Ida M. Tarbell
120 E. 19 Street

Is Prohibition Forcing Civil War?

Sober-minded citizens who all their lives have hoped to see this a genuinely temperate country have been asking themselves repeatedly in the last five years if Prohibition was destroying their hopes. They are beginning to ask a more formidable question - Is Prohibition forcing civil war?

What brings a civil war? Minds so set on an opinion, a method - spirits so hot in their support that neither change nor moderation is thinkable. Study men North and South in the decade before our Civil War, and what do you find? - unbending passionate devotion of men to things as they saw them, both minds and spirits closed hermetically to ideas which were not in accord with theirs, to facts which weakened or modified their chosen positions, ending in a willingness to fight rather than yield.

Five years before Fort Sumter was fired on, that picturesque and distinguished son of liberty, Carl Schurz, wrote from his Wisconsin home that there could no longer be but two parties in the Union - a Northern and a Southern party, an anti- and a pro-slavery party. "I am not sure this fight can be decided without powder, I doubt it," he added.

Are we coming to a point in our struggle over Prohibition - NOT temperance note - when we must admit that from now on there can be only two parties in the Union - a Wet and a Dry - and say "I am

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

not sure this fight can be decided without powder, I doubt it", as Schurz did in 1856.

What have we already come to? A group of powerful Prohibitionists convinced to the point of blindness, refusing often to recognize that Prohibition has invaded the ranks of the once temperate; a group of invaders steadily increasing in strength, ingenuity and insolence, refusing derisively the right or power of the Government to coerce their appetite.

A few months ago, deeply disturbed by finding drunkenness rampant in places once free from it - places that I was forced to frequent in the course of my professional work, I set down my personal experiences - "Troubled Thoughts about Prohibition" I called my piece. It brought me curious protests - incredibly muddled criticism. I had "yielded to pressure" - I must remember the harm such comments would do my profession, my books would not be bought, I would be dropped from lecture lists, I was in league with the Catholics, the bootleggers. I have not an idea that my critics realized that their letters savored of both blackmail and bribery. Their fanatical belief in Prohibition could not tolerate criticisms, could not believe them born of an honest interest in temperance. I must have been "bought" by somebody and I must look out or my person or fortunes would suffer! Montaigne was right, "A man hath need of long-tough ears to hear himself freely judged!"

"Nobody but the Wets have troubled thoughts" declared another type of correspondent. Run over the showing that the liquor statistics of the last ten years make, and see whether

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

honest citizen, Prohibitionist or not, can have other than troubled thoughts, has a right to do anything but face them squarely and soberly and ask himself and his neighbors, What can we do about this?

In 1917 came our war time restrictions, in 1918 national Prohibition. For three years there was an almost spectacular improvement in conditions. The saloon went out of existence. Those industrial communities in which heavy drinking was the order of the day sobered up until they were hardly recognizable. The arrests for intoxication - a list covering 384 towns and cities - fell from 542,039, in 1917 to 233,837 in 1920. Deaths from alcoholism declined in all the registered States. A table, covering about 50% of the population shows that in those three years there was a drop of fully five per cent per 100,000 from about six per cent to about one per cent. In those same three years, the New York State Hospitals reported that the number of state cases of insanity resulting from the intemperate use of alcohol fell nearly five per cent. per 100,000. Prohibition was working.

But with 1921 came a quick, emphatic throw-back. A surprised and outraged minority, claiming that the Prohibition law had been put over on them while their hands and minds were busy with the War, started a rebellion. It was a law, they declared, contrary to the spirit if not the letter of the Constitution - an attack on man's personal liberty. They were like an army that finding itself held up on a main traveled road, unhesitatingly blazes a new trail.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

From 1921 the rebellion has grown. What do the figures now show?

Deaths from alcoholism in registered States rose nearly three and one-half per cent. per 100,000 population between 1920 and 1927. Cases of alcoholic psychoses in New York State Hospitals fallen to only a little over one per cent. per 100,000 in 1920, rose to nearly five per cent. in 1927. "Enforce the law" is the one answer to these frightful figures and percentages. What the Government has been able to do in enforcement emphasizes appallingly how intemperance is rising. The Federal Bureau of Internal Revenue is charged with seizing illicit distilling apparatus. In 1920 the agents of the Bureau laid hands on 15,416 pieces - five years later on 172,537 pieces, and in 1927 on 208,073.

But consider what they did not seize. It is a fact of common observation that all over the country apparatus for manufacturing 'moonshine' and home brews of every variety can be easily bought - frequently in the five- and ten-cent stores. Even in the five and ten's of Kansas "now as wet as Washington" one trained observer asserts. Great factories have been established to supply this demand. That is, these Government figures of the seizure of illicit distilling apparatus are but a little better than a symptom of the actual facts.

With every year the Government agents have found themselves busier and busier, seizing illicit liquor. They began in 1920 with 109,370 gallons of spirits and in 1927 seized 1,462,532.8 gallons.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

There were fluctuations up and down in those seven years but the general trend was rapidly up. So much for liquor seized, not drunk. No man has, or can measure that.

With the increasing seizure of liquor has gone greater activity in prosecutions. The Bureau of Internal Revenue reports that in 1920 it had 7,291 cases in court for violating the Volstead Act. In 1927 it had 68,551. In this latter year it secured 36,546 convictions, dropped 13,842 cases and had 16,606 still on the docket at the end of the year.

The United States Attorney General has had a tremendous rise in seven years in the cases he has prosecuted. In 1920 he terminated 5,095 cases, in 1927, 40,748 - 283,780 in seven years. What has been done in efforts to enforce by state and municipal authorities is not noticed. These are Federal activities - a statistical proof that the Government has been obliged to increase steadily its efforts to stem the steady rise in liquor supply and in liquor drinking.

Another guage of the Government's efforts is the increasing amount of money spent by the United States agencies in dealing with enforcement. There is the Prohibition Unit. In 1920 it spent $3,750,000; in 1927, $13,322.445. The Coast Guard's appropriations for Prohibition were first separated from those of its regular activities in 1924, when it amounted to $14,545,830. In 1927 it spent $14,560,011. The United States Customs spent $10,023,315 in enforcement in 1920; 17,263,677 in 1927. The Treasury Department, $17,814,398 in 1920 and $24,819,057 in 1927.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

The accusing figures from Government sources are re-enforced by state and municipal findings from all parts of the country. The rising crime wave is everywhere co-incident with liquor drinking and liquor selling. No matter what the evil deed there is almost invariably a bottle in the picture. Indeed it is usually the first thing looked for whether a man has been murdered or an automobile smashed. Prohibition has made it possible for every form of crime to organize around liquor selling and drinking. It has become the ally and tool of crime. What has happened is what Chief Justice Taft warned us would happen when the Act was under discussion. Take the business of manufacturing and selling liquor out of legalized hands he said and it will go into those of the "quasi-criminal" - "quasi" can now be dropped. Out in Chicago the Illinois Association for Criminal Justice has recently finished an exhaustive survey of that city's predicament. What is th- conclusion?

"With the coming of Prohibition, the personnel of organized vice took the lead in the systematic organization of this new and profitable field of exploitation. There is no blinking the fact that Prohibition has introduced the most difficult problems of law enforcement in the field of organized crime. The enormous revenues derived from bootlegging have purchased protection for all forms of criminal activities and have demoralized law enforcing agencies."

If the Wets do not worry over this exhibit, as my correspondents insist, then they are neglecting their duty - I can assure

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

them that the advocates of temperance do.

The one answer a troubled temperance advocate who insists on considering the facts usually receives from the Dry is "Enforce the law," - from the Wet, "Curse the law." Dogmatism from one quarter - defiance from the other. We have a group of mutinous open drinkers today so disgusted with the 18th Amendment and the Act interpreting it, that they have set out to do their bit to prove that it cannot and should not be obeyed. It is a considerable bit. In many of them there seems to be something of the Crusader. They are a parallel to the Northern Abolitionist who defied the Fugitive Slave law in the 40's and 50's, although they knew that in so doing they were committing a crime; and those of them who had not reached a temper where they could not soberly reflect, knew that they were adding to the spirit of war that was growing in the land. Daniel Webster pled with them in 1850 to obey the law, warned them that they were playing with fire in refusing.

"I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience," he said "what right have they in all their legislative capacity, or any other, to endeavor to get around this Constitution, to embarrass the free exercise of the rights secured by the Constitution, to the persons whose slaves escape from them? None at all - none at all."

Did it abate a whit the passionate sympathy of the Abolitionist for the runaway negro, his defiant breaking of the law at every opening? It did no more than Abraham Lincoln's reminder

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

that in 1850 the North had bought the abolition of the slave trade in the District of Columbia by a fugitive slave law. They must keep their contract though it was what he called "a dirty disagreeable job." Keep their contract? Never. Many a jury, many an officer connived with the extremists to make the law a dead letter, even as today juries refuse to convict and grand juries refuse indictments under the Jones law.

And that's our present day revolting advocate of personal liberty. Keep the Prohibition law? He will drink himself into the gutter - he who never drank before - give it to his son, open a bar in his home, turn his parties into orgies, to show his defiance.

And to this extreme Wet what does the Dry answer? "Enforce the law - enforce it with guns if necessary - no quarter."

Did North or South in the turmoil before the Civil War show more outrageous outbreaks of violence than we have had in the name of law enforcement?

There have been weeks in recent months when the outline of a day's news read like a war communique.

Violent laws show how the makers and their backers are fast losing all sense of moderation, or proportion in dealing with the exasperating and puzzling situation. They see no way out but more and more harshness, severer and severer punishments, less and less discretion in pursuit, arrest. And so we have the Jones Law, with its five years' imprisonment and $10,000 fine for violation of the Volstead Act - the Michigan habitual criminal act, sentencing to

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

life imprisonment for four convictions under the State Prohibition law, which makes the possession of liquor a felony. It was under that law that a woman, the mother of ten children was recently sentenced for life.

The harsher the law, the deeper joy it gives the man or woman to whom Prohibition has become a religion. When the Jones law was under discussion, a jeering Congressmen was reported as proposing the death penalty instead of prison and fine. Applause came from the Dry corner of the gallery.

With this spirit among the law makers, can we expect discretion among officers of the law? Enforcement has become as violent as gang rule. In the years since the Federal Government began to enforce Prohibition 165 citizens and 67 officers have been killed. We have no record of the wounded. We have no record of persons killed in state enforcement. That is, the woman killed on the outskirts of Aurora, Illinois, in an attempt to aid her husband knocked senseless by an officer seeking to arrest him for selling liquor which it was never proved that he did sell, although there is no doubt he had been in the habit of handling the stuff, this woman's death will not go into Federal records, nor will scores and scores of incessant casualties. They are local.

Horrow at these slaughters? No more than the slave holder felt when he shot a negro attempting to escape - than the Abolitionist felt when he shot a would-be rescuer. But this is the spirit of war. Has there ever been in all our history a more

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

sinister and appalling incident than the outburst of applause that greeted the report on the floor of the House of Representatives that an officer had shot a boy of 21 driving a carload of illicit liquor? Could there be any more irresponsible action, more certain to arouse the angry retaliation of citizens than the random firing into the dark of the Coast Guard picket boat one recent night in Biscayne Bay? Intent on his quarry and regardless of sleeping Miami, the reports affirm that the commander fired 200 shots toward the town. One grazed a woman aroused from sleep - another a night watchman. The walls and windows of houses were punctured and hundreds of Miami sleepers, possibly fearful that Nature was making another attack upon the town, sprang from their beds in alarm. When laws are made and enforced in this bitter and reckless spirit, what hope is there that a plea to respect the law will receive attention?

The honored President of the United States, Herbert Hoover, made recently a solemn and noble plea to the country to check the orgy of crime which is disgracing it by honoring and obeying the law. In the course of his speech he quoted from Abraham Lincoln - "Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap. Let it be taught in the schools, in seminaries, in colleges. Let it be preached from the pulpit

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

proclaimed in the legislative halls, and enforced in courts of justice and, in short, let it become the political religion of the Nation, and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altar."

Lincoln was a young man when he spoke these sentences, twenty-seven years, just come to Springfield, Illinois to live, making his first speech before the young men's lyceum club. He had been stirred to his high-sounding paragraphs by an outbreak of mob rule in the South. It had begun in Mississippi with the hanging of gamblers. Young Lincoln turned aside from his recital to intimate that if anybody was going to be hanged he was willing it should be a Mississippi gambler, in spite of the fact that the State had legalized his trade. Still he didn't approve. What had aroused and horrified him was the epidemic of murder which had followed. Beginning with gamblers, he said, the violence had turned to negroes, then to whites suspected of sympathy with negroes, then to strangers suspected because they were strangers until dead men were dangling from boughs of trees in every road side, rivaling the native Spanish moss of the country as a drapery of the forest. Sounds like Chicago under Prohibition.

If the President had gone a little further in quotation from this early speech of Lincoln's, he would have found him saying that while he so pressingly urged a strict observance of all the

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

laws, he must not be understood as saying that there were no bad laws. He did not mean to say any such thing. Bad laws, he insisted, should be repealed as soon as possible, still while they continued in force, for the sake of example they should be religiously observed.

That is Mr. Hoover's idea. "Whatever the value of any law may be", he said in his speech to the Associated Press on April 22nd, "the enforcement of that law written in plain terms upon our statute books is not, in my mind, a debatable question. ..... No individual has the right to determine what law shall be obeyed and what law shall not be enforced."

But what do people answer? Just what they have answered since the beginning of law and order when they believed their rights - the rights of others were violated. We know how the North - not the mob of the North but the ministers of the Gospel, the preachers, the lawyers, the intellectuals, answered Abraham Lincoln and Daniel Webster when they pled with them to obey the Fugitive Slave laws. The same class of people are making the same answer today to the pleas to obey the Prohibition law. "It is a law contradictory to the Declaration of Independence and inconsistent with the Constitution", declared William H. Seward. This is what Dr. Nicholas Murry Butler has been telling us about the Prohibition law. "It is a law which every one of you will break on the earliest possible occasion", Emerson told his neighbors. More than one present day philosopher has warned us of this from

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

the day the Amendment passed.

The statesman who knows his history, knows that a law that arouses persistent defiance of a substantial minority of intelligent people is from the point of view of securing results, a bad law. He knows that if he is to get his end peacefully he must try another route. Is there another route for making the American people self-controlled in the matter of liquor drinking? Since Lincoln has been called in by the head of our Government, what did he think about it? There is no doubt that after slavery he was more interested in temperance than any other question in the world. We have a lecture of his in which he said that in his opinion the world would be vastly benefited by total and final banishment from it of all intoxicating drinks, but so far as I have been able to discover, Lincoln himself never came to the point of advocating a prohibition law as a method of banishment. In recent years it has been claimed that he took part in the Prohibition campaign which swept Illinois in 1855, even that he wrote the law which was then submitted to the legislature. I have myself been over several of the prominent newspapers of Illinois in that period, all of them reporting Lincoln's movements and words, and I have never found a reference to a speech of his in the interest of prohibition. Albert Beveridge in his recent life of Lincoln flatly denies that he took part in the campaign and his search, I take it, was more thorough than mine, made many years ago.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

Add bottom of page 13 Is Prohibition Forcing Civil War?

Paul Angle, the secretary of the important Abraham Lincoln Association of Springfield, Ill., tells me that he has been compiling a record of Lincoln's whereabouts and activities during 1855 - the year of the prohibition fight in the State; and he thinks there is no truth in the Merwin story, that all the records show that Lincoln was entirely engrossed in law and politics in that year.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

In the matter of intemperance, as in all controversial matters, Lincoln sought to achieve his ends by moderation and persuasion. He was not one to make a fetich of a method . In the temperance speech referred to above, made in 1842, he deplored the methods and denunciations that the early temperance advocates employed against liquor sellers and liquor drinkers as impolitic and unjust. They were impolitic because "it is not much in the nature of man to be driven to anything and still less to be driven to that which is exclusively his own business." Tell the dram seller and drinker that they are the authors of all the vice and misery and crime in the world, he said, and it is not wonderful that they are slow to agree with you. To expect them to do otherwise is to expect a "reversal of human nature, which is God's decree and which can never be reversed. "

"When the conduct of men is designed to be influenced, persuasion should ever be adopted." "A drop of honey catches more flies than a gallon of gall."

He went on to explain why he found denunciation " unjust" as well as impolitic. The substance of his argument was that, since 'the practice of drinking was as old as the world itself", that since universal public opinion had tolerated liquor selling and drinking, it was unjust to denounce men for what society and law had always recognized, to expect them suddenly to stop. Time, persuasion, patience were needed to lead them to self-control.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

Whether today he would or would not have been in favor of the Prohibition amendment no man has the right to say. What we can be sure of, however, is that he would be the strongest advocate of temperance and that his work for it would have been patient and tolerant. We can be certain he would not ignore or try to explain away the increase in intemperance in the last few years - the amazing increase in unusual crimes and corruption closely linked with Prohibition if not directly springing from it. He certainly would be worried.

We can be sure that he would no more spare the fanatical law enforcer than he would the derisive and reckless law breaker; extreme opinion, the savor of bigotry and passion in the interest of a cause however good was hateful to him. He held it a hindrance to progress, a danger to peace. He was clear-headed enough to realize a year before the Civil War that South and North there were men and women becoming so fanatical on slavery that they were ready to trample every principle, every human obligation under foot. The abolitionist would "shiver into fragments the union of these states, tear to tatters its now venerated constitution, even burn the last copy of the Bible", he exclaimed, "rather than that slavery should continue a single hour"; and as for the opposite extreme, what were they beginning to do in order to perpetuate slavery but assail and ridicule the "white man's charter of freedom, the declaration that all men are created free and equal?" We are not without that type today.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

Men who come to such heights of fanaticism are dangerous animals running loose in a country. Their passion is contagious. They arouse even the naturally phlegmatic who sympathize with their way of thinking until they too may run amuck. They inflame their opponents beyond all hope of reasonable discussion, consideration, compromise. Disagreeing fanatics harden one another's heads, heat one another's tempers until restraint is out of the question. Get enough of them and you have a war. That was what happened in 1861.

Is it going to happen over Prohibition in the Twentieth Century? I know men and women who feel so deeply that Prohibition is the hope of American civilication that rather than see the least modification they would fight and call it a Holy War. I know others who hold it so great a menace to American Institutions that they would fight and call it a War for Liberty; and one of the ironies of the case is, that so many of these irreconcilibles on both sides have called themselves pacifists in other days.

Unchecked, their intensity of conviction and of feeling is bound to spread. But how check it? What compromise is now possible between the extreme "wet" and "dry". What would be a fair proposition? Can you say to the first, Pledge your word that you will assist in enforcing a modified act - one giving us, let us say, light wines and beers, but forbidding hard drinks? Can we ask the "dry", in interest of temperance, order, peace, to consent to such a modification?

Not in the present temper of the two sides. There must be

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

many more grave appeals like the recent one of President Hoover, more and more solemn warnings that the crime we see rampant may mean what he calls a "subsidence of our institutions". As things stand today, I see no chance of either appeal or enforcement. Will Rogers, one of our wisest, and certainly our wittiest commentators on policies, says that if we think this country is "wet", it is because we have a "big city angle on a nation comprised of country folks. It is the only law we ever had where the small town and country knew they held the trump card. You cannot change it without their permission, and you won't get it."

Very well, then, how about enforcement? The police cannot enforce a law, neither can courts and coast guards and government bureaus and district attorneys. Nothing but the conscience and the consent of the people founded on an inner conviction that the thing is right can enforce a law. And the bottom difficulty with making Prohibition work is that there are so many parts of the country where conscience is against it.

You might as well try to force the people of Massachusetts to obey a law forbidding them to eat codfish and pumpkin pie, said someone back in the 50's, as to force them to return a runaway slave because it is the law.

Massachusetts is still Massachusetts. Last November a referendum was taken on the question whether or no their state senators should be instructed to ask Congress to repeal the 18th Amendment. The vote stood:

Yes: 697,735
No : 414,512

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

There is a deep, incorrigible conviction in their people that law must not interfere with a man's private affairs. The men who made our Constitution had that always in mind. "They sought" said Justice Brandeis recently, "to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government the right to be let alone - the most comprehensive of rights, and the right most valued by civilized man." There is the pith of the objection to Prohibition - it violates "the right to be let alone."

And yet the same man who denies the right of the majority to make the Prohibition law will admit the right of a law to punish him if he so abuses the liquor he drinks that he injures or even annoys others. He will admit that he cannot be allowed to become a nuisance but not that he be forbidden to decide whether or not he shall get himself into a condition where he may become a nuisance. He will admit your right to try to persuade him, if you can, to total abstinence, even respect and admire you because of your efforts in his behalf; but he will resist to the end your attempt to force him to total abstinence, and that, as Abraham Lincoln put it, is "human nature - God's decree, which can never be reversed."

A stimulus to the average man's indifference to the plea to obey the law is his belief that the efforts at enforcement in so many cases are not born of that holy ardor for law in the

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

abstract to which the President calls us. He believes cynically enough, and right he often is, that enforcement veers with the political ambition and needs of the enforcer. He must make a showing. I know of the case of at least one district attorney who pled with a panel of grand jurors to give him indictments that he might make a record. Many of the spectacular raids, the seizures, searchings have been obviously of political inspiration - to make a record. The man in the street sees that that which Chief Justice Taft prophesied at the time that the Prohibition Amendment was under discussion, has come about - "loose administration in spots all over the United States; a politically inclined national administration strongly tempted to acquiesce; elections turning on rigid or lax execution of the law." It is difficult to arouse the conscience of a man who sees as clearly as most of our average citizens do, the political, often corrupt character of Prohibition enforcement. He feels that there are many things to be cleared up, cleaned out before he can heartily join in a crusade for law obedience, however distinguished the call. "What's the use?"

Another powerful reason that prayers to "respect the law", - "obey the law" - "reverence the law" go unheeded, are often met with derision, comes unquestionably from the fact that for years our legislators have been cheapening laws by wantonly and selfishly piling them up, beyond the possibility of the people they affect knowing

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

even a fraction of what they are about. In one recent peiod of five years, 48,000 laws were passed in this country. Seeing them shoveled out winter after winter in Congress and by every State, is it any wonder that to the average citizen they become meaningless? ~~There are so many he cannot possibly know what they are all about.~~ He washes his hands of the whole matter. The law is not for him. If he collides with it then he must leave it to a lawyer.

And what does he find too often when he leaves it to a lawyer? Why, that there is confusion, conflict, miscarriages, injustices; that law is not something clear, simple, earnest, direct, shaped on common sense, honor, justice. It is intricate, devious, self-contradictory, defeatest. The rich and powerfuà can too often use it for their purposes, can often escape even if caught red-handed. The weak and the poor rarely believe it is their friend, rarely escape if caught, too often suffer even when innocent. Your average man has come in this country to have no great fear, no deep respect and no love of the law. It is not his depravity, his ignorance, his lack of belief in the need of law, but rather his conviction that law ought to be something you can understand and easily obey. No, it is the law itself and the way that legislatures and courts juggle with it, that is to blame. Back of any possible enforcement of even a modified Prohibition law must go law simplification as well as the judicial reform that Mr. Hoover promises us.

One thing to be remembered is that you you cannot any

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

longer in this country - if you ever could, which I doubt - make people obey laws simply because they are written in the books. They have come to see too clearly that law is a man-made device, that it is no better than the men that made it, that it is continually changing as men change and progress. ~~They see that experience, an enlarged point of view - all bear on law.~~ They see that nothing we have ever done in building up law or interpreting it, even our Supreme Court decisions, have been or can be regarded as infallible or unchangeable. They see that the very Constitution is not ~~unchangeable and~~ fixed, that it even provides for its own expansion, its own correction. They recognize the 18th Amendment as within the letter of the Constitution. They recognize also that a repeal is within the letter of the Constitution. A majority put it in and a majority can take it out. That is, we have a body of citizens that no longer canonize either law or Constitution but recognize them, as they are, the faulty efforts of faulty human beings to find a procedure to which they can all submit in their struggle to work out what they believe to be their own best possibilities.

All of these considerations bear on the present bedevilled Prohibition situation. However helpful appeals to reverence the law may be, and I think that President Hoover's appeal made a real impression on many men, we need more. We

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.

need complete honesty in dealing with facts, admission of benefits, admission of failures, candid asking of Wets and Drys what we ought to do in the situation we have gotten ourselves into. There must be moderation, frankness, less accusations and more understanding. Unless we have them nothing is more certain than that the present guerilla warefare will go on, carrying with it an increasing danger of organized war.

Digital Image, 2011, The Ida M. Tarbell Collection, 1890-1944, Allegheny College Pelletier Library.