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The Prohibition - did it fail?



By Derek Steenholdt – Research Officer
This Dalgarno Research Report is a review of one of the most impartial and comprehensive reports done on the Constitutional Prohibition, at the very time of its enactment and conclusion. This report was titled 'Prohibition at its worst' and it was written by Irving Fisher, Professor of Economics, Yale University.

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Report Title: *The Prohibition – did it fail?*

Introduction:

Prohibition in the United States was a national ban on the sale, manufacture, and transportation [but not consumption] of [alcohol](#), in place from 1920 to 1933.^[1] The ban was mandated by the [Eighteenth Amendment to the Constitution](#), and the [Volstead Act](#) set down the rules for enforcing the ban and defined the types of alcoholic beverages that were prohibited. Prohibition ended with the ratification of the [Twenty-first Amendment](#), which repealed the Eighteenth Amendment, on December 5, 1933. (Background note from Wikipedia)

“At last, after generations of dispute, experiment and research, clarified public opinion recognises the liquor traffic as a problem of first rate national importance whose solution depends upon prevention rather than cure. Alcohol appears as a factor, a chief maker, of the bad social conditions which mar our civilisation. It is known to be a direct or contributory cause of degeneracy, pauperism, poverty, disease, and crime. In short, science has cleared the ways for an intelligent approach to the drink problem.” George Elliott Howard for **‘American Journal of Sociology’** 1918 ¹ Howard summarized a great body of evidence that alcohol caused crime, family disruption, illness, and death.”

(Dalgarno Comment: When you read the following, you will not help but notice many parallels with the current illicit drug ‘legalisation’ debate. The current extravagantly used and specious ‘mantra’ that *‘Prohibition (Constitutional) failed’*, is clearly debunked in the evidence we have available to us. One must also remember that the social experiment of Constitutional Prohibition that was the banning of alcohol was an attempt to ban a legal, socially accepted drug that was a heavily integrated part of society. One must also remember many states of America did not enforce this as per The Act, and of course ‘consumption’ of alcohol was **not** illegal. Even with these ‘forces’ arrayed against prohibition and with far less than 400 federal enforcement officers for the entire continental United States, this experiment almost worked. Some commentators have posited, that if they had increased enforcement agent numbers to about 1000; actually pushed the ‘wet’ (drinking) states to comply and kept the experiment going three more years –the United States would be ‘dry’ today!

So what of illicit drugs? These are not ‘an integral part of accepted society’. They are not approved of by the vast majority of any functional culture. The global average at the moment has only around 6% of people having ‘tried’ or used illicit drugs in the last 12 months. The overwhelming scientific evidence that illicit drugs will do just as much, if not more damage than what Sociologist, G.E. Howard declared in his above statement on alcohol, should be more than enough for us to actually and fully implement a demand and supply reduction strategy that uses education, legislation and functional social collateral to bring about the proactive and preventative measure that is prohibition.)

The following is a review of one of the most impartial and comprehensive reports done on the Constitutional Prohibition at the very time of its enactment and conclusion. This report was titled **‘Prohibition at its worst’** and it was written by Irving Fisher, Professor of Economics, Yale University. (Pub by Alcohol Information Committee, One-Fifty Fifth Avenue, New York, N.Y., **1927**) (The following notes were taken directly from an original copy of the book-bound report)

Prohibition at its worst!

Background on Irving Fisher - How Fisher became interested.

In recovering from a health problem in 1899, Irving Fisher undertook a systematic study of how to get and keep well. In his researching, he found that based on the best evidence available that alcohol “is a physiological poison, and out of place in the human body.” For the sake of his own health, rather than temperance, he adopted total abstinence which he considered was the “truer ideal”.

In applying his research and findings into the effects of alcohol on society (including productivity, crime, medical treatment, etc) to economics, his academic field of expertise, he found that “the use of alcoholics was economically costly and wasteful to the nation, in more ways than one.”

Reluctant acceptance PROHIBITION is the ultimate solution. (pp 3 – 5)

Fisher obtained evidence from Western States of the USA which had tried prohibition prior to World War 1 and was reluctantly compelled to conclude that Prohibition is the ultimate solution, when public sentiment is adequate to enforce it.

E.g. The state of Washington prospered economically when prohibition was adopted – NOT THE OPPOSITE as was predicted – even “saloons” which were closed were found useful for other purposes.

WW1 US National Council of Defence assigns Fisher to call a conference on alcohol.

April 1917 Recommendations:

1. Dry Zones around all army encampments
2. War-time Prohibition

War-time prohibition law blocked by Senate. (pp 6 – 10)

Business men and Economists approved of war-time prohibition BUT **Brewers** blocked legislation on War-time Prohibition passing from Lower House to the Senate by using delay tactics of a minority of Senators who they managed to influence.

Jump from war-time prohibition to Constitutional Prohibition came too soon!

In hindsight it would have been better to have tested its application in the shorter space of WW1 war time and evaluate its benefits to support the cause for longer term reform. War-time prohibition was so delayed in the Senate deliberations that it was actually enacted in 1919... AFTER THE WAR!!! (See pp 11 – 13)

Moderation League (pp 15 – 20)

Typically, anti prohibition pressure groups were made up of brewers and distillers, but this Moderation League was different, made up of “Men beyond reproach”, but possibly still influenced by the views of brewers.

Moderation League formed from eminent persons in US Society in response to the implementation of the Prohibition Act had a main goal of “The restoration of temperance”. In 1926 they presented information to Senate Sub-committee regarding the “A National Survey of Conditions under Prohibition, 1925”. They pointed to admitted abuses under the Prohibition law and stated that it lacks public support.

They supported their case by quoting US President Calvin Coolidge in his August 1922 address to the American Bar Association:

In a republic the law reflects, rather than makes, the standard of conduct.

The attempt to dragoon the body when the need is to convince the soul will end only in revolt.

They also very selectively quoted from a 1925 report of the Federal Council of Churches of Christ in America, suggesting “... nothing but a sweeping change in public opinion can prevent the effectual nullification of the National Prohibition Act.” **while ignoring** a declaration made by the Federal

Council of Churches recommending that “the policy of Prohibition is the deliberately and permanently established policy of this nation,…” (p18)

Face the facts... Some not pleasant for Prohibitionists, others not pleasant for its opponents:

1. The present situation of imperfect enforcement is intolerable
2. Conditions are not, however, as bad as commonly represented
3. Prohibition has accomplished much good, hygienically, economically, and socially
4. The “personal liberty” argument is largely illusory
5. We cannot accomplish what the opponents of Prohibition really want by amending the Volstead Act, without thereby violating the Eighteenth Amendment.
6. To repeal the Eighteenth Amendment is out of the question
7. To nullify it would mean disrespect for law of the most demoralised kind
8. Therefore the only practicable solution is to enforce the law
9. Enforcement is a practical possibility. (pp 18 – 19)

✓ ***Failure of Prohibition is exaggerated*** (p20)

✓ ***Moderation League presents to the Panel very selectively chosen (suspect) facts.*** (pp21&22)

✓ ***The real stats !! E.g. First Convictions for Drunkenness fall during Prohibition*** (p23-25)

Mr Shirk, Statistician.

More questionable ‘facts’ from a qualified statistician (Mr Shirk). (pp 26 -32)

Irving Fisher debunks Statistician, Mr Shirk, who uses data from state of Indiana to “prove” that drunkenness increased under prohibition (Volstead Act), whereas under an earlier state semi-prohibition law (wine and cider brought into the state allowed for personal use – 1914-1916) and then war time restrictions 1917 - 1919, “Conditions were comparatively good.” (pp 34 – 36)

See also more reliable statistics from another statistician. (pp 40 – 41)

(Numerous graphs and tables are provided tracking data from 1910 to 1924)

Irving Fisher also debunks Statistician, Mr Shirk, who refers to data from Chicago on disorderly conduct which do not always relate to drunkenness. (pp 36 -38)

Irving Fisher also debunks more dodgy data on arrests for drunkenness in 350 cities (pp 38 – 39)

Further Errors of Mr Shirk, Statistician.

Influence of the press on public opinion in state of Connecticut where smuggling of alcohol was easy and prevalent (also to supply the very ‘wet’ New York appetites) ... arguing it was a “violation of personal liberty”. No support was given to the police enforcement initiatives with figures showing the drunkard population in Connecticut jails was reduced by more than half by Prohibition. (pp 52 – 54)

Enforcement slackened 1921 – 1923 (pp 56 – 59)

- Caused by disorganisation associated with post ware recovery of the nation.
- Prohibition and some other laws suffered in a general breakdown.

- Data shows significant increase in arrests, but this may be due to consequences of disruption of the war to everyday life and problems with post-war recovery of society.

Drunken driver arrests data shows massive increase - used by Mr Shirk to show prohibition has failed, but reality was that previous to war, licensed motor car drivers were cabbies and chauffers and now amateurs" were getting licences (so standard of safe driving fell) PLUS there was a massive increase of the number of cars on the road. (pp 60 – 62)

Drinking among youth

Arrests of under 22 year olds increased by 500% under prohibition in Washington DC BUT Youth across the country were volunteering for military service during WWI and encamped in Washington for training.... Many stayed on in military jobs after the war and a culture of drunkenness developed MUCH different to rural America. (pp 70 – 72)

Impact on youth in colleges e.g. in Yale – typically a wet area – in 1926, 80% of senior students were very sympathetic to tolerating alcohol use... sentiment in other colleges varied (e.g. Harvard – majority of students supported strict enforcement). (pp 72 – 73)

Despite varying student attitudes, number of discipline cases in which drinking was a factor at Yale was down, but prohibition created a defiant attitude in many Yale students. Attitudes in other colleges varied and seemed dependant on attitude of Senior students! (pp 78 – 80)

Juvenile delinquency decreased noticeably under national prohibition. e.g. data for arrests of juveniles for crimes in general in New York City – cut in half by 1924. (pp 81 – 82)

Public Sentiment

Author claims that National Prohibition came prematurely, before a proper try out of war-time prohibition had prepared the population of large cities for Constitutional Prohibition. Even so, two-thirds of the country was ready for prohibition, but the eastern states were not! (pp 83 – 84)

Masterful lobbying of the ANTI SALOON LEAGUE backed up by the highly efficient PROHIBITIONISTS meant states in the Union willingly set up state prohibition laws.

Contrasted to the MODERATION LEAGUE which exaggerated greatly both the extent of non-enforcement, and the difficulty of enforcement due to lack of public sentiment.

Public opinion of results in states adopting these laws was positive. (pp 84 – 85)

The Passing of the ‘Saloon’

Successes of prohibition included:

Increase in Federal Convictions between 1922 & 1925

Fines collected were up

Years of imprisonment were up (pp 90 – 91)

“Crime Wave” in New York during prohibition was exaggerated by media, etc

In fact, 1923/24 report showed that compared to “Saloon Year”1916, arrests decreased on: offences “against the person”, against chastity” and “against property rights”. (pp 94 – 96)

Compared to other world cities (e.g. Paris, London, etc) data on arrests for drunkenness in New York is good! (pp96 – 98)

Smuggling and corruption of prohibition officers, agents, police and drinking in night clubs was less than in days of saloons. (p 98)

Alcohol and Longevity

An influential professor of economics, Raymond Pearl of John Hopkins University reports on his research into costs associated with use of alcohol – his research influences government policy – essentially indicating that heavy drinkers have a diminished mean age at death compared to the abstainer or the moderate and occasional drinkers. (pp 103 – 104)

In 1923, drawing on limited data, Dr Raymond Pearl concludes that “there is no evidence ... moderate consumption ... in the slightest degree diminishes expectations of life. (p 104)
(In 1924, Dr Pearl admits to insufficient data for his conclusion. (p 107)

Dr Pearl’s arguments pro-moderate alcohol use were based on a skewed sample of people derived from data from life insurance companies, and no assessment was made on the health risks of the sample. Sample was skewed by the way that life insurance companies weeded out people at high risk of developing diseases as a result of alcohol abuse. (pp 108 – 109)

1925, Dr Evans corrects Dr Pearl’s findings using life insurance data from 286,392 policies issued between 1885 – 1900. Dr Evans showed that:

- Total abstainers had lowest mortality rate (84.3% of expected)
- Moderate users were next with 97.2% of expected
- Regular spirit drinkers faced 128.9% of expected deaths (pp 110 – 111)

Abstainers live longer than drinkers:

- US data from over 2 million life policies shows abstainers 18% less at risk of mortality
- UK data over 50 years up to 1917 showed abstainers 65% mortality vs drinkers 90%
- Scottish Life assurance Co. Data from 1883 – 1917 showed abstainers 52%, drinkers 70% (p 113)

“Alcohol as a medicine” – was an attitude that persisted in the early 1900’s from doctors practicing in 1800’s regularly suggesting alcohol to complement other treatments for illness. (pp 114 – 116)

“Old ideas die hard, and old habits die harder.” Irving Fisher points to some physicians who cling to old notions ... ‘we must wait a long time for unanimity.’ (p 117)

(*Dalgarno Comment:* Even though this attitude was opposed in the 1920’s on the basis of contemporary research, this particular attitude persisted throughout the 20th century in the form of conceding moderate alcohol consumption (especially for people over 50) aiding a healthy constitution and reducing risk of heart disease.)

Alcohol a poison

This chapter reports on numerous research projects with humans and animals which show how alcohol reduces:

1. Immunity to diseases
2. Ability of blood to take up oxygen
3. Resistance of white corpuscles

4. Performance in school for young people who culturally “drank wine daily”.
5. Alcohol also causes the heart to beat faster, but weaker (and with lower blood pressure (pp 118 – 132)
6. Alcohol was a habit former. (pp 133 – 136)

The hygienic good

Data on Deaths due to Alcoholism show a marked decline during WW1 due to limits to supply and grain resources (grain needed for feeding the army, etc) That is, they did not need a LAW to reduce consumption! However, the death rates for alcoholism gradually rose after the war when prohibition was introduced, presumably due to more effective strategies of bootleggers avoiding police enforcement strategies. (pp 138 – 146)

Deaths due to cirrhosis of the liver resulted in a 40% reduction from pre-war levels and stayed low right through to 1924 ... remaining low even though more grog was being sold and used later in prohibition years. (pp 146 – 152)

Prohibition led to a decrease in mental illness, cut by more than half and improvement well sustained ... (shown in statistics on “Insanity due to Alcoholism”) (pp 153 – 155)

“I would summarise by saying that Prohibition is primarily in the interest of Public Health. It represents the greatest hygienic experiment in history and one of the most successful!”

Irving Fisher (p154)

The Economic Good

Studies had shown reduction in efficiency in some work situations on consuming equivalent of 2 to 4 glasses of beer a day. Russia also had research showing improvement in efficiency of mills (up 8%) and mining operations (up 30%) when a vodka prohibition was in place.

A Connecticut manufacturer estimated 20% increase in output... (pp 157 – 158)

Irving Fisher estimates at least a 10% increase in productivity nationally. (p 159)

Economic analysis of wages:

In “real” terms, wages were stationary between 1892 and 1919 (allowing for inflation)

From 1920 to 1925, nationally wages grew by 20% in “real” terms as a result of greater productivity (p 161)

Nationally, productivity grew by 25 to 30% in the 5 years after the war, but allowing for growth of population, it was expected to only grow by 15% in this time... indicating an increase of efficiency from 10 to 15%, largely due to prohibition. (Taken from speech of US President Hoover) (p 163)

Reduction in poverty after prohibition, as a flow on effect of the years of abstinence... before prohibition Federal data (1899) showed 25% of poverty could be traced to alcohol & 31% crime traced to alcohol as a direct or indirect cause ... during prohibition, wages, purchasing power and borrowing soared BUT mid-west farmers suffered due to collapse of property boom and loss of income due to cancellation of huge sales of barley for brewing !! (p 165)

Personal and Social Liberty

Argument put forward that no matter how much health or economic good prohibition provides, it’s wrong in principle – as it is seen as an interference with personal liberty.

Counter argument – applying the same logic, if a person chooses to steal, preventing theft is an infringement of that person’s personal liberty!!!

The law must weigh up the balance between personal liberty and social responsibility. (pp. 170 – 172)

Further argument: Anyone who has become a “slave to alcohol” has lost the very essence of personal liberty.

Important court decision in state of Ohio defining liberty (as in the Bill of Rights) and explaining its meaning as the right of man to be free in the enjoyment of those faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. (pp. 173)

LIBERTY - Various additional definitions in law quoted and references. (pp. 174)

The Social Good

Conditions for children improve during prohibition - Social workers reported reduction in cases of inadequate child welfare due to alcohol use (intemperance) from 47.7% of cases in 1916 to 21.9% of cases in 1924. (pp. 176)

Salvos reported youth in poorer areas were better clothed and not needing handouts. Also, New York Salvos division working on rescue for women and girls reported fall in cases involving drunkenness from 50% of case before prohibition to 1% during prohibition. (pp. 177)

At colleges and universities there is reduced levels of drinking - now a rare offence. (pp. 178)

Newspaper editors – vast majority supported the Volstead Act. (pp. 179)

Pennsylvania (a wet state), Dept. of Welfare reported six benefits of prohibition:

1. Saloons gone
2. Unprecedented industrial growth
3. Increased economic well being
4. Reduced demands on charity relief
5. Lower mortality, mental illness
6. Less drunkenness in prisons (pp. 180 – 181)

Other cities all over the nation reported...

1. Major fall in juvenile delinquency
2. Many fewer “sickies” taken on Mondays
3. Ex-distillery workers in better jobs on better pay
4. Savings bank deposits up significantly. (pp. 182 – 184)

The Rich push their agenda:

- Drinking continues amongst the rich and wealthy!
- Cry of “personal Liberty” really a call for “personal Licence”!
- Rich have outdated traditions of feudalism – when alcohol was an aristocratic lordly luxury... (alcoholism is the badge of a “gentleman” and diamonds the badge of a “lady”.) (pp 184 – 6)

“Personal Liberty” Commercialised

Two major lobby groups merged to oppose prohibition laws at hearings of the Senate Judiciary Subcommittee in April 1926. – **Moderation League** of New York & **Constitutional Liberty League** of Massachusetts.

Links can be traced to brewery companies (e.g. United States Brewers’ Association), but were hidden/camouflaged behind the names of “respected” public identities. (pp. 187 -190)

Liberty Leagues were set up in other states and lobby groups could quickly get information and media releases out across the country and into the hands of local newspapers in order to get the backing of thousands of voters. It was a sophisticated support structure for its time – backed, of course, by the US Brewers’ Association. (pp. 195 – 196)

Further activities of the brewers.

The Brewers propaganda machine was sending 5,300 weekly news letters to 12,000 weekly papers over the USA – with circulation of 5,300,000 and read by 15 million people!! (pp. 197 – 198)

Brewers, via the media, argued for the need for a “Personal Liberty Day”. (p. 198)

Also, a theatrical play was written seeking sympathy for a hard working German Saloon Keeper. (p. 199)

German commercial interests in production/use of alcohol formed an alliance with Americans to agitate for “Personal Liberty” (most brewery owners were German).

The ring was later exposed and taken to court... ringleaders were sent to jail. (pp. 200 – 201)

One propagandist (John Koren, a statistician) spoke dispassionately in support of the evils of alcohol – but sidestepped at the last point supporting the principle of Prohibition – arguing that there were certain “Inherent Frailties in Prohibition” – and recommending the stance of the Constitutional Liberty League for a popular referendum. – He was later exposed as being a past Secretary of the United States Brewers Association. (pp. 201 – 202)

The brewers noted when women got to vote in 1919, that there was opportunity to exploit this liberating strategy – by creating Women’s liberty leagues in larger cities. Women were mobilised to support the Liberty League by setting up a Women’s Auxiliary – brewers realising they were headed for destruction – lobbying and “wire pulling” was not enough! (p. 203)

Brewers suggested a cafe-club/family resort model based on the European practice of “harmless” sale of beer and wine in cafes. (p. 204)

Distillers pledge to raise up to \$100,000,000 in 1919 to fight the law.

In some states, brewers produced light beer 2.75% declaring it was non-intoxicating. Massachusetts legislated for Light Beer but were vetoed by their Governor. In 1919, New York Legislature succeeded in passing a 2.75% beer bill, but the measure was so unpopular it was repealed in 1921. But breweries continued to operate despite indictments and injunctions against their operations. (pp. 206 – 207)

Proposals other than Prohibition

Pre-prohibition, from 1908 – 1916 Georgia tried forbidding distilled liquor, but allowing light beer and wine (2% alcohol limit) assuming people would not become intoxicated but the experiment FAILED due to:

- a. Lack of capacity of the state to check that all sales met the 2% limit

b. Men got drunk on light drinks by drinking enough of it! (p. 209)

Recent (1924) medical research showed that Light Beer will impair cognitive and muscular function even 2 hours after consumption. (pp. 213 – 214)

Expert opinion on 2.75% Beer summarised with professors coming to conclusions that 2.75% beer is intoxicating. (pp 215 – 217)

Despite reputable recent medical findings against light beer at the 1926 Volstead Act Review Panel hearings – some states still wanted to challenge the 18th Amendment Law and interpret it in their own way.. e.g. Prohibition of “intoxicating liquor” only... i.e. not excluding sales of light beer and wine. (pp 218 – 220)

New York Referendum is being proposed to be held in late 1926. This proposal was pivotal to the continuation of the 18th Amendment across the USA as New York had more representation in Congress than any other state and the civil war was fought over the need for common agreement on fundamental/national laws. (pp 220 – 222)

Irving Fisher claims such referenda to be counterproductive, nullifying, disrespectful to the Constitution, futile, misleading, unrepresentative and insincere. (p 223)

Prohibition can be enforced.

Senate Subcommittee, after extensive hearings declares in favour of prohibition.

See quotation supporting the 18th Amendment (p 224)

Irving Fisher puts argues against the idea put forward (by those who want it to be impossible) that enforcement is impossible! (p. 228)

Federal Attorney of the city of New York is quoted in testimony to the hearings as saying the law could be enforced. (p. 228)

What need to be done: (p229 – 233)

Recommendations of Federal Attorney, Mr Buckner who advised the Senate Committee on:

- 1 Introducing an enforcement act in New York, Maryland, Massachusetts
- 2 Civic Service requirements needed for Prohibition officials
- 3 More and better judges (e.g. one judge fined a bootlegger 5 cents and then gave the convicted man the money to pay the fine!)
Overall fines have become severer and jail sentences for frequent
But to the criminal, small fines mean less than an excise tax
And lukewarm attitudes of some judges do not foster respect for the law.

General Andrews should be granted by Congress additional powers he claims essential to effective enforcement. Both cutting the red tape and reorganising the Prohibition Unit.

This also includes Congress assisting in laws which limit smuggling via Mexico & Canada. (pp 230 – 231)

Irving Fisher supports (pp 231 – 235):

The idea of deporting foreigners who are convicted of boot-legging – as most bootleggers are “aliens”.

Schools reintroducing instruction on the physiological effects of alcohol

- As most schools seem to have relinquished this since Prohibition Temperance organisations should maintain their popular educational work
- As many have assumed the fight was over...

Social action taken to combat the fashion among the wealthy of serving boot-leg liquor in their homes. This custom apparently originated in the resentment of certain people against a law reflecting their personal habits. (Reflects a spirit of defiance – “perhaps the most important obstacle to the success of Prohibition”).

A big problem regarding public sentiment and loss of public support for Prohibition is the way in which the government has dropped the public educational program and turned to a mere law observance program ... with judges and clergy advising people to “Obey the law, merely because it is the law, even if it is a bad law.” (p 233)

Need to go back to first principles, to educate the public to understand there is a reason and a good one.

Parable of the town with a fenced area with the prohibition sign “Keep Out!”, people resented the imposition, but most changed their mind when the sign was changed to “Dynamite stored here!” and they discouraged others from entering!! (pp 234 & 235)

In Summary (pp238 & 239) (Parallels 9 points made in Chapter 1)

1. Present conditions are intolerable and must be corrected
2. Conditions are not, however, as dark as they have been painted.
3. A great net good is already being realised, hygienically, economically, and socially including over 6 billion dollars a year in cold cash values. (*Dalgarno Comment*: Remember this is in 1930’s figures)
4. Real “personal liberty”, the liberty to live and enjoy the full use of our faculties, is increased by Prohibition.
5. Light wines and beer cannot be legalised without another Constitutional Amendment
6. No such Amendment can be passed.
7. All that the Wets can possibly accomplish is laxity of enforcement or nullification (of the Prohibition law)
8. Therefore the only satisfactory solution lies in fuller enforcement
9. This can be accomplished, especially, with the aid of education – when we “face the facts”

‘Prohibition is here to stay. If not enforced, its blessings will speedily turn into a curse. There is no time to lose. ... Enforcement will cure disrespect for the law and other evils complained of ... American Prohibition will then go down in history as ushering in a new era in the world, in which accomplishment this nation will take pride forever.’ (p238)

Edited and abridged by S.W. Varcoe – Dalgarno Institute

Endnotes

¹ Stark, R; Bainbridge W.S.; *Religion, deviance, & social control*; p85, Routledge, New York, 1997

Appendix

ALCOHOL PROHIBITION

Advocates of legalization claim that the US experiment with alcohol prohibition proves that problems result when a government attempts to make a popular substance illegal. The legalizers claim that there were increases in organized criminal organizations who sold alcohol illegally. The legalizers claim that it is better to legalize, tax and regulate drugs than to make them illegal.

A look at the history of Prohibition shows that this argument is deeply flawed for two reasons:

1. The circumstances surrounding Prohibition are so different than those of today that it is not helpful in analyzing present-day policy;
2. Prohibition was successful and did not create all the negative consequences that the legalizers claim it did.

David Teasley, an analyst with the Congressional Research Service of the US Library of Congress, did an in-depth analysis entitled, "Drug legalization and the Lessons of Prohibition." Teasley concluded that

A comprehensive analogy between Prohibition and the modern drug problem is problematic in at least two major ways. First between the two eras there are significant differences that tend to undermine the pro-legalization analogy. Second, many arguments of the pro-legalizers are weakened by their reliance upon a widely held set of popular beliefs about Prohibition rather than upon recent historical evidence. Such attempts to create this analogy based upon these popular beliefs about Prohibition serve only to confuse the debate over legalization of illicit drugs. ^[FN1]

What differences exist between the time of Prohibition and now? ^[FN2]

(1) During prohibition the government sought to restrict the consumption of alcohol although lacking the consensus of the nation. Even during Prohibition most people had experience with and accepted alcohol. That is not the same today for illicit drugs. Prohibition went against the national consensus whereas the current drug policies do not.

(2) Prohibition laws were different than illicit drugs laws today. During Prohibition it was only illegal to sell alcohol and not to drink it. Today, it is both illegal to sell and to possess and use illicit drugs. Today's laws can be used to target the users while those of Prohibition could not.

(3) During Prohibition several US states did not support the federal laws and this caused tension between the state and federal governments and hampered effective prosecutions. Today, the states have signed the Uniform Controlled Substances Act, and a state/federal consensus exists not present during Prohibition.

(4) Criminal penalties for illicit drug use are more severe today than in the 1920's so there is a more potent deterrent effect.

(5) During Prohibition the US was "dry" while the international community was "wet" and thus the US was at odds with the international community (much alcohol was imported from Canada).

However, today the international community is resolute when it comes to drug policy as witnessed by three UN Convention on the use of illegal drugs.

(6) During Prohibition the structure of the government agencies designed to carry out the Prohibition laws was unstable, narrow and filled with political appointees. Today the US national drug strategy involves over a dozen federal agencies coordinated by the Office of National Drug Control Policy. The government bodies that enforce our drug policies are much larger, with better resources, and are much more professional than their Prohibition counterparts.

We cannot analogize the history of Prohibition with today's drug policies because there is not that much in common. Prohibition was on balance a successful policy for the following reasons:

1. There is no doubt that prohibition curbed alcohol abuse as its use declined by 30 to 50 percent. Deaths from cirrhosis of the liver fell from 29.5 per 100,000 in 1911 to 10.7 in 1929. Admissions to mental hospitals for alcohol psychosis fell from 10.1 per 100,000 in 1919 to 4.7 in 1928. Suicide rates decreased 50 percent and the incidence of alcohol-related arrests also declined 50 percent. ^[FN3]

(2) Prohibition did not cause an increase in the overall crime rate but there was an increase in the homicide rate. However, the increase in homicides occurred mainly in the African-American community, and African-Americans at that time were not the people responsible for trafficking in alcohol. ^[FN4]

We cannot legitimately compare Prohibition with our current efforts to control drugs because there are too many differences in the laws, the political establishment, the moral consensus, and the international community.

David Evans

References

^[FN1] David L. Teasley, Drug legalization and the Lessons of Prohibition, Contemporary Drug Problems, Spring 1992.

^[FN2] David L. Teasley, Drug legalization and the Lessons of Prohibition, Contemporary Drug Problems, Spring 1992.

^[FN3] Jeffery Miron and Jeffery Zwiebel, Alcohol Consumption During Prohibition, The American Economic Review, Vol. 81, No. 2, pp.242-247; Legalization Of Drugs: The Myths And The Facts, Robert L. Maginnis, Family Research Council; David L. Teasley, Drug legalization and the Lessons of Prohibition, Contemporary Drug Problems, Spring 1992; Charles Krauthammer, Legalize? No, Deglamorize, The Washington Post, May 20, 1988; Robert L. DuPont, The Case Against Legalizing Drugs, Drug Awareness Information Newsletter; Robert Stutman, Reasons Not to Legalize Drugs, Drug Awareness Information Newsletter.

^[FN4] David L. Teasley, Drug legalization and the Lessons of Prohibition, Contemporary Drug Problems, Spring 1992.