

proverbial good nature and patience, awaits his day in court. Just as soon as the Prohibition Amendment will be correctly and determinedly challenged before the Supreme Court of the United States as to its constitutionality, it will go out of the Constitution. There is no question in my mind, that the Supreme Court will preserve the rights and powers of the People of the United States, if given a fair chance to do so.

I refrain from surveying what has happened in the United States since the adoption of the Prohibition Amendment and the enactment of the Volstead Law. That is really public history. Denying the possibility of complete Prohibition enforcement, the observer feels that ever since enforcement began, the United States entered a vicious and destructive circle. First enforcement and defiance of enforcement. Then stronger enforcement and stronger defiance. In fact, it seems that defiance always keep a little ahead of the next step in more rigid enforcement. Prohibition enforcement in the United States during the last five years is a practical illustration of Government by force, of the philosophic saying: "It is the curse of an evil deed that it continuously breeds evil!"

JAMES P. HOLLAND.

NERVOUS AND MENTAL DISEASES AND THE VOLSTEAD LAW

BY CHARLES L. DANA, M. D.

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WHAT I am writing is neither a plea for, nor an attack upon, Prohibition. I wish only to give my experience with and study of nervous and mental diseases as I found them before and since the Volstead Act. My opportunities in connection with Bellevue Hospital, the Neurological Hospital, and various clinics, have extended over three decades.

Many years ago Dr. George M. Beard, the original describer of "nervous exhaustion," and the first to note the facts of American nervousness, stated that no legislation was advisable or needed, in

America, for the prohibition of alcohol as a beverage. The temperament of the American race, he said, was an over-sensitive one, and citizens would gradually find that alcohol was not a wise thing for them to use except in a most temperate way; that its use as a beverage would gradually grow less as our civilization progressed. This prophecy had already begun to come true before the Prohibition Amendment. The drinking of alcohol was steadily decreasing, and it is very likely that if the matter had been left alone we would now be using much less alcohol than is actually being consumed for beverage purposes today.

Taking up my special topic, let me call attention to the facts concerning the effect of the Volstead Law upon mental and nervous diseases. A study of the statistics of insanity in New York State, as furnished by the annual volumes of the State Hospital Commission, shows that insanity in this State has not been advantageously affected since the year 1917. If anything, there has been an increase in mental disease since that date. Thus the rate of admission to State hospitals for the insane, from 1909 to 1915, averaged about 475; while in the years 1917 to 1923, it averaged 496. That is, in the first period, the rate of insane to 100,000 population ranged from 65 to 70; and since the time of prohibition it has ranged from 69 to 71.

Much has been said about the decrease in alcoholic insanity as a result of this Volstead Law, and there has no doubt been a decrease. This, however, is not nearly as important as the further fact, which statistics now show, namely, that the serious, organic, and degenerative insanities which are incurable, are increasing in proportion to the total number of the insane. Alcoholic insanity is a relatively mild and minor type of mental disorder, and a large percentage of the cases are curable. Note the fact, however, that one of the constitutional and very serious insanities known as "manic depression" in 1909 and 1910 made up only about 10 per cent. of the total number of the insane: since Prohibition (1921 and 1922), the percentage has risen to 14 and 15 per cent. Another serious form of insanity, chronic and incurable, is known as "dementia præcox." In the years 1910, 1911 and 1912, the percentage of cases of dementia præcox to the total number of insane ranged about 16 per cent. In the year 1921 and

1922 it had risen to 26 and 29 per cent. In other words, instead of making up about one-eighth of the insanities, as it had before the Volstead Act, it now makes up, in New York State, over one-fourth of all the insanities.

With regard to the nervous diseases themselves, statistics are not available. We know that in a general way a serious nervous disease like epilepsy is just as prevalent as it ever was. The functional conditions known as the "psycho-neuroses," in my experience, have increased to a very great extent. Of course, this was due at first to the War; but the War has been finished for six years. Yet the subject of the psycho-neuroses—which is the technical name for nervous prostration, hysteria, and obsessive mental conditions—is attracting vastly more attention than it has done before. The literature upon these themes has quadrupled in amount over that which was listed before the Volstead Law.

I do not attribute this increase specifically to the absence of alcohol; but I think it is due in part to the irregular and unwise methods in which alcohol is now taken. People of nervous temperament who want alcohol, when they get it, drink too much and drink it too fast. Our experience in the psychiatric wards at Bellevue Hospital shows this to be the case. In former days, if a laboring man were inclined to drink alcohol to excess, he would drink it in moderate amounts at first, and then gradually increase them until at the end of about two weeks he was thoroughly drunk, and had to be taken to the hospital. At the present time, the patients who come into the wards are evidently the victims of short, violent debauches.

On the whole, the evidence rather favors the view that there is a relative increase in the defective and neurotic classes. This fact, if it is such, is quite in accord with the views of Professor Stockard, of Cornell Medical College, to the effect that the use of alcohol favors the elimination of the unfit, and promotes the improvement of the stock; and that elimination of alcohol is injurious to the race. As a matter of fact, the ability on the part of man to use alcohol temperately and wisely is the sign of good stock; the inability to use it even moderately is evidence of a constitutional instability.

The facts regarding admission of patients to the Psychiatric

Department at Bellevue Hospital are important and interesting as showing the effect of the Volstead Law upon this particular community. All cases of insanity, mental defect, and alcoholism needing hospital care by the city—in Manhattan and the Bronx—are received in this department. I was at one time visiting physician to these wards, and made some studies in alcoholism as the results of my experience. I am now only a consultant, but the Director, Dr. Gregory, has kindly kept me informed of its work. Ten years ago we used to receive about 7,000 cases of alcoholism annually, and 2,000 or 3,000 mental cases. In 1918–1919 the alcoholism fell off to 2,000 or 3,000; but it has now increased to 6,000 or 7,000,—i. e., to about the same number as before the Volstead Act,—while the nervous and mental cases have increased until this department of Bellevue now receives a total of 14,000 cases a year instead of 9,000 in ante-Volstead years.

This increase is not due to increase of population. It may be interpreted as indicating that the Volstead Act does no good in New York, or that it is not enforced here. As a matter of fact, I am assured that the city is full—is literally honeycombed—with places where alcohol is sold as a beverage. The much-advertised “padlocking” gives some notoriety to the padlocking lawyers, but has no real beneficial effect on the community represented by the proletariat. It may even be questioned whether the closing of saloons has not done more harm than good in this city. All experience shows that the methods of State control of the sale of alcohol, such perhaps as exist in Quebec, or Sweden, are infinitely better than the stupid and ineffective Volstead Law. This opinion is not in conflict with the theory of Prohibition. We are solemnly told that “the law ought to be obeyed”, and that the best way to get rid of a bad law is to obey it. This kind of Apostolic admonition makes good Sunday editorial; but it carries no conviction. The law forbidding one to play ball on Sunday, or to carry a bottle of wine to a sick friend, makes a very different kind of appeal from that law which forbids one to steal, or assault, or murder. I suppose that all over the country men and women of the finest moral type are breaking the Volstead Law with a feeling of satisfaction rather than reproach; for sumptuary law is not in the class with moral laws.

As my theme is alcohol in its relation to disease, I may say in conclusion that the majority of physicians regard alcohol medically as a therapeutic necessity. This means that the doctor who prescribes it wisely is a better doctor than the one who does not, and is of greater service to the community. This particular use of alcohol applies especially to those who have reached or passed middle life. "Wine is milk for the aged," said the celebrated author of a treatise on Longevity.

That such views are sustained by physicians of wide experience is shown by an open letter addressed to the Medical Profession of the United States and signed by Dr. Samuel A. Brown, Dr. Samuel W. Lambert, Dr. Robert A. Hatcher, Dr. Hermann M. Biggs, Dr. Harlow Brooks, Dr. George B. Wallace, Dr. Walter B. James, Dr. Warren Coleman, and the present writer. The open letter, published in *The Journal of the American Medical Association*, June 4, 1921, is as follows:

The purpose of this letter is to bring to the attention of the physicians of the country the significance of recent and pending legislation affecting their liberty in the selection of remedies. While the restrictions of the Volstead Act form the basis of the letter, we wish distinctly to disclaim any intention of initiating among physicians a propaganda for or against Prohibition. In fact, from the present point of view, it is immaterial whether a physician does or does not believe in Prohibition. The point at issue is the right of the physician to select his remedies and to decide what doses of these remedies each patient requires.

The Volstead Act denies this right. While recognizing the medicinal value of alcohol, it says to the physician, "Thou shalt not give more than a pint of whiskey (or brandy) to any patient within ten days." Further than this, recent interviews given by persons interested in promoting similar legislation contain the threat to prohibit altogether the medicinal use of alcohol. While there is difference of opinion among the physicians of the country with respect to the therapeutic value of alcohol, the number of those having faith in it is sufficiently large to receive attention.

The medical restrictions of the Volstead Act constitute an indictment of the integrity of the whole profession, in that it is assumed that many of its members, unless restrained by law will pander for gain to the people's desire for drink.

Under the provisions of the Volstead Act physicians who believe in the therapeutic use of alcohol are debarred from the practice of their profession with respect to patients who, in their opinion, require more than one pint of whiskey (or brandy) within ten days, since the statute states, "Any person

violating the provisions of any permit . . . or violates any of the provisions of the law shall be fined for the first offense. . . . If a permittee is guilty of willfully violating the law . . . permit will be revoked and will not be reissued to such person within one year thereafter." We have been told, however, at the office of the Prohibition Director in New York City that he (Director) may, in his discretion, permit physicians to continue to treat patients who require alcohol.

Another provision of the Volstead Act reads that "Physicians may not prescribe liquor for their own personal use and pharmacists should refuse to fill any such prescription presented to them." In other words a physician who is ill and needs alcohol is prevented by law from obtaining it unless a fellow practitioner with a permit to prescribe it is near by.

In some sections of the country, especially in rural districts, it is impossible for physicians to prescribe alcohol, though they may have licenses, because local conditions prevent druggists from carrying it in stock.

Further, it should be pointed out that the Volstead Act contains the most drastic legislation affecting the medical profession yet enacted. A physician becomes a criminal by the mere fact of writing a prescription for more than a pint of whiskey for one patient within ten days and so far as the revocation of his permit is concerned is denied his constitutional right of trial by jury. The law states that "After a permit has been revoked by the Commissioner the permittee may have a review of the decision before a court of equity. During the pendency of such action such permit may be temporarily revoked."

The precedent established by the Volstead Act in restricting medical practice should, if physicians value their therapeutic liberty, be met with a protest which will command attention. To-day it is alcohol, to-morrow it may be any remedy which falls under the ban.

We would suggest that the physicians of the country write to their Senators and Representatives in Congress in terms which leave no doubt with respect to their attitude concerning the regulation of therapeutic procedure by statute.

I would like to add, with reference to the foregoing, my opinion that we all are strongly in favor of wise regulation of the use of alcohol.

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THE ENFORCEMENT OF PROHIBITION

BY OSCAR TERRY CROSBY

LET us assume that the power of government is to be exercised in restraining the conduct of individuals when such conduct becomes injurious to others. With such a definition, the police powers of any government might reasonably be directed to a prevention, by various means, of actual intoxication. But the definition would not include the restraint now exercised against the vast majority of the population of the United States in respect to the use of alcoholic beverages. Because a large number of citizens believe that this restraint is one not properly exercised by government, we now are witnessing a very general revolt against the law in question. State Governments had by no means exhausted preventive and punitive measures directed against *drunkenness*, when the whole power of the United States was turned against *drinking*, or rather against the *commercial traffic in intoxicating beverages*.

It is to be remembered that the Eighteenth Amendment does not prohibit the drinking of intoxicating liquors. Why this tenderness on the subject by those who put the Eighteenth Amendment into our Constitution, is not clear. The result is, that the courts will be burdened in interpreting nearly every word of that Amendment. All of the significant words are those usually connected with commercial transactions. They are "manufacture", "transportation", "exportation", "importation", "sale". And the word "intoxicating" must yet be defined. Even the word "beverage" is not innocent. It would have been simpler to prohibit, once for all, the drinking of the intoxicating beverages save under medical or religious direction.

There would be little point in exhibiting the imperfections of the Amendment as it stands, were it not that drinking, which is not prohibited in terms, becomes difficult, though not impossible, under the Congressional interpretation given to the Amendment, and that a vast system of law-breaking is set up in order to do that which, in itself, remains free from legal prohibition.