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NEW YORK

June 28th, 1929

Miss Ida Tarbell,
120 E. 19th Street,
New York, N. Y.

Dear Miss Tarbell:-

I have just read with great appreciation your article in the current Liberty.

Apropos of that, you may be interested in the following quotation from Lincoln: "No law is stronger than is the public sentiment where it is to be enforced." Sandburg's Lincoln II - 209.

With all due respect to Will Rogers and his quotation, I think that Will is still riding on the psychology of 1918 or thereabouts. In support of that belief, I enclose a photostatic chart on which you may place your own appraisal. I propose to represent the first and second waves in the same style and release it perhaps next winter. In the meantime I must ask you kindly to consider this chart confidential.

Sincerely yours,

Stanley Shirk

SS:F

Enclosure

The Moderation League, Inc.
385 Madison Avenue
New York City

The 1928 Prohibition Votes

By Stanley Shirk



Areas with wet majorities are shown in black. The black part of circle indicates the total wet vote.

There were prohibition referendum votes held in three states—Massachusetts, Montana and North Dakota—in 1928. The chief significance of these votes is their demonstration of the trend of prohibition sentiment by comparison with prior votes in the same states.

Massachusetts

Massachusetts enacted a prohibition law in 1852, during the first prohibition wave of the fifties, and, after sixteen years' trial repealed it in 1868.

Two years later it tried a new prohibitory law which permitted the sale of malt liquors in all places unless there was a local vote to prohibit such sales. Prohibition was abandoned entirely in 1875 and a high license local option law enacted. This continued in force until national prohibition began.

In January, 1919, at least three-fourths of Massachusetts was dry or "no-license" under this local option law as the accompanying map shows. Substantially the same condition had existed for at least ten years previously.

When national prohibition became effective,

a state enforcement act was passed by the legislature, and it went to the people on referendum in 1922. They defeated it by $427,840$ to $828,964 = 56.9\%$ wet to 43.1% dry. A new but much shorter enforcement act, popularly called the "Baby Volstead Act," was passed, and on referendum in 1924 the people sustained it by $454,656$ to $446,478 = 50.4\%$ dry to 49.6% wet.

The next popular vote was in 1928 when the people voted on the following proposition:

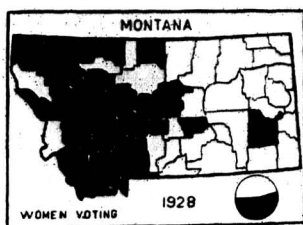
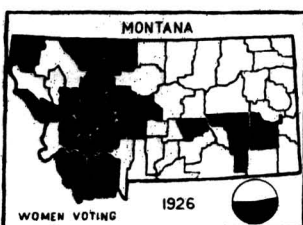
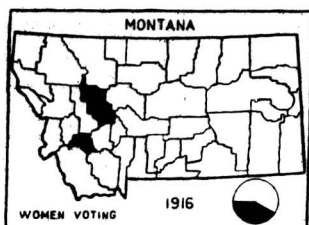
"Shall the Senator from this district be instructed to vote for a resolution requesting Congress to take action for the repeal of the Eighteenth Amendment to the Constitution of the United States, known as the prohibition amendment?"

It will be noticed that this question required each voter to express his, or her, decision as to the retention, or repeal, of the Eighteenth Amendment itself. The result was $707,352$ for repeal of the amendment and $422,655$ for its retention = 62.6% wet to 37.4% dry. Thirty-four senatorial districts had wet majorities, and two had dry majorities. The latter, however, were dry

by the barest of margins. The Cape Cod district had a dry vote of 52.4% and the other dry district a dry vote of 51.0%. Consequently, a change of 2.4% and 1%, of the electorate, respectively, would have changed the result in these two dry districts. No vote was taken in four districts because, for technical reasons, the question could not be put on the ballot there. However, considering that the population of these districts is more urban than rural, there would seem to

be no doubt that a wet majority would have been given there, had the question been on the ballot.

Considering this 1928 majority of 284,697 against the Eighteenth Amendment, there can be no longer any doubt where Massachusetts stands on national prohibition. This is the more striking, since women voted in 1928, whereas the dryness under local option in 1919 and prior years was attributable to male suffrage only.



Montana

Montana had never had state prohibition until the people in 1916 approved a state bone dry law at the polls by 102,776 to 78,890 = 58.2% dry to 41.8% wet.

In 1926 there was proposed an initiative bill to repeal the state prohibition law and all other state liquor laws except that prohibiting sale to minors. It carried by 83,231 to 72,982 = 53.3% wet to 46.7% dry.

In 1928 there was proposed an initiative bill to re-enact a state prohibition law,—specifically to adopt the Volstead Act as the state law and further providing that “whenever Congress shall amend or repeal the Volstead Act, such amendment or repeal” shall automatically amend or repeal the state law in similar manner. The people killed this measure by 80,619 to 68,431 = 54.1% wet to 45.9% dry.

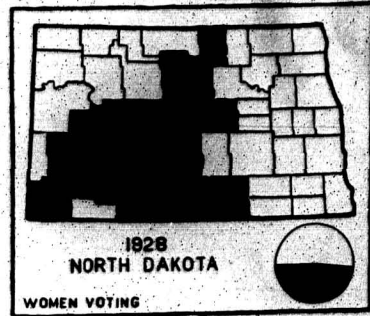
Women participated in all of these three votes. It will be seen that there was a constant increase in wet sentiment. The wet vote of 41.8% of the electorate in 1916 increased to 54.1% in 1928—showing a turnover of 12.3% of the electorate during that

period. In 1916 only three counties had wet majorities. This increased to twenty-three in 1926 and to twenty-seven in 1928. There can be not the slightest doubt, therefore, but that there has been a very remarkable swing of sentiment away from prohibition in Montana, and that the state is now definitely in the wet column.

North Dakota

North Dakota was admitted to the Union in 1889 during the second prohibition wave. At that time the state put a prohibition clause into the new Constitution and it has remained there to this day. It is a banner prohibition state, having had prohibition longer than any other state, save only Maine and Kansas.

In deference to public opinion the legislature has been very dry. The State Senate ratified the Eighteenth Amendment by 43 to 2, and the House by 96 to 10. In 1923 the Senate, without a dissenting vote, and the House by 102 to 7 adopted a concurrent resolution memorializing Congress to make no change which would weaken the Volstead Act.



A test of public opinion was made in 1916. The legislature had passed an act greatly tightening up the definition of the crime of bootlegging. On referendum in 1916 the people sustained this by 51,678 to 42,956 = 54.6% dry to 45.4% wet.

The next test of public opinion came on June 27, 1928. It was proposed to repeal the old state constitutional prohibition clause of 1889. Locally, the proposal was considered utterly foolish, for had not the state voted dry in 1916, and had not the women, supposedly very dry, got the ballot subsequently? The result, although dry in final result, was so close that it was a heavy shock to local psychology. The old constitutional clause was retained by the close vote of 108,696 to 96,837 = 51.7% dry to 48.3% wet.

In 1916 only eleven counties had wet majorities, but in 1928 this number was increased to twenty-one. The dry vote of 54.6% in 1916 was reduced to 51.7% in 1928 or a turnover of 2.9% of the electorate in spite of the fact that women voted only in the latter year. In other words, public sentiment on prohibition had changed so much during the interval between the two votes that, notwithstanding the vote of women, a net wet gain was registered. Finally, in this banner prohibition state the dries won by the exceedingly slim margin of 1.7% of the electorate. This, we believe, is one of the most significant referenda on prohibition taken in recent years, because it is an indication that even the rock-ribbed dry states are beginning to crack in spite of woman suffrage.

Conclusion

There have been three prohibition waves in the United States. The first two are described by an Anti-Saloon League leader in these words:

"Between the years 1880 and 1890 what has been known as the second great state-wide prohibition wave swept the country. During this eventful period not so many states adopted prohibition as had done so in the first state-wide prohibition movement of the fifties, yet it is safe to say that more states were actively involved in the movement and more state legislative bodies were called upon to vote directly upon the prohibition question than during the former period."

The first prohibition wave was in the 'fifties, reached its peak in 1853 and then subsided. The second wave was in the 'eighties, reached its peak in 1885 and then receded. The third wave reached its peak in 1918 and is now subsiding.

The state-wide votes on wet-dry questions held since 1918 show a very marked and increasing wetness as compared with the votes during the decade prior to 1918. The three 1928 votes in Massachusetts, Montana and North Dakota, analysed above, are merely cumulative evidence that prohibition sentiment is again subsiding; that the third prohibition wave is now passing, and that history is repeating itself for the third time.

*Ernest H. Cherrington, LL.D., editor of the Anti-Saloon League's *American Issue*, in his book, *The Evolution of Prohibition in the United States*, p. 176. Dr. Cherrington is also head of the Anti-Saloon League's Department of Education, Publicity and Research.

Digital Images, 2010. The Ida M. Tarbell Collection

THE THIRD PROHIBITION WAVE

THE SWING OF PUBLIC OPINION AS REFLECTED IN ALL STATE-WIDE REFERENDA ON WET-DRY QUESTIONS.

WET VOTE IS INDICATED IN BLACK. THE SQUARES □ INDICATE WOMAN SUFFRAGE.

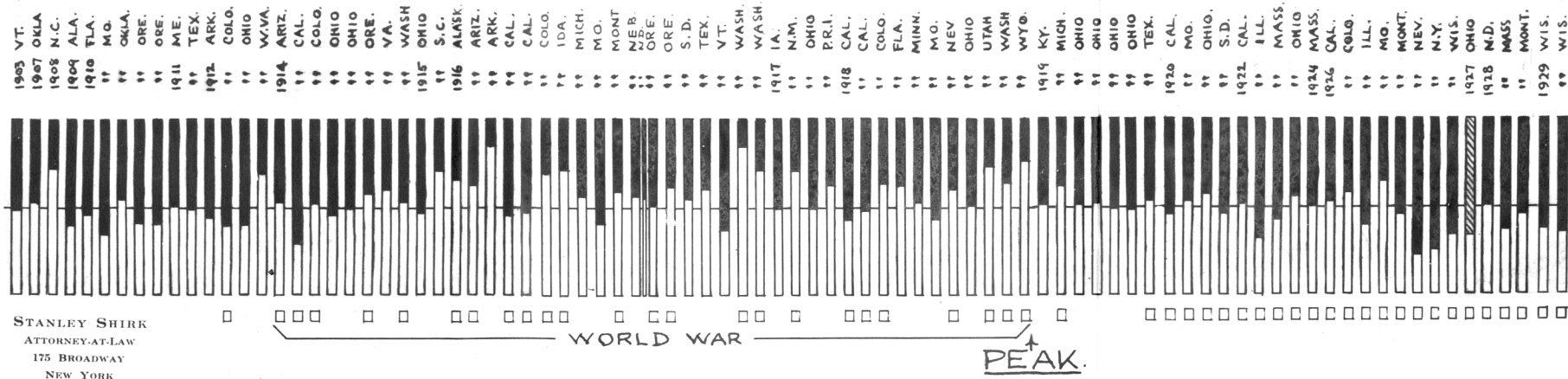
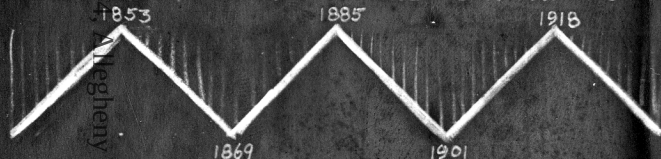


DIAGRAM OF THE THREE DRY WAVES



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DIAGRAM OF A TYPICAL PROHIBITION WAVE

Expressed in Terms of the 3^d Wave.

1901 1918 1926 1929 1934

