the value of alcohol must be given to the clinician, the physician who is in the best position to judge from close observation and long experience of what use it is to the sick.

We cannot but agree with the clinician who said: "I do not care to classify alcohol anywhere. I do not contest observations and experiments on either healthy or diseased men and on animals. . . . One of the most profitable laboratories, however, is the hospital and the private bedside. And there we find that alcohol, when properly used, is a food. It is easier to assimilate than any other food and is therefore **EXTREMELY VALUABLE IN GAINING TIME IN EXHAUSTING DISEASES.** Alcohol is a stimulant; there can be no doubt of its excellent and irreplaceable action in several acute diseases of children and in critical stages of many diseases of adults, mainly pneumonia and influenza, in stages of collapse, in typhoid fever, cholera, etc., etc. In chronic diarrhœas, malaga, port and burgundy wines are at times life-saving agents, for which there is no satisfactory substitute. There can also be no doubt that alcohol has a powerful action as a preventive in conditions of exhaustion, chilling, and starvation, that it is a valuable aid in digestion, a general tonic in old age, and in certain forms a help against insomnia."

Fatigue, excitement, anger, and anxiety may im-

pair the appetite in spite of the need for food, while a drink of alcohol in a pleasant form will counteract many baneful influences by creating psychic relaxation. No physician of any experience can deny the value of alcohol in cases of depressive psychoses and psychasthenias. Even laymen know the value of alcohol as a preventive of colds after, but not before exposure.

Alcohol in moderate doses dilates the blood vessels, especially the superficial ones, and increases the amplitude of cardiac action; therefore, we know it to be valuable in diseases of the circulatory apparatus. Again we must emphasize that dosage and frequency of intake must be determined by the experienced physician. In some cases one large dose may be indicated; in others frequent and small ones.

Jacobi thought that no emperor and no president knew more about the management of Jacobi's patients than Jacobi himself, but all this is changed since physicians have to obey the frequently changing rulings of the bosses of prohibition, while even incurables are denied a few moments of euphoria before they pass into the Great Unknown.

The conditions in which alcohol may be of use are so numerous as to allow for the mention of only a few.

For instance—claret is a preventive of scurvy. The author has seen a great deal of its infallible action while physician to a state prison.

Beer is a galactagogue.

Dr. Beverly Robinson, in answering a prize question, asserts that in insomnia and in many other nervous ailments, acute or chronic, alcohol in the form of good old brandy or whiskey, given moderately and diluted, at meals, or at bedtime, or both, is decidedly curative with many patients.

In pulmonary affections of the gravest sort, acute or chronic, good brandy or whiskey are at times simply without a peer in rapid curative effects. The writer states that he has saved not a few patients at the point of death in pneumonia by giving frequently repeated and sometimes large doses of these stimulants, when without them death would have surely and rapidly occurred.

In advanced pulmonary tuberculosis, it is positively criminal in many instances, not to give an ounce or two of diluted whiskey, to the sufferer three or four times in twenty-four hours; this treatment to be continued for many months.

In infectious diseases, in septicemic affections, good whiskey or brandy is often indispensable in treatment.

For local application in many surgical injuries or local infections, there is no remedy equal to alcohol.¹⁵

McCollum and Simmonds have found that the water soluble vitamin B can be extracted from divers plant and animal sources by the use of alcohol.¹⁶ Alcohol surely cannot be antagonistic in the utilization of vitamins in the body. And in the prepa-

¹⁵ *Medical Critic and Guide*, September, 1919.

¹⁶ *Journal A. M. A.*, April 6, 1918.

ration of the new remedy against diabetes, insulin, precipitation and other manipulations with alcohol play a most important part.

As a curio, we may mention that following a club banquet in Canton, Ohio, there was an epidemic of botulism due to the consumption of some ripe olives.¹⁷ Seventeen persons ate or tasted of the olives; fourteen became definitely ill, seven cases ended fatally; three showed no definite symptoms. Those who ate the most olives died first, while among those who recovered, the severity of illness bore a close relation to the number eaten; three who developed no symptoms ate the least of all. Two diners, who took a relatively large amount and recovered, had partaken freely of alcohol during the evening. Evidently, the exceedingly poisonous botulinus *does not like alcohol* as subsequent experience showed conclusively.

Finally, we may state with Blair¹⁸ that WE NEED SOME RATIONAL STANDARDIZED BASIS for the therapeutic usage of alcohol IN PLACE OF BUREAUCRATIC RULINGS. The medical profession may be trusted, though there are perhaps abuses by black sheep. It is, however, evident that even such exceptional abuses must stop as soon as proper governmental handling of alcoholic liquids makes the profits impossible.

With Sir Crichton-Browne¹⁹ we are sure that

¹⁷ *Journal A. M. A.*, January 10, 1920.

¹⁸ *Id.*

¹⁹ *Id.*

alcohol “ will remain with us mainly as an agreeable stimulant, a social cement, and an invaluable remedy in states of ill health and disease.”

The author does not hesitate to state that a successful practising of medicine would be seriously hampered if alcohol in the shape of various tinctures, claret, beer, champagne, and brandy were stricken from the list of obtainable remedies.

CHAPTER IV

PROHIBITION AND OUR CONSTITUTION

NICHOLAS MURRAY BUTLER, President of Columbia University, N. Y., advises that: "It would not be unbecoming for us to reread at intervals the Declaration of Independence, and to reflect seriously upon its words."¹

No doubt, Butler was thinking of the "self-evident truth" that all men "are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

The father of our country, George Washington, estimated justly "that love of power and proneness to abuse it which predominates in the human heart. . . ."² though it surely was not in his own golden heart.

The study of the Declaration of Independence, of our Constitution, and of Washington's wonderful Farewell Address, convinced the author that it would seem evident and natural that we have no right to interfere with a person who does not interfere with us.

Now we are told that after the Supreme Court of the United States has passed upon the constitutionality of the Prohibition Amendment, and even the Volstead Act, that settles all questions. Evidently it

¹ *San Francisco Chronicle*. February 4, 1923.

² *Farewell Address*.

does. But that does not answer QUESTIONS THAT ARISE always anew when the effects of these new departures from old customs appear in most appalling, though rather expected forms, and especially does not satisfactorily answer the many questions that arise when we note the terrible botch made by the *modus operandi* in many parts of the country.

In all respect to due authority, we must acknowledge that courts and their decisions are difficult to understand, especially to common people with common sense. Small wonder that questions arise in one's mind, when we consider that decisions are not always unanimous, that often enough a dissenting opinion sounds more convincing than the real decision, and that sometimes judges change their opinions over night.

For example, Taft, one of the most sympathetic figures of public life, vetoed the Webb-Kenyon Bill forbidding consignment of liquor from any state to an individual residing in a prohibition state, on the ground that it was unconstitutional and would not be supported by the courts. When the Bill was passed again in January, 1917, by the necessary veto-overriding majority, the United States Supreme Court sustained it, by a seven-to-two vote. Still the big corporation lawyers, under the leadership of Elihu Root, did not see the handwriting on the wall, and claimed that the Prohibition Amendment and the Volstead Act would never pass the Supreme Court.

George Washington, with the true modesty of a truly great man, thought it probable that he may

have committed many errors, and wondered if it would be too daring to even think that any expedient which is able or even bound to react against individualism and personal liberty is doomed to failure and bound to aggravate existing evils.

A San Francisco physician of national reputation, said to the author that the Volstead Act deprives the government of the affections of the intellectuals and has considerably impaired his own civic pride.

Samuel Gompers, President of the American Federation of Labor, in discussing the probable relation of prohibition to unrest among the workingmen in some parts of the country, expressed the belief that the foisting of the Volstead Law on the United States was a blunder charged with danger and loaded with disastrous probabilities. He said:

“By adopting prohibition we have chanced the wrecking of the social and economic fabric of the nation. We have invaded the habits of the workingman, and this is what has happened: We have upset that man; unsettled him. Uprooting one habit uproots another.”

Gompers asserted the man who formerly was satisfied to go home at night to converse and read has become discontented and restive. He now goes into the streets to meet other men, who are restless and unsettled like himself. He said: “They rub together their mutual grievances, and there are sparks and sometimes fire. I believe Bolshevism in Russia began in prohibition.”

The Universal Service reports³ from St. Louis that Judge John C. Pollock, of Topeka, declared that "the States should wake up, otherwise they will have everything taken away from them." Evidently this Judge knows that Thomas Jefferson said in 1801 "When we consider that this government is charged with the external and mutual relations only of these States; that the States themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns; we may well doubt whether our organization is not too complicated, too expensive, whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote."

No wonder Butler thinks that Thomas Jefferson would rise in his grave if he could know what is now going on in the United States.⁴

³ November 5, 1919.

⁴ *l.c.*

CHAPTER V

LIBERTY AND PROHIBITION

IT WAS no less a person than Cardinal Gibbons who pronounced state-wide prohibition "a denial of self-government, an infringement upon personal liberty."

Governor Smith of New York said in a telegram "Do not forget the time-honored Democratic doctrine that the government is most effective which governs the least. This precept of Democratic faith in the recent past has been grievously and wilfully sinned against when, in the name of democracy, there was imposed upon 100,000,000 free people, without asking their direct consent, a restriction to their personal liberty, which Prussia in her palmyest days never dreamed of."¹

The Constitution of the United States says: "The right of the people to be secure in their persons, houses, papers, and effects against UNREASONABLE SEARCHES AND SEIZURES shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." In face of such beautiful and easily understandable words can anyone explain how the citizen's simple mind can grasp Judge Van Fleet's decision that the federal prohi-

¹ *San Francisco Examiner*, February 6, 1920.

bition agents were justified in searching an automobile for liquor.

He held that a suspicious expression on the face of a man driving a car might be sufficient to warrant its search, and further that a machine traveling with undue speed might also warrant prohibition agents in a search for liquor.²

How can anyone prove that there was no SUSPICIOUS EXPRESSION ON HIS FACE?

Then we read that motorists are compelled to act to learn the legal status on the road. "Complaints are coming to us to-day from all sides. And this association is growing rapidly. That raid last night has aroused the people, the very best element of the people of this community, to the outrages which are being committed in the efforts of these enforcement officers." Definite action will come out of that raid, of a character to unite the solid elements of the community.³

More examples: "A night of spectacular prohibition raiding reached its climax early yesterday with the arrest of five persons at La Campana Hotel and Cafe, 440 Broadway, where women became hysterical and fainted when their names were taken as witnesses, after a sensational battle in which black-jacks and heavy china were used freely.

"The door was broken open by the raiders headed by Wheeler, and as the agents came into the restaurant, which was packed by dancers and diners,

² *San Francisco Examiner*, May 22, 1923.

³ *San Francisco Chronicle*, December 4, 1922.

a woman seated at the second table from the entrance made some jesting remark. One of the dry agents stepped to her and slapped her. The gentleman seated at this table with three ladies arose and resented the blow by striking the officer, and he hit him pretty hard.”⁴

“ Enter the BOOZE-SNIFFER brigade on the University of California campus.

“ A student, between dances, is approached by a total stranger who displays marked affection to get a close-up sniff. If the evidences of intoxicants are on the suspect’s breath, his identity is obtained. A summons before the Student Affairs Committee is the outgrowth, with summary action of expulsion should the sniffer’s testimony be upheld.”⁵

Police Captain Morgan Collins, of Chicago, issued an order on December 30, 1919, stationing policemen in all hotels and cafes on New Year’s Eve to greet each patron with the request that he stand and deliver any liquor he may have.

The State Search and Seizure Law gives the police that right—and the law was recently upheld by the Supreme Court.⁶

The appetite comes with the eating, and we may expect further activities of the advocates for the Eleventh Commandment: “ THOU SHALT NOT COMMIT ENJOYMENT.” We read already the dictum of the Anti-Tobacco League that: “ He who smokes

⁴ *San Francisco Chronicle*, December 4, 1922.

⁵ *San Francisco Examiner*, April 12, 1922.

⁶ *San Francisco Examiner*, December 31, 1919.

perishes.”⁷ and notice that at Salt Lake City there was a meeting of prominent citizens, at which the Freeman’s League of Utah was organized for the purpose of repealing all so-called Utah blue laws.⁸

Though not popular at the present time to protest against the roughriding of so many so-called enforcement officers, there are still some people who have the courage to do so.

“ We can FRITTER AWAY THE CONSTITUTIONAL RIGHTS OF THE PEOPLE LITTLE BY LITTLE, until finally citizens will not be safe in their homes.” said Police Judge Daniel S. O’Brien yesterday in dismissing the case of Pierce Powers, arrested on a charge of possession of liquor in violation of the Wright Law. The Judge said he was “ jealous of the rights of citizens in their homes from seizure and search.”⁹

Sajous states that “ we showed an attitude of mind which is bidding fair to annul and degrade for the future any effort in favor of true temperance, the only line of conduct compatible with the rights and best interests of a free people.” By this he means temperance in all things, just as much in carrying out prohibitive laws as in the use of alcohol itself.

President Butler of Columbia University surely knew what he was talking about, and those with a knowledge of the world will bear him out, when he said: “ It is not so many years ago that America

⁷ *San Francisco Chronicle*, November 11, 1919.

⁸ *San Francisco Chronicle*, February 23, 1923.

⁹ *San Francisco Examiner*, March 28, 1923.

used to laugh at the Prussian bureaucracy and to point with scorn at the ' VERBOTEN ' signs that were to be seen on every hand in Prussia. Our bureaucracy is quite as bad as that of Prussia ever was, without being so efficient, and now we have a dozen ' VERBOTEN ' signs in the United States to every one that Prussia can show." Further: " It needs no argument to prove that we are tending to lose sight of fundamental principles and to try all over again, although in new forms, the world-old experiment of TYRANNY AND DESPOTISM and interference with personal life and private conduct."

Butler emphasizes the fact that men and women of intelligence and moral sensitiveness dissent entirely from the grounds upon which the case for the Eighteenth Amendment was rested, and regard its provisions and those of the statutes based upon it as a forcible, immoral and tyrannical invasion of their private life and personal conduct.¹⁰

California State Senator W. F. Gates states that " The people are burdened now with so many laws that they don't know where to turn, and, as a result, many of them are never obeyed."¹¹

The 1922 San Francisco Grand Jury finding that " the strict and relentless Volstead Act has been most detrimental, OPPRESSIVE AND UNDEMOCRATIC in countless ways " resolved, " as its last official act, done in the spirit of true Americanism and with the thought of bettering most deplorable conditions now

¹⁰ *l.c.*

¹¹ *San Francisco Chronicle*, April 4, 1923.

existing, urge to the utmost that our delegation from California to Congress have the Volstead Act amended.....”

Tumulty proves conclusively that President Wilson was neutral on Prohibition, but opposed to the Volstead Law and says: “While he was an ardent advocate of temperance, he felt that Congress in enforcing the amendment by the passage of the Volstead Act, SO EXTREME AND UNREASONABLE in character, had gone a long way toward alienating the support of every temperance-loving citizen in the country, and that certain of its provisions had struck at the foundation of our government by its arbitrary interference with personal liberty and freedom.”¹²

Further: “Time and time again, when we discussed the Volstead Enforcement Act, he would say: ‘THE WRONG WAY OF DOING THE RIGHT THING.’ You cannot regulate the morals and habits of a great cosmopolitan people by placing unreasonable restrictions upon their liberty and freedom. All such attempts can only end in failure and disappointment. In the last analysis, in these matters that seek to regulate personal habits and customs, public opinion is the great regulator.”¹³

Governor Stephens, of California, who was defeated at the 1922 election, took what he called “a poll of citizens,” while standing by the pulpit at A CHURCH FEDERATION MEETING IN CELEBRATION OF the first anniversary of the ratification of THE

¹² *San Francisco Chronicle*, September 29, 1922.

¹³ *San Francisco Chronicle*, January 2, 1922.

EIGHTEENTH AMENDMENT. He asked all who favored the reënactment of the Harris Bill (a very drastic prohibition bill) to stand. Of course, the audience rose as one. "Thank you," said the Governor. "Now, if the Harris Bill should come to my desk for signature, I will know how so many of my fellow citizens stand on the matter of its adoption."¹⁴

This is a fair example of how those who do not wish to see get their information about public opinion.

There was another expression of public opinion in New York on an occasion when an effort was made to select a grand jury for the extraordinary term of the Supreme Court to hear cases of violation of the State Enforcement Law. Talesmen vigorously denounced the law and the methods of its enforcement when questioned by Justice Borst, until the courtroom resembled an indignation meeting.

Instead of answering the stereotyped questions, the talesmen attacked the police methods of searching pedestrians and automobiles and even illegally entering and searching houses. Although a few qualified to serve, it was necessary to summon an additional panel in the hope of getting the required twenty-three jurors.

Governor Stephens never thought of asking for a vote of the San Francisco Chamber of Commerce nor the Board of Supervisors.

The average citizen, no matter what he may think of alcoholic beverages and prohibition, positively

¹⁴ Special Cable to the *Herald*.

cannot believe that the actions of the enforcers of the Volstead Law mean liberty or freedom. A most substantial citizen explained the basis for the almost universal breaking of the Volstead Law by saying: "I do not care what it does or does not do for humanity itself, but as soon as it tries to make a slave of me I shall resist. If anyone has the cruelty and the power to fill the jails with people who do not belong in jail, they may make me a prisoner, they may even kill me, but a slave I shall never be."

While this individual takes it somewhat tragically, the enormous majority, including many of the most ardent advocates and enforcers of Prohibition, consider it a great joke to break the Volstead Law. The real tragedy lies in the creation of this MOST DANGEROUS PRECEDENT, and Charles Hanson Towne is not mistaken when he says¹⁵ "I think it is a far more serious matter to have practically all of us law-breakers than to have one-half of one per cent. of us drunkards."

¹⁵ *Nonsensorship*, N. Y. and London, 1922, p. 142.

CHAPTER VI

WHAT HAS PROHIBITION SO FAR ACCOMPLISHED IN THE UNITED STATES?

A NUMBER of prophets preaching prohibition predicted that the NEXT GENERATION will not know alcohol and therefore will be free from the craving for it. How that prophecy is materializing we can judge when we examine a few news items. For instance, *The San Francisco Examiner*, January 19, 1923, said that there has been "an alarming INCREASE IN INTEMPERANCE" during the past year, according to the annual report of the California Society for the Prevention of Cruelty to Children, which was made public yesterday by Secretary M. J. White."

The same paper published July 1, 1922, a report from Sacramento: "Coming as the climax to sensational disclosures relative to the sale of liquor to California high school students, Will C. Wood, State Superintendent of Public Instruction, to-day called upon all state and local school authorities to act as law enforcement bodies in breaking up the bootlegging rings catering to children of school age.

"The State Superintendent prefaced his demand for prosecution of the bootleggers by stating that numerous reports have come to his attention during the past few weeks, in which complaints were made that boys had entered their classes in a semi-intoxicated condition after drinking cheap liquor pro-

vided by pool-hall proprietors and the managers of roadhouses.

“ Wood declared that one arrest had already been made in connection with the campaign to break up the traffic where it affects school children.

“ This prosecution, he stated, was brought to the attention of the local school authorities in Arroyo Grande, San Luis Obispo County, where three students appeared in the high school class rooms intoxicated. Confessions showing where the liquor was bought were obtained from the students, and the local school teachers secured the arrest of the guilty person.

“ Wood complimented H. A. Sawyer, a teacher in the Arroyo Grande High School, for his success in securing the arrest of the alleged bootlegger. The students of the Arroyo Grande School are said to have obtained bootleg at Pismo, paying as high as eight dollars for half a pint of ‘ jackass ’ brandy.

“ Superintendent Wood declared he had received reports of the sale of liquor to school children from many sections of the state.”

The same paper published on November 28, 1922, a telegram from Washington, November 27th, by Universal Service. “ Flappers of the exaggerated type, bootleggers and unrestricted liberty have combined to bring a minority of the midshipmen at the Naval Academy into inexcusable disgrace, Secretary of the Navy Denby declared to-day.

“ Returning from the Army-Navy football game at Philadelphia, where he was an eye witness to what

he termed a 'drunken orgy,' he immediately appointed a special board of inquiry with orders to place full responsibility and make the proper disciplinary recommendations.

"About the specific incidents, Secretary Denby was not inclined to go into details. He said that he did not have the names of the offenders and would have to content himself with placing the responsibility upon the officers in charge of the midshipmen, who permitted them to get beyond control.

"Secretary Denby said that at the game he saw nothing improper, but at the Navy ball, given that night, many of the middies were disgracefully drunk. They were dancing in an offensive manner; the women were smoking cigarettes, it is charged.

"The Secretary wished to remonstrate, he declared, but could find no proper officer in charge of the students to whom he could issue an order. At one time a midshipman tendered his flask to the Secretary and asked him to 'imbibe,' it is reported.

"Secretary of War Weeks was a guest at the same hotel and complained to the management about the disorder, saying that it was impossible for him to rest on account of the overflow parties and the noise from the ballroom."

The same paper had the following news telegraphed from Detroit, February 10, 1923: "Pitiless publicity will be resorted to by Sheriff George A. Walters to stamp out wild drinking parties staged by boys and girls of high school age at roadhouses near Detroit.

“ Fatherly advice having met with a toss of a pretty bobbed head, the sheriff announces that all persons caught in liquor raids will be subpoenaed to testify against proprietors of such places, where, he charges, shocking conditions exist.

“ Parents of ‘ youngsters ’ will also be notified of the children’s actions, the sheriff asserts.

“ ‘ One of the worst features of the roadhouse is that the young people flock there as much, if not more, than older people,’ says the sheriff. ‘ We are going to take the names of everyone found in the place we raid and where the persons seem young we are going to notify their parents.

“ ‘ I am impressed by the youthfulness of the crowds we find at these places,’ says Walters. ‘ At one roadhouse boys and girls of high school and college age, perhaps two hundred of them, sat at tables.

“ ‘ Liquor was being poured with no more attempt at privacy than if there was no law against it.

“ ‘ Young girls, startled by the raid, rose unsteadily to their feet, staggering around, plainly intoxicated.

“ ‘ One of the worst features of the whole thing is the way these “ kids ” increase the traffic accident toll. These boys drive their cars home while drunk and commit all sorts of reckless acts in that condition. It is a thing that must stop.’ ”

The same paper published in its April 15, 1923 issue a report from Sacramento characterizing ‘ booze sheiks ’ as a new and serious menace to

morality among boys and girls of high school age in the larger communities of California. " Police Chief Bernard McShane has allotted a special squad of officers to the Sacramento Wright Act enforcement detail and charged them with the task of stamping out distribution of contraband liquors among young girls at high school dances and social functions.

" Within the last week, Chief McShane's war on the ' booze sheik ' has resulted in a police visit to the Puritan Club, a high school girls' dancing society; in raids on two other social clubs and in the arrest of several young men alleged to have had quantities of liquor in their possession.

" The ' booze sheik ' is a product of the last two years, during which, according to the police, a tendency toward a certain pride in possession of illicit liquor has developed not infrequently among high school boys and college undergraduates.

" An ability to secure contraband wine and brandy, despite the prohibition law, is said to have become a mark of distinction among a limited class of students. These young men ply their companions of both sexes with liquor, the police assert, more to enhance their unique popularity than for any more serious purpose.

" The ' booze sheik ' accordingly, accepting the police definition, is a vain youth of undeveloped mentality who frequents dances and other social functions, bearing with him a silver flask of liquor from which he gives to other youths lavishly with

a debonair air of comradeship, but with menacing possibilities.

“ Police investigation discloses that young girls, less than seventeen years old, in this city are obtaining liquor through this medium, and prompt eradication of the ‘booze sheik’ has been ordered by Chief McShane.”

He says: “ ‘ Investigation substantiates the numerous complaints I have received that young girls are being supplied with liquor at dances and other social affairs in Sacramento. This is a most serious situation when one considers what might result from such practices.

“ ‘ This condition must be stamped out and I have taken adequate steps to bring about its immediate eradication.’ ”

The same paper published on January 23, 1923, a report from Fresno. “ Following the arrest of a pupil of the Fresno Technical High School for having liquor in his possession, and the suspension of five others for being under the influence of liquor at a rehearsal of a school play at the Fresno High School last Wednesday, Principal Delbert Bronson is conducting an investigation, whose object is the determined suppression of drinking among students.

“ Coöperating with Bronson are District Attorney Lovejoy and the staff of the sheriff’s office.

“ The students against whom action already has been taken are sons of wealthy parents.” The report giving the name of a boy of sixteen says that he was arrested several days before after a bottle of

liquor had been found in his desk at the Technical Training School by Principal F. H. Sutton.

Almost simultaneously Principal Bronson of the High School suspended the five other students. Their names have been withheld.

The San Francisco Chronicle published May 13, 1923, a telegram from Gambier, Ohio: "President Walter Pierce of Kenyon College and nine students were taken to police court in a patrol wagon to-day, after a raid by State prohibition agents on the college's annual 'spring prom.'

"Pierce was not placed under arrest. He was ordered to 'come along,' agents said, when he attempted to interfere with the raid. The students, all men, were charged with violating the dry law.

"Eight of the students entered pleas of guilty and paid fines of one hundred dollars each."

During 1921 and 1922 the author investigated conditions in New York, Chicago, St. Louis, Denver and Los Angeles, and found the gilded youth everywhere under the influence of an almost uncanny craving, not so much for liquor, but for the breaking of the Volstead Law. Young boys and girls consider it smart to show their influence and ability to procure intoxicating beverages. Exceedingly high prices add lustre to the lure, and inexperience to judge the quality of what they drink very quickly helps in the forming of a taste for vile stuff, while the immediate effects of even moderate indulgence are disgusting.

The owner of one of San Francisco's most famous restaurants told the author that before the Volstead Act went into force, he never had any trouble at the numerous fraternity banquets held at his place; while he is now frequently compelled to eject crowds even before serving them with the dessert. No matter how strict his rules may be, all kinds of strong alcoholic drinks come forth from various pockets, and surreptitious drinking begins, with the result that intolerable, noisy conduct soon follows. Evidently, the fraternity boys agree with Maeterlinck when he sighed: "What is a function? A speech and a pitcher of water."¹

In Europe the people have exaggerated ideas about the effects of prohibition. A characteristic example may be cited in a speech delivered by Lieutenant Colonel Cuthbert James, M. P., at a meeting held at the official residence of London's Lord Mayor. He said: "Young people who before prohibition did not tend to alcoholic excess, now drink cocktails out of soup plates and are doing all they can to evade the law. Outside the pharmacists' shops in the great cities, queues wait to get their doses of alcohol," etc.²

If he had said coffee cups instead of soup plates he would have been nearer the truth. Surely we must agree with the wit who said in the bulletin of a St. Louis chemical company: "Human nature does not change. Forbidden fruit always allures.

¹ *San Francisco Examiner*, February 14, 1920.

² *Journal Am. Med. Assn.*, April 7, 1923, p. 1016.

In Eden it was an apple, to-day it is popularly known as ' hooch '."

Whoever investigates can see, if he wishes to see, that drinking and drunkenness are on the increase. The home manufacture of all kinds of alcoholic beverages is enormous. The stuff produced may not be of fine quality but it is plentiful and cheap. The person with a full cellar is very popular with friends and neighbors, as is the man with a good recipe.

The San Francisco Examiner published, December 27, 1922, a telegram from the A-1 prohibition state, Georgia, reading:

" Atlanta, Ga., December 26: Records for the last six months of 1922 show that the number of violations of the national prohibition law in the northern district of Georgia to be far in excess of any previous half year in the history of the district, according to a report made to-day to Attorney General Daugherty by Clint W. Hager, Federal District Attorney. The report disclosed that approximately eight hundred cases of liquor law violations are on the docket for the Federal courts term beginning January 8, next."

The San Francisco Chronicle reported December 27, 1922, that " despite the fact that since Christmas, 1921, National prohibition is one year older, and despite the fact that since then the new Wright Enforcement Act is in effect, there were four more drunks booked at the city prison over this Christmas week-end than last year."

Was Ben Hecht telling the truth when he said:

“ ‘ Abstinence and sobriety are an economic and spiritual necessity,’ bellows Sir Frankenstein. Whereupon the male contingent votes the land dry and gets drunk.’ ”³

The author knows that this applies also to a number of the female contingent, because he was repeatedly compelled to refuse whiskey prescriptions to ardent prohibition advocatresses.

The miserable complications of the present situation are that the various beverages must be bought in bulk, a high price generally paid, while there always remains the fear of discovery, confiscation, and punishment. One must understand that the stuff, frequently of dubious quality, is mostly being gulped down quickly and secretly, with the result that many drunken sprees remain hidden from the rest of the world.

The ‘ treating habit ’ of the old saloon has become to-day’s solitary and secret drinking.

No one can deny that an enormous amount of VILE AND HURTFUL STUFF is being CONSUMED in the United States.

Reports from Russia inform us that after prohibition was imposed, the fiery vodka was replaced by methylated spirits and that the mortality from alcohol actually increased. *Tout comme chez nous!*

The Chicago coroner’s office stated as early as 1919,⁴ “ that fourteen DEATHS from the use of denatured alcohol as a substitute for whiskey, have

³ *Nonsensorship*, N. Y., 1922, p. 25.

⁴ *Journal Am. Med. Assn.*, November 20, 1919.

been reported since September 15. Many cases of BLINDNESS have also been reported, which are attributed to the use of denatured alcohol as a beverage."

*The Journal of the American Medical Association*⁵ reported that "Figures published by the National Committee for the Prevention of Blindness show that, during the first half of 1922, wood alcohol caused one hundred and thirty deaths and twenty-two cases of blindness. These figures, however, do not by any means cover the total loss of life or sight through the drinking of bootlegger's whiskey, since this cause of death is frequently concealed by relatives and friends of the victim. More than one-half of the fatal cases of wood alcohol poisoning brought to the attention of the Committee during the first six months of 1922 occurred in New York, New Jersey, and Pennsylvania. Five deaths were reported in Texas and four each in Connecticut, Massachusetts, Ohio, and Missouri. Only three or four deaths per year from wood alcohol poisoning were reported in New York State prior to 1919, while more than eighty deaths from this cause have been reported within the last three years."

The San Francisco Examiner reported August 24, 1922, that "after partaking of bootleg liquor in a dive near the Presidio, Private John J. Murphy, reported yesterday to Letterman Hospital complaining, in writing, that he had lost his voice.

⁵ September 2, 1922.

“ With more than twenty soldiers rendered blind by bootleg whiskey, made of wood alcohol, in the hospital wards, Letterman Hospital officials declared Murphy’s ailment is due to some other kind of poison sold to him in the guise of whiskey.”

Brisbane⁶ states that “ according to the chief medical examiner in New York State, the deaths caused by alcohol are eighty-nine per cent. above 1920, twenty-seven per cent. above 1921, thus far. The whiskey sold is even more poisonous than it was before prohibition. It kills quickly instead of slowly. Hundreds are dying. Thousands will drink whiskey ‘ colored and flavored with iodine.’ ”

“ A first-class investment in the United States to-day is stock in a good cemetery company.”

The San Francisco Grand Jury has found that a shameful number of deaths have resulted from the sale and use of cheap and poisonous liquor of the bootleg variety, and that there has been an undeniable increase in the gravest and most unheard of crimes growing out of the same cause. Furthermore, this Grand Jury has the records of the hospitals and courts of this City and County to show that youths who never before tasted liquor have become habitual drinkers, to their detriment and delinquency.

John H. Moss, of Milwaukee, Chairman of the Board of Governors of Kiwanis International, told the truth when he said: “ Prohibition has not, as yet, prohibited. Some claim the use of intoxicants is more extensive than ever. Prohibition has

⁶ *San Francisco Examiner*, July 25, 1922.

deteriorated intoxicants and bestialized the intoxicated. According to some, prohibition has increased rather than decreased the crime and criminals. What will be the outcome? Time alone will tell."

The San Francisco Examiner of December 21, 1922, reported that after a blast, four stills and seven fifty-gallon barrels of mash were found in a basement.

The same paper reports April 19, 1923, that "a moonshine still, capable of turning out \$100,000 worth of corn whiskey per month, was seized early yesterday by Federal prohibition agents on the old Nathaniel Brittain ranch near San Carlos, San Mateo County.

"The distillery was found in a barn with five tons of sugar, one thousand gallons of mash and a delivery automobile." One is led to wonder, how many more distilleries of a like character have, do, and will turn out huge quantities of more or less poisonous moonshine?

The San Francisco Examiner reports March 18, 1923, that "a smuggling ring, made up of petty officers of the Navy, was broken up yesterday when wholesale transfers of the suspected members of the ring were made and others were threatened with courtmartial.

"The operations of the ring here were brought to light through the beating up of four petty officers of the naval transport *Newport News* in Honolulu a week ago. The four men were attacked and robbed of their smuggled booze by what have come to be

known as 'highjackers,' the term used to characterize bootleggers who prey upon other bootleggers.

"At first it was intended to courtmartial all the men known to be implicated in the booze smuggling operations, but high naval officers of the Twelfth Naval District came to the conclusion that such action would not tend to entirely stamp out the ring.

"Known members of the ring will be kept under strict surveillance."

The San Francisco Chronicle reported April 28, 1923, that sixteen hundred quarts of "choice Scotch whiskey" seized on a truck by a patrolman Thursday night, yesterday according to Police Captain Arthur D. Layne, proved to be the "rankest kind of moonshine with fancy labels."

The same paper reported on August 2, 1922 that "poor quality moonshine liquor being dispensed nowadays, and increased activity on the part of the Police Department, are given by Prohibition Director S. F. Rutter as the reason for the large number of arrests for drunkenness in San Francisco. The annual report of the Police Department for the fiscal year ending June 30 showed that twice as many persons were arrested for drunkenness during the year just closed as in the preceding twelve months.

"'A year ago,' said Director Rutter yesterday, 'there were still on hand considerable quantities of good liquor left over from prohibition days. This is about all used up. The stuff which bootleggers are selling these days has in many instances nearly twice as much alcohol and a hundred times as much

poison. Consequently, a drink or two of present day liquor will produce as much intoxication as a pint or more of pure liquor.

‘Drunken men are more of a novelty on the street than they used to be. The poison which they imbibe makes their actions conspicuous.’ ”

The San Francisco Chronicle reported August 2, 1922, that at Honolulu, April 18, the territorial House of Representatives adopted a concurrent resolution requesting Congress to amend the Volstead Act. The resolution was adopted by a vote of eighteen to ten after the judiciary committee had recommended that it be tabled. Representative Cudha declared it would “be better for the people of Hawaii to have light wines and beer than to drink OKOLEHAO, as they are doing at present. Okolehao is a native liquor of strong alcoholic content distilled from the roots of the ti plant.”

The same paper stated, March 2, 1920, that “when Federal prohibition put the lock on the wine cellars and abolished corner groggeries, it created a demand for a Mexican importation known in botany as *Canniva Viscius*, to the talent as ‘mariahuena,’ and to the uninitiated as ‘LOCO WEED.’

“*Canniva Viscius* gives much more satisfaction than old time waterfront whiskey and the kick it registers is many times greater than the cheapest wine or beerkeg dregs. You can get delightfully drunk for one dollar. That is, you can smoke three cigarettes composed of the weed which retails for the dollar and there comes over you an exhilaration that

lasts for a week. In the early stages of the jag sundry acts of violence are likely to occur, but along about the fourth or fifth day a condition ensues when it is possible to remove the hilarious one from a padded cell.

“The detectives for the State Board of Pharmacy last night raided a pool hall at 625 Pacific Street and took to police headquarters over \$5,000 worth of the weed. According to Charmak it was being distributed by an employee of the place, who was charged with a violation of the drug act.

“The demand for the weed has increased many fold since the first of the year. The police say that the many Mexicans, Spaniards, and Italians who have been deprived of accustomed liquor have been induced to seek a substitution in the Mexican herb and that the constantly growing list of victims has been the subject of many complaints to the authorities.”

The late San Francisco Chief of Police D. A. White, one of the most efficient men the City's police department ever had, expressed the opinion as early as September, 1920, that, “Prohibition, the records of this department show, has served to reduce crime, but has unquestionably caused the increase of a greater evil, the use of NARCOTICS. The drug habit is spreading like wildfire in San Francisco, and I suppose in other cities as well. The drug evil will make more crime than liquor ever has and is twice as deadly.”

¹ *San Francisco Chronicle*, September 23, 1920.

S. Dana Hubbard asked a question in 1920 which is being answered more and more emphatically by most appalling reports from all parts of the United States. When reporting on wood alcohol poisoning⁸ he said "whether the substitute will be drugs or some other 'spiritual' indulgence, we do not know."

There were many people who knew and feared what was coming. For instance, Rear Admiral Bradley A. Fiske, in his letter to the Secretary of the Navy made public April 16, 1916, protesting against the prohibition of wine and beer on ships at naval stations, said:

"Another effect would be the increased temptation to officers to secrete whiskey in their rooms and to drink whiskey (a most dangerous thing) instead of wine or beer. Another effect would be an increased temptation to use cocaine and other drugs.

"This danger is real, not imaginary. Many people crave stimulants of some sort, and if they cannot get what they prefer will take anything they can get. Cocaine takes up little space and is very convenient. Its use among enlisted men has increased since they were prohibited the daily bottle of beer."

The San Francisco Examiner stated December 31, 1919 that: "Investigations made yesterday at Mare Island to find the persons who broke into the \$5,000 compass of the U. S. S. Nebraska to obtain four gallons of alcohol, failed to place the blame for the act. No arrests have been made.

"A report was sent to Vice Admiral Williams by

⁸ *New York Medical Journal*, January 3, 1920.

Lieutenant Commander V. N. Waddell, executive officer of the Nebraska.

“Several members of the crew were examined by a board of officers, but each man denied a knowledge of the theft.

“Within three months several lockers have been robbed of alcohol and the reports show that alcohol was taken from the gun coils in the turrets.

“The compass was broken Christmas Eve.”

Sir James Barr, of Liverpool, said that, “The murderers and cut-throats in Ireland, Russia and elsewhere were very largely teetotalers.” He would be very sorry to see moderate use of alcohol abolished in England.⁹

Charles Taber Stout¹⁰ summarizes the facts by saying, “The enforcement law has brought with it a LAWLESSNESS on the part of the people never before known in the annals of the nation.” Stout cites William H. Moran, Chief of the Secret Service Bureau, who, testifying before the Appropriations Committee of the House of Representatives, stated that the year 1920 was the greatest criminal year in the history of secret service.

Stout states further that “as a breeder of nationwide corruption no previous legislation has ever equalled the Volstead Act.”

Many states of the Union have passed various enforcement laws of their own. As a result their police force was, and is largely being used for prohi-

⁹ *British Medical Journal*, August 5, 1922.

¹⁰ *The Eighteenth Amendment*, N. Y., 1921, p. 171-172.

bition purposes, and thus diverted from their legitimate and real purposes. Hunting illicit alcohol usually proves more interesting, more profitable, and less dangerous than hunting burglars and hold-up men, and it is little wonder that there has been an INCREASE OF CRIMINAL ACTS. Neither can one wonder that on May 4, 1923 the State of New York repealed the prohibition enforcement law in order to allow the police officers throughout the State to go back to their normal duties. The New York Grand Jury paved the way in a lengthy resolution by saying among other things that, "from the evidence presented to this body, we are brought to the conclusion that the repeal of the Prohibition Act by the State Legislature would be of benefit to the community. Its passage has led to acts of unprecedented violence and lawlessness and the more general use of narcotics and drugs. Bands of men, akin to pirates, are robbing each other and breaking into the homes of respectable citizens to carry away what liquor they can confiscate. Poisonous beverages secretly manufactured at points outside of the City have been smuggled in and spread among our citizenry at enormous profits to illicit traders."

The San Francisco Examiner reported May 16, 1923, a telegram from Chicago, May 22. "Three members of a band of twenty distillery bandits, all former United States cavalrymen, who battled with guards last Tuesday night in an attempt to rob the Les Samuels' distillery at Deatsville, Ky., were captured at Waukegan, Ill., late last night. Two were

suffering from severe buckshot wounds received in the engagement.

“ The men boasted to the police that the band had plundered numerous other Kentucky distilleries, saying that the thousands of gallons seized in the raids have furnished Chicago’s chief rum supply since prohibition became effective.”

The San Francisco Examiner reported May, 16, 1923 that “ Two sacks, each containing 24 bottles of ‘ Old Crow ’ bonded whiskey were stolen from a locked room in the Postoffice Building adjacent to the chambers of Federal Judge John S. Partridge.

“ The theft occurred some time last Friday night, but was not discovered until Saturday morning.

“ There is no clue to the thieves.

“ Sweeping investigation of the burglary was ordered by Judge Partridge.”

Brisbane says, “ You were told that prohibition would diminish crime. It seems not to have worked that way—perhaps because the only thing the average man can get to drink is bad whiskey—and everybody can get that.”

Even the most ardent advocates of prohibition cannot deny that SINCE THE VOLSTEAD LAW BECAME EFFECTIVE, THE USE OF NARCOTICS HAS INCREASED in a really alarming way. The papers are printing daily reports to the effect and such headlines as: “ United States using more narcotics than China,” “ Alarming spread of dope evil in America bared,” can be seen frequently enough. Of course, the professional prohibitionists claim that prohibition cannot be

blamed for the terrible calamity, but those who can see and also wish to see, know better. Brisbane, who for years advocated prohibition, said recently: "Crime and whiskey have gone hand in hand in the United States since Jefferson's days. Now drugs replace whiskey in the partnership with crime.

"Dr. Squire, medical head of the great Sing Sing Prison, says that new convicts show among drug victims an increase of forty-one per cent.

"Whiskey eventually destroys the morals, after first destroying respect. Drugs destroy both swiftly.

"Crimes of all kinds and new kinds are reported from cities and villages everywhere. Clergymen complain of vanishing morality, especially among the very young; drugs, a thousand times worse than alcohol, daily increase their hold on weak minds and create a problem infinitely more difficult than the old whiskey problem."¹¹

Henry Van Dyke, former American Minister to the Netherlands, stated as early as November 10, 1919, while addressing the World's Christian Citizenship Conference at Pittsburgh, that: "Highway robberies, race riots, and murders seem to be increasing in spite of prohibition. The world may be more sober, but it certainly is not more sane. On the contrary, it seems as if the pressure of the human passion and impulse has become more intense while the restraints of reason and conscience have relaxed."

¹¹ *San Francisco Examiner*, April 8, 1923.

Van Dyke puts the real blame upon the fact that people go to church less and are more intellectually influenced by the moving picture shows. One is tempted to ask whether people used to go to church more before Volstead became so famous.

The San Francisco Examiner published, November 30, 1920, a telegram from Salt Lake City, Utah, November 29, as follows: "The crime wave now prevalent throughout the country will show an increase of two hundred per cent., declared William A. Pinkerton, head of a detective agency, who arrived here from Denver to-day. Pinkerton characterized the enforcement of the prohibition law as being farcical in many instances. He said the number of drug addicts had increased two hundred per cent. since prohibition went into effect, and that the drug fiend was much more liable to develop into a criminal than a drunkard."

Los Angeles surely has done all it could to bring on prohibition, and on December 25, 1921, *The San Francisco Examiner* reported that the police blotters of Los Angeles police stations showed that 87,603 persons were arrested by the police during 1921 up to that morning. This total has never been equalled.

Banditry is one of the most active phases of local crime, the records showed. During 1921 there have been 1,042 hold-ups committed, as compared with 482 last year.

A total of fifty-five slayings to date have been investigated by the Los Angeles police. This figure sets a new Los Angeles record.

Automobile thieves were unusually active. To date there have been 2,163 automobiles stolen, as compared with 974 last year.

The ghost of the late John Barleycorn seems to have stalked about Los Angeles frequently this year, for there was a total of 6,239 arrests for intoxication to date. During 1920 the police arrested 3,377 men and women for inebriation.

On March 4, 1922, *The Examiner* printed a telegram from New York, March 3, as follows: "A tremendous increase in drug addiction in Brooklyn since prohibition became a law was shown in figures given out to-day by Byrd S. Coler, Minister of Public Welfare. He set the blame primarily upon the dry laws and the manner of their enforcement. Alcoholism also has increased since the Eighteenth Amendment was adopted, the figures disclosed.

" 'Bootleggers,' the commissioner asserted, 'have worked under semi-protection, insomuch as government officials have at no time been sincere in the enforcement of the law and in treating spirituous liquors as drugs and medicines.' "

The San Francisco Chronicle published, September 15, 1922, a telegram from Chattanooga, September 14: "Judge William B. Swaney, Chairman of the Committee on Law Enforcement of the American Bar Association, in an address before the Rotary Club here to-day, declared that 'the criminal situation in the United States so far as violence is concerned, is worse than in any other civilized country.' "

The San Francisco Grand Jury said shortly after, that its investigations as an official body showed that the increase in the sale and use of NARCOTICS since the inception of so-called prohibition has become a mighty and MENACING PROBLEM in the various judiciary offices of this municipality, this state and other states.

The San Francisco Examiner reported October 6, 1922, that Warden Johnston is worried over the INCREASING POPULATION OF THE STATE PRISONS. On February 11, 1923, the same paper published the following report "An alarming increase in the number of drug addicts received at San Quentin Penitentiary during the past five years demonstrates the continuous GROWTH OF NARCOTIC ADDICTION AMONG CRIMINALS," declared Warden James A. Johnson in an address before members of the Bar Association of San Francisco at the Palace Hotel yesterday.

"In 1917, of the entire number received at the Prison, three and one-half per cent. were drug addicts. In 1918 it was five per cent., 1919 six per cent., 1920 eight per cent., 1921 nine per cent., and in 1922 it was ten per cent. The percentage this year to date is even greater than last year and will probably set a new record," said Johnston.

Again Los Angeles comes into prominence. *The San Francisco Chronicle*, March 25, 1923, reported that "because of overcrowded unsanitary jail conditions, Chief of Police Oaks to-day ordered the release of 225 minor offenders and Police Judge

Chambers announced that he would stop his campaign of sending speeders to jail, but would fine them heavily instead.

“ So crowded had the City Jail become that men were sleeping on cement floors, crowded together like sardines, without bedding or blankets. Sanitary conditions were terrible, jail authorities announced.

“ Chief Oaks made a personal investigation and declared that the only remedy was to release a large number of prisoners. The list was gone over with parole officers and 225 were ordered freed. Many of them were speeders. In the Lincoln Heights Jail, built to house 333, there were 861 persons at the time of Oaks' inspection.

“ The jails are still crowded and it was only by ordering 400 extra cots and blankets that Oaks will be able to accommodate the number of law breakers now confined.”

The number of inmates of institutions operating under the jurisdiction of the California State Board of Charities and Corrections has increased by more than 1,000 during the year ending May 31, according to a bulletin just issued by the Board. The number of cases handled in 1921 was 16,540, whereas the figure for 1922 was 17,586.

California is not different from other states. *The San Francisco Examiner* published, April 15, 1923, a telegram from New York, April 14. “ Is our Twentieth Century civilization responsible for the hyper-nervous condition of society to-day, with its attendant increase of nervous and mental diseases?

“ Members of the medical profession, observing this increase with alarm, are giving serious thought to the question of coping with the growing number of patients who apply to them for treatment.

“ Neurologists and psychiatrists and other members of the medical profession, view with amazement the shocking statistics concerning this phase of national life recently compiled by various agencies interested particularly in this question.

“ According to the bulletin issued by the National Committee for Mental Hygiene, the number of hospital beds occupied by patients with mental diseases exceeds the number in use in all general hospitals in this country.”

The author has had under personal observation and care several persons who became narcotic users in consequence of the stringency of the Volstead Law. No doubt, other physicians have had similar experiences. One glaring example may serve as an illustration.

One of the author's patients, a lady of refinement, belonging to an old and well-known California family, suffered for several years with a mild form of insomnia. Upon the advice of an old and experienced practitioner, she drank every evening a small bottle of a well-known malt preparation, which insured her a night's good rest. Unfortunately, the preparation contained at that time four per cent. alcohol, and according to Volstead and various subsequent arbitrary rulings, she found out that it was the law of the land for her to sleep only once in ten

days, which she was not satisfied to do. Upon friendly advice, and with a friend's help, she began using all kinds of narcotics. No amount of watching and nursing could prevent her, with the result that after taking various drugs in a desultory way, whenever she could do it, she changed from a refined lady into a raving maniac. The court had to appoint a guardian for her. She was placed in a sanitarium for mental cases, and was released after four months apparently cured, but now refuses to see or talk to anyone who had anything to do with her commitment.

From whichever standpoint we may look at the situation, it has been clearly proven that PROHIBITION DID NOT EMPTY THE HOSPITALS AND PRISONS.

Day by day we get new reports of INEFFICIENCY, BRUTALITY AND CORRUPTION among many of those who should give a good example in upholding the laws. We cannot expect prohibition enforcement officers to be recruited from the ranks of regular angels, for the temptations are too great, and while they may be prompted by the best intentions, and may repeat again and again the prayer, "do not lead us into temptation," sooner or later many of them fall by the wayside. The consequences are abuse of their little bit of authority and official power. The daily papers publish most appalling and disgusting reports illustrating the situation. We shall cite just a few examples.

The San Francisco Examiner reported October 23, 1920, that "The second move toward a complete reorganization of the federal prohibition enforce-

ment forces in San Francisco as an outcome of the exposé of alleged bribery and bootlegging in whiskey, was made yesterday by Paul F. Myers, assistant commissioner of internal revenue. He assigned E. C. Yellowley, supervising internal revenue agent for the Pacific Coast, to be acting Prohibition Director."

The same paper published, November 8, 1920, a telegram from Windsor, November 7: "Following rumors of intended violence, police officers to-day spirited Rev. J. O. L. Spracklin, Methodist minister and prohibition enforcement agent, who had been held in connection with the shooting to death of Beverly Trumble, an innkeeper, to the jail at Sandwich, it became known to-night.

"Removal of the prisoner was effected quietly. The action is said to have followed telephone messages to the jail here that an attempt at violence was contemplated by friends of the slain man," etc.

The San Francisco Chronicle, July, 22, 1922, printed the following telegram from Beaumont, Texas, July 22. "Justice of the Peace H. E. Showers stationed at Precinct Number 1, Jefferson County, was shot to-night by Federal Prohibition Officer Gonzaullos, the bullet penetrating the kidney and going through the body. He will die, physicians said. Judge Showers, it was reported to the police, was sitting in his automobile on a downtown street when Gonzaullos attempted to take a pint bottle away from him. Showers is declared to have resisted and the officer shot him. Judge Showers

was a candidate for re-election in the Democratic primaries to-day, and was elected."

The San Francisco Examiner published, January 21, 1921, a most characteristic report that "United States Commissioner Francis Krull yesterday made formal charges that he is being made the object of a boycott by the federal prohibition and narcotic agents, who refuse to swear to complaints before him, taking their business to United States Commissioner Thomas E. Hayden instead.

"The prohibition agents admit the allegations and bring a countercharge that Commissioner Krull takes up too much of the government's time sermonizing, lecturing, and belittling them. They declare Commissioner Hayden can conclude a petty case within a reasonable time, while they are obliged to stand at attention at Commissioner Krull's office listening to extraneous remarks and hearing lectures on varied subjects not connected with the case.

"Krull claims that he is boycotted because he is 'too fair' to defendants, and when informed of the counter-charge stated: 'What has been offered as an explanation of the situation is a mere subterfuge. Tricksters and political gangsters will seek to undermine when they cannot control.

"My first consideration when a defendant is brought before me, is to give him an immediate hearing as the law contemplates and to fix bail as the constitution directs.

"I have tried to maintain an atmosphere of fairness in which a defendant may feel he has

nothing to fear if the facts do not warrant a holding. I can only stand upon my record.' ”

The San Francisco Chronicle of October 30, 1921, reported that the third trial of an accused “dry” violator failed because court attaches drank the evidence.

The same paper announced April 28, 1922, in biggest headlines “San Francisco liquor ‘graft list’ seized.”

The same paper, June 18, 1922, reported that Judge Dooling, a man who is highly respected for his learning, understanding, and absolute fairness, said in open court when discussing a case: “The whole thing is nothing more than a civil war between the Government officials, and they expect this court to sit as referee to arbitrate their battles. The Government expects the court to charge to us the battle that rages between the departments.”

Judge Dooling, in again scoring prohibition agents for not carrying out orders of the court, declared that, as Connolly stated, there is internal controversy involved and that it should have no bearing on the case. He declared that if the orders of his court could not be obeyed “we might as well shut up shop and quit.”

We must not be surprised when former Superior Court Judge Rex B. Goodsell claims¹² that: “by permitting of misdemeanors to be tried in the United States Circuit Court, the people are making a police court of that institution.”

¹² *San Francisco Examiner*, May 11, 1923.

WHAT HAS PROHIBITION ACCOMPLISHED? 75

The San Francisco Examiner, June 21, 1922, printed a report from Los Angeles, that the Rev. Donald D. Stewart, well known throughout California as a temperance worker, credited with having caused the elimination of segregated districts from a number of towns of the State, and author of the song, "We'll Make California Dry," was arrested near Sierra Madre, twenty miles northeast of Los Angeles, that night on charges that he had committed bigamy in several states and had swindled his wives out of thousands of dollars.

The same paper reported June 24, 1922, that with the suspension of three Federal prohibition agents and the imminent suspension of a fourth, the long expected shake-up of the local prohibition office, which was rumored when Federal Prohibition Director S. F. Rutter was transferred from Philadelphia to San Francisco three months ago, began the day before.

Again on September 6, 1922, *The Examiner* printed the following telegram from Chicago: "A ring of liquor law violators, declared to have manipulated whiskey and sacramental wine permits, with headquarters in a downtown hotel here, and whose deals were said to have aggregated \$4,500,000 has been uncovered and the attention of United States Attorney General Harry M. Daugherty called to it, *The Chicago Daily News* says to-day."

The newspaper says the charges involve political influence, graft, and "fixing" of federal officials.

The same paper published, March 8, 1923, a tele-

gram from New York, March 7: "A conspiracy, in which government agents are alleged to have acted in collusion with a Kentucky distillery in exporting to Canada \$1,500,000 worth of whiskey to be smuggled back into the United States, is under investigation, it was learned to-day."

Brisbane stated in *The San Francisco Examiner*, April 1, 1923, that: "Not long ago the head of Chicago's police said half the police force of his city was engaged in bootlegging. Yesterday in Indiana, fifty-five individuals, including 'many eminent citizens,' were convicted of bootleg conspiracy. Those convicted included the Mayor of Gary, a judge and the sheriff. Enforcement of prohibition is not easy."

To demonstrate that there is a reverse to the medal, we found in the same issue a telegram from Washington, September 5: "A report from Federal Prohibition Director Linville of Oregon on the death of Agents Grover Todd and Glen Price in a raid at Portland, brings the total of known mortalities among Federal dry law enforcement agents killed in the line of duty to twenty-four, it is announced to-day by prohibition headquarters."

Again, *The San Francisco Examiner* printed October 6, 1922, in biggest headlines: "San Francisco dry agents in \$100,000 graft plot."

The same paper published, December 5, 1922, a telegram from New York, December 4: "Several men, including two former prohibition enforcement agents, convicted last week of substituting one hundred and sixty barrels of ginger ale for Canadian

whiskey while the shipment was being moved from a New York railroad station last April, to-day were sentenced by Federal Judge Mack to two years each in Atlanta Penitentiary. The enforcement men, Harry Meade and William Walsh, also were fined \$2,000 each."

The San Francisco Chronicle reported December 10, 1922, that a "dry agent buys drink from woman then arrests her." "Widow tricked into selling sleuth and supposed friend."

On January 17, 1923, *The San Francisco Examiner* printed a most outrageous report from Los Angeles stating that the stringing of a young boy by the thumbs to a curtain pole to obtain information following a prohibition raid is charged against Federal Volstead sleuths.

The extra-brutal treatment of an employee of a so-called social club during a raid aroused the press, the public and even some of the prohibition officers. *The San Francisco Chronicle*, March 30, 1923, reported that: "Unable to stomach the beating which two of his fellow raiders were giving Clarence Lewis, steward of the exclusive Peerless Club, 265 Ellis Street, Prohibition Enforcement Officer Edward Powers yesterday afternoon threatened to thrash them. It was only after Powers, laying his gun on a table and advancing toward his co-raiders with clenched fists, that Y. L. Harvill, assistant to C. H. Wheeler, Chief Prohibition Officer under Federal Director Rutter, and Agent L. H.

Corey, whom he accused of undue brutality toward Lewis, desisted."

In giving the details the paper said: "An argument started between Lewis and Harvill. Harvill, according to Lewis, struck him three times, knocking him to the floor. While Lewis was on the floor, covered with blood and with his teeth loosened, Harville, aided by Agent Powers, together with Prohibition Agent William Lameister protested and threatened to give Harvill and Corey a dose of their own medicine if they did not desist in their attack on the prostrate Lewis. It was then that Wheeler dragged Corey and Harvill aside.

"The raid had been in progress for some time when Federal Prohibition Director Rutter appeared.

"Informed by Wheeler of the beating of Lewis by Harvill and Corey, Rutter, according to Lewis, said: 'Don't say anything of this to anyone, and we'll take care of you.'

"Rutter last night denied such a remark to Lewis, but added: 'Wheeler might have said something like that to Lewis, but I didn't hear him say so.'"

The San Francisco Examiner reported April 9, 1923, that "the Federal Prohibition Office here was split wide open yesterday when William J. Gloria, legal advisor to Prohibition Director Samuel F. Rutter, resigned from office as a protest against alleged 'rough-house' methods of prohibition agents and what he calls Rutter's 'failure to punish agents guilty of unwarranted offenses.' In his letter

of resignation, Rutter's former legal advisor justifies his action as based on 'respect for law' and declared that he resigned only when he 'despaired' that Rutter intended taking action against his agents guilty of the 'recent outrages.'

"Gloria's letter continues: 'I do not believe in methods of enforcement of the prohibition law which result in violating the sanctity of womanhood and the inalienable rights which are inherent to citizenship in a free country.'

"'I have waited patiently, but in vain, that you would take the proper disciplinary action against these men, but as yet your disciplinary action is conspicuous only by its absence.'

"The phrase 'violating the sanctity of womanhood,' is said to refer to the alleged violence by prohibition agents while arresting women under the Volstead Act."

Any citizen in the United States who is either in the habit or compelled to frequent public cafes and restaurants could tell of instances where most orderly and fashionable crowds were treated with disgusting contempt and impoliteness by overbearing enforcement officers, who claim to have the right to stick their noses and even their ill-kept mouths into the guests' glasses and cups.

In an editorial entitled "Making Law Odious," *The San Francisco Examiner* on April 4, 1923, expressed the opinion of every fair-minded citizen in saying: "Law-abiding citizens have every sympathy with the strict enforcement of prohibition laws.

“ They have no sympathy whatsoever with the methods employed by some of the prohibition enforcement officers.

“ The endless repetition of reports in the daily papers about men badly beaten by law officers arouses a feeling of revulsion that is bound to react badly upon all efforts of the prohibition officers to win coöperation in their work.

“ This indiscriminate use of fists, clubs and pistol-ends is utterly uncalled for. The Government of the United States does not knowingly employ a lot of blackguards ready, at little or no provocation, to use force in most brutal manner. Government employees who do that sort of thing ought to be disconnected from the Government service promptly.

“ Let's have a bit more decency in the enforcement of law.”

Among other outgrowths of prohibition enforcement is the development of a SPY SYSTEM that surely rivals in magnitude anything of the kind so far. Insinuations and sly hints go pretty far. *The San Francisco Examiner* printed April 15, 1923, a splendid example of such doings. A man charged that some officials ‘ close to ’ the President obtained California wine as a bribe. The report goes on to state that: “ in detail Harris’ charge is that ‘ *some-one* ’ at Livermore, ‘ *who may or may not* ’ have been connected with the vineyard concern which sold its lands to the government for an ex-soldiers’ tuberculosis hospital site, in the course of the bargaining shipped the hundred cases of sun-reddened vintage

to a high government official at Washington, 'presumably' to lubricate the deal.

"Harris declared he had gained his information indirectly from a statement openly made on the floor at a meeting of a Legion post in California. He did not identify the post or say who had made the statement."

Yes, presumably it may or may not.

The San Francisco Examiner on April 27, 1923, published a telegram from Washington, April 26: "Prohibition troubles from bootlegging to allegations of bribery in several States accumulated here to-day and engaged the attention of high officials of at least three federal agencies, the Treasury and Justice Departments, and Prohibition Enforcement Headquarters. There were indications that facts developed from the several investigations in progress 'might' ultimately come before President Harding.

"Charges of fraud among former, and 'possibly' present prohibition agents caused orders for an investigation by the Bureau of Internal Revenue. Another investigation along similar lines, involving alleged tenders of bribes for 'protection' to former prohibition officers already is under way by the Department of Justice, whose agents are making inquiries among 'bootleg' circles of New York, Philadelphia, Chicago, Pittsburgh, and other cities."

Well, possibly it might.

May we hope that it will be better in the future? *The San Francisco Examiner* published, May 3, 1923,

a telegram from London, May 2: "In a jovial mood previous to his starting for home on leave to-morrow, Ambassador Harvey asked the American newspapermen this afternoon not to expect him to interpret the Supreme Court's ruling on the liquor transportation question, but he said he was certain all confusion would ultimately be eliminated.

"The Ambassador remarked that probably there was plenty of romance and adventure to be found in the rum-running, piracy and sea fighting off the New Jersey coast, but that it certainly was not much of a credit to civilization."

Very characteristic is a sample of a so-called "Dry Debate" in our House of Representatives. *The San Francisco Chronicle* of February 25, 1923, in a telegram from Washington dated February 24, published among other things, that "Opening the discussion with a prepared address, Gallivan told the House that he had observed from a Washington newspaper that the Anti-Saloon League now proposed to make members of Congress 'drink as they vote.' He then announced he would pause while 'dry' members who 'religiously vote as the League tells them to vote,' and who 'take a drink and like a drink' raised their hands.

"'Why, Mr. Chairman,' he said, after a pause, 'all I can see around the chamber is halos. Well, I guess we are all-sober this morning (laughter), even though a Senator got drunk the other night,—a 'dry' Senator—and they had to stop him from

answering a roll call, and it took two of his colleagues to hold him.'

"Representative Blanton objected to such a reference to a Senator.

" 'I am not violating the rules of this House when I refer to "dry" Senators getting drunk,' returned Gallivan, amid a roar of laughter and applause."

California's own lamented Theodore Bell wrote in one of his last open letters, among other things: "It has frequently occurred that men 'personally wet' have proven to be 'politically dry' as soon as they gain office, due very often to secret pledges exacted in advance by a powerful dry organization. That sort of political hypocrisy is largely responsible for the present national system of legislative prohibition, a system that has opened the way for the ultimate destruction of all States' rights, and the substitution of an arrogant national bureaucracy and a Federal centralization of power in the place of local self-government. Moreover, the Volstead Act has created a system of nationwide bootlegging that is both robbing and poisoning the American people, and visiting upon our heads evils of such magnitude as to demand an immediate solution."¹³

Governor Smith, of New York, characterized the situation mildly but tersely when he said: "We have had illegal traffic in liquors and official corruption."

As further accomplishments of the Volstead Law, Governor Smith cites the brevity of the official life of

¹³ *San Francisco Chronicle*, September 2, 1922.

many who represent the Government in the enforcement of the Volstead Act, and their summary removal or transfer from this district is usually under the shadow of suspicion. The moving pictures depicting the weekly news show a fleet of rum boats lying outside of the three-mile limit. The smuggling of whiskey across the Canadian border has become a notorious abuse.

We must not forget that we are also blessed with PIRATES which hardly means progress in civilization, though Brisbane, in his inimitable originality, says: "Just off the entrance to New York harbor there are fifteen armed ships loaded with whiskey, a new thing in civilization. They carry guns to protect them from pirates who would steal the whiskey from them, while they are retailing the whiskey to bootleg smugglers that bring it into the United States. That's something new in civilization."

One of the first items of news we read in *The San Francisco Chronicle* of February 15, 1923, is in the form of a telegram from New York, February 14: "Evincing belief that rum pirates were active at sea, customs and prohibition officials to-day broadcast a general alarm for a steam trawler which was reported to have robbed the auxiliary schooner P. J. McLaughlin of nearly \$250,000 worth of liquor off the Jersey coast Sunday night."

Similar news is coming from various other parts of our continent fast enough. It must be considered, however, that in all probability many bootleggers pocket their loss without complaining.

We could cite from a vast amount of material, accumulated during the past few years, an endless number of most striking examples whereby sick people were seriously injured through the Volstead Law and its interpretation by ever changing rulings, to say nothing of the humiliations suffered by the physicians.

The referendum on alcohol taken by the Journal of the American Medical Association shows clearly that the physicians all over the United States had the same experience as their California brethren.

The author asked various authorities in vain, what to do in the case of an eighty-nine year old lady, the mother of a large family, known and loved by many in San Francisco, who could not eat, or at least thought she could not eat unless she had a glass of Chateau Yquem with her meals. The law of the land limited her to a teaspoonful three times a day, and even that was not obtainable. The poor old lady grew very weak and died complaining that if her husband, the Judge, were alive, he would appeal to the President. Also she asked: "Has the Government any right to murder me?"

The author knows personally of an instance where in the north of California, a pneumonia patient was saved only by the fighting spirit of a splendid physician, who, when confronted with all the red tape complications recited by the druggist, stepped behind the counter, grabbed a large bottle of whiskey and took it by force, telling the druggist

to give the doctor's compliments to the prohibition officer.

And who is heartless enough to refuse a cheering drink of alcohol in a pleasant form to the incurable? Purposely we say in a pleasant form, because pure alcohol diluted with water, as it is used in most of the clever experiments of the anti-alcoholists, tastes and smells bad, and cannot increase the appetite, nor the flow of saliva and gastric juice.

Before absolute prohibition became a law, the author was impressed by the terribly pitiful condition of mind of most of the inmates of the San Francisco House for Incurables and by their unavoidable sufferings. The institution was even then under a prohibition rule, but the powers that be were easily persuaded for several years in succession to make an exception during the Christmas holidays. Benevolent dealers in wines and liquors and some vineyardists were easily induced to donate quantities of wine and other beverages and the poor fellows at the House of Incurables had a pleasant Christmas and New Year's celebration, with a few hours of gladness and cheer. Nowadays, Volstead will not stand for anything of the kind.

Another accomplishment of the Volstead Act is that while people still drink alcoholic beverages the reading public seems to have ALCOHOL ON THE BRAIN.

It is well known that newspapers must and do cater to their readers' taste. Taking a modern, though conservative and very popular newspaper like *The San Francisco Chronicle* we find that for

instance, on January 27, 1923, it contained eight lengthy articles on alcohol and prohibition. They were: "Wet Violator Tells of Being Beaten in Raid; San Francisco Dry Navy to be Launched; Ex-Senator's Name in Abatement Case; Two to be Tried for Breach of the State Prohibition Law; Wheeler Tortured Wet Violator is Los Angeles Charge; Rutter Says Woman Committed Mayhem; Dry Agents Seize Five Hundred Gallons of Wine; Rum Permits Altered, Druggist Tells Court." The issue of the same paper of February 22, 1923, had no less than fifteen similar items.

The San Francisco Examiner in its issue of December 22, 1922, covered six columns of the first two pages with ten articles on wets, dry laws and acts, stills, booze, the shooting of a prohibition officer, resignation of dry director, and doctor fighting Volstead Law.

And then ask yourself if Cardinal Gibbons was wrong when he said: "Abortive laws breed popular contempt for all legal authority. There is already a dangerous sentiment of this kind in our country. To add to it by enacting an abortive law of such universal significance as the national prohibition statute, would work an incalculable injury to the spiritual well-being of the American people."¹⁴

Diagnosis: Alcohol on the brain.

Brisbane, who, as we have stated before, advocated prohibition most effectively, is getting somewhat discouraged and says: "In Paris they feed

¹⁴ *New York Times*, April 29, 1917.

chickens, and in Strassburg geese, by stuffing food down their necks. Are we to take our morality in that fashion?

“ Chicago always tells the news dramatically. ‘ Moonshine struck fifty Christmas celebrators according to yesterday’s diagnosis in the county hospital.’ The record was never equalled before prohibition. And in addition to being drunk and poisoned, the fifty Chicago patients are suffering from cuts and other injuries of a serious character, sustained in frenzied fights.’ ”

“ A sad widower, congratulated on his fine display of grief, said: ‘ That’s nothing, you ought to have seen me at the grave.’ King Alcohol can say of the old days, ‘ They were nothing, you ought to see me under prohibition.’ ”

The enforcement of the Volstead Law surely has made NEW FRIENDS FOR PROHIBITION, and as Stout states there has been “ created a new brand of prohibitionist, the ex-saloon keeper and the cheap politician, with their long retinue of heelers who are realizing enormous profits through the illegal sale of alcoholic liquors at fancy prices.”

In California we can add the vineyardists who, while drinking more wine than ever, became converted to prohibition by the exceedingly high prices the grapes bring since the Volsteadian enforcement of prohibition.

CHAPTER VII

WHO HAS BEEN BENEFITED BY PROHIBITION SO FAR?

ONE, and probably the only glorious accomplishment of the Eighteenth Amendment is the ABOLISHMENT OF that abomination we used to call the American SALOON. No doubt, many an occasional and social drunkard was cured because the glaring and shining temptations were removed. No doubt, many a Saturday's pay check is being saved for the use of the convivial fellow's family. The REAL DRUNKARD, however, was not benefited because he is making his own and he can and does buy from the bootlegger. The DIPSOMANIAC, the person with the uncontrollable craving for alcohol, the person for whom all prohibition laws were conceived, CANNOT BE PROTECTED, because he is compelled by his craving to drink any kind of alcohol he can get hold of. This is the poor fellow found dead or dying in a hole or behind a fence with a bottle beside him or in his pocket, clearly labeled with a skull and crossbones. This is the fellow who, just as his ill-luck may conduct him, turns to narcotics.

Though hardly necessary, we shall give just one characteristic example.

The San Francisco Examiner printed January 23, 1923, a report from Sacramento saying: "Two

are dead and seven are in serious condition at the County Hospital here to-day from drinking what is known to the police as 'canned heat,' a poisonous concoction of wood alcohol and paraffine.

"Canned heat, sold in containers labeled poison, denatured alcohol, is placed in a cloth and the wood alcohol squeezed out by those who intend to drink it, according to the police. Addicts to alcoholism mix the poison with water and lemon juice. Officers claim it is practically impossible to curb the practice as proprietors of stores are unable to know the plans of those who purchase poisonous concoctions.

"Beverages manufactured from 'canned heat' first came to the attention of local authorities last week when a number of prisoners addicted to alcoholism gained permission to take chemicals to their cells in the county jail to heat coffee and food. The men were found in a serious condition."

No one can deny that more than anyone else, THE CRIMINALS and the criminally inclined in the United States, were BENEFITED by the Volstead Law. It certainly is less risky in every respect to be a bootlegger than to be a thief, a burglar, or a highwayman, and it is so much more profitable, to say nothing of the difference in the penalty.

Crime, like water, follows the line of least resistance. There was a rumor in San Francisco police circles "that there are at least three thousand places in this city which are carrying on a bootleg trade."¹ It is also stated that the "bootlegging

¹ *San Francisco Examiner*, December 19, 1922.

joints have become the rendezvous for crooks and shady characters.'"

FOREIGN TRADE surely was BENEFITED most decidedly by the strict enforcement of prohibition in the United States.

Our neighbors, such as Bahama, Cuba, Mexico, and Canada reap large profits. For instance, *The San Francisco Chronicle* published, January 23, 1922, a telegram from Washington dated the day previous where it is stated among other things, that: "Liquor is now being smuggled into the United States from the Bahama Islands at the rate of 1,200,000 gallons annually, while the government and population of that British colony, getting 'relatively immense revenues from the traffic,' are absolutely indisposed to sympathize with efforts to check it, according to a statement issued to-day by Representative Rogers, based he declares, on official data furnished him by the State Department.

"From the duties on whiskey alone, Rogers said, the Islands are deriving an income three times as great as their government received from all sources in 1918, while the estimated profits of those interested in the traffic, including legislators, are said to be enriching.

"Rogers declared the State Department records 'read like a book of fiction.'

"Up to 1919, he asserted, the annual imports of liquor to the Bahamas were 50,000 gallons.

"The Bahamas are certainly the oasis of 'dry America,' his statement said."

The same paper published April, 24, 1923, a telegram from London dated the day before, wherein it is stated among other things, that "in answer to a question in the House of Commons, W. A. Ormsby Gore of the Colonial Office, stated that wine exports to the Bahamas in 1918 amounted to \$49,679 and spirits \$29,938. Last year the value of wine exported was \$128,122 and spirits more than \$4,000,000.

"Asked how much of this was due to prohibition in America, Ormsby Gore said he thought virtually all.

"Commander Kenworthy said that for the sake of friendship for the United States, the Islands should be placed on rations, to which Ormsby Gore replied:

"We certainly should not interfere with British trade. If we prohibit it, they would go to Haiti or some other place.'"

The San Francisco Examiner in its issue of April 26, 1923, reported in a telegram from Washington that since prohibition became effective in the United States, exports of Scotch and Irish whiskey from Great Britain to Mexico and various West Indian Islands off the American coast has increased 2,000 per cent. The totals according to figures compiled by the Commerce Department, were: 1919—70,229 gallons; 1920—321,620 gallons; 1921—334,615 gallons; 1922—609,500 gallons.

To show how foreign shipping is being benefited, the same paper printed on October 8, 1922, a telegram from Seattle, Wash., October 7: "'It's

another blow at American shipping and will drive passengers to the Canadian vessels,' said H. F. Alexander, President of the Pacific Steamship Company here to-day, commenting on government orders banning the sale of liquor on American ships. 'Seattle will lose a greater part of its passenger traffic to the Orient,' Alexander declared. Japanese and British steamship firms with headquarters at this port refused to comment on the order."

Brisbane comments on this phase of the blessings of prohibition by saying: "Mr. Daugherty's ruling, obeying the law and common sense, forbids the carrying of alcoholic drinks on any ship within three miles of any coast owned by the United States.

"The foreign ships will get around it some way undoubtedly. Vessels of the Shipping Board will obey the law, which means that their passenger traffic will be ruined.

"Privately owned American ships will obey, more or less—probably less.

"As for American yachts, if you think they will obey this ruling, any more than they have obeyed the Volstead Law, you do not know how things are managed in the United States.

"The decision of Mr. Daugherty and the President is the only one possible. On American ships American laws apply against prohibition as against murder or theft.

"It is suggested that the ruling will placate ultra-prohibitionists and make them consent to a ship subsidy. But the ruling also unfortunately

will make subsidy worthless. The good American water drinker changes when he starts for Europe. He will take boats that give what he wants. Even this country is hardly rich enough to run great ships empty.

“The idea of the subsidy is to supply us with ships that would be useful in war. That means the fast ship, to carry troops and escape submarines and torpedo boats. But only the passenger trade makes fast ships possible.

“Those that planned the law never intended it, but prohibition of alcoholic drinks now seems to threaten prohibition of American shipping. Who will find a way to adjust that without law breaking?”

In order to illustrate how other countries deal with the problem, we shall mention a telegram from Victoria, B. C., April 19, 1923: “More than half a million dollars is to be distributed among municipalities and hospitals of British Columbia in profits of the provincial liquor board for the fiscal year 1922. The board which conducts the sale of liquor, earned \$1,600,000 in the year, a preliminary distribution of \$511,000 having been made last year.”

The SMALL PROFITEERS of the Volstead Law were and are the countless derelicts, the shiftless ones, who cannot hold and do not care to hold steady and useful jobs, but find congenial employment as “*under cover*” prohibition agents.

A witness in one of San Francisco's sensational bootlegger cases, said in a letter to his brother-in-law, which he identified in court, “How was I to know that they were prohibition agents? Both of

them acted like crazy men and drank like fishes!" And this is most characteristic.

If we judge by what we hear, see and read, bigger profiteers of prohibition are the PROFESSIONAL REFORMERS. We read in *The San Francisco Examiner*, January 25, 1923, a report from Sacramento. "The Jones Senate Committee on investigation of moneys spent for or against measures on the ballot at the last election began its duties to-day with an inquiry into the funds expended to promote or defeat the Wright Act.

"Nothing more than carelessness was developed. The dries accounted for something like \$75,000 spent in publicity and organization. The wets spent about \$15,000 through three organizations."

"*Ex ungue leonem*" one would be tempted to exclaim when reading in the *San Francisco Chronicle*, January 30, 1923, a telegram from New York, January 29: "The financial support of John D. Rockefeller, Sr. and Jr., has been withdrawn from the Anti-Saloon League of New York State, it was learned to-day after the appearance of Raymond D. Fosdick, representative of the Rockefellers, at the District Attorney's inquiry into the financial affairs of William H. Anderson, State Superintendent of the League.

"Both the Rockefellers ceased contributing to the League several months ago, it was asserted, after their representatives were informed League officials were splitting commissions on contributions.

"The questioning of the Superintendent,

scheduled for to-day, was postponed at his request until Wednesday."

And it is only to forget all this ugliness that we smile at a report from Los Angeles, printed in *The San Francisco Examiner*, April 25, 1923, where it states that juries in bootlegging cases are legally entitled to drink the evidence, according to W. Maxwell Burke, Deputy District Attorney.

His ruling followed the trial of a man charged with violation of the Wright Act.

Burke introduced a bottle of liquor as evidence.

The jury heard the testimony and retired with the evidence.

When it returned, it was hung—seven to five for conviction.

The evidence was gone.

"A jury has the right to sample the evidence," said Burke. "It has the right to take the liquor into the jury room and determine whether it is liquor. In this case the jury evidently found the evidence genuine, but you would not know it by the disagreement as to the guilt or innocence."

"With the evidence gone," Burke said, "it is improbable the defendant will be tried again."

Finally, we may mention that SILVERSMITHS and silverware dealers were greatly BENEFITED by an enormous boom in pocket flasks. The newest is the "King Tut pocket flask." And jewelers claim that: "Prohibition has brought in a vogue for flasks and cocktail shakers as wedding gifts. Honeymoon homes are not considered complete nowadays without these useful articles."

CHAPTER VIII

CAN PROHIBITION BE ENFORCED?

THE FIGHT AGAINST ALCOHOL IS AS OLD as drunkenness itself. We can easily understand that the history of prohibition began very, very long ago. The author stated elsewhere¹ that man, as an animal gifted with reason, has reached special excellence in various spheres. In many a province of knowledge and art he has left marks of his inventive genius. In most things it took him thousands of years to pry into and lay open the secrets of Nature. Some fields are still left fallow by his investigating power, because he has never felt a desire to turn his attention toward them. He possesses, however, quite perfect knowledge of the means of various abuses of his own bodily powers, and he knows how to commit all kinds of excesses. This knowledge he acquired at so early a date that even the very oldest of monuments of human culture tell of it as of something that existed since the most remote antiquity.

The Bible and ancient history prove that drinking of intoxicating liquors, and the abuse of alcohol cannot be blamed on modern culture and civilization. They have been transmitted to us, like many other detrimental inheritances, by preceding ages, and our time suffers under it neither more nor less than it does from many other bad qualities, perverse

¹ 1888.

notions, and unsuitable institutions handed down to us by our ancestors.

We must not overlook that savages, not organized and not civilized in any way, almost without exception have intoxicating liquors of their own. They invariably know how to prepare fermented beverages. In Dahomey we find the palm wine, the Arabs make their date wine, the negroes of Haiti make their highly intoxicating kawa in a most disgusting manner; at Tahiti a highly alcoholic wine is made from oranges, etc., etc.

Savages are not clever enough to make distilled spirits, but they soon get civilized in this respect whenever they come into contact with white people. Immediately they acquire a taste for liquor and try to obtain it and later to manufacture it.

It does not take much cleverness to MAKE LIQUOR, in fact ANYONE CAN DO IT. NATURE HERSELF PRODUCES IT IN the most ardent prohibitionist. Some physician said in a discussion: "Whatever its uses, there it is, this vile poison as it is called, appearing constantly a normal constituent in living beings into which it has never been artificially introduced, and lying beyond the reach of prohibition."

Some combination of an historian and archeologist may some day write the HISTORY OF PROHIBITION, though it will not be an easy task. It is old, very old. We know that it was enacted here, there, and almost everywhere, really enforced never, forgotten or repealed again and again, then introduced again and again, all in the vain effort to make people moral and

good by law. New Zealand almost adopted prohibition in 1911. To-day the United States has the distinction of being in the same class with the prohibition zone between 20 and 22 latitude north, where the African negroes are protected by "the native races and liquor traffic united committee."

The study of the recent history of prohibition in the various States before 1918 would make one dizzy: enactments, repealing, all kinds of modifications, many experiments, a regular kaleidoscopic puzzle picture, and only indifferent results.

The first temperance society was founded about 1600,² and, as at that time, no one thought of absolute prohibition, the members had to pledge themselves not to drink more than fourteen goblets of wine a day.

The first American Temperance society was formed in 1826, and the first National Temperance Convention at Philadelphia in 1833 passed the resolution recommending pure water as the only substitute for alcoholic drinks. You see the modern sweet and sickening beverages did not exist at that time, or at least they did not advertise.

The history of the Eighteenth Amendment is only too well known. It was passed, some claim, by hook and crook; but it is a law and ought to be obeyed. Present company excepted, the writer, in his extensive travels at home and abroad, has very seldom found anyone who was not willing to close one or both eyes when his own personal big "I" was

²HEMMETER. "History of Alcohol as a Substance for Human Consumption." *Medical Record*, August 13, 1921.

offered a drink of something choice. The same old story! We have the commandment "Thou shalt not drink!" There is always some good excuse for the big "I."

Mighty few are willing to subscribe to the "I shall not drink" and when they do, it may be just one of those "New Year resolutions" or one of those good intentions that pave the road to a certain hot place.

Even ardent prohibitionists begin to realize that everything is not going smoothly. *The San Francisco Examiner*, December 21, 1922, published a telegram from Washington, December, 20, as follows: "Charges that some of the governors called into conference by President Harding to discuss prohibition violations and other high officials themselves buy and drink bootleg liquor were made in the House to-day by Representative William D. Upshaw, Democrat, of Georgia.

"We might as well be plain about it," said Representative Upshaw, one of the staunchest 'dry' leaders on the minority side. The plain people are justly skeptical of many of these high officials. They laugh at their high-sounding pronouncements because they doubt their sincerity.

"The people—the plain people—have cumulative evidence that some of these 'conferring' governors and many high officials DO NOT PRACTISE the prohibition enforcement WHICH THEY PREACH to others; the people—the plain people—think that many of these high officials believe in that high-falutin

autoocracy which claims the privilege of buying and drinking illicit liquors themselves, while denying that privilege to the poor devils down among the masses who are foolish enough to want the opportunity to buy and drink illicit liquid damnation."

The San Francisco Chronicle of April 7, 1923, printed a telegram from New York, April 6: "The attitude of persons in 'high official and professional' positions who 'tacitly sanction' violation of the prohibition laws by purchasing 'bootleg' liquor is a 'matter for serious thought,' Federal Prohibition Commissioner Haynes declared in an address here to-day before the New York Annual Methodist Episcopal Conference."

What N. G. Welburn, Commander of the American Legion Post said at a Business Development League meeting according to a report published by *The San Francisco Chronicle*, February 28, 1922, is quite characteristic of the situation. Welburn certainly knew what he was talking about, having served and voluntarily resigned from the office of Division Chief of the United States Internal Revenue Department. He said, "According to a survey made by a magazine of national circulation, eighty-five per cent. of the American people are violators of the national prohibition law. Prohibition abolished the saloon and put the breweries in the kitchens of American homes and the distilleries in their cellars. It has substituted the demijohn in the home for the family album. The enforcement officers are discouraged and disheartened and their failure to

enforce the law lies in the fact that they receive NO PUBLIC SUPPORT. The public is apathetic. A great percentage of the population of the country is absolutely against the prohibition law, and a great majority of those who are not openly defying the law themselves, don't care one way or the other whether prohibition is enforced or not."

One can read in the September 6, 1922, issue of *The San Francisco Examiner* a reflection of the sentiment of the people, in the report that: "Detective Robert Hunter yesterday returned from a hurried automobile trip to Jackson, Amador County.

"On Monday Hunter drove a machine loaded with ten cases of whiskey, which had been released by the Federal Prohibition Office to be used as a stimulant for the workers who are trying to rescue the imprisoned miners. Said he:

" "One cannot imagine the reception we received. We were wildly cheered. It was the sort of reception one gets when one brings medicine. It was not viewed in the light of liquor.

" "We learned that the frantic workers have been stimulating themselves on coffee. They were sorely in need of the whiskey to brace them for the terrible work of rescue.' "

Besides all the other reasons why prohibition cannot be enforced the most evident one is that alcohol and ALCOHOLIC BEVERAGES ARE EASILY MADE. Alcohol may be made synthetically from its elements carbon, hydrogen, and oxygen; but because easier, it is invariably made by fermenting solutions contain-

ing sugar. As stated before, the number of alcohol-yielding substances from sawdust to grapes, is endless. Before prohibition went into effect, alcoholic drinks were almost exclusively produced by people who knew how, but now the number of those who try is incalculable, and among the ever growing number of those who are willing to learn there are some pretty good pupils.

The author was at a dinner party at a Chicago newspaperman's home where Tokay wine was served unstintedly. The wine was really good, but the host confessed later in the evening that he manufactured it after a Russian recipe. The recipe was carefully copied by several of the guests.

The author was likewise the guest in the home of a famous Denver physician. After a splendid dinner, and when everyone had had one or two glasses of excellent imported wine, each guest was given with his coffee a tiny glass of Russian Allash, made, as it later proved, by another Denver physician.

A Japanese was brought into an Oakland court because he was selling in his soft drink place grape-juice showing to contain 10.7 per cent. alcohol by volume. His excuse was that he knew little about grapejuice, and that he did not realize that an open bung turns a barrel into a self-acting still.

During the war when persons in uniform were under strict prohibition rules, the boys in one of the Army hospitals found out that prune juice, when left standing under certain conditions, developed a most powerful kick. At once the demand for stewed

prunes became very urgent and great, but the prunes were almost squeezed dry before eaten or thrown away.

Necessity is the mother of invention, and the people in the United States are clever—they learn fast enough.

The Franco-Californien of June 9, 1921, quotes M. Don V. Parker, the Prohibition Commissioner of Ohio, and furnishes thereby some interesting statistics. Up to 1919 there were no more than one hundred stills in operation in the State of Ohio, while in 1921 their number, stated conservatively, was fifty thousand. Before prohibition there existed two hundred breweries, but now that one in four families makes beer there are hundreds of thousands, in this State alone.

The Associated Press wired from Harrisburg, Pa., January 2, 1923: "Governor Sproul told members of Pennsylvania Legislature to-day that 'it is a patent fact' that the prohibition enforcement laws, Federal and State, are not working well in Pennsylvania.

"The Governor, who goes out of office in two weeks, and delivered his final message to the Legislature in person, said that some people are inclined to blame this condition upon the State's own enforcement law, 'and yet the fact remains that in other States which have the kind of laws which these societies demand, the results are no better.'

" 'In New York and New Jersey, where the type of laws which are desired here have been enacted,'

Governor Sproul said, 'the disregard for prohibition is certainly fully as much in evidence as it is in Pennsylvania.'

"Even in States which have had prohibition for years there has been much more illicit trade in intoxicating liquors than before the passage of the Federal Enforcement Act." The telegram says further that Governor Sproul characterized the "situation as discouraging and dangerous, and is particularly menacing in a free land."

"'Bootlegging has become a business of astounding proportions,' the Governor declared, 'and undoubtedly much of the banditry and other crimes which are now harassing the country have their genesis in the school of outlawry fostered by the illegal trade in intoxicants. We are rearing a fine brood of criminals which it will require stern measures to suppress.'"

The San Francisco Examiner had on March 31, 1923, a telegram from Madison, Wis., March 30: "Housewives of Watertown, Wis., community have become skilful in circumventing the Volstead Act, according to Dr. A. H. Hardwig, of that town, in urging the State Affairs Committee to recommend the Peterson joint resolution which would petition Congress for more liberal prohibition legislation. He declared that nearly every housewife in Watertown was proficient in making beverages; that gathering of dandelions and grapes for wine making was a pastime in that community and that whiskey

and drunkenness there were more common than in ante-prohibition days.”

The same paper published, May 13, 1923, a telegram from Georgetown, Del., May 12: “National prohibition and Volsteadism are given little concern by residents of southern Delaware at this time of the year, for the season of making dandelion wine is at hand, and from now until June hundreds of people will be engaged in making a supply as a ‘Spring tonic.’

“Nature this Spring seems to have smiled on those who are fond of something stronger than grape juice, and has brought forth an abundance of dandelion blooms which are being gathered by the small boys and girls in all parts of the State and sold for wine-making purposes.

“Fields abound in the little yellow flowers and children are able to realize from twenty to twenty-five cents a half peck for them. Many are able to earn neat sums after school hours.”

Attorney Hugh L. Smith asked May, 12, 1923, in the United States District Court at San Francisco: “Does a moonshine still boiling in a private dwelling make it a distillery? And if it does, then does a loaf of bread baking make a home a bakery?”

Brisbane commented in *The San Francisco Examiner*, January 2, 1923, saying: “In America we begin the new year with an earnest effort, led by Attorney General Daugherty, to make prohibition real.

“Insurance companies tell you that their busi-

ness is less safe than it was, because of excessive drinking. The prosperous class are drinking more than ever, the poorer classes drink abominable stuff that kills, and men drink, literally, anything they can get, regardless of the fact that it is poison. In New York City where nine died of drink at once, it was assumed that wood alcohol was to blame. Not at all, the plain brand of bootleg alcohol did the killing, with no wood alcohol assistance.

“ Friends of prohibition say that there is always trouble in beginning. A few must be killed off to warn the others, then a generation will grow up caring nothing for drink.

“ It seems hard on the number ‘ killed off.’ ”

Brisbane thinks that this year (1923) “ of real effort by the government will show whether or not prohibition can be made practically effective.”

And we may ask, is it not strange that those for whom prohibition was devised must be first ‘ killed off ’ ?

In view of the easiness with which alcoholic beverages are made and the OVERABUNDANCE of all kinds of MAKINGS, it must be clear to any thinking person, not riding the prohibition-hobby, that first the strong desire must be overcome. This would involve a considerable change of human desire for stimulation, for recreation and the so frequently returning longing for even a temporary Nirvana.

It must be clear to anyone that the HOME PRODUCTION of alcoholic beverages CANNOT BE CONTROLLED, nor be prohibited. Even if the government

went so far as some over-enthusiastic prohibitionists clamor for, it would hardly accomplish anything worth while. Even a never heard of system of spyism and systematic violation of the old established Anglo-Saxon 'my home is my castle' can never go far enough to accomplish anything else than resentment and hate.

The powers that be would do well to consider the warning hailed by Senator Reed, in regard to some other uncalled for legislation, as printed in the Congressional Record: "Yes, Mr. President, it will have a highly educative effect. It will teach our people to hate the government that invades their homes, and thrusts the ugly face of a politician who tramped in Washington to get a job, into the sacred chamber of the woman about to give birth to a child."

Slowly and by degrees the light of truth begins to dawn in many quarters. For instance, The San Francisco papers reported May 27, 1923, that "Prohibition agents were given to understand yesterday that the United States Attorney's office will hereafter refuse to prosecute citizens who transport liquor, who are not bootleggers." And that Judge Van Fleet announced from the bench that "Many arrests are made that should not be made."

Even the CURBING OF THE BOOTLEGGER looks to most observers as a hopeless task. Human greed for the LARGE PROFITS always must call new bootleggers from the ranks of the criminals and the larger ranks of the criminally inclined. The San

San Francisco daily papers of April 5, 1922, complained that the mass of prohibition business clogs the calendar of the federal courts and delays disposition of other matters.

While the prohibition agents uncover day by day tricks of the smugglers and bootleggers, these show also cleverness in inventing day by day new devices and schemes, from a copper lined bootleg vest to steel traps to snare 'dry' officers. In Colusa it was recently discovered that so-called customers obtained bracers drawn from the water wagon which used to sprinkle the city streets.

The San Francisco Examiner of May 5, 1923, published a telegram from New York, May, 4. "Cut off from surface communication with the Atlantic rum fleet by a concerted drive of prohibition enforcement arms, the liquor-running fraternity have turned to air and submarine channels in an effort to get contraband ashore, Lieutenant Commander Camden of the Coast Guard Cutter Seneca, disclosed to-day when he came in off the rum patrol.

"Instead of fleeing this port as had been reported last night, the rum fleet had merely moved a little further south of Sandy Hook.

"The Seneca has just located the British yacht Istar off Jones Inlet, Commander Camden said, when a big grey seaplane swooped down beside the rum runner and two of the flyers clambered aboard. The Seneca put on full speed toward the seaplane, but before she arrived a smaller plane which had been circling overhead signalled the other.

“ A short time later, the Seneca sighted two boats, ostensibly lobster fishermen, alongside another unit of the rum fleet. She sped toward them, and the lobster boats fled, leaving behind submerged boxes, which were believed to be cases of liquor, which were to be towed ashore under water.”

The same paper published May 17, 1923, a telegram from St. John, N. B., May 16: “ Despite reports from New York that the United States Government is waging vigorous war on rum fleets off the Atlantic seaboard, the liquor trade is picking up briskly, now that the worst of the spring storms are believed to have passed. Rum schooners, reported to be heading for the Jersey three-mile limit, are putting out almost daily.”

The United Press wired from San Antonio, Tex., May 26: “ Customs officials to-day were investigating charges that air booze lines are maintained from Mexican border points to the cities in the United States following the capture of an aviator with one hundred and twelve quarts of whiskey near Sabine, Texas.

“ The flyer, who gave the name of C. S. Williams, told officials he was only one of many aviators who maintain regular weekly schedules between Mexico and the United States, delivering liquor shipments. The aviators have regular customers at numerous towns along their routes, Williams said.”

The Grand Jury of Bronx County found it already in 1921 necessary to recommend the repeal of the New York State Enforcement Law. *The New*

York Times of October 15, 1921, reported this fact by saying among other things: "Crimes of an unprecedented nature are charged against the Mullan-Gage Prohibition Enforcement Act in a presentment handed up to Supreme Court Justice O'Malley yesterday by the regular Grand Jury of Bronx County. The statute is held responsible for 'acts of unprecedented violence and lawlessness,' for the 'more general use of drugs and narcotics' and for the organization of 'bands of men akin to pirates' who break into the homes of respectable citizens in their wide quest for alcoholic liquors.

"Because the Mullan-Gage law is believed to have led up to all these evils, its repeal is urgently recommended to the next Legislature.

"The Grand Jury reached its conclusion after considering, not only all the evidence brought before it, but also the facts presented to other grand juries on which some of its members had served in the last ten months."

Evidently the Federal Prohibition Officers can only bring isolated cases to deserved punishment, for the Bronx County Grand Jury characterized the enforcement work done by the New York police as WASTEFUL WORK.

The Federal Prohibition Officers proved a drop in the alcohol ocean, the police forces of various States accomplished little, many members sank and drowned in alcohol and, partly urged by the ultra prohibitionists and in order to make an attempt to force respect, even for a hated law, the use of the

United States ARMY AND NAVY IS SOUGHT in the fight against liquor.

The San Francisco Chronicle of April 28, 1923, published a telegram from Washington, April 27: "President Harding has asked the Department of Justice for an opinion as to whether he may lawfully employ the armed forces of the United States in the suppression of rum smuggling, it was announced at the White House to-day.

"A complete program has been worked out for the suppression of this illegal traffic, the White House spokesman stated, but the execution of this program awaits verification by the legal department of the Government of the authority of the President to use the Army or Navy in carrying out the plan.

"The President is particularly interested in discovering whether he may legally divert money appropriated for the use of the Navy to the enforcement of the prohibition law."

In order to show what may be expected in the future it is further said: "While the White House spokesman used the expression 'armed forces,' it is not understood that use of the Army is contemplated for the present at least. The opinion of the Department of Justice, it is believed, will have direct bearing particularly upon the naval phase of the question."

For the good and loyal citizen the only remaining hope is that the splendid fighting forces of our country may not be compelled to suffer by too much sampling of the various evidences they may seize.

Attorney General Daugherty, Secretary of the Treasury Mellon, and Prohibition Commissioner Haynes reported at the conference of fifteen State governors with late President Harding that the situation has become so serious, with the law in many localities held in such little esteem, that drastic measures must be employed at once.³

At the conference Governor Ritchie, of Maryland, declared that he and the majority of the people of Maryland believe that the Volstead Act is impossible of enforcement.

No law could be drastic enough to satisfy the "prohibitionists at any cost." To show to what length they would and do go, we may cite one most characteristic example.

The San Francisco Examiner published, in its issue of November 4, 1919, a telegram from Washington, November 3: "By unanimous vote the Senate Judiciary Committee to-day declined to recommend repeal of THE ESPIONAGE ACT. Repeal bills of Senators France, of Maryland, and Poindexter, of Washington, Republicans, were ordered reported adversely.

"The Committee decided it was impracticable to repeal the law because it included search warrants and other provisions NECESSARY FOR the ENFORCEMENT OF PROHIBITION."

Early in the game, the then Prohibition Commissioner Kramer, in demanding an appropriation vastly in excess of that allowed by the last Congress

³ *San Francisco Examiner*, December 19, 1922.

for carrying on the work, declared that the use of intoxicating liquor cannot be successfully curbed until the sale of hair tonics and other similar solutions containing a large percentage of alcohol, is thoroughly supervised.

Many grocers and alleged soda fountains, he stated, are now doing stupendous illegitimate business in bottled remedies containing from three to as high as forty per cent. alcohol.

Then Kramer worried about hair tonics and in 1923 we need the Army and Navy to enforce prohibition!

No matter what may be done and undertaken, we know that ABSOLUTE PROHIBITION CANNOT BE ENFORCED in reality until the provisions of the law become popular with the overwhelming majority of the people. This is not an easy task, for the use of extraordinary powers conferred by erratic and exceptional legislation could subdue no nation, least of all the freedom-loving, though so patient and otherwise so law-abiding people of our country. Stout,⁴ who claims that prohibition "should never have passed beyond the dignity of a village ordinance," very cleverly adds: "Evolution will never bring any species down to the level of its unfit. And no nation can adopt measures which sacrifice its manhood and womanhood for the benefit of its drunkards and debauchees and still hold its economic position."

As it has been proven beyond the shadow of a doubt, and in accordance with the opinion of the

⁴ *l.c.*, p. 131.

majority of physicians everywhere that alcohol is of value, one must agree with Wallace when he says that "human effort is not likely permanently to prevent its legitimate employment."⁵

Ivan Bratt who devised the Swedish method of drink control, claims that his interest in the drink control is the interest of the social physician; his method the method of the intensive administrator. He would be a prohibitionist, in spite of liberalism, if he could see any chance for interdicting alcohol. But he could see no chance for it. He favors control as the one rational method.

Doctor Bratt sympathizes with the aim of the prohibitionist—to end the misuse of alcohol—but he sees prohibition as an administrative impossibility. The best way to end misuse, he asserts, is not to attempt to prevent use, which cannot be managed, but to administer use, which can.

Triboulet, Mathieu, and Mignon, who in their great work on alcohol condemn it in every respect, and, while prejudiced, surely are not prejudiced in favor of it, think that absolute prohibition would be to their great liking, but "elle nous semble impossible." (It appears impossible to us.)

The prominent anti-alcoholist of France, Monin, advises: to point to absolute abstinence as an ideal, but to ask for temperance only.⁶ He deems it an error and fanaticism to attack wine or to declare

⁵ *Medical Record*, January 14, 1922.

⁶ *I. c.*, p. 155.

that whatever contains alcohol cannot be called a hygienic beverage.

Jacquet,⁷ another scientist who is rather severe on alcohol, calls prohibition the "remede par excellence," but its application, being too radical, can only be regarded as an Utopia.

Cardinal Gibbons surely was a prophet when he said: "All history shows that you cannot legislate morality into a people; that the law that is enacted against the majority sentiment immediately becomes a dead law."

The Volstead Law may not be dead, but its emanations surely smell to heaven.

Can any fair-minded person claim that prohibition, or even temperance has been promoted by the Volstead Law? Can any American citizen disagree with Senator Brandegee when he said: "If this law cannot be enforced except by Russian and inquisitorial practices, it is not a law for the Anglo-Saxon peoples."

Butler says when speaking of the Eighteenth and another Amendment, that "they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or effort, or at what cost of infringement or neglect of other equally valid provisions of the same Constitution."

We may ask why the people of the United States

⁷ *Lc.*, p. 753.

should disregard what Abraham Lincoln in his sublimely simple way stated in 1840:

“Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason, in that it attempts to control a man’s appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our government was founded.”

Though Arthur S. Henning, of Washington, states ⁸ that there has been a good deal of speculation as to whether President Coolidge had the Eighteenth Amendment in mind when he, at that time Vice-President, addressed the American Bar Association, August 10, 1922, we are quite sure that the words were wise and to the point when he said: “Behind very many of these enlarging activities (of the Government) lies the untenable theory that there is some short cut to perfection. It is conceived that there can be a horizontal elevation of the standards of the Nation, immediate and perceptible, by the simple device of new laws. This has never been the case in human experience. Progress is slow and the result of a long and arduous process of self-discipline. It is not conferred upon the people, it comes from the people. In a republic the law reflects rather than makes the standard of conduct and the state of public opinion. Real reform does not begin with a law. The attempt to dragoon the body when

⁸ *San Francisco Chronicle*, August 30, 1923.

the need is to convince the soul will end only in revolt.

“ Under the attempt to perform the impossible there sets in a general disintegration. When legislation fails, those who look upon it as a sovereign remedy simply cry out for more legislation. A sound and wise statesmanship which recognizes the attempts to abide by the limitations will undoubtedly find itself displaced by the type of public official who promises much, legislates much, expends much, but accomplishes little. The deliberate, sound judgment of the country is likely to find it has been superseded by a popular whim. The independence of the legislator is broken down. The enforcement of the law becomes uncertain. The courts fail in their function of speedy and accurate justice; their judgments are questioned and their independence is threatened. The law, changed and changeable on the slightest provocation, loses its sanctity and authority. A continuation of this condition opens the road to chaos.”

May we ask finally why all this terrible turmoil to enforce something that positively cannot be enforced? Why drastic and inapplicable laws that can but further secret use and abuse?

Caveant consules ne quis detrimenti respublica capiat!

CHAPTER IX
THE MEDICAL PROFESSION
AND PROHIBITION

It is a poor medical man who takes no interest in medical societies. Any physician in the United States who is not one of the 89,000 members of the American Medical Association simply shows that something is wrong with him. Any physician who does not honor and respect the American Medical Association shows lack of understanding by ignoring the facts of enormous achievements. This is no place to enter into the history of this, the largest, and easily the best medical society in the world. It may be sufficient to mention that *The Journal of the American Medical Association* is by far the best and most read medical publication in the whole world and that, if real medical education and public sanitation are to-day of high standing in the United States, it is solely due to the efforts of the American Medical Association.

But, and there always is a but, the American Medical Association, is not perfect, their Board of Trustees and even their House of Delegates are not infallible. This is the only excuse one can offer for the now famous resolution on alcohol passed in 1917 at the New York session. The only excuse, but not the only explanation.

The author who had for several years the honor to represent the Medical Society of the State of California in the House of Delegates of the American Medical Association was for certain reasons not elected to be a delegate in 1917, therefore was not present when at the opening meeting of the House of Delegates June 4, the Council on Health and Public Instruction reported that "at the Detroit session, the following letter was presented by the Secretary of the Association to the House of Delegates, and was by that body referred to the Council on Health and Public Instruction:

"To the House of Delegates of the American Medical Association, Detroit, Michigan.

Dear Sirs:

"In view of the increasing desire on the part of the nations of the world for relief from the evil effects of alcoholic liquors on society, and in view of the fact that all the warring nations of Europe have found that liquor drinking must be curbed because of its interference with health, efficiency and safety, we, representing 400,000 women, members of the National Women's Christian Temperance Union, respectfully request that your honorable body give expression at this annual meeting of the American Medical Association to such a warning against alcoholic liquors as shall strengthen the hands of boards of health and temperance organizations now combatting the liquor evil.

"One of the chief causes of the alcohol habit is

the ignorance of the mass of people concerning the real nature of alcohol. They have been taught that alcoholic liquors give health and strength, that they are tonic and remedial. The brewing and whiskey trades advertise that their products are foods and tonics and aids to digestion, and that they are endorsed and recommended by physicians the world over. The medical profession owes it to itself and to the public to offset this dangerous and misleading advertising by a statement of the truth.

“ The Medical Society of Russia, at its meeting in 1915 issued a notable document against alcohol, a copy of which is appended for the information of any of your honorable body who may not have seen it. Your petitioners hope for as strong and helpful an expression from the great American Medical Association as that emanating from your Russian confreres.

Yours sincerely,
Anna A. Gordon, President.

Martha M. Allen, Superintendent Department of Medical Temperance.

“ The Council has given careful consideration to this communication, and presents to the House of Delegates the following resolutions for its consideration:

“ Whereas: It is the unanimous opinion of the Council on Health and Public Instruction of the American Medical Association that alcohol has no

drug value, either as a stimulant, as a tonic or as a therapeutic agent, and that it has no food value; and

“Whereas: Its use as a beverage or as a therapeutic agent is detrimental rather than beneficial to the individual; therefore be it

“Resolved: That the House of Delegates of the American Medical Association, at its Sixty-eighth Annual Session, declares it is opposed to the use of alcohol by individuals either as a medicine or as a beverage, and be it further

“Resolved: That its use in medicine is permissible only in the preparation and preservation of pharmaceutical products.”

The Reference Committee on Legislation and Political Action requested on June 5, more time for the consideration of the resolution on alcohol.

At the closing meeting, June 7, after the election of officers and the selection of the place of the next annual session, when everyone generally is eager to go home, and, as everybody knows, resolutions pass more easily than at any other time, the aforementioned Reference Committee reported that the resolution on alcohol, submitted by the Council on Health and Public Instruction, has been gravely considered by the Committee.

“Since the first premise of these resolutions expresses an opinion held by the Council, and since the expressions of opinion from numerous members of the House and the Association, lead us to the conclusion that the status of alcohol in medicine is still

undetermined, your Committee begs to amend the resolution by substituting the following:

“Whereas: We believe that the use of alcohol as a beverage is detrimental to the human economy, and

“Whereas: Its use in therapeutics, as a tonic or a stimulant or as a food has no scientific basis, therefore be it

“Resolved: That the American Medical Association, opposes the use of alcohol as a beverage, and be it further

“Resolved: That the use of alcohol as a therapeutic agent should be discouraged.”

This resolution was put and carried, though Dr. R. A. Hatcher, New York, delegate from the Section on Pharmacology and Therapeutics, offered a substitute presented at the direction of the Section on Pharmacology and Therapeutics after having been adopted by that Section:

“The Section on Pharmacology and Therapeutics instructs its delegates to the House of Delegates that it is the sense of this Section that the question of the therapeutic value of alcohol which has been long in dispute remains yet undetermined, and that hasty action taken in the stress of present circumstances would not be wise, and would not reflect fully the best therapeutic and pharmacologic opinions.

“Furthermore, while recognizing the possible need of prohibition of the use of alcohol as a measure of public safety it would ask that the two questions be considered separately on their respective merits.”

Some of the most influential men of the medical world had set their hearts upon satisfying the 400,000 ladies of the W. C. T. U. Under the circumstances, and backed by the universal sentiment that the winning of the war was paramount to all else, anything they would have brought forward would have been adopted.

Knowing that the resolution did not tell the truth and knowing that it does not express the opinion of the practising physician, Dr. E. Eliot Harris, New York, moved to amend it by striking out from the resolution offered by the Reference Committee on Legislation and Political Action all that relates to the therapeutic use of alcohol.

But Charles H. Mayo favored national prohibition and hasty action was taken.

The House of Delegates of the American Medical Association is a political, not a scientific body, though partly composed of scientific men. The House of Delegates of the American Medical Association is not competent to decide any therapeutic question at any time, least of all on the spur of the moment. A congregation of representatives of various specialties may condemn any remedy of which the majority makes no use.

In this case it helped a great deal, that most of the delegates, who had to vote openly, were not eager to go on record as favoring booze.

When in 1918 at Chicago, again attending the House of Delegates, the author called on the late Secretary of the American Medical Association, our

lamented A. R. Craig, and asked him why such a resolution was passed, he simply answered: "because we had to show that even we sometimes lack common sense."

The 1918 meeting was entirely under the influence of the war-fever and no one could have dared to think of bringing up any alcohol question.

At the victory meeting of 1919 at Atlantic City the author interviewed a few influential older members of the House of Delegates to learn if there was a possibility of having the resolution on alcohol reconsidered. The immediate consequence was that a resolution was adopted that "the Secretary be instructed to have published in a handbook, as an addendum, all resolutions that express an opinion or policy of the Association that have been adopted by the House of Delegates during the past five years, and that this addendum be added to from year to year as new resolutions are adopted so that the members of the House may know what opinion and policies have been approved by this body, with the suggestion that the period embraced in the review be lengthened from five to ten years."

The author, when speaking against the adoption of this resolution, used the argument that the time would never come when anyone did not view some of his actions in the years gone as foolish.

The speaker of the House told the author that he would be sat upon most emphatically, not by the speaker, but by an overwhelming majority of the delegates, if he attempted to assail the 1917 alcohol

resolution, and Simmons, the master mind of the American Medical Association, when asked for advice, said that it would create much acrimonious discussion and accomplish nothing.

In the meantime, the prohibition forces had made good use of the ill-advised resolution of 1917. Some people even go so far as to accuse the American Medical Association of being the main cause of the adoption of the Eighteenth Amendment, and that its members make an enormous profit through their monopoly of prescribing alcohol for medicinal purposes. Such accusations are so childish that they need no refutation. Everybody knows that the men behind the 1917 anti-alcohol resolution never took out a permit to prescribe alcohol, and the protests against the present day alcohol prescribing rules and regulations prove how little the medical profession cares, in fact, how much it detests any profiteering a few black sheep may practise.

The first to PROTEST was the New York Medical Society by adopting January 27, 1919, a resolution that "the Medical Society opposes the ratification by the Legislature of New York of the measure of National Prohibition. The measure is irrational and unscientific and in opposition to the accepted usages of all civilized nations throughout the world."

But California had to show how. At its annual meeting at Santa Barbara, May 1920, the Medical Society of the State of California passed the following resolution:

"Whereas: It has always been the policy of the

medical profession to maintain the confidence of their patients as an inviolate secret, and

“Whereas: The Volstead Act compels the physician to betray the confidence placed in him by the patient by publishing the nature of his illness, and

“Whereas: The said Volstead Act dispenses with the judgment of the physician when treating his patients by limiting the amount of alcoholic stimulants he may prescribe,

“Therefore: Be it Resolved, That the Medical Society of the State of California expresses its disapproval of those portions of the said Volstead Act which interfere with the proper relation of the physician and his patient, and it is further

“Resolved: That a copy of this resolution be sent to each of our representatives in the House and the Senate of the United States.”

The resolution was presented by the author, and, though meeting at first with some decided opposition by certain members of the Board of Trustees, was recommended by that body when they were confronted with the original wording of the Volstead Act. Though the number of delegates from the very dry Southern California was large, the resolution was adopted unanimously.

Shortly before this, in April, 1920, at the New Orleans session of the American Medical Association, a delegate from Kentucky tried to pass a resolution that the House of Delegates of the American Medical Association reaffirms the resolution adopted in 1917, and further records its opinion that whiskey

is not necessary for the proper scientific treatment of influenza.

But in the meantime, the physicians saw some of the effects of the Volstead Law and the resolution was tabled.

In 1921, at the Boston session a resolution was adopted:

“Whereas: Reproach has been brought upon the medical profession by some of its members who have misused the law which permits the prescribing of alcohol, therefore be it

“Resolved: That the American Medical Association now expresses its disapproval of the acceptance by a small minority of the profession of the position of being purveyors of alcoholic beverages.”

Then in November, 1921, the editor of *The Journal of the American Medical Association* sent out a QUESTIONNAIRE TO 50,000 PHYSICIANS; not in order to decide any scientific question, because such cannot be decided by resolutions or by votes, but in order to secure the views of a large number of physicians. 21.5 per cent. of the physicians in the United States have given their opinion.

Approximately one-third of those replying commented on the general prohibition situation, on the restrictions and regulations, or on some allied topics. Since national prohibition went into effect, judging by these comments, there has apparently been a reaction against prohibition in many states in which prohibition by state law had become accepted and effective. This is especially noticeable in the com-

ments from Colorado, Kansas, Nebraska, South Dakota, and even from Maine. From the comments, one must come to the conclusion that home-made, illegally distilled or chemically compounded liquors—so-called “moonshine”—are being extensively used in states in which this was not the case three or four years ago. What has produced this apparent change?

The questionnaire has brought out definitely the fact that present regulations governing the medical use of alcoholic beverages are not satisfactory; in fact, many physicians declare them “intolerable.” Many who were convinced that these drugs were not necessary therapeutically were emphatic in stating that other physicians who believed them necessary were entitled to have their views respected, and were warranted in efforts to have the drugs made available without incurring the odium attaching under the present regulations.

Evidently most physicians are satisfied with the control of narcotics as regulated under the Harrison Narcotic Law, and many expressed a desire that the control of alcoholic liquors follow such lines. A decidedly large number of physicians suggest that the government take over the whiskey, including its storage and sale, and supply it in sealed packages for medicinal use only, and at a fixed price, under regulations similar to those of the Harrison Narcotic Law, thus making available to physicians a drug of dependable quality.¹

¹*Journal American Medical Association*, January 21, 1923.

And was not Jacobi a real prophet when he said: "I am no longer surprised if a man, because he is President of the United States, is expected to know all about the effect of alcohol in the illness of a patient of mine. You see, he is the President and I am only a general practitioner. Without any disrespect to the President of the United States, or even the President of the American Medical Association, I am sure that I know more about that case of mine than the lay President of the United States and the great surgeon, the President of the American Medical Association; and I have the courage to tell my friends of the House of Delegates that their opinions will change, should change, with better information or closer thinking."

To illustrate the CHANGE OF SENTIMENT it may be stated that before the author could open his mouth at the proper time during the St. Louis session, May, 1922, several resolutions were introduced protesting against the Volstead Law, and the House of Delegates without any opposition voted that:

"Whereas: The medical profession has been subjected to criticism and unfavorable comment because of present conditions associated with the enforcement of the Volstead Law, and

"Whereas: The results of a referendum conducted by *The Journal of the American Medical Association*, covering 54,000 physicians, indicates that fifty-one per cent. of physicians consider whiskey "necessary" in the practice of medicine, and

“Whereas: The dosage, method, frequency and duration of administration of this drug in any given case is a problem of scientific therapeutics and is not to be determined by legal or arbitrary dictum, and

“Whereas: The experience of physicians, as reported in *The Journal*, indicates that the present method of control, limitation of quantity and frequency of administration, licensure, and supply of a satisfactory product constitutes a serious interference with the practice of medicine by those physicians who are convinced of the value of alcohol in medical practice, therefore be it

“Resolved: That the House of Delegates of the American Medical Association, in convention assembled, representing a membership of 89,000 physicians, appeals to the Secretary of the Treasury and to the Congress of the United States for relief from present unsatisfactory conditions, and recommends that provisions be made for supplying bonded whiskey, for medicinal use only, at a fixed retail price to be established by the government.”

The subject-matter of another resolution introduced by Dr. Randolph Winslow of Maryland, petitioning the House of Delegates of the American Medical Association to use its best endeavors toward the repeal of the Volstead Act, so far as it applies to physicians and the practice of medicine, is adequately covered by the above recited resolutions.

Does that look as if the American Medical

Association were looking for any profit for any of its members?

But it is quite certain that the more than 89,000 members of the American Medical Association will never again be subject to SPECIAL LEGISLATION without even being consulted concerning it. Why should a physician be compelled to either betray his patient, or write a lie into a booklet that later on becomes a public record? Why should, in a medical sense, ignorant persons create ridiculous laws, or commit such blunders as to place apomorphin among the narcotics and leave hashish out? Why do they not ask someone who knows?

One is really reminded of the man who, when asked if he played the piano, answered: "I don't know, I never tried."

Can our government ignore the honest opinion, or the legitimate wishes of a large percentage of the educated?

As to the enormous PROFITS from the prescribing of alcoholic fluids, it takes a great deal of fantasy to see them. Even the few scamps who were caught selling their prescription books to a criminally inclined druggist made two hundred and fifty dollars every three months. What an enormous profit!

The Journal of the American Medical Association of November, 5, 1921, reported that: Sir Arthur Newsholme, late principal medical officer to the Local Government Board (England), has been in America for the last two years. At the Royal Society of Medicine he has given the results of his study of the

prohibition law. The results of the first year of prohibition, he said, were only partial. There were 150,000 physicians in the United States, and every one of them had to take out a permit to prescribe alcohol. Four out of every five had not taken out a permit, and in twenty-four out of forty-eight states not a single physician had taken one out.

One of the ARGUMENTS USED IN the various ATTACKS UPON the MEDICAL PROFESSION is the one that before prohibition times prescriptions for whiskey and other liquors were a great rarity, while they at present are written by the thousands. Anyone endowed with ordinary intelligence can find the explanation easily enough. Why should a physician have written a prescription when it was so easy to tell the patient to take a tablespoonful of whiskey before meals, and the patient had the proper sense to know where to buy good liquor in preference to the then not very popular drugstore article? Does a physician to-day write prescriptions for meat or broth? Will he write such prescriptions if the vegetarians should rule as the prohibitionists do to-day?

Why accuse the medical profession, which clamors against all possibility of profiteering, and insists on showing a clear way to remove that primary cause, the high prices exacted by the vendors of alcohol in any form?

No wonder the physicians of the country are getting restive because the Volstead Law went the Eighteenth Amendment more than one better, and the laymen enforcing the Volstead Law go even

further than that law itself with ever changing and differently interpreted rules and regulations.

The many changes in the rulings, since the complicated " regulations for prescribing alcohol " at the time of the enforcement of the war prohibition law, show that those who made them really did not know how, while local officers claim very often " that they do not know where they are at."

HOW HELPLESS A PHYSICIAN is who tries to help his patient and obey the law at the same time, the copies of two original and official letters will illustrate.

Treasury Department,
Internal Revenue Service,
San Francisco, Calif.

Office of
Federal Prohibition Director
California

February, 9, 1923.

Dr.....
San Francisco, Calif.

Dear Sir:

I have for reply your communication of the 30th ult., and beg to apologize for not having answered before, due to the fact that the same was mislaid in the mailing department.

The only course to pursue in regard to prescribing additional wine for your patient, Mr....., is to state the facts fully to the Federal Prohibition Commissioner, Washington, D. C., who may authorize you to issue additional prescriptions in the

treatment of this case. This is the only course left open to you, as I am not permitted to exercise any discretion but must abide strictly by the Regulations of the Department, which permit but one quart of wine being prescribed to any one patient within a period of ten days.

Regretting my inability to be of direct assistance to you in the matter, I beg to be

Very truly yours,
S. F. Rutter,
Federal Prohibition Director.

The law-respecting physician acted according to instructions and received the following reply:

Treasury Department,
Bureau of Internal Revenue,
Washington, D. C.

Office of
Federal Prohibition Commissioner

March 17, 1923.

Dr.

.....
San Francisco, Calif.

Sir:

Reference is made to your letter of March 5, 1923, advising that you have under your care Mr..... residing at the.....Club of San Francisco, California, who is seventy years old and is suffering from diabetes, and in the treatment of his ailment there is required about sixteen ounces of dry wine

each day. It is noted that you request a special ruling in order that more than one quart of wine can be obtained every ten days.

If you feel that this case is very meritorious, consideration may be given, but it will be necessary for Mr..... to file an application on Form 1404, together with an affidavit from you outlining the treatment given, with the Federal Prohibition Director, San Francisco, California, and upon receipt of the same with his recommendation thereon, it will be given consideration. The application form may be obtained from the Director.

Respectfully,

James E. Jones,

Acting Prohibition Commissioner.

In the meantime a patient may suffer, may die or may act in self-defense and under the supreme law of self preservation appeal to a friend in need, even to a bootlegger.

The physicians of the country keep on protesting, and as law-abiding citizens wait patiently, but so far hope in vain, that common sense will win in proper time.

Dr. Charles S. Potts of Philadelphia, said: "I also want to protest against allowing hysteria, hypocrisy and cowardice to influence the settlement of medical questions."²

The Academy of Medicine of Cleveland has filed a protest with the Commissioner of Internal Revenue

² *New York Medical Journal*, April 3, 1920.

and with the Federal Prohibition Commissioner, against the regulation requiring the physician to enter on his prescription for liquor the name of the pharmacist by whom it is to be filled. In Cleveland, only a few druggists have taken out liquor permits, and, particularly among physicians who but seldom prescribe liquor, the identity of those few permit holders is not always known. A prescription written in an emergency has not infrequently been taken by the patient to the pharmacist named by the physicians, only to find that he cannot lawfully fill it. The trouble and delay that certainly result, and the harm that may result, are called to the attention of the two commissioners in a vigorous protest made by the Cleveland Academy of Medicine.³

The Nevada State Medical Association passed in January, 1923, a resolution demanding that their State Prohibition Law be changed because: The majority of the physicians of the United States believe that alcohol and alcoholic liquors are a necessary and essential therapeutic agent in the treatment of disease.⁴

The Bulletin of the American Medical Association complained recently: "We all recognize that too much governmental regulation has hampered the physician in the application of his professional judgment in his private practice. The tendency has gone too far toward emphasizing social and criminal

³ *The Bulletin of the American Medical Association*, December 15, 1922.

⁴ *California State Journal of Medicine*, January, 1923.

aspects and in submerging or overlooking medical aspects.”

Finally, if we consider how frequently life depends on the judgment of the attending physician we can hardly understand that it should be necessary for the physician to go into court to obtain the right to use his own judgment. On May 9, at New York, Federal Judge Knox declared unconstitutional, as restricting the right of a physician to prescribe for his patients, the provisions of the Volstead Act and its amendments prohibiting the prescribing of more than a pint of spirituous liquor every ten days.

Quousque tandem?

CHAPTER X

WHAT SHOULD BE DONE?

OF COURSE, everyone knows what is the proper thing to do in any case, and it would be therefore no wonder if the author too should know precisely what is to be done in the interest of temperance and even toward ultimate prohibition. But the author is not so sure about it. One thing alone is certain and that is that laws like the Volstead will accomplish more harm than good, because the remedy is worse than the evil it is supposed to cure.

When studying social conditions, one must come to the conclusion that the present distribution of wealth is not as it should be. It is not right that one person may possess many millions, while there are others who are compelled by the police to move out into the rain or apply to some charitable institution for shelter.

No one can deny that such conditions should not be. But, and unfortunately there is even in this case a but, if you ask any one of those who thunder against our present economic system what their remedy is against it, we invariably find that the MEDICINE IS WORSE THAN THE AILMENT.

Russia, for instance, took a strong dose of the medicine, and we can plainly see the effect. While formerly only few had reason to laugh every day, many could laugh sometimes, some only seldom, only

a few never; now everybody may and must cry every day and all the time. Some kind of an equality was obtained, but no one wants to have it in our country, and those who know must acknowledge, in spite of all—that wherever you go from the United States it is worse.

Everybody knows and everybody must admit that the conditions of the liquor trade before prohibition were deplorable. A remedy was sought for, and look at it. The Volstead Law is the medicine. The patient struggles, the patient becomes unmanageable, the nurses are unable to hold him down and clamor for a strait-jacket, which in this case is to be the United States Army and Navy.

It does not take very much experience and wisdom to see that the ultimate purpose, the only attainable purpose, TEMPERANCE, IS NOT SERVED, but only damaged BY the intemperate efforts of the ultra-prohibitionists. DRASTIC LAWS, drastic punishment never accomplish anything. Butler says: "Human experience has long since exploded the doctrine that a severe punishment will deter from the commission of the crime. The fear of detection will so deter, but the fear of punishment will not."¹

Blair suggests the proper way of attaining most desirable results in regard to temperance. He compares the present day efforts at prohibition to attacking a high tide with a broom. Of course, no clean sweep to be had. Therefore, first a low tide of indulgence must be created. Blair knows that "any

¹ *l. c.*

reform can defeat itself by the enforcement of narrow policies," and asks "if it is wise suddenly to legislate a long indulged habit out of legal existence, whatever may be said about its actual status?"

Clemenceau in his preface written for Louis Jacquet's enormous volume on alcohol,² though asserting that alcoholism has done more damage than any pestilential epidemic of olden times, even more damage than any war, says at the same time that everybody agrees upon the unwisdom of opposing the moderate use of alcoholic beverages.

Gladstone thought that the consumption of wine curtails the consumption of spirits.³

Cardinal Gibbons said: "I believe that we can attain national temperance, but I am firm in the belief that any enactment of a widespread prohibition measure is a long step backward."

Cardinal Bourne, who was only too frequently accused of ultraconservatism, said that to his mind "prohibition was the very antithesis and the contradiction of temperance. It was an open confession of failure to educate the people."⁴

Evidently the cardinals know the psalm which sayeth: "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."

¹ *L'Alcoöl, Paris, 1912.*

² *Monin. loc. cit., p. 250.*

⁴ *London Telegram, March 17, 1923, published the following day in the San Francisco Examiner.*

We may come a little nearer to what should be done when we listen to Sir James Crichton-Browne who wrote that: "The acquirement of SELF-CONTROL is one of the main objects of education, the exercise of it a chief part of the discipline of life, and to substitute for it grandmotherly legislation is to debilitate human nature and court disaster. There is no danger to a lawful government greater than for a well-behaved subject to feel himself deprived of his natural rights, and that danger is aggravated when he knows that the deprivation is inflicted on him for the sake of those who are morally inferior to him."

If we further consider that we know that instincts cannot be removed or destroyed by law, but that sublimation and modification is possible, and know as a fact that human beings all over the world are prone by instinct to employ certain substances, day in and day out, without being able to explain their actions by any other statement than that they like them, we must see that there is only one way to further temperance and combat alcoholism and that is by education, not coercion.

Prohibition laws will be really effective when the desire for drink is subdued; and this can only be accomplished by individual social education.⁵

Though the evils caused by alcohol were frequently magnified, and though an authority like Fürbringer thinks that there is no valid reason to decline the golden middle-way between drunkenness

⁵ *Monin. loc. cit.*, p. 253.

and total abstinence,⁶ it may, for argument's sake be conceded that total abstinence may be desirable. But we must know that there are many other things that are even more desirable and at the same time attainable. One of them surely is general education based on an equal chance for every child born. This is desirable and also possible.

Recently we heard the complaint that only a very SMALL MINORITY of the people are REALLY EDUCATED, the large majority being ruled by almost incredible beliefs and superstitions. The small minority advances very rapidly while the large majority of anthropoids lag behind more and more. Thus the difference between a farmer and a man like Spencer is surely considerably greater than that between a Greek porter and Socrates, for instance. But, here again we must not expect sudden progress, we must not expect ideal conditions or the millennium when everybody will be really educated. At present we must be satisfied with what those who teach are able to teach.

The PUBLIC SCHOOL is the first place where the dangers of alcoholic abuses must be impressed upon the child's mind. But real FACTS, NOT EXAGGERATIONS must be taught, because exaggerations may create votes for all kinds of enforcement laws, but never will become implanted permanently in the public mind, nor further the cause of temperance.

The public school must turn out the legions of propagandists for temperance and against alco-

⁶ *Deutsche Medizinische Wochenschrift*, November 4, 1920.

holism, and then the government can go a long way in CRUSHING THE COMMERCIALISM in the sale of alcoholic liquids for any purpose whatever. To make alcohol less easy of access to everybody, and to remove unnecessary temptation could accomplish a great deal toward temperance, but there can be no real sense in trying to transfer the profits from the liquor producer and dealer to the druggist.

As every little helps, we may mention an excellent idea originated in Iowa. John B. Hammond, chief of police of Des Moines, announced that every drunken man who is brought into police headquarters will have his picture taken. When the offender has become sober again he will be presented with a picture of himself so that he may know how he looked when taken to the jail. Hammond hopes this "picture cure" will be a potent weapon against drunkenness.

History ought to teach anyone who cares for and reads history, that DRASTIC LAWS HAVE NEVER ACCOMPLISHED THE PURPOSE they were enacted for. Did it help any that King François I issued, in 1536, an edict by which drunkards were publicly whipped and if this did no good, their ears were cut off? France is still struggling with its alcoholism problem, and French scientists agree that control and education are the only means to obtain temperance.

Why experiment on so splendid a body as the sturdy people of the United States? Why deprive the well-behaved American citizen of his right to self-control?

CHAPTER XI

LONGEVITY

“ Whom the gods love dies young ” said Plautus over two hundred years before Christ, and daily up to date we hear various versions of this wise saying from the mouths of unthinking young ones and decrepit old ones.

The young readily accept the smart theories that people ought to be chloroformed when fifty, but with their growing years, only too readily add more and more years to this age limit.

While the young see an inexhaustible supply of joy, energy, and time ahead of them, THE OLD look upon their past as short and only too quickly gone by. The vanishing of the youthful appearance, of one bodily faculty after another, of robust health and vigor are generally considered as quite natural, unavoidable and therefore to be submitted to, under regretful protest, but meekly; seldom does anyone think of opposing and fighting against it.

Of course, the FOUNTAIN OF perpetual YOUTH has been sought by many. Some clever ones pretend to have found it, in order to be able to sell shares to unsophisticated members of the privileged class of holders of wealth. But while we may be sure that man, developing from a protoplasmic cell into such a wonderfully complicated organism is surely not at the end of his development, and that further evo-

lution may result in a being quite different from what we are able to conceive at the present time; so far we know or think we know, that there is nothing eternal and unlimited but time and space, and it is therefore evident that the searchers for a fountain of perpetual youth were looking for something that does not exist. On the other hand, modern science demonstrates, and living examples illustrate, that, if perpetual youth is out of question, uninterrupted youth and vigor may be secured and enjoyed until the final, the inevitable great interrupter puts an end to the individual existence.

Against all endeavors to prolong human life frequently the objection is raised that OLD PEOPLE are USELESS, and that there is no gain in preserving them. Old people's brains are being devoured by neurophages, and while in olden, barbarous times old people were destroyed, nowadays they are simply pushed aside. The value of their experience and wisdom is offset by their physical shortcomings. But it is our own fault if we are old at fifty, sixty, or even seventy, and if we die before we have reached one hundred years of age. Plato, Goethe, Victor Hugo, Michael Angelo, Titian, Gladstone, and many others have done and produced their most important works at an age when according to sensational celebrities they ought to have been dead.

According to many good observers among philosophers: man must dedicate a large part of his life to the complete development of his own individuality, and it is only in the second half of his life,

when he has grown wise by experience and feels satisfied as an individual, that he can and should use his activities for the good of mankind.

It would be an economic waste to prolong the life of helpless and useless old people. Fortunately, it cannot be done to any extent.

REAL OLD AGE has arrived when the individual becomes a child again, has no hair, no teeth and his thyroid and other glands of internal secretion are atrophied, his whole character changed. Then he must be fed on milk again, may be nursed and preserved by loving ones but is useless for humanity and from an economical standpoint. A person, no matter how far advanced in years, who has preserved the activity and usefulness of his glands and shows no signs of senility despite his age, will be able to take care of himself in every respect, and no one will dare to try the chloroforming act.

When hideous old age is reached, and one wants to die just as a tired person wants to sleep, then, but only then it is too late for any prophylaxis. A fair example is this little dialogue: "Old man Jones died to-day." "Is that so. What complaint?" "No complaint. Everybody's satisfied."

There is no doubt that nothing is more important for every single individual, as well as for any family, society, community, race, state, and humanity as a whole, than the preservation of personal health and that physical welfare without which youth and youthful vigor in every respect are unthinkable. It speaks poorly for our, as we claim, so far advanced

civilization that very few people possess any degree of knowledge of their own bodily make-up and of the mechanism of their bodily functions.

CHILDHOOD and early youth pass partly listening to lies, learning lies by heart, and learning a lot of things that are more or less, mostly less necessary. Then comes tumultuous ADOLESCENCE with its lavish and reckless squandering of bodily energies and of health reserves, with its solitary vices and boastful dissipations, followed by MANHOOD spent in bartering away health and vigor for dollars, interrupted by frequent gorging and tipping until ugly fat masses or a flabby wrinkled skin, high blood pressure, clogged bowels, impaired liver and kidney functioning, and many, many, other troubles arouse the dulled senses of the man who has no time to take care of his health. Many are not alarmed until they find that some of their organs absolutely refuse to work, and there are not a few who even wait until they are down and out altogether. Then, and not until then, they call on the best authority in their estimation, willing to pay a few dollars for the prescription of a medicine that will swiftly, without much trouble, and without interrupting all important business, restore what they call their lost manhood. It would be laughable were it not such a pitiful situation. It is surely true that everybody should know better and it begins to dawn upon the people that it would pay to give some attention to the preservation of health and vigor. Instruction in anatomy, physiology, and hygiene is being urged a great deal, the people at

large are beginning to take real interest, and if we succeed in the by and by in overcoming many centuries old prejudices, we may be able to secure for humanity rational teaching, of a character that will do real good and RELIEVE suffering mankind FROM the CRUSHING BETWEEN FRIGHTFULNESS AND PURITANICAL BIGOTISM. As things stand now, we positively must come to the conclusion that it is better to know nothing than such a lot that is not so.

Teachers of a hygienic living, of a kind calculated to maintain bodily health and prolong human life, are regularly preaching THEORIES AND giving ADVICE that is doomed beforehand to be very unpopular and therefore generally disregarded by the vast majority of people. We are mostly told a great MANY DONT'S. We must abstain from doing those things which we enjoy, and instead use and do things which we hate, in order to be healthy and to live long. No wonder some wise fools began to preach the short and merry life and declaimed vociferously that, if every enjoyment is taken out of life then there is really no use in living.

Thus, we see ourselves placed between the two EXTREME SCHOOLS, the one leading back to primitive, peacefully herbivorous, animalistic life, and the other pointing the way to aggressive bestiality. It is surely more than clear that we must refuse to live the life of an oyster in order to be healthy and live long, and also must refuse to become hogs in order to enjoy life thoroughly without any regard to consequences.

The man who preaches against all the enjoyments that civilization has brought in its trail, the one who adds ever new don'ts, who dictates don't smoke, don't drink, don't eat what tastes good, don't kiss the pretty girls, or at least count your kisses, don't dance, don't play, don't sing, don't laugh, might just as well say: back to animaldom, back to the tree branches and the nut-cracking with sharp, white, shining teeth.

But there is a GOLDEN MIDDLE ROAD and if we but persist on it we shall easily find the secrets to a healthy, long, although merry life. Common sense is all that is required and we must come to the conclusion that WHATEVER WE REALLY ENJOY IS GOOD FOR US in every respect. Of course, the term enjoy is a relative one and must be analysed in almost every instance. Whenever a person thinks that there was enjoyment, it is sufficient to ask oneself: would I do that again just as I did it this time? Let's take a few concrete examples:

Some one takes a walk, a run, a ride, a swim, or any other exercise; if he returns perspiring and tired, with palpitating heart he may think he has enjoyed himself, though the accompanying discomfort discounts considerably the real pleasure.

Another person not being able to resist the temptations of a well-set table, loaded with fine-smelling, good-tasting eatables, enjoys himself thoroughly by eating until he can eat no more, but he will find that the enjoyment is short lived and certainly does not pay for the pangs of an overdistended stomach,

consequent indigestion, as well as the pangs of conscience which bring to mind threatening obesity, or liver, kidney, and other troubles.

You may ask any excessive smoker and he will acknowledge that in reality he does not enjoy the smoking. It just became a habit, and every one of them wishes to be able to quit it. The moderate smoker is the one who really enjoys his few daily smokes.

And the person who enjoys any alcohol-containing beverage, having common sense, ought to know where the enjoyment ends and immediate discomfort, followed by the brown tasting, head-aching difference in the morning and the many bad consequences of acute and chronic alcoholism, begin to threaten.

We know that OVER-FEEDING is dangerous for bodily vigor and energy, and it is almost pathetic to see many persons who have damaged their strength by habitual gluttony, stuff themselves with cheese, caviar, lobsters, oysters, and other things that have the reputation to enhance virility. On the other hand UNDERFED INDIVIDUALS, poor people who cannot afford proper food, well-to-do people who are too stingy, persons who follow various dietary fads, vegetarianism included, weaken their constitutions, lower their natural defences against infections, and certainly do not increase their personal vigor nor improve their looks. The gouty, for instance, who may be benefited by a strictly VEGETARIAN DIET, suddenly jumps to conclusions, and becomes a vege-

tarian fanatic. Because he was temporarily benefited, everybody else should do likewise. He begins to preach vegetarianism, and as vegetarianism like any other kind of asceticism very seldom tends to improve and to sweeten the disposition of the victim, the vegetarian becomes intolerant. If there were enough of them we would surely have a vegetarian candidate running for presidency on the no-meat platform, and have also a Christian Women No Meat Association.

For a normal individual wishing to remain in good condition the golden middle way is the road to choose in regard to diet. **EXTREMES MUST BE AVOIDED.** Experience reinforced by scientific experimentation has taught us that it is the best to adopt a mixed diet, consisting chiefly of milk, eggs, well prepared whole wheat or a good kind of brown bread, butter, cheese, fruit, vegetables, fish, and meat; while bullion and meat gravies, which contain irritating and harmful meat extracts should be avoided; and it is just unfortunate that they, in reality, taste so very good. A few simple but very important rules are self-evident. Never eat unless hungry, masticate your food properly, therefore never eat in a hurry or when angry, always refuse when the enough is reached, and while it is foolish to permit oneself to become faint from hunger, we decidedly must decline even the friendliest and best meant offer to dig our graves with our teeth.

In order not to reach before time, chronic drowsiness and ugly helplessness, we must flee from the average business and professional man's existence

consisting of work, lunch, again work, motoring, eating, drinking, and smoking. When pursuing the almighty dollar we must not forget that a dead millionaire is no better than a dead lion. We must avoid the life of the oyster, and neither live the life of an old maid, nor that of a sporting lady, remembering always the old saying, that "everything in excess becomes a vice." When we drink we must not forget that water is also a delicious drink, but we must tell the meddler, the fanatic reformer, the fellow who cannot see the forest because there are too many trees, to mind his own business as we shall take the liberty of deciding what we shall eat and drink.

As shown elsewhere ALCOHOL IN MODERATION is NECESSARY IN OLD AGE for many reasons. We must not forget that it is a law universally acknowledged, that everyone has the legal right to do anything that may be necessary to preserve his or her own life.

The Volstead Law is being interpreted by the enforcement officers that every ten days one quart of wine may be prescribed for anyone needing wine. This gives about two tablespoonfuls three times a day. Why force people to become lawbreakers?

Dr. Thomas Bodley Scott says among other things: "In the diet question of old age, alcohol must be included. The nutrient value of pure alcohol is almost nil, but in the forms of wine and malt liquors there is an appreciable amount of sugar and extractives; but it is for the side effects that it is taken and valued. Old people get along often very well without it; but when they have been in the habit

of taking it in moderation and with their food, during life, it is a mistake to give it up. Alcohol is not a tension raiser, as some seem to think; but rather has the opposite effect, and, if stopped suddenly in old age, the digestive powers will be lessened and the whole tone of the body depressed.

“ Now that whiskey and brandy have become so dear, I often find that old people do very well with good beer, stout, or cider.”

Monin, France's most ardent medical anti-alcohol preacher, cites Grehart who said that hygienic beverages are those that one does not abuse.¹

Politicians, teachers of fads, teachers of creeds, teachers of real things, philosophers, moralists, socialists, anarchists, reformers, soap box and sand lot orators, in fact, almost everybody clamors for justice and equal rights, some ask for an equal chance for all human beings, a few go so far as to demand absolute equality in every respect. But so long as people will have no say in the selection of their parents, and so long as heredity will play such an enormous part there can be no real equality. Nature herself is not just, and opposes equality at every step. We may be able to legislate inheritance of money and property out of existence. We, who never inherited anything, and what is worse, never expect to inherit anything of negotiable value, would surely think that such a law would be perfectly proper and just, but there is no power on earth that can stop anyone from inheriting his ancestors' good looks, healthy and powerful metabolism, healthy and,

¹ *l. c.*

in their interdependence, properly working glands of internal secretion, and alas! neither is there any power in existence to protect a poor fellow from inheriting a saddle nose, lack of resisting power, a miserable constitution and many other physical shortcomings which carry in their train again a sour disposition, dull mentality and other unfortunate combinations.

We know the great importance of heredity, and we know what a serious handicap it is to have inherited bodily or mental shortcomings, but we know also that inherited delinquencies can and therefore must be corrected, and no one is justified in simply giving up. It is always worth trying and, the least said: we may succeed. Sound hygienic precautions may overcome the burden of inherited defective glands of internal secretion and may, at least partly, overcome the curse of the visitation of the sins of the fathers unto the second and third generation. And even if the golden opportunity of corrective hygienic measures during childhood were lost, because the child cannot know and those who ought to know were also ignorant, there is always time to do some good, and the individual must never give up.

One must be glad to be able to state that we are progressing, the child is receiving better and more rational care, mothers, while always loving, are daily becoming more practical, prejudices in the way of raising children are disappearing one by one, and while there is plenty of room for improvement the outlook is hopeful.

CHAPTER XII

KINDNESS VERSUS BRUTALITY

IN THE fight between the so-called liquor interests on one side and professional, as well as idealistic reformers on the other side, THE PUBLIC at large hardly took any interest, and therefore was entirely LOST SIGHT OF. Just as in other fights, in wars, for instance, in struggles between capital and labor, the public at large is the sufferer, and being in large proportion ignorant and entirely patient, big as well as small interests simply said and say—the public be d.

The liquor interests surely were not headed nor manned by angels, and all possible accusations were hurled against them; everything, even exaggerations, were readily believed by the public. The reformers again were accused of hypocrisy and even Sadism.

The Medical Sentinel says in this regard: "There is a form of Sadism among the people who enjoy mental exhilaration or gratification by imposing their will on others—that is, preventing other people from enjoying themselves in harmless habits and pursuits. Tobacco, cards, dancing, theatres, Sunday baseball, etc., are the things they would love to stop us from enjoying. These abolished, and then the fight to stop laughter and smiles would start.

“ This form of Sadism is not uncommon among elderly men, but most of the devotees are among barren women, women who have never functioned properly and have passed the climacteric. These people form the nucleus of any reform that has for its object the withdrawal of pleasure from others.”

The reproach of *FANATICISM* is made only too often. Sajous gives the following definition of fanaticism: “ a form of obsession in which the mind, by becoming the abject slave of its prejudices, loses all sense of proportion and justice.”

We know that fanaticism is always condemnable and always ought to be kicked back into the darkness and tyrannical misery from where it originates, and from where always anew it tries to emerge. Fanaticism is an abomination, no matter if displayed by Chinese, Mohammedan, or so-called Christian Puritan narrowmindedness, bigotism, and intolerance.

We are told besides that the number of people whose chief aim is to mind everyone's business but their own is rapidly increasing, and that considerable legislation is now being dictated by those mentally diseased.¹

Mark Twain when overwhelmed by the moral statistician said: “ I don't want any of your statistics. I took your whole batch and lit my pipe with it. I hate your kind of people. You are always figuring out how much a man's intellect is impaired, and how many pitiful dollars and cents he wastes in the course of ninety-two years' indulgence in the fatal practice

¹ CHARLES S. POTTS, *l. c.*

of smoking, and in the equally fatal practice of drinking coffee; and in playing billiards occasionally, etc., etc.

“Of course, you can save money by denying yourself all these vicious enjoyments for fifty years; but then what can you do with it? What use can you put it to? Money can't save your infinitesimal soul. All the use money can be put to is to purchase comfort and enjoyment in this life; therefore, as you are an enemy to comfort and enjoyment, where is the use in accumulating I ask? In a word, why don't you go off somewhere and die? and not be always trying to seduce people into becoming as ornery and unlovable as you are yourselves by your ceaseless and villainous moral statistics.”

We know also, however, that ACCUSATIONS AND RECRIMINATIONS have done very little good. To call the other fellow names surely is no argument. Unfortunately, since the horrible World's War, we only hear and read of drives and fights, even in the loftiest undertakings. People are being denounced, flayed, grilled; the lash is laid upon. If a man is elected he wins a hot fight, if he is not elected he goes down to ignominious defeat. The speaker always hits from the shoulder, there is always some kind of a clash. If any foreign country does not agree at once with us the United States are defied; if Turkey, England, or any other country complies with the request, at once or after argument, they back down. No golden middle road!

And all we really need is a little bit of KINDNESS.
Forbes Magazine said:

More kindness, less creed,
More giving, less greed.
More smile, less frown
Less kicking a man when he's down.
More "we," less "I,"
More laugh, less cry.
More flowers on the pathway of life,
Fewer on the graves at the end of the strife.

We hear, and until a short time ago, heard it more frequently, that there will always be war! and that war is necessary! But we know that at present there are running around a large number of jobless ex-crowned buncomen, ex-great field marshals and generals who used to be great WAR PREACHERS and mighty war makers, and who at present know for a fact, that war does not pay. Even Uncle Sam, who in self defence taught them the absolutely necessary lesson, knew all the time that war does not pay, cannot pay. We may hope that, when the last convulsions of the late world war calamity are over, and when it will not be possible any more that the will and the word of any one single man or a small group of small men shall plunge nations into war, the saying that there will always be war, will prove to be an empty phrase.

Thus we too may hope that very soon the professional reformers also will find themselves without jobs and realize that it does not pay to harness

their fellow-citizens, and that instead of playing in the hands of the "Reds," it is better to use kindness, and never brutality.

There is no use to argue with a drunken man, though he may listen and agree with all your arguments when he is sober. And there surely is no time when it would be of any use to argue with people who would subject all laws to the one supreme law called Volstead. The United Press wired March 10, 1923, from Washington: "Demand that the United States use destroyers to round up the rum fleet reported off the port of New York was made to-day by the board of temperance, prohibition and public morals of the Methodist Episcopal Church.

" 'The only thing to do is to detail United States destroyers to round up these ships, bring them to port, confiscate ships and their cargoes and jail every man found on them,' a statement of the board said.

"The church was bitter in its denunciation of the Government's failure to halt the activities of the rum fleet.

"If the ships are of foreign registry the United States does not have the right under international law to act against the boats. The board declared that 'international law ought to be changed and the United States ought to change it some time within the next few hours.' "

All this, and even war! regardless of the fact that the Volstead Act, which imposes the rule that one-half of one per cent. of alcohol is intoxicating within

the intent of the prohibition amendment, is not sustained by a single scientific fact.

But all the authorities quoted in former chapters, to whom could be added Sir James Paget, Lord Lister, famous William Jenner, Sir Andrew Clark, Sir William Broadbent, Sir Lauder Brunton, and many others, argue in vain with people who condemn a thing just because they do not like it or do not approve of it.

And when we have abolished international law "within the next few hours," then we must listen to the kind-hearted people who ask for "STRICTER DRY LAWS" and "STIFF SENTENCES" for anyone breaking them. The followers and heirs of those who were kind enough to boil fellow-beings in oil in order to save their souls, would be ready to demand capital punishment for "dry offenders," and to hang the man that bars his house, and makes a still out of his coffee machine.

Someone asked: "Is CIVILIZATION coming and when?" We may answer that it is slow in coming, but will be here when we shall not believe any more anything because we wish it were so, when we shall abandon all efforts to make unbearable conditions on this minute planet harder and more disagreeable, and when we shall be done with making hell upon earth in order to gain heaven.

Considering that it is harder to bear small, but constant annoyances, than real tragedies that occur seldom, we must come to the conclusion that THOSE WHO INFLICTED THE VOLSTEAD ACT upon the people in

the United States WERE NOT PROMPTED BY KINDNESS, else they surely could not have made the obtaining of alcoholic beverages more difficult than the obtaining of narcotics, nor would there be provided more than ten times as many officers to enforce the Volstead Act than officers to enforce the narcotic law. They did show no kindness when they refused to use common sense in distinguishing what is intoxicating, and in refusing to consider that the consumption of a sufficient quantity of concentrated spirits only takes a few moments, while it would take hours to drink as much alcohol in diluted form as for instance wine or beer, and that during this time the absorbed alcohol is being oxidized and thus any concentration in the blood prevented.

The only excuse for them we can offer is THEY DID NOT KNOW. In his autobiography, "The Iron Puddler," James J. Davis, Secretary of Labor, tells them: "You never worked at terrific muscular exertion, handling white hot iron in a mill like this. You haven't got the muscles to do it, and I doubt if you've got the heart. You cannot know the condition a man is in when he hits his hardest lick here. But they know, and I know."

The physician was not wrong who said: "It is not for those who lead sedentary lives, and have perhaps never done a day of real hard, physical work in their lives, to dictate what those who engage in herculean toil shall drink."

An argument that ultra-prohibitionists frequently employ is to ask the person who uses alcoholic beverages in moderation: "Can't you do

without it? ” A well-known physician answered this question at one occasion with: “ Of course, I can, I can do without anything if I must. I can do without a bed, and without shoes, I can do without soap, without books, without any comfort. But, may I ask why? ”

And why should Kipling have the right to sing about the American spirit (not the one under the Volstead ban)

“ The cynic devil in his blood

That bids him flout the law he makes ;

That bids him make the law he flouts.” Why?

The really civilized person knows that even with children, kindness will do considerably more than the cruel whip.

A really kind person will always be humane, merciful, and compassionate, therefore will not needlessly inflict pain upon the meanest thing that lives, will always try to mitigate the suffering even of the guilty, will sympathize with and whenever possible, relieve actual suffering, and always at least try to prevent and stop it when it threatens.

MAY WE HOPE THAT KINDNESS WILL PREVAIL, and that common sense will point the way out of the present abominable conditions?

No one can claim that the Volstead Law is enforced. It cannot be enforced so long as it remains as it is.

The Norfolk Ledger-Dispatch thinks that if the President wanted to bring about “ respect for prohibition he will use every effort to modify the drastic terms of the Volstead Act. The saloon-keepers

brought about prohibition, and just as surely the professional prohibitionists and their inexperienced, though sincere amateur associates have brought about disrespect for prohibition laws.”

We may hope that those who have temperance at heart will heed late President Harding's words when at the unveiling of the Alexander Hamilton statue at Washington, he pleaded for HONESTY by saying: “Honesty in politics will reveal unerring public opinion and honesty in public service.” He deplored factionalism and said: “Factions have arisen which would invade the constitutional rights of others or subvert the constitution itself.”

And we may ask with *The New Haven Journal Courier* whether “THE TIME HAS NOT COME for the advocates of prohibition and its opponents to set aside their prejudices and together calmly consider the situation from the point of view of general welfare?”

Why should we not hope that kindness will prevail with people who have labored assiduously for a laudable object, and have rescued from ruin a multitude of erring brethren? They cannot help but realize that temperance in language and statement is desirable, as well as temperance in alcohol, and that freedom comes before total abstinence.

Former President Wilson² felt that the practical unanimity with which the Eighteenth Amendment was supported arose from a nationwide resentment against abuses by the American saloon and economic evils that have grown out of the organized liquor

²TUMULTY, *San Francisco Chronicle*, January 2, 1922.

traffic. He felt that it was unreasonable for Congress, in the Volstead Act, to declare any beverage containing an excess of one-half of one per cent. of alcohol intoxicating, and that to frame a law which arbitrarily places intoxicating and non-intoxicating beverages within the same classification was openly to invite mental resentment against it. He was of the opinion that it required no compromise or weakening of the Eighteenth Amendment in order to deal justly and fairly with the serious protests that followed the enactment into law of the Volstead Act. He was, therefore, in favor of permitting the manufacture and sale, under proper governmental regulations, of light wines and beers, which action, in his opinion, would make it much easier to enforce the Amendment in its essential particulars and would help to end the illicit traffic in liquor, which the Volstead Act fostered by its very severity. This would PUT BACK OF THE ENFORCEMENT OF THE EIGHTEENTH AMENDMENT THE PUBLIC SENTIMENT, always necessary to the execution of laws.

It certainly is not too much to hope that there will be found a way to re-affirm the sublime truths of our Declaration of Independence, our unalienable rights, so that at home we may be able to say: "I am an American citizen!" with the same pride as we always do abroad, where the last war taught the people to respect the United States.

"GOOD LAWS UNDER A FREE GOVERNMENT," was the favorite object of the immortal father of this country: Kindness would remove from the Volstead Law all that is bad and therefore impossible.

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