

A NATIONAL SURVEY OF CONDITIONS UNDER PROHIBITION

1928

DRUNKENNESS IN THE UNITED STATES
ARRESTS FOR INTOXICATION IN 100 PLACES

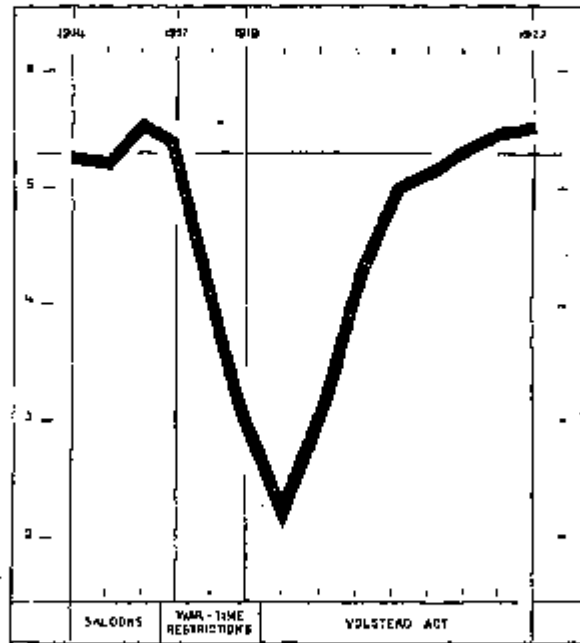


FIGURE 1

THE MODERATION LEAGUE, INC.

885 MADISON AVENUE
NEW YORK CITY

A NATIONAL SURVEY OF CONDITIONS UNDER PROHIBITION IN 1928

The Moderation League has continued for a fourth year its national survey of conditions under prohibition.

The police departments of 584 places have supplied their figures of arrests for intoxication for the four years 1924 to 1927; 618 departments for the 8 years 1920 to 1927; and 388 departments for the 14 years 1914 to 1927. (See Schedule A.)

The most significant things disclosed by this year's figures are:

1. In the 584 places arrests for drunkenness increased from 640,125 in 1924 to 676,708 in 1925, to 695,928 in 1926, and to 707,104 in 1927.¹

2. In the 618 places arrests for drunkenness in 1927 reached 238 per cent of the figures for 1920, the first year of national prohibition, which was the lowest year for drunkenness. (See fig. 2.)

3. In the 388 places reporting from 1914 to 1927 arrests for drunkenness in 1927 were higher than in any previous year, save only the war-boom peak of 1916. The 1916 peak was 559,364 arrests for drunkenness, and 1917 almost reached it—being 557,369. (See fig. 1.)

4. Conditions in the former so-called dry States are very much worse to-day, compared with the 1914 pre-war level, than are conditions in the so-called wet States. In the places reporting from dry States there were 106,072 arrests for drunkenness in 1914, reached a peak of 115,810 in 1915, and then dropped to the low point of 59,941 in 1919, during the war-time restrictions. In 1920, the first year of national prohibition, they rose and have risen each year since then. In 1926 and 1927 the rise became sharp again, after slowing down somewhat in 1924 and 1925. In 1927 it reached 134,827, which is way above the 1914 level and the 1915 peak. (See fig. 3.)

In the wet States, on the other hand, the low point was in 1920. The rise in 1921, 1922, and 1923 was sharp, and for later years the rate of rise slowed down somewhat. In 1927 it reached 423,042, which is almost the 1914 level of 424,295. (See fig. 4.) In the grand total of 384 places in wet States reporting for 1926 and 1927 the increase was from 511,605 to 513,873 in the latter year. From this we may conclude that in the wet States conditions remained almost stationary in 1927.

The figures for 1914 to 1927 from the 388 places in both wet and dry States (see fig. 1) reward analysis, inasmuch as they show a composite picture of the preprohibition and postprohibition levels. During 1914 and 1915, before the war boom got well under way, drunkenness remained nearly stationary.

¹ No effort has been made to estimate fluctuations in population from year to year in the 584 places covered by this survey. At best such estimates would be speculative and open to suspicion of partisan bias. Only absolute figures, not susceptible of dispute, are here given.

During 1916 and 1917, war-boom years, there was a very perceptible increase, following the known rule that, other things being equal, drunkenness increases with good times and decreases with hard times.

In 1918 and 1919 emergency war-time restrictions on alcoholic beverages (far short of bone-dryness, however) were imposed. Drunkenness took an astonishing drop during those years. Near the end of 1919 the Volstead Act went into effect. In 1920, the first year of national constitutional prohibition, there was a further drop, which the 1921 rise wiped out. Since then there has been an increase every year, so that by 1927 there were more arrests for drunkenness than in any year except the 1916 war-boom peak.

It is noteworthy that under the semidry war-time restrictions of 1918-19 there was a remarkably precipitate drop in drunkenness, and

that under the bone-dry Volstead Act there has been an equally abrupt rise. (See fig. 1.)

One of the interesting things disclosed by the survey is that while the low point of drunkenness in the former wet States was reached in 1920, the first year of constitutional prohibition, yet in the former dry States—States which had some kind of a state-wide dry law before the eighteenth amendment was ratified—the low point of drunkenness was in 1919, before national prohibition. In other other words, in the dry States the increase in drunkenness had already begun in the first year of national prohibition. (See figs. 3 and 4.)

It is particularly noteworthy that in the former dry

States drunkenness has now reached a considerably higher point, with reference to the 1914 level, than it has in the former wet States. Relatively, therefore the dry States are now in worse condition, as compared with 1914, than are the wet States. President Harding sensed this tendency shortly before his death, when he said in his Denver speech in June, 1923:

It is a significant fact that some States which successfully enforced their own prohibition statutes before the eighteenth amendment was adopted have lately gone backward in this regard.

Perhaps one reason for this greater increase in drunkenness in the dry States is that most of these so-called dry States were not really so, but were, in the main, merely restrictive. It is not generally known that bone-dryness is an absolutely new thing in this country. It did not exist at all before 1914, and substantially not at all before

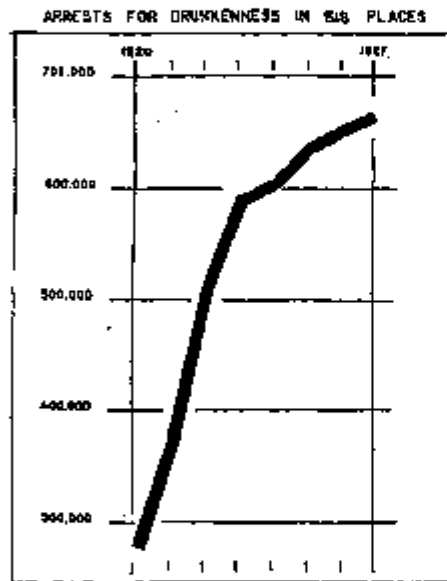


FIGURE 2

1917. When the Reed amendment (a Federal statute), as a war-time measure, made it unlawful to ship intoxicants into dry States. Before the Reed amendment went into effect on July 1, 1917, it was lawful in almost every dry State for residents to have liquor shipped to them from wet States. Many of these dry States also permitted residents to make their own alcoholic beverages. It was, accordingly, the fact that before 1914 all, and before 1917 substantially all, of the dry States were merely partially dry, the idea being to abolish the saloon, not to force total abstinence on everyone. These semidry laws commanded a large public support and respect and accordingly did not cause the resentment which the bone-dry Volstead Act has since aroused. They appear, accordingly, to have worked much better in practice than the more recent bone-dry law.

ARRESTS FOR DRUNKENNESS

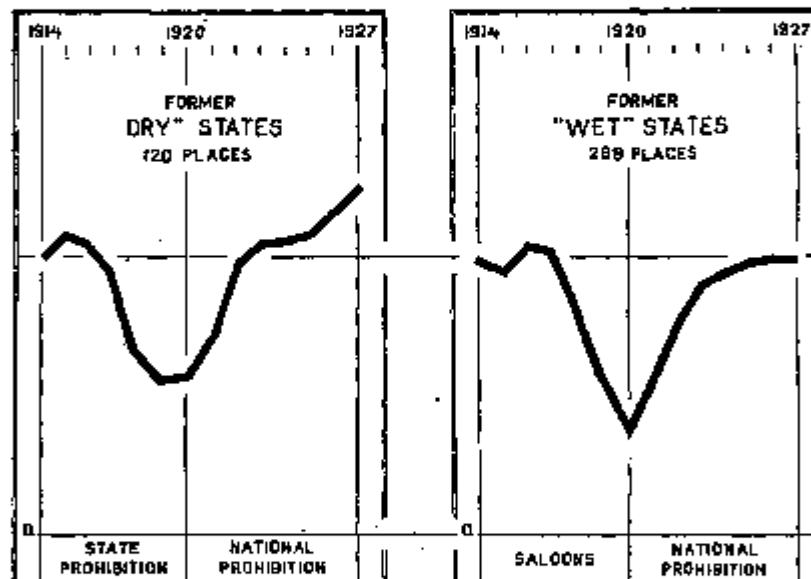


FIGURE 3

FIGURE 4

How conditions have become much worse under the present bone dry law than they formerly were under State restrictions or semi-prohibition is strikingly illustrated by the case of Atlanta. On January 1, 1908, Georgia got what was then called state-wide prohibition. In fact, the law prohibited manufacture and sale, thus outlawing the saloon, but it did not forbid importation in unlimited amounts for personal use. In 1916, during the war, the amount importable was limited to 2 quarts of spirits, 8 gallons of beer, or 1 gallon of wine within any 30 consecutive days. In 1917 a State bone dry law was passed, and near the end of 1919 the Volstead Act became effective.

The results of these changes in the Georgia laws are instructive. As soon as the restrictive law went into effect in January, 1908,

arrests for drunkenness fell from 6,508 in 1907 to 2,650 in 1909, and maintained that low level of around 3,000 per annum until the bone dry law was enacted in 1917. In 1919 drunkenness began to increase, and has been increasing almost steadily ever since. In 1927 there were 9,896 arrests for drunkenness, which is more than three times as high as the level maintained for the years 1908 to 1917, inclusive, during the more moderate State restrictive law. (See fig. 5.)

Commenting on this condition in Atlanta, the *Bridgport* (Conn.) Post remarks editorially:

Atlanta went dry by its own consent under State and local option. There was immediately a marked improvement in the situation. Arrests for drunkenness fell to a low level and remained at that level for a period of more than 10 years under a law imposed upon the people of the State entirely by their own consent and enforced with their own legal machinery.

Then came the passage of the national prohibition act, and instantly the drunkenness rate in Georgia began to rise and has been rising ever since. All the good work of 10 years of temperance under local option has been undone,

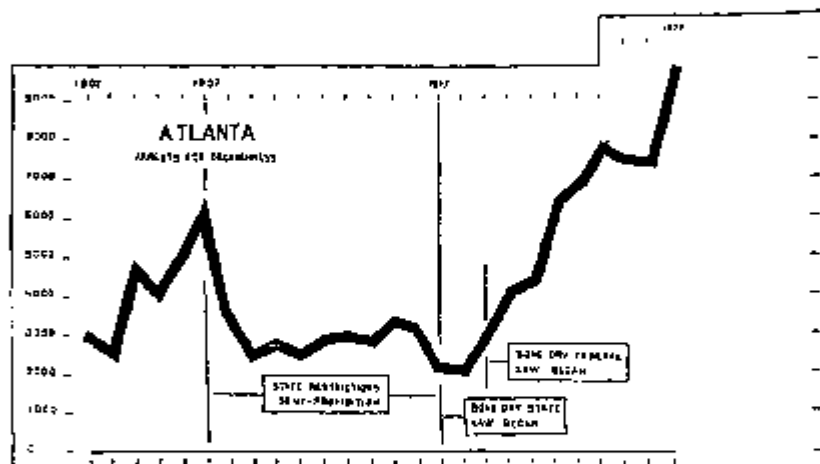


FIGURE 5

the city has receded to a condition as bad as that of 20 years ago, and national prohibition stands branded as a complete and abject failure in this test. Why ignore the facts which are so patent and outstanding that one must put on blinkers of brass to avoid seeing them?

The history of Birmingham is almost an exact duplicate. Before 1915 Alabama had a county local option law. Commencing in 1915 the State got a state-wide restrictive law prohibiting manufacture and sale of liquor, but permitting the importation of 2 quarts of spirits, 5 gallons of beer, or 2 gallons of wine every 15 days for personal use. The law also expressly permitted homemade wine. This continued to be the State law until it was superseded by the Volstead Act. Arrests for drunkenness fell from 3,481 in 1916 to 907 in 1916, and maintained this low level during the restrictive period, averaging 924 a year from 1916 to 1919. In 1921 arrests for drunkenness started on their astonishing climb upward, so that in 1927 there were 5,815 arrests for drunkenness—a level over six times greater than under the more moderate law. (See fig. 6.)

From the cases of Atlanta, Birmingham, and other cities, which space forbids enumerating here, it appears to have been the experience

that moderate restrictive legislation resulted in greater practical temperance, while the present bone-dry Volstead Act has been followed by steadily increasing drunkenness.

DRUNKEN CHILDREN

By far the most distressing result of the Volstead Act is the increase in drinking among boys and girls and young people generally. There have been reports to this effect in the press so constantly from all over the United States that the matter has become common knowledge, commented upon in the more serious publications.

The Federal Council of Churches, in its investigation of the subject, sent questionnaires to 2,700 social workers, and a majority of

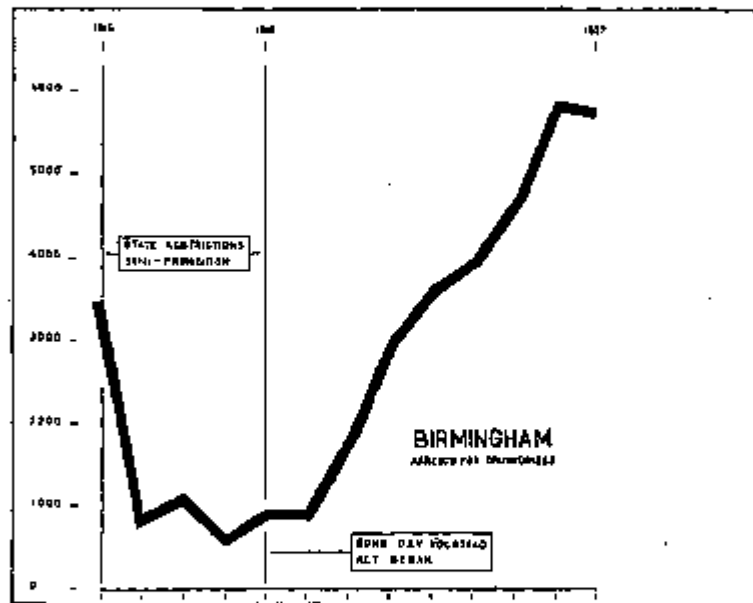


FIGURE 3

the replies received stated that they observed more drinking by young people as compared with preprohibition times.²

We think that if social workers as a class are prejudiced on the prohibition question that prejudice is in favor of prohibition, and that consequently their testimony, if not absolutely unbiased, may be considered as an admission by friends of the Volstead Act that this unfortunate condition has resulted. Liberty magazine made a similar inquiry from 80 correspondents throughout the United States, and the replies were almost unanimous that young people are drinking more than ever.³

²The Prohibition Situation, September, 1925, pp. 14-15.

³These reports, coming from 80 centers of population, are strikingly similar in their conclusions. They are practically unanimous in stating that bootlegging is prevalent; that disrespect for the Volstead law has caused disrespect for other laws; that murder has become a common incident in the adventurous game of rum-running; that the younger generation is drinking more than ever; that drunkenness is increasing; that prohibition is steadily losing ground. (Liberty, Jan. 28, 1926.)

In Topeka, Kans., the State where public sentiment is admittedly drier than anywhere else in the Union, the chief of police describes conditions as follows:

There is a phase that we have never had to deal with before—the drinking of young girls and boys, and their being brought in frequently for driving automobiles while under the influence of intoxicants. It was something that we never experienced before prohibition. They've just got to think that it's the smart thing to do. They don't think they are "regular" unless they get half shot. The young girls simply won't go out with the boys who haven't got flasks to offer or don't know where they can get intoxicants, and the real popular

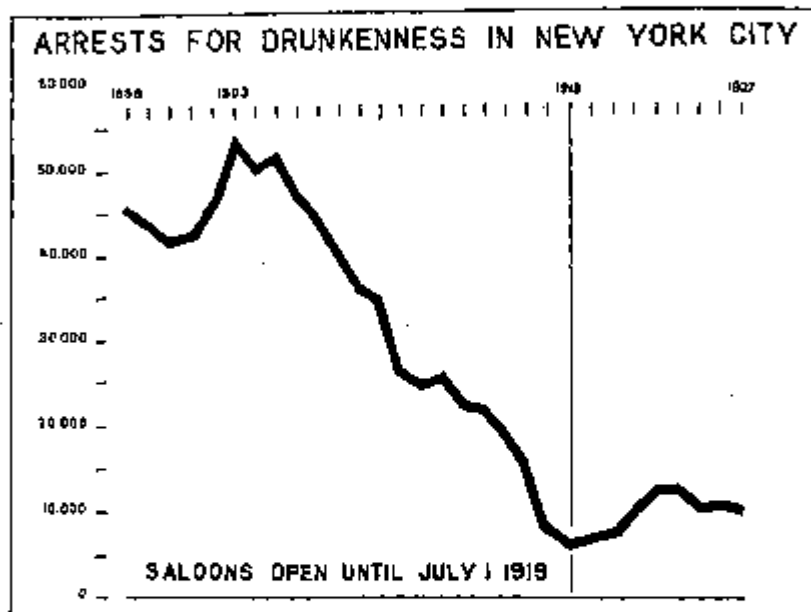


FIGURE 6a

It is rather commonly supposed that violations of the prohibition law are greater in New York City than elsewhere. Quite the contrary is true. The Federal Council of Churches in its report in 1925 said: "There is no apparent justification for the common assumption that New York is 'wetter' than most other cities. In fact, that is reason to think that the reverse is true."

The above chart of arrests for drunkenness in New York City shows the situation at a glance. The high point in drunkenness was in 1903, when there were 55,506 arrests for intoxication. There was a remarkable and very uniform decline after that until 1919, when the low point of 6,836 was reached. This low point was hardly more than one-eighth of the level of 1903.

Saloons were open and legal in New York City until July 1, 1919, when they were closed by Federal law. This astonishing decrease in drunkenness took place under the legal saloon.

It is noteworthy that as soon as national prohibition became effective this decline was halted and intoxication began to increase.

The number of arrests for drunkenness per capita in New York City nowadays is very much less than in the other large cities of the Nation.

fellow is the fellow that knows most places where it can be obtained. And these barn dances; they are not what they used to be. They will erect a platform out in the country or in the environs of the city, and the boys and girls gather in droves, and soon out come the bottles and pints and flasks, and they get beer and "spike" it with their alcohol. There are always dozens of drunks around at these affairs. They used to be more innocent things.*

*New York Herald Tribune survey, 1926.

Idaho has a very drastic State enforcement law, yet drinking among boys and girls there is, if anything, worse than in the Eastern States. The chief of police of Boise City says:

Young girls are going out and getting drunk with young boys in numbers and with a persistence such as we have never seen or heard of before. There have been outbursts of immorality among them that is directly traceable to the consumption of liquor. The excesses that have bobbed up every now and then among our high-school pupils have been one of the most alarming phases of the situation in this city, and I take it in other cities of the State. These young people get their bottles of hooch and rush out to some farmhouse on the outskirts of the city and there indulge themselves to their heart's content.*

The sheriff of Ada County, Idaho, bears similar testimony:

I am a prohibitionist * * *. I have never taken a drink in my life, and I shudder to see what is happening under my eyes * * *. Probably the most alarming thing about this whole business is the number of young boys and girls that have been emmeshed in the strains of this traffic. Our dockat shows dozens of minors—school boys and girls—who were picked up intoxicated or for reckless driving while under the influence of liquor. The number of these cases is really astounding. Every now and then a scandal breaks out of a serious nature and a dozen or more high-school girls and boys are sent off to some private institution outside the city and every precaution taken to protect the names of the pupils and families.*

The head of the Committee of Five Thousand, a welfare organization of Omaha, remarks:

We know about the drinking by children in school and out of school. We have no illusions about that.*

At Cheyenne, the capital of Wyoming, the chief of police declares:

The kids' drinking is something, I think, that didn't happen so much before.*

The chief of police of a town under 10,000 population in Indiana writes:

Boys and girls under the age of 16 years are lectured and sent home; and there are many cases of boys and girls drinking alcohol, "mute," Jamaica ginger, or some homemade concoction. Moral conditions are worse than they have been in 25 years.

Describing conditions in a Pennsylvania city of about 100,000 population, the chief of police writes:

There is more drinking of intoxicants by minors to-day than ever before. This drinking by young folks is carried on at private dances and parties, where it is usually brought in hip flasks. I also know of instances of mere schoolboys having been taken from the schoolroom intoxicated.

From a city in the State of Washington another chief writes:

In the last seven or eight years there has been a noticeable increase in drinking among the younger people of the city. Joyriding and petting parties are usually accompanied by liquor and usually result in serious accidents or the intervention of the police in some form.

The Federal prohibition director in North Dakota remarks:

We have drinking by high-school students. I would say that we have more drinking to-day by these youths than we did 10 years ago before prohibition.*

In South Dakota the attorney general says:

There is a strange psychology about this liquor problem that makes it doubly significant. It is beginning to affect a different type of person than it did before. Now it is the youngster of the family of means who is toting the bottle. They think it smart to have a bottle on the hip and the girls encourage

*New York Herald Tribune survey, 1926.

the boys to do it. And they rush about in cars. It is one of the most menacing phases of the whole situation.¹

Conditions in Chicago in 1928 are described in the following news dispatch:

Aroused by the killing of a youth by the proprietor of an ice-cream parlor, one of many such camouflaged soft-drink concerns clustered around the public schools, parents have formed a vigilante committee to investigate and crush out these places. They are assured of the active cooperation of the prohibition forces.

Responsibility for a condition that permits moonshine parlors to operate near schools and sell to children of school age was placed squarely at the door of the mayor and the police department to-day by high-school principals.

Misantime Police Commissioner Russell was sending out an order demanding that his subordinates immediately stamp out the evil. He warned district commanders that he would hold them responsible for a rigid observance of his order.

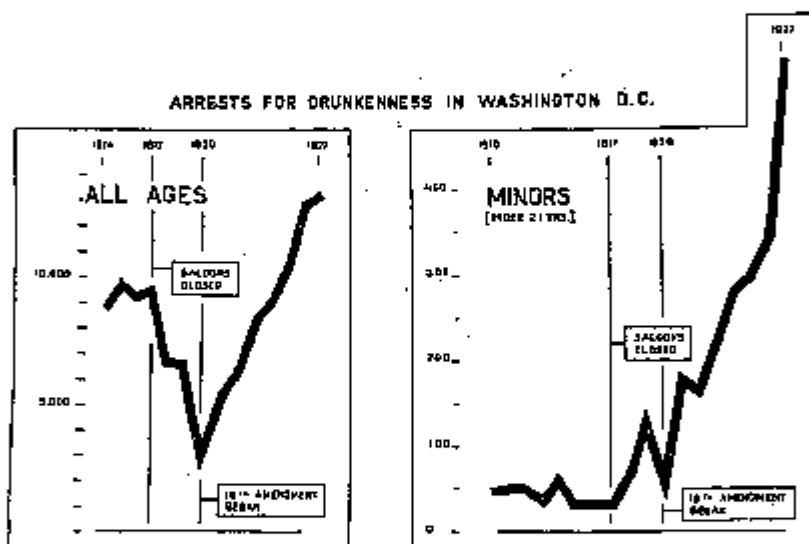


FIGURE 7

Action, too, was shaping in another quarter. Assistant Prohibition Administrator George H. Muribert offered to place at the disposal of the board of education the entire resources of his office.

"Are they not selling liquor all over the city?" asked John E. Adams, principal of the Waller High School.

"Are they not doing it with the support of the mayor and the police?"

"Why complain to the police department when such conditions are known to exist?" remarked Charles H. Perrine, principal of the Lakeview High School. "They know they exist and they know the identity of such places and could put a stop to them if they so desired. But it is the ward committeeman who rules. He gives them the protection and he gives the orders to the police department. Unless he so orders the police will do nothing. It has been reported to me that in some parts of Chicago stores in the neighborhood of schools will sell pop to children in which they inject a shot of gin."²

¹ New York Herald Tribune survey, 1928.

² New York Herald-Tribune, Nov. 21, 1928.

While there is a paucity of authoritative statistics⁷ on the subject of drunkenness among the young, apparently the largest increase has taken place among those from 15 to 25 years of age. Juvenile court records are of little value because they deal only with the very young, who have not yet come into much spending money and who have not developed enough initiative to forage for liquor. The police department of Washington, D. C., however, has classified its arrests for drunkenness by ages, and its figures are illuminating. Saloons were officially closed in Washington as a war measure near the end of 1917. Arrests of minors (under 21) for drunkenness averaged 46.7 a year for the eight saloon years 1910-1917. The number was 36 in 1917. In 1918 and 1919 there was a considerable rise, followed in 1920, the first year of constitutional prohibition, by a drop, presumably due to a temporary scarcity of alcoholic beverages. In 1921, however, there was a big rise, which wiped out the 1920 drop. The increase since then has been almost constant. In 1927 the figures shot so high that they burst through the top of our chart. They reached 604, and that is more than twelve times as high as the saloon level of 1910-1917. (See fig. 7.) Arrests of persons of all ages for drunkenness rose in 1927 not nearly so high above the preprohibition level, thus demonstrating that, relatively as well as absolutely, drunkenness among minors in Washington increased enormously.

These official figures for Washington completely confirm the other evidence on the subject as to the Nation as a whole and seem to leave not the slightest doubt but that there has been a very considerable increase in drunkenness among the young. This can only mean that each year we are raising a new crop of drunkards, which is much larger than the annual crops we used to raise even under the saloon. Such a condition does not sugar well for the success of the Volstead Act in the long run.

CONCLUSION

When we consider that drunkenness generally has already increased to the preprohibition level, and that drunken children have increased far above anything ever known before in this country, we can not escape the conclusion that the Volstead Act has failed utterly to do what it was intended to do—namely, promote temperance and sobriety. Moreover, since conditions have become worse, not better, each year, and with the next generation drinking as never before, there seems to be no hope that the Volstead Act, in its present drastic form, can ever accomplish its purpose.

⁷Irving Fisher, in his book, *Prohibition at Its Worst*, quotes some figures from the Fingerprint Bureau of the New York City Magistrate's Court which he represents to be the total number of first, second, and third convictions, respectively, for drunkenness in New York City per annum over a period of years. From these figures he draws some conclusions as to a decline in first offenders for drunkenness, and he lays great emphasis upon it.

Unfortunately Professor Fisher misconceives his figures. The fingerprint bureau has no compilation of the total number of first convictions for drunkenness for any year. The figure which Fisher erroneously uses as such total is merely a part—an unknown fraction—of an unknown total.

Likewise the fingerprint bureau has no compilation at all of the total of second or third convictions for intoxication.

From the experience before national prohibition of the States which had restrictive laws, from the experience of the whole country during the restrictive years 1918-19, and from the experience of the Canadian Provinces and the Scandinavian countries, we believe that a greater degree of temperance can be attained by a wise restrictive law than by a bone-dry law which does not command the respect of a large part of the people.

We are also of the firm conviction that such a policy of wise restriction would have the incidental advantage of eliminating almost entirely the scandalous corruption and bribery of public officials, would stop the growth of the bootlegging industry, would check disrespect for law, and would, in addition, produce a handsome national revenue.

SCHEDULE A.—Summary of arrests for intoxication

(Figures from police departments)

	288 places	Wet States, 288 places	Dry States, 120 places	518 places	684 places
1914	530,367	424,235	100,072	-----	-----
1915	525,238	409,628	115,610	-----	-----
1916	559,854	447,288	112,566	-----	-----
1917	541,848	440,595	101,253	-----	-----
1918	424,812	254,412	70,200	-----	-----
1919	310,369	250,388	59,981	-----	-----
1920	235,812	173,807	61,945	278,368	-----
1921	319,628	242,578	77,050	375,609	-----
1922	431,184	326,618	104,566	507,810	-----
1923	502,184	389,484	112,700	592,844	-----
1924	617,888	404,423	113,465	806,382	540,125
1925	539,720	450,491	116,229	839,064	605,708
1926	550,478	426,059	124,419	855,430	645,928
1927	557,368	452,042	124,327	808,324	707,104