

Our National Moral Issue

What the 18th Amendment Has Done to Us

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IT is generally assumed by the protagonists of the Eighteenth Amendment that their point of view is from a much higher moral level than that of any who may differ with them. I very stoutly question this assumption. I would freely admit, however, that the original idea of national prohibition emanated from those who sincerely regarded it as a most valuable contribution to the upbuilding of the moral tone of the American people.

Viewed in the light of twelve years of experiment the original purpose has been but slightly realized. In the wake of ineffectual enforcement of the National Prohibition Act of Congress there have been such conspicuous and flagrant violations of the law and deplorable consequential damages to the moral tone of our people that a great multitude of thoughtful citizens throughout the United States are asking whether the present state of affairs can be allowed to continue without protest and without some organized effort for a better solution of the liquor problem.

At the present time it is certainly a moral issue and I claim the right and the privilege of insisting that my point of view is from as high a moral level as that of those who are superciliously complaisant in as much as they have won the victory of embodying their theories in an amendment to the Constitution of the United States and are blind to the fact that their theory is in practice working the moral deterioration of the nation. I feel I have a further right to speak because I was originally in favor of the experiment of national prohibition and in the first years of the prohibition era I broadcast an appeal to the citizens of New Jersey to obey and support this law. I have myself obeyed the law strictly both in public and in private. I mention this merely because I do not wish to allow anyone to think or to

state that I have any ulterior motives in this article.

The fundamental purpose in the minds of the proposers of the Eighteenth Amendment was to eliminate alcohol as a beverage from the life of the people. Has this been accomplished? The answer is not in the form of an opinion but a statement of fact, and it is emphatically in the negative. Is it being progressively accomplished, so that the curve representing the progress of efficient control has been gradually but steadily rising? The answer again must be in the negative. Indeed the first years of attempted enforcement were more fruitful of accomplishment than during the last eight or nine years. There has been a general and more widespread disregard of the law embodied in the National Prohibition Enforcement Act.

In the place of the saloon, which has been abolished, speakeasies have grown up and are numbered by the thousands in our large cities, by hundreds in the smaller cities, and appear even in the smallest villages of our country. The old liquor traffic has been abolished; the new illicit traffic has taken its place. A new illicit industry, that of bootlegging, has grown to enormous and alarming proportions. This illicit traffic has come into the hands of the criminal classes and we behold a new development of crime syndicated and endowed. Racketeering has developed under this impetus to such an extent that it has become in certain quarters a menace to the industrial activities of law-abiding citizens. A new form of crime has been created, highjacking, where criminals prey upon criminals.

At the time of the passage of the Eighteenth Amendment it was declared, and I believe with great sincerity and hopefulness, that the rising generation would be reared in a new order wherein the knowledge of liquor would

be kept in a large measure from them. In the old days liquor was associated in the minds of youth with the saloon and places generally regarded of ill repute. To-day the knowledge of liquor and of hard liquor is to a large extent gained by youth in their own homes and from the habits of their elders. And by youth I mean not only young men of the rising generation but young women, and even boys and girls.

Before the passage of the Eighteenth Amendment young girls who drank in public were severely criticized, and one who was seen in public in a state of drunkenness could never overcome the disgrace and humiliation of her predicament. To-day at public entertainments, dinners, dances, picnics, and all functions where young people gather together, girls and young women are keeping pace with our boys and young men in the practice of drinking, and again and again drinking to excess. There is no evidence of the dawn of the new order so confidently heralded twelve years ago.

II

WE HAVE always had a certain amount of drinking among the students at Princeton, extending over a period which goes back to my own undergraduate days. The administrative officers of the University have always deplored it and they have never ignored it. Possibly our experience has been not unlike that of other institutions; certainly we have never felt cause for great alarm at the drift of undergraduate morals either before or since prohibition. We have always had a regulation against the presence or the use of liquor in any of the rooms on the campus. Wherever there has been infringement of this regulation, severe discipline has at once followed. All cases of intoxication of any kind upon our campus or in the village reported by the proctors are dealt with summarily and with this same severity.

The discipline of the undergraduates is the function of the Discipline Committee, which is a joint committee of the members of the faculty with three undergraduate members appointed from the Undergraduate Council. In all matters of discipline the undergraduate members of the Discipline Committee have been as ready and eager to uphold the standards and regulations of the University as the faculty members.

Our proctors have been instructed, and they have scrupulously carried out these instructions, to prevent any bootleggers appearing on our campus. Our special problem, such as it is, has been aggravated by the existence of the Eighteenth Amendment. The force of public opinion, which formerly worked with our efforts toward control, is now largely opposed to these efforts. We have been particularly hampered by the existence in the near neighborhood of Princeton of roadhouses where liquor can be purchased. Dean Gauss, who is the Chairman of the Discipline Committee, has been constantly alert and efficient in endeavoring to close these neighboring speakeasies, which extend on the south to Trenton and on the north to New Brunswick, and are scattered along the two highways between New York and Philadelphia. One of these highways passes through the main street, Nassau Street, of Princeton.

Dean Gauss has been able to close some thirty-four places, many of them repeatedly. He tells me that in this the local authorities have been of much greater assistance to him than the federal enforcement agents, even though the latter have doubtless had the best of intentions of coöperating with him. As soon as any one of these places has been closed another immediately appears in its place. There are two notorious roadhouses which Dean Gauss has succeeded in closing, each four times. In one case the place has been reopened after a certain period of closing; in the other, the proprietor built, three successive times, a rough shack within a few hundred yards of the original site. These efforts of Dean Gauss are being continued. He is now in the process of closing another place for the fourth time in the near neighborhood of Princeton. It seems that certain unknown influences are at work to protect the proprietor concerned, and to render our efforts ineffectual.

Also it is a matter of serious concern to me that in Princeton and the near vicinity there are four preparatory schools, with boys ranging from twelve to eighteen or nineteen years of age. They are exposed to the same menace.

Princeton is situated in a rural community, and it would seem that we might be permanently freed from the many places which are so easily accessible to our students where the sale of liquor is openly carried on, not only in dis-

obedience but in defiance of the law. Naturally the universities located in our large cities have this to contend with in a much more serious way than we do at Princeton. I know also of many colleges and universities in rural communities like Princeton which are laboring under the same serious menace due to the roadhouses surrounding the institutions themselves. Moreover, the fact should be recognized and not lightly ignored that all along the network of automobile highways throughout our country these roadhouses, refreshment stands, and the like have sprung up with mushroom growth, where liquor ranging from beer to whisky and gin can be readily purchased.

III

IT HAS often been said in defense of the Eighteenth Amendment that it is in the nature of things that it should work slowly and that twelve years is not sufficient time for the experiment to justify itself. After twelve years, however, there should be evidence of some promise of a steady improvement. I see no signs of this. On the contrary, we are rapidly drifting in the social practices of our people toward complete nullification of the law. A general nullification of the National Prohibition Act is, I am sure all will agree, the worst possible solution of the liquor problem. It is indeed no solution whatsoever but an unconditional surrender and will tend inevitably to lower the respect for law generally. The ill effects of the violation of any law are in the case of this present prohibition law particularly aggravated because it is a federal law buttressed by constitutional authority.

The question then naturally arises, is there any ground to hope that the federal enforcement will become more and more effective and that public opinion in conviction and practice will rally to the enforcement of the National Prohibition Act? It is certain that if any such hope is to be realized, two conditions must be fulfilled: first, that of state coöperation in the enforcement of the law; and second, and even more important, the reënforcing of the law by general public opinion.

First — state coöperation. According to the Eighteenth Amendment to the Constitution, Section 2, "Congress and the several states shall have concurrent power to enforce this Article (that is Sec. 1 of the Amendment) by

appropriate legislation." In theory admirable, but in practice disappointing. The states cannot be compelled to exercise concurrent power and corresponding legislation; this, according to the decision of the United States Supreme Court. Many states have refused to do so. Their attitude for the most part, and this is true also even of the states which had prohibition laws before the National Prohibition Act, is in a way a natural one: that the enforcement of prohibition is now a federal concern in which the state has no further responsibility and that many states do not care to assume the financial obligation thus necessitated.

New York repealed its prohibition act in 1923, Nevada in 1926, Montana in 1926, Wisconsin in 1929, Massachusetts, Illinois and Rhode Island in 1930. In the states where there is no state prohibition and no reënforcing statutes for the most part, the whole burden is placed upon the federal government. In this group are some of the most important states of the Union. As to them it is obvious there is no effective enforcement of prohibition.

In this connection it is most significant that every Federal Director or Commissioner of Prohibition from the beginning, as well as the unanimous declaration of the National Commission on Prohibition, agree that the National Prohibition Act cannot be enforced without the coöperation of the states. This coöperation is feebly given and by only a few states, and is less in amount and degree at present than in the earlier years of prohibition. The states generally take the position — "It is a federal law, therefore let the federal government enforce it."

Second. In order that any law may be effectively enforced it must have supporting public opinion behind it. Now it is a very patent fact that public opinion does not generally support the policy of national prohibition. Of course it is evident that national prohibition is receiving most enthusiastic support among many groups of our citizens. The issue does not turn upon the question whether more people are in favor of the Eighteenth Amendment than those opposed. The fundamental point is this, that those who are opposed to the Eighteenth Amendment constitute such a large number of citizens as to render the effective enforcement of the Prohibition Act by our federal government impossible.

The significant feature of this public opinion adverse to prohibition is that it is not by any means confined to the habitually lawbreaking or law-evading classes of society — criminals and criminally inclined, persons of anti-social attitude and habits, and the dregs of humanity in the slums of our cities who defy public decency and public morals. On the contrary, open violation of the prohibition law and the announced policy and practice among many in protest against it are found among our most highly respected and public-spirited citizens. Men and women in significantly large and increasing numbers who command the respect and confidence of their communities and who are naturally expected to be supporters of law are in possession of liquor, serve it in their homes on public as well as private occasions, and do so with no attempt whatsoever at concealment, exactly as if there were no such thing as the Eighteenth Amendment and the National Prohibition Act. They not only do not regard the law seriously, they go further; the law has become in many social circles the butt for ridicule and poor outworn jokes.

No law can be effectually enforced when the normal law-abiding citizens of the community do not lend it their approval and support both in pronounced opinion and practice. This is a fundamental principle and has obtained throughout the whole history of law and of government and has been from time immemorial recognized by leading jurists and in every civilized nation. The trend of public opinion concerning the Eighteenth Amendment was set from the beginning by many of our state and national legislators themselves who, while voting for political reasons in support of the Eighteenth Amendment and the National Prohibition Act, during the first years of the prohibition enforcement secretly, and later openly, violated the law. Lawmakers became lawbreakers and so continue until this day. When I speak of normally law-abiding citizens not supporting the law either in letter or in spirit, I have in mind judges of our courts, members of Congress, lawyers, men of public-spirited citizenship and the leaders in their communities of every good cause, whose general influence and power are given in support of government and law, and yet they are not in any sense lending their support to the upholding of this particular law embodied in the

Eighteenth Amendment of our Constitution.

This is a situation so significant that it should not be lightly ignored. Without public opinion of this kind in support of the Eighteenth Amendment I see no reasonable expectation that the passing of time alone will bring about an essential change in this attitude of those normally law-abiding citizens. Colonel Amos W. W. Woodcock, the Director of the United States Bureau of Prohibition, is reported as making the following significant statement in an address delivered last year: "If you want private drinking stopped, don't look for help to an officer of the law. Rather look to a change in custom and point of view."

IV

THE EIGHTEENTH Amendment has succeeded in abolishing the saloon and no one would wish to have it reestablished. The critics of the Eighteenth Amendment are quite as stoutly opposed to the saloon as the strongest sponsors and adherents of the Amendment. We are faced with the appalling fact that the speakeasies have multiplied throughout our country and are patronized by all classes of society. They are for the most part conducted as restaurants where I am told excellent meals are prepared as well as wine furnished with them. The best types of the speakeasies have been given a certain respectability which was never associated with the old corner saloons.

These speakeasies are flourishing in large numbers and to an alarming degree even in our national capital. The accompanying map indicates the distribution of speakeasies in Washington. Each black dot on the map marks a focus of federal law violation. It has been prepared from data obtained from the metropolitan police records of raids made where liquor was purchased or found from September, 1929, to April 30, 1930. The map shows the congestion of speakeasies about the Capitol, their close proximity to the Department of Justice, their encroachment even upon the vicinity of the White House, and daringly even seeking shelter under the shadow of the Prohibition Bureau itself. It is a matter of common knowledge and comment that bootleggers visit even the Capitol itself to ply their trade, just as they do generally the business offices throughout the city.

The natural comment upon such a state of

affairs is that all these places where liquor is freely sold should be closed and the offenders punished, but it seems quite impossible to accomplish this in any adequate and permanent manner. As rapidly as one is closed another takes its place. There is a thoroughly organized business which replaces agencies selling liquor at retail as fast as they are discovered and closed up. These speakeasies are made possible because of public tolerance. I do not seek to justify in any way the existence of this public tolerance; I merely state that it is a fact and again a fact that cannot be ignored.

Moreover the prohibition law has associated with it certain anomalies which in themselves tend to defeat the main purpose of the law to which I have already referred, namely to banish alcoholic beverages from the life of the people. I briefly call attention to these anomalies:

First: By Supreme Court decision in a test case it has been decided that one who sells liquor in any form whatsoever violates the law. The one who buys does not. Subsequent to this decision of the Supreme Court a bill was introduced in Congress to make the buyer equally guilty with the seller of the liquor. This proposed law was referred to the proper Committee and has been silently shelved.

Second: One who makes wine in his own home from grapes or manufactured grape juice, or, strange to say, from dandelions, is not regarded as violating the law and is unmolested by federal authorities in his own home.

Third: In the era of agricultural depression, to stimulate the growing of grapes in California the Federal Farm Board advanced to the grape growers of California approximately twenty-four million dollars of which slightly less than one-half has been paid back. Of the above sum approximately nineteen millions

had been advanced by the end of 1930, the remainder, five million dollars, during 1931. These grape growers sold their products largely in the form of grape concentrate, which when dealt with properly can be transformed into wine of considerable alcoholic content. Moreover, the firms in this industry have been sending their agents to homes throughout our country in order to supervise the process of turning the grape concentrates into wine.

Fourth. The government is insistent and resourceful in collecting income-tax returns on bootlegging profits. Where such returns are withheld, the Government resorts to prosecution in the federal courts — notably the case of Al Capone.

Face to face with these anomalies I find my mind is in as confused a state of bewilderment as was the mind of Alice in her Adventures in Wonderland.

The obvious inconsistencies in the administration of the law, alleged to be in the very nature of the law itself,

prove that the time has come for very serious consideration as to whether the Eighteenth Amendment is the best possible solution of the liquor problem. In my opinion the logic of the present conditions indicates, as I have said already, a drift toward nullification, which has only one interpretation that is possible, namely, that if the present illicit liquor traffic, highly organized and effective, is to be left without any control whatsoever, the results will be increasingly demoralizing throughout the whole nation.

We are to-day confronted with most difficult and perplexing problems, national and international. The great political parties which must face and solve these problems have their thought and energies diverted into the acrimonious controversies between the wets and the dries. I do not believe the liquor problem



can ever be solved as long as it is a bone of contention between political parties. If in the coming Presidential election identical planks calling for a general referendum to the people could be agreed upon and inserted in each political platform, the political implications and the political aspect of the problem would be immediately eliminated. This suggestion no doubt may be regarded as a counsel of perfection. The time has come for the voice of the people to be heard, and to be heard directly and not merely through representatives who are not wholly free to speak or to vote accord-

ing to their considered judgments but are bound by party affiliations, platform pronouncements, and possible defeat for reelection.

I am confident that the people of the United States who are alive to the present situation do not wish the nullification of a federal law embodied in our Constitution, an illicit liquor traffic constantly growing and emboldened and under no responsible control, a growing criminal power that ignores and overrides all laws, owing to wealth accrued through the violation of this one particular law, the National Prohibition Amendment.

Unemployment Insurance

A Plan in Actual Operation

by **GEORGE F. HAVELL**

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THE PREVALENCE of "slave morality" among panic-stricken jobholders, which Dr. Wolfe deplors in his article in this issue, might be lessened, and the self-respect and self-confidence of business employees everywhere might be increased, if unemployment insurance plans were put into operation throughout the country. In the end, both employees and employers would benefit by the general change in psychology.

Heretofore only a few of the larger industrial corporations, such as the General Electric Company, have adopted employee plans. Smaller business organizations either have had no interest in such plans or they have been deterred by expense and the supposed difficulty of administration. By way of conducting a laboratory experiment, the Forum Publishing Company presented a plan to its employees in January, 1932. The FORUM Plan is to some extent modeled on the plan of the General Electric Company but is especially adapted to this particular organization, which is not

essentially different from thousands of other business organizations. Of twenty-nine employees, twenty-seven have accepted the Plan.

The FORUM Plan has three distinctive features which are briefly explained below.

SICKNESS AND ACCIDENT INSURANCE

THE COMPANY holds the standard group policy issued by the Metropolitan Life Insurance Company. This provides a weekly benefit payable to employees who are unable to work because of any sickness whatsoever, or because of any accident which may occur while the employee is not working for a wage or profit. (Employees are protected against accidents which result from regular employment by Workmen's Compensation Insurance, which employers in the State of New York are required by law to carry.)

Benefits are payable for thirteen weeks, beginning on the eighth day of disability. Employees whose salary is \$26.17 weekly or less receive a benefit of \$10.00 for a monthly pre-