

To the Editor of the Courier-Journal Co:-

Readers of Point of View, like readers generally, are more interested in the concrete than in the abstract; more interested in facts of personal application than in constitutional questions. The text of this letter is a statement of a writer in Point of View on August 28th signed "A Republican". I quote-" These (saloon keepers, distillers, and brewers), ruled local politics and customs and corrupted them more widely and effectually, though less violently, than Al. Capone ruled them in Chicago. Even if it must be a choice between the saloon gang and Congress to protect or regulate private life, why should not the patriot choose Congress?

The writer claims to be a patriot. I hope he possesses that virtue for as an authority on political and social conditions in Louisville and generally over the country prior to national prohibition he is neither informed nor consistent. He is ignorant of the facts and bases his accusations on the propaganda so industriously circulated by prohibitionists and especially by the anti-saloon league. What percentage of the people were engaged in the liquor business? How did the "saloon gang" acquire the power to rule politics? Take Louisville as a fair sample of cities,- how many saloons did the city have? Not at any time over about 900. Recently one of our afternoon newspapers, relating incidents of thirty years ago, on corresponding day, said, 870 saloons applied for license and only three objections were filed. The people then living were as moral as the people of today and naturally more familiar with conditions then prevailing than the great majority of those living. If the conditions then existing, political and social, were as bad as now represented, and were allowed to continue, what a miserable low order of citizenship must have existed.

The gruesome picture of the period prior to national prohibition is a false picture, and distorts and misrepresents the facts.

"A Republican" is misled in saying the saloon gang ruled politics. The exact opposite is true; politics ruled the irresponsible saloons, and used them to carry elections. Again asking pardon for intruding myself into the discussion, I know personally how elections were conducted as far back as fifty years. I have been in the thick of many elections, national, state and local. The disreputable conduct of elections was due to partisan zeal; to the desire for personal and party triumph. Votes, not morals, public or private, controlled the conduct of elections. I can truthfully say that I cannot recall a single time when the liquor business including the saloons tried to influence local legislation. The only exception to this total abstinence consisted of objections and resistance to high license which saloons in reputable residence districts could not pay and obey the law. Circumstantial evidence justifies the belief that the National Brewers Association traded Cleveland off for Harrison in New York State in 1888. But that is too long a story and the brewers imitated the protected industries and were after trade advantages. Outside of this incident the liquor trade did not as a trade engage in a national contest; misrepresentation of the liquor trade was made in the United States Senate when Senator Sherman asked Senator Beck if the tariff prompted the formation of the whisky trust in Kentucky. Sherman had no information of a whisky trust in Kentucky, as no whisky trust existed in Kentucky. It was an effort to throw dust into the eyes of the people- a practise followed to this day.

The saloon will never be legalized by a state of the Union and never should be. Liquors should be sold only in quantity and the responsibility for the use of it placed on the individual where it belongs. When an individual makes a case against himself, he cannot complain of any humane restraint the law imposes. Public opinion is now crystalizing on a determination to expunge the 18th Amendment from the Constitution; to restore to the states freedom of action in disposing of the liquor question and in protecting personal rights under reasonable and enforcable laws, of which the community is the best judge, and has a direct vital interest. The 18th Amendment cannot be defended by misrepresentation of the past. Truth is mighty and will prevail.

Louisville, Ky.

J. M. ATHERTON.



to the Editor of the Courier-Journal:-

Senator Norris of Nebraska made the following statement a few days ago,-" I want something to take the place of the 18th Amendment before I vote to submit its repeal to the people. Nothing has been suggested. We would just have chaos with repeal. Suppose the people of this country wanted to vote on repeal? Has the Senator grown into such an autocrat that he will refuse the people the right of repeal? He may be the autocrat in Nebraska, but as a Senator of the United States he has no right, moral or political, to substitute his individual opinions for the will of the people of this country.

The Senator did not pretend to designate the chaos he refers to. Nor is he supported by the facts when he says, "nothing has been suggested." This is a deliberate mis-statement of the facts. Repeal would restore to the states the right to regulate their own domestic affairs. Repeal would restore to congress the power to reimpose the tax on liquors and put back into the treasury of the United States hundred of millions of dollars contributed by voluntary acts of a large part of the people of this country.

The liquor traffic may be readily divided into two parts:- the manufacture and importation, and the sale prior to prohibition. The congress controlled the manufacture and importation and the states controlled the sale. Congress had no difficulty in imposing the tax. The Congressional Record and the records of the Internal Revenue Department furnish documentary evidence on the subject. There are living in this country tens of thousands of men familiar with the manufacture and importation of liquors who will bear witness to the facts of record in the capitol. Where did the "chaos" the Senator condemns exist? It must have been in the sales under control of the states. Did it exist in Nebraska? If so, why did not Nebraska restore system and order within her boundaries? If a state is unable or unwilling to control the sale of liquor within her borders it was within her power to prohibit the sale and suppress the chaotic conditions. Nebraska is not content with her own freedom of action but nurses a desire to impose her imperious will on other states.

Senator Norris represents an agricultural state in which the mass of her people are asleep in bed before 10 o'clock at night. Thousands are wide awake in the cities long after midnight-sober well behaved people. Why should the latter be forced to conform to the habits of the former? The wets plead for freedom of action in their habits and customs subject to laws approved by the universal conscience.

It may be useful in forming correct opinion of conditions prior to prohibition, to recall the form and scope of the license laws regulating the sale of liquors by the states. One license, known as a day license was enforce generally, if not universally, in the states authorizing the retail sale. This license ran from about 6 A. M. to 10:30- 11 o'clock at night. Between these hours the law required total abstinence. A very considerable part of the arrests for violation of the license law was made for sales during the closing hours of the night, and doubtless were classed under arrests for drunkenness in the police court reports. These violations were usually committed in the cities as appetite is not regulated by the clock. A night license adjusted by every city to meet its own conditions would have avoided many arrests for one drink. Prohibiting the return of the saloon, on which public opinion is united, will simplify and facilitate the enforcement of quantity sale by eliminating the total abstinence provisions of the old law as a practical question. When the state was unable to prove that harm resulted from the technical violation, conviction was extremely difficult. Yet Senator Norris insists " nothing has been suggested."



That the whole country was not under one cast-iron law may have caused the chaos Senator Norris dreads. His conception apparently of order and system consists of applying one and the same law to the plains of Nebraska and the streets of our populous cities.

Where a people object to law, statute or constitutional, there is always grave suspicion the law is unethical. Two parties are involved- the lawmakers and the people. May it not occur that the former is mistaken, or is it a law? The edict has gone forth from the wise men of the past during the whole period of recorded history that the habits and customs of a people cannot be controlled by law. Liberty and force were never rocked in the same cradle. They are not congenial paxymates. They have never lived peaceably side by side. Wisdom of the law is its enforcement. Force invites force, and the march of freedom through all the ages has resulted from disobedience to unjust law.

The wets can safely issue a challenge to the drys- produce a single statesman or a single prominent reformer from Jesus Christ down to President Hoover who advocated the suppression of intemperance by the use of force. Every age and practically every reformer and every worthy citizen have grieved over the evils of intemperance. Not one defends it, and yet not a reformer of the past down to Dr. McBride, Senators Shephard and Norris, have organized a military force, led by federal police, to invade the states of this Union and send its citizens to prison in distant states. Name one civil administrator or one eminent reformer in the whole gang of history who ever suggested the club as a remedy for intemperance and claim at least one precedent.

Dr. Osler took off his overcoat on a cold day and put it on a drunkard, saying- you may drink yourself to death but you shall not freeze to death. Restrain, encourage and reform the drunkard as far as human sympathy can go. Why attack the rights of sober people with the distant forlorn hope of protecting the drunkard?

If there lived a man possessed of all the qualifications to enforce prohibition it was the great Oliver Cromwell. He was a puritan; with great military and administrative ability and unlimited power in a small open country. What was his opinion of prohibition? Ex President Roosevelt introduces the quotation from Cromwell with the following sentences:- "there is profitable study for many people in the following- the quotation from Cromwell's letter to the Governor of Edinburgh Castle- your pretended fear lest error should creep in is like the man who would keep all wine out of the country lest men should be drunk. It will be found an ungent and unwise jealousy to deprive a man of his natural liberty upon a supposition he may abuse it, when he doth abuse it, Judge."

This quotation written nearly 300 years ago condenses the argument into a few sentences. It rings as true today as on the day it was written.

Louisville, Ky.

J. M. Atherton,



To the Editor of the Courier-Journal:-

I assure Mr. Turck that I had no reference to him in my comments on political preachers. I referred to religious leaders who had openly entered the political arena and were bringing religion into politics, and were not abiding by the principle that church and state should be kept inviolably separate.

Mr. Turck is not happy in endorsing the invasion of personal liberty by national prohibition, by citing the prohibition of crime. No sane citizen upholds crimes and even the intemperate are not criminals in public estimation. With conscientious determination to aid in fighting the evils of intemperance there is practical unanimity. But as has been repeatedly said, total abstinence and temperance are not synonymous terms. They are radically different, and the difference is well known by the people. The public mind is riveted to efficiency in the industrial field and naturally applies the same test to laws and are inclined to approve the laws which yield the best results. In controlling the liquor traffic the question, lying at the very threshold and within the province of students of law and political science, is the relative qualifications of the Congress and the states. Assuming that we are beginning denovo, from which of these two may the best results be had; from Congress or the states? Which of these two has the superiority as controlling authority? Calling experience as witness, neither has succeeded to the satisfaction of the public. If this be admitted, we must practically begin denovo and decide between the two on the capacity of the two to control the traffic. The one promising the best results should be selected, accepting efficiency as the test, and efficiency to be judged by results.

Students of law and political science are especially interested in a wise discussion. Exclude both state and personal rights and come squarely down to imposing the duty to control on the power best equipped to exercise control. Total abstinence is simply one method of control to be considered when divorced from religious convictions which preempt the mind and banish every feature of impartiality. Presenting this as a basic question, of a purely practical character, to be debated and decided to promote the public welfare and public security, the fog which obscures prohibition may be lifted and the advisability of settling one question at one time is apparent.

This is not written to invite a discussion with Mr. Turck, but for the consideration of all readers of "Point of View" interested in law and political science to help in the final settlement of the question. Having duly turned the question over in my own mind, I cast my vote for state control through which home rule can be utilized, reserving the privilege of printing remarks in "Point of View" hereafter with the Editor's permission.

Louisville, Ky.

J. M. Atherton.

Mr Turck was

Pres. of Centre College

in 1920's - early 30's

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To the Editor of the Courier-Journal-

The blacksmith does his work by striking when the iron is hot. Secretary Mellon made a statement within the last few days which opened up a hot discussion of the deficit in federal revenue and of the best ways to supply additional revenue. While the public mind is directed to this subject the question forces itself on public attention- why not restore the tax on whisky, beer and domestic and imported wines and spirits? The country has lost, since prohibition, more than four billions of dollars. The 18th Amendment prevents the reimposition of the tax and customs duties. With what meticulous care the distinguished secretary suppressed any reference to this hot subject and yet he must have had it in mind, and it must be in the minds of taxpayers all over this republic. The loss of revenue from prohibition already incurred exceeds the deficit four times. Not only this, but the tax was paid voluntarily. The economic question to be answered is this- shall this loss be continued indefinitely, or shall the 18th Amendment be repealed and the power restored to Congress to reimpose the tax on liquors leaving every state free to prohibit or regulate the sale within its own jurisdiction? Senator Robinson can go on living under prohibition in his own state if he will consent that the people of New York may enjoy the same freedom of action. If Congress had the power to collect the revenue from the liquor traffic, can one thoughtful man or woman believe for a moment that Secretary Mellon or the President would advise the repeal of the tax on liquors paid voluntarily and substitute a tax on any form of property or wealth? If the 18th Amendment was eliminated, and the federal treasury was enriched by the former revenue from liquors, would Arkansas or Texas refuse to accept the appropriation for road building made by Congress? Conscience may condemn the liquor traffic but would the condemnation induce either of these states to refuse its allotted part of a federal appropriation? The confusion of the public mind caused by the destructive mixture of religion and politics is fraught with far more danger to the future of this country than the depression in trade.

The history of this country supplies abundant proof that time will correct the depression. But the waves of human passion set in motion by the noble experiment will lead, if allowed to gather force, to difficulties from which the candid observance of separation of church and state has protected the country in the past. Political wrangling began with the birth of the republic. In despite of it the country prospered. The celebrated Sage of Concord wrote the following one hundred years ago- "personal power, freedom and the resources of nature strain every faculty of every citizen. We prosper with such vigor that, like thrifty trees which grow in spite of ice, lions, mice and boxers, so we do not suffer from the profligate swarms that fatten on the national treasury. The huge animals nourish huge parasites and the rancour of the disease attests the strength of the Constitution."

The noble experiment has not only called religion into politics, it has invaded the field of political economy. The human race can exist without beverage liquor, and could manage to survive the loss of any luxury. Divide commodities into the useful and the useless or, in other words, into necessities and luxuries; prohibit the useless and luxuries, and at one fell swoop wipe out all forms of badness. How much commerce would be left?

But say the drys, we will discriminate and confine our prohibitions to the use of harmful and wicked things. Does any sane man believe the zeal of the reformer or the ardor of the puritan will be content with the suppression of one form of evil? Shift the world over from the old doctrines to a new philosophy; establish the principle that personal habits can be controlled by law;



draw an arbitrary whole line along the highway of life to distinguish right from wrong. Will the zeal of the reformer and the ardor of the puritan be satisfied with banishing one evil and allow other forms to flourish? The reformer is not engaged in an effort to reform himself. His mission is to reform his neighbor, even though he creates a deficit in the federal treasury to be relieved by increased taxes. The existing deficit is traceable directly to the 18th Amendment. In all truth and candour, is the country more moral, more prosperous, or more contented than before prohibition? The political future depends largely on the wisdom of the strategy adopted by the two great parties. The large deficit complicates the situation. Evidently this deficit cannot be met by the intrusion of religious or moral differences. The remedy leads to the pocket book and every pocket book will feel the effect of an increased tax. Regardless of how imposed, the repeal of the 18th Amendment and the restoration of the old tax on liquor presents a tangible issue if considered dispassionately by the people. Taxation is essentially a civic problem and should be considered from the civic point of view. Money will not compensate for either immorality or unmorality, but when the loss of hundreds of millions of dollars does not reduce either, why make the loss? Somebody is to blame for this loss and deep and strong will be the resentment if the loss goes on and the rosy expectations of the reformers are not realized. Honestly who thinks the law can change human nature; who believes deficits can be made up with good intentions?

Louisville, Ky.

J. M. Atherton,

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To the Editor of Courier-Journal.

Two separate questions are forced by public attention by prohibition as now enforced — A Constitutional & a Sumptuary question.

The first relates to the organic structure of the government & the latter to the habits of the people. Space in Point of View will not admit of a review of the respective rights & duties of the Federal & State Governments.

Looking to the future of the Republic the part of wise statesmanship advises the retention by the states of all rights & powers reserved in the original form of the Constitution. The fewer the occasions for interference of one or more states with the local affairs of other states the more assured will be the avoidance of friction between the States. The history of this Country as young as it is, is replete with proof of this fact.

This question does not arouse the feeling caused by the Sumptuary legislation enacted by Congress but it is fraught with more danger to the peace of the land. Indications point strongly to the belief that the 18th amendment could not be ratified to do if that be true, it should be repealed.

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In considering prohibition as a sumptuary  
legislation, the flood gates of feeling  
are thrown wide open and reflection is  
is that allowed to shape our judgment.  
If experience teaches a lesson. The legal sale of  
liquors alone will stop the illegal sale. The  
question arises between legal & illegal sale  
regulated or unregulated sale. The Anti-Saloon  
League declared the liquor traffic could not  
be controlled as all attempts to regulate had  
failed. A question of fact is here raised -  
was any honest effort to regulate ever made  
If one honest effort can be specified, I'll  
agree to join the Anti-Saloon League & enlist  
in the war on the "delicious damnation" as Senator  
Dobbin dubbed a glass of wine.  
Regulation & prohibition could not both be  
adopted; one defeated the other; - and the  
League determined to force prohibition on the  
Country & began to paint lurid pictures of the  
traffic. & especially of the lawless saloon.  
The legal sale requires a place of sale - The  
name of the place is not important. The real  
question turns on the mode of sale - shall liquors  
be sold by the drink to be drunk in the place of  
sale or in quantities, not less than a pint nor more than

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a quart, not to be drunk in the place of  
sale. Over which mode of sale can the law  
through its officials exercise control over the  
consumer? The sale by the drink does act  
as a temptation & especially to men passing  
by. This is a valid objection. The sale of  
bottled liquor under the Canadian plan  
obviates this trouble but puts in the hands of  
the consumer at one time more liquor than  
he ever has at one time by the drink. The  
test comes in the matter of control between  
the owner of the place of sale - the place for  
merely called saloon - & the consumer's as-  
sociates & family. The tendency of the Canadian  
plan would be to encourage the use of hard  
drinks while temperance is promoted by the  
use of fermented liquors, especially in the  
form of beer which can not be carried about  
in bottles without injury to quality.  
Experience will select the plan of sale  
most conducive to temperance & when the  
police regulations have been honestly enforced  
the responsibility of the public for individual  
habit will be discharged. Under state control  
the regulations can be readily amended to meet  
alterations in social environment. Penal laws  
will be applied to only after all ~~other~~ means

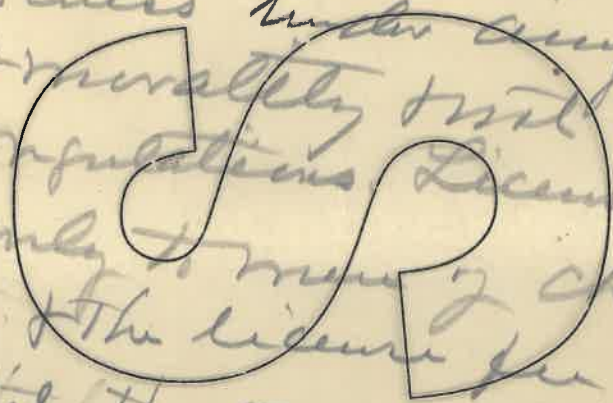
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regulations have failed.

The future can escape the mistakes of the past. Politics must keep hands off the whole business under any plan.

Intemperance & morality must money must dictate the regulations. Licenses must be granted only to men of character & responsibility. The license fee must not be so high, that the owner of the license is



tempted to violate law & sell cheap liquors to avoid bankruptcy. Identify the owner of the license with public welfare & make it to his interest to obey & enforce the law.

Apply the settled rules of trade & clear away the mist which envelops the past.

If the public does its duty, the problem is solved & while trouble & misfortune will lead human weakness into the loss of self respect the slow, silent & peaceful progress to temperance will at no distant period in the life of the nation, will reduce intemperance to its minimum.

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7 States will be charged with the duty  
of controlling the manufacture, distribution  
& sale, wholesale & retail. The States would  
not be permitted to import from foreign  
Countries & pay & collect its Customs dues. The  
Congress would doubtless retain its control  
over importations. This control however could  
be regulated to forbid importations into  
Seaports in dry States. As the States  
would be charged with the expense of  
control, it may be well to allow time  
to collect the taxes they see fit to impose  
on liquors & on the conduct of the liquor  
business. Under the present law, dry States  
are relieved of expense of enforcing dry  
laws, and this fact doubtless exerts its in-  
fluence on public opinion in dry States.  
But no importation is done a dry State  
in requiring it to support its police reg-  
ulations. Under existing laws taxes collec-  
ted in wet States is used to enforce police  
regulations in dry States—New York contribu-  
tes money to enforce dry laws in Kansas.  
The Federal government is charged <sup>with</sup> and always will be  
for the common defence, & must not be

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so restricted by Constitutional provisions that  
Congress cannot meet emergencies. The power  
of Congress on the liquor problem may be  
left optional + Congressional action would  
fairly express public opinion of the U.S. if  
Senate did not possess its anomalous power  
derived from its peculiar formation. The  
House represents the people while the  
power of the Senate may come from the  
small states.

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The public mind is in a state of con-  
fusion which obstructs the prompt decision  
to repeal. The practical control of the  
problem cannot be made until the repeal  
is accomplished. But so long as doubt  
of the practical control of the traffic exists  
millions will hesitate + delay final judgment  
If all discussion of the questions involved  
is postponed until a final conclusion  
is formed on repeal, the time consumed  
in discussing the relation of the Congress to  
the traffic will leave the problem more or  
less in mid-air. If the people can form an  
opinion on the relation of Washington to the  
problem, the more quickly + intelligently can  
the states consider the relation of the states to the traffic.

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President Hoover uses the following language in  
his veto of Veteran pension bill of June 26<sup>th</sup>  
"No government can proceed with intelligence that  
does not take into account the fiscal effects  
of its action"

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To The Editor of Courier-Journal.

Advocates of the 18th amendment do not claim that it has been successfully enforced but express a belief that in time it can be enforced.

In my mind the successful enforcement would bring on this country evils exceeding the evils of intemperance. The total enforcement of total abstinence has an ominous & sinister sound in this land of liberty. It suggests a nation controlled by fear that by a self-depicted policeman occupy the lines of defense & stand guard over the daily lives of a people living in the 20th century with houses of religious worship & school houses everywhere with all the allurement which industry & society bring to the aid of good behavior & public decorum. Enforcement means a nation ruled by fear of the law, by fear of jails & prisons by fear of tribunals of justice. Fear becomes the dominant motive in the hearts of the people. Think of the great American achievement, which is the present achievement in the progress of modern civilization, leaving under the enervating curse of fear. But it will be said in rebuttal that the fear prohibition creates is the fear to do wrong, & that no fear will exist in the minds of total abstainers - that any degree of severity is sanctioned if directed to the vindication of the right & the suppression of the wrong. This apology

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is not only an evasion but endorses the use  
of force to establish a code of right & wrong through  
fear. Ignorance & barbarism have been  
resisted by an alliance of courage & conscience.  
The ignoble emotion of fear is that always  
been an ally of superstition. The world lived for  
thousands of years under the dominion of fear  
- the very essence of the obsolete belief in the  
divine rights of kings. Is it not really a crime  
to appeal to force in this day & generation, to  
aid Christianity & education in the enlightenment  
& refinement of modern life? Is force, to produce  
obedience through fear, a legitimate agency  
in modern civilization? Intimidation, frightfulness  
driven by law & judicial sentences - these can  
to be employed in force committed to elevate  
the morals of the people & to inculcate respect  
for law.

Total abstinence is adopted & practised by voluntary  
action meets not a hostile critic. But to assume  
that total abstinence is right & the temperate use  
of liquor is wrong & appeal to the law & the process  
to enforce the assumption revives the tyranny  
of the Dark & Middle Ages. Hence, if ignorance  
& superstition held the world in its cruel grasp  
for a thousand years but yielded & broke  
under the effulgent rays of the Renaissance,  
which was the dawn of modern civilization.  
Governments, politics, law & religion relied on  
force & fear to control the world, yet the world



To The Editor of Common-Journals.

The advocates of prohibition back up the assertion that the temperate use of alcohol is wrong + sinful by claiming that it is also a wise economic principle. To generalize in economy leads to results as futile and injurious as the attempt to establish an arbitrary code of right turning by the use of force + fear. The usual array of statistics on savings + health will not prevail against the established facts. Modern life is so complicated that statistics can be arranged to support any theory while facts lead to conclusions which are self-evident. Space will not admit a detailed treatise on political economy but a few facts will suffice. Commodities consist of two classes, the useful + the useless, or in other terms, of necessities + luxuries. Labor + capital are employed in the production, transportation + sale of both classes. Restrict production to one class, say to the useful or a necessity; restrict transportation + consumption to one class and commerce is cut half in two with an enormous increase in unemployment. Concentrate labor + capital on the useful, on the necessities of life, + the whole industrial world is demoralized + thrown into hopeless confusion. It would be idle to enumerate the things the world could dispense with + still live. In innumerable ways, economy may be plead

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As a sterling virtue but economy as a  
rule does not admit of legal definition. The  
term has a relative meaning, & depends on individ-  
ual circumstances. Who is to be the judge? The  
moral reformer, the law or the individual?  
The question is its own answer.

Compare on the legislation the power to control  
personal expenditures to enforce legally  
defined economy is no more absurd than  
the attempt to enforce legally defined  
temperance as a moral question. The attempt  
to do either must end in utter & disastrous  
failure.

To illustrate - one man with a family to  
support practices judicious economy & does  
use liquor temperately but has a balance  
to his credit in bank at the end of the year.

His neighbor with a family of some size is a  
total abstainer but spends his earnings in  
luxuries and has no balance at end of the  
year. Which of the two is to be commended?

The reformer cannot apply his broad & out-  
ruly rule to cases of this kind. If the world is  
guilty of such cases. The transparent fallacy  
lies in confusing morals & economy.

Take another illustration - Champagne has never  
been productive of intemperance. She cost limits its  
use. The government could derive millions of dollars  
from a tariff on French Champagne Prohibition



places it by the side of Monks which  
costs twenty five cents a gallon. Politics will  
not permit the importation of French champagne  
as a rich man's drink. The sweeping condemna-  
tion of the use of alcohol in any form & in any  
quantity must rest for its defense on moral  
grounds. It finds no justification as a sound  
principle in political economy. If  
the same <sup>economic</sup> argument used to justify prohibition  
of alcohol can be used to justify the prohibition  
of tobacco, of Jewellery, of silks & of  
amusements as now enjoyed in this country,  
diversity of industry is a sound principle  
which prohibition inflicts. If enforced as a  
moral issue, there is no limit to its application.  
If enforced as an aid to economy, no interest  
is safe from its attacks except food, clothing &  
shelter. Verily a new world is to be created  
if the idealists are permitted to prescribe  
a rule of right & wrong & to forbid the use  
of every thing for which people would spend  
money. They could deposit in a Savings  
Bank.

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To the Editor of Courier-Journal.

This letter is not directed to politics or to protection. It is written to aid in placing before your readers & the public a correct conception of the use of bonds in internal improvements. My esteemed old time friend Guthrie Cook delights in telling the people the part he played in defeating the bond issue voted on in 1924. Of that issue fifty millions were to be expended on roads & twenty five millions for paying the state debt for rebuilding the state prisons & the state asylums & to develop the state university. Apart from the road bonds, it is difficult to discern the occasion for self congratulation or self denunciation over the defeat of the twenty five millions. The present condition of the prisons & asylums should cause regret that they have not been reconstructed years ago. These institutions are a disgrace to the state & no funds are in sight for relief.



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When a belief takes possession of a mind that a certain reform should be effected, the question would be: Can the reform be effected, and then would follow the review of the methods to be employed.

Applying this mode of procedure to prohibition, millions of the people of this country entertained the desire to make this reform effective. Did these millions inquire into the means for affecting the reform and whether the means selected could be made effective to the end desired?

If prohibition had been voluntarily ~~adopted~~ *sponsored* by the people of this country, shouts of joy would have gone up from every section of the republic. Why, then, has the attempt to secure the reform met with such strenuous opposition? The first opposition arose from the existence of a want of a stimulant which had been available since the country was first settled, and to the use of which millions were accustomed. This want of a stimulant created a market which ~~was~~ *was* bootleggers supplied in violation of law. The law did not remove the love of a drink, and millions did not think the temperate use of the stimulant was wrong. Prohibition put an end to the sale of liquors in the ways to which the drinker had been accustomed, *and* the bootlegger wanted the profit to be made out of the sale to those who wanted a drink. Here was the foundation for an illegal traffic, the magnitude of which depended on the demand and the supply.

Experience can be called in to explain and to verify many facts made visible by the prohibition law. Under an internal revenue tax before the Eighteenth Amendment, the Government had never been able to suppress moonshine distilleries. This tax varied from 30¢ per gallon in 1862 to \$2.00 a few years later. The profit per gallon of whisky under the \$2.00 tax was so large that the Government lost so much revenue, that Congress, in the early years of Grant's first term, reduced the tax to 50¢ per gallon, with an average tax of about 15¢ per gallon in addition, as special taxes. This presents one of two methods of enforcing a revenue law -- take the profit out of the illegal traffic by a low revenue tax, or appoint an army of police to collect the high tax. *Before the repeal of* the \$2.00 tax, a larger number of illicit stills were operated in North Carolina than legal stills in the United States. In a few years the revenue tax was raised to 70¢ per gallon, and the special taxes were repealed. In a few years this tax was raised to 90¢ per gallon, and in 1893, at the request of many legal distillers, the tax was raised to \$1.00 per gallon and the bonded period extended from 3 years to 8 years. In the wrangle during the same session *over* the tariff the tax was accidentally raised from \$1.00 to \$1.10 per gallon, and remained at the latter for many years. John G. Carlisle was Secretary of the Treasury at the time and positively refused to endorse the increase from 90¢ to \$1.00 per gallon, lest the increase would lead to fraud in the revenue. No country has been able to collect a revenue tax on whisky above a certain moderate rate without demoralizing society and a consequent increase in the violation of law and of good order. Contrast the profit of the bootlegger under prohibition with the profit of the moonshiner before prohibition, and all surprise at the present condition of the country may be dismissed. If the conditions under which our high custom dues are collected were similar to the conditions under which our prohibition laws are applied, the violation of customs would be flagrant in proportion to the traffic and the rate.

*(S)* Parental solicitude, enforced by the moral power of religion, holds the majority of women who go abroad to observance of the law or a secret violation while it is well-known fact that women were the most notorious violators of the customs dues in former days.

These two facts - towit: The love of a drink and the agreeable sensations from the temperate use of a stimulant which creates and maintains a market for liquors, and the enormous profit the law creates for its violation, explain the conditions which prevail today in this country. Mr. Wickersham should find no difficulty in locating the trouble. It is as plain as the sun in the Heavens.

*Insert 1/2 here.* Can force be used to successfully enforce prohibition? Is it worth all it costs in suppression and in driving men and women into obedience? Is a nation of teetotalers held in control by an army of federal police a valuable asset? Can it be called a nation of free men? Is a man made a total abstainer by law the equal

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1/2



2<sup>nd</sup> Page

of a man made sober by self control? Is the country <sup>not</sup> ~~wearing~~ <sup>missing</sup> the legal lash for the one laid aside by the immortal Lincoln?

A ~~man~~ people are free when they can do as they please so long as they do not injure other people. A man is not a free man when a neighbor can enter his house and say with a club or pistol in his hand: "You may drink a glass of milk but you shall not drink a glass of beer."

Civil liberty and religious liberty rest on the same foundation. They go hand in hand, and any impairment of the liberty of conscience will cramp the liberty of judgment.

The Churches have ~~grown~~ <sup>in</sup> under liberty of conscience and never have so many united with the Church as under liberty of conscience. The right to dissent yields to the right to assent.

Drunkenness is a terrible evil, but force is an inhuman remedy. How much easier to keep the drunkard from drink than to keep the sober millions from drink. The conflict is between teetotalism and temperance -- not between temperance and drunkenness. The drunkard can be restrained -- the sober man need not be. The drunkard ceases to be free when he passes under the control of drink. The sober man ceases to be free when he passes under a law which takes from him his right to his own harmless life in his home with his family.

A superficial reflection will convince the average mind that prohibition is not a political product. It is not a child of statesmanship. It had its origin in the desire of the sympathetic reformer to rescue the unfortunate inebriate from his ruinous habits. The purpose was good. It attracted recruits. It aroused the zeal of the reformers and the inadequacy of the remedy was lost in the noble purpose. Millions saw and felt the incentive and then the politicians began to be interested, not so much in the purpose of the reformers, as in their votes. In the progress of the movement, the Churches, especially two powerful Protestant Churches, practically accepted leadership as a contribution to the welfare of the human race. Parental solicitude led millions of parents, especially mothers, into active participation or in silent approval of the purpose of the reformers. Here was a powerful combination under the militant spirit of the reformer and the Churchman with a noble purpose as its final achievement. It was a veritable crusade, armed with votes to control politics and with the moral power to overawe Christians who did concur in their views, and to silence professionals who wanted business. The captains of industry cannot understand why a workman would hesitate to reduce his rights to increase his bank deposit. By giving up other pleasures and by discarding many things not necessary to sustain life or to clothe nakedness, the workman could add to his bank account and as his pleasures go down his deposits go up.

A large percentage of modern commerce consists of things that may be classed as useless compared with meat and bread and clothes and shelter. Who is to be the judge of a workman's expenditures? his employer or himself and family? Many changes since the war enter into the improved condition of the workman. Higher wages are the chief gain, obtained through the cooperation of the labor unions. The improved relations between capital and labor are far more important to the happiness and prosperity of the republic than the growth of bank deposits, which are largely the result of the improved relation.

The crushing indictment of prohibition is the change produced in our Government and in the spirit of our civilization. Of all the institutions on this earth, the Church should abhor the use of force to regulate thought and action. Look at Mexico and Russia. Compare them with the United States. State and Church are separate in the United States. Shall this be a nominal or a real separation? Does separation require the indifference of Churchmen and communicants to affairs of State? By no means. Separation requires that the Church will not, as such, try to control political action as religious liberty requires that politics shall not try to control religious belief. In the scrupulous regard for each lies the welfare of both. Every month the fact is more exposed that the ~~more~~ prohibition movement is sustained by religious force -- by the organized power of the Churches. Righteousness and ~~truth~~ are the slogans today of prohibition as they were of the Puritans under ~~Cromwell~~.

Cromwell

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3<sup>rd</sup> page

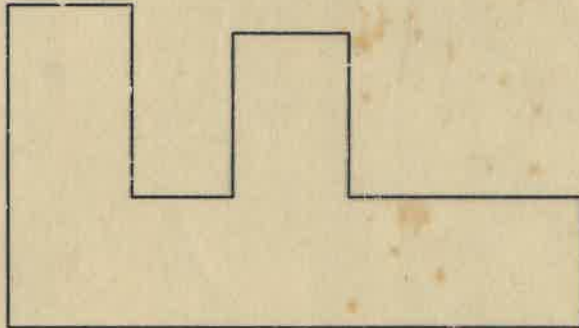
Noble words, worthy of all homage when not misapplied and misunderstood. These words did not appeal to the English people who understood the purposes of the Puritans.

Never in all history has the Anglo-Saxon race acquiesced in laws they did not approve. Never in all history have the habits and customs of a people been changed by law. The prohibitionists made no mistake in organizing to fight intemperance. They made a gigantic mistake in the plans of campaign -- they conceived the idea of preventing intoxication by preventing the temperate use of alcohol -- they attacked the privileges of sober millions to make it impossible for a comparatively few intemperates to get drink -- they appealed to the law and introduced force to become the active agency behind the movement. Politicians would never have proceeded on these lines, nor would politics ever have conceived these ideas. A human movement took on a religious character and adheres uncompromisingly to the policies which have a religious sanction.

The politicians have followed ~~the~~ They have not lead. The situation is deplorable. Force of itself arouses opposition. Successful violation of a law not held wrong in itself is a matter of pride. The rule is to keep an eye on the police and not on the law. Society is disjointed -- a fatal division is rent in the every day ranks of life. How sad to think the Church heads a movement where temperance and virtue are to be pounded into ~~a vast country~~ by fear of the law. Is not the policeman given the place of honor? ~~a great nation~~

Louisville Ky.

J. M. ATHERTON.



012X16



To the Editor of the Courier-Journal:-

Using the words of Governor Hill of New York, he said, "I am a democrat." If I should give a personal explanation of why I am a democrat, the story would interest very few people. An effort to tell why the democratic party has survived and is a sturdy organization today when other parties have ceased to exist will be of interest to many. Its survival is, in itself, evidence that it contains something which is not ephemeral and perishable but something which appeals to human nature in every period of national progress. What is this something? Straight thinking as the republicans say? No, not that. Human feeling- human sympathy- that mighty moral agent which overcame the savage disposition of the cave-man and after centuries of despotic government overthrew the "divine right of Kings" and accepted in lieu thereof the merciful teaching of Jesus Christ. The physical fact of separation from England did not inaugurate the new dispensation. Independence simply opened the way for a new basis on which to erect our new government. Slowly but silently the moral nature of mankind had gained strength and even though despotic power checked its expression it could not eradicate it from the human heart. Not in the form of valuable freight but deep down in the heart of the stern puritan, the sentiment made its way across the ocean and concealed for a while by ignorance and superstition it still survived and found converts in all the colonies. An honest conception of liberty gained a place in the conscience of the colonies and gave the courage to resent and resist the injustice of English rule. The sympathy of the educated and rich colonists was largely with English rule and English aristocracy, but many noble spirits and cultivated minds supported the common people in their struggle for political freedom.

The declaration of independence was written and gave expression to the feelings of the people. The advanced political principles of the declaration were the offspring of man's moral nature rather than of his intellectual wisdom. The democratic party was created out of this sentiment generally entertained by the masses of the people and it is this sentiment which has survived and kept alive the organization to this day, and to this one trait in the organization is due the vitality which has enabled it to withstand and survive the errors it has made and the misfortunes it has encountered.

Is not the time at hand for the democratic party to reassert its cardinal principles of government for the purpose of terminating the constant growth of Federal power. Before many generations have come and gone, our government will be transformed into an empire and our original form of a government of equal sovereign states will exist only in name. Questions of current interest are constantly arising but unless a question involves a really constitutional violation or proposes a national policy to be pursued indefinitely, it should not be made a test of party loyalty and the widest latitude should be allowed to individual judgment. The prime duty of the democratic party should be to guard and define the framework of our constitution and the rights of the states and of the people of the states, and this duty rests upon every democrat who conscientiously believes in the principles of the democratic party. Next in importance comes the administration of law, and in this field of political duty experience has demonstrated the evil which results from a blind partisanship. The democratic party should stand openly and heroically in support of an honest civil service and extend its influence in support of merit as the sole test of appointment to purely administrative work. If the democratic party will unite on the duty of preserving our form of government and will unite in support of an honest civil service and adhere to these principles, there will be fewer defeats and honest rejoicing over duty done. Next to enjoying the fruits of victory comes the assurance that in defeat the party is determined to resist the abuse of power by the party in power.

Louisville, Ky.

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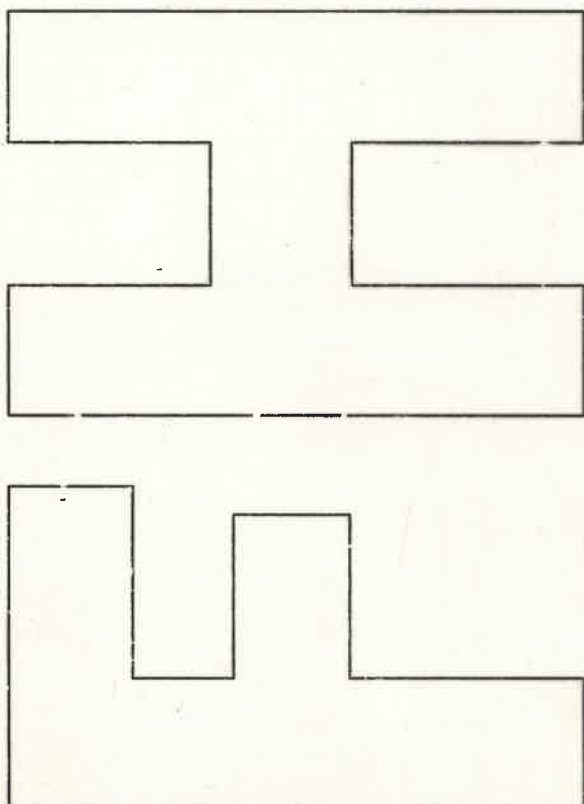
Louisville, Ky.



THE DROP OF SWEAT

In 1891 in Louisville the State Democratic Convention was in session. It was meeting in the old Leidekranz Hall where now stands the Labor Temple. The Convention had before it a platform reported by the Committee on Resolutions. Mr Atherton had the floor and was speaking against a Resolution which endorsed "The free and unlimited coinage of silver by the United States without waiting for the consent of any other nation."

While Mr Atherton was speaking a delegate from the floor interrupted saying, "You are no friend of the poor working man and want to crush him with the gold standard." To this Mr Atherton replied instantly, "You are mistaken. I am for both gold and silver, each in its proper place, and if you will take one drop of sweat from the brow of honest toil and crystallize it into imperishable form, I will vote to make it the everlasting unit of value."



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The first temperance societies were formed to combat intemperance. If these societies had held to this original purpose they would have deserved the honor of performing a noble work.

Who is intemperate? Who is a drunkard? These words are so often used they should have definite meanings.

Is the temperate use of liquor intemperate? Does the temperate use of liquor constitute drunkenness? The drys now say it does. Confining the temperance question to its original purpose would it not be easier and less expensive to keep the drunkard from drink by confinement and humane reformatory treatment in inebriate asylums than of temperate drinkers? Why not direct the reform against the comparatively few drunkards who would be helped by the reform rather than against the millions who need no reform? The original purpose was fixed by reformers actuated by human sympathetic notions. The present movement captured the temperance reform movement and changed the whole character of the original movement. Politicians, or using a more deferential term, statesmen did not inaugurate the new crusade. They had little or nothing to do with it. From the inception of the organized temperance movement politicians remained silent until the new leaders usurped the control of the movement and began to look to the law. This crusade gained its power under the cover of patriotism and as a necessity to win the war. The first move was to force Congress to pass a temporary prohibition act to keep liquor from the soldiers in the Camps for short training so they would be dry when they landed on the other side of the ocean with liquor everywhere. There is a brilliant chance for a detective to locate the real parentage of this crusade. If politicians did not organize the



crusade who did? Business men did not. This inquiry has nothing to do with the merits of the 18th Amendment. Its purpose is to locate the paternity of the crusade which by a series of injurious moves, succeeded in placing the 18th Amendment in the Constitution. To ascertain this fact is due to the history of the noble experiment. The human being without sympathy in the soul is a monster. The original temperance leaders were sympathetic and used persuasion as the great reform agency. Who suggested the law and policeman and who gave an entirely new purpose to the reform until it was transformed into a militant crusade? Who gave the new meanings to words which had been in use for centuries? By the admixture of what ingredient did sympathy always extended with gentleness and love assume the characteristics of a crusade which demanded a law to authorize a policeman with credentials from the neutral Capitol to enter a residence and with club or pistol in hand and say to the family, ~~Give~~ "you may drink a glass of milk but you shall not drink a glass of beer." The mild and merciful temperance reformer of the earlier days of the reform movement never entertained such a purpose. Some stern victims of a conviction that alcohol was in itself a wicked sinful substance and an active agent of relaxation and social pleasure which displeased his soul seized the command and infused the same heartless sympathy into the whole movement. The Congress surrendered, the courts submitted. A part of the people had a right to dictate to another part and control its personal customs and habits and to search its homes to enforce its decrees. This is the brand of sympathy extended to a people whose ancestors had established a free government which had grown in 150 years into the most powerful national in the world.

Statistics may prove a devastating mortality from liquor when manufactured by a mind with a preconceived purpose in view. The diag-



nosis of the patients disease may depend largely on the doctor's medical knowledge and often on extraneous matters. Statistics to be reliable should be prepared with astronomical independence and impartiality.

The dissection of the elements of strength behind prohibition is not made to display rhetoric or to express <sup>purely</sup> ~~purely~~ personal opinions. Facts which cannot be disputed stare us in the face - dissatisfaction with the existing conditions - objections so generally entertained to the 18th Amendment, violating to a highly controversial subject, being in the constitution of the United States, An Amendment to prohibit Congress from lowering the tariff rates to be fixed by pending bill would not be more out of place in the Constitution. - the temperate use of alcohol is not a sin and if it is so regarded by many, the remedy belongs to the pulpit and not to politics. - Millions do enjoy the pleasant sensations of a mild stimulant - a proper respect for the opinions and feelings of these millions of our fellow citizens requires kindly consideration. - alcohol cannot be dispensed with and is as harmless as any other substance when not <sup>?</sup> with these facts before us in plead? for a settlement of an issue which is disturbing. The public place and is bringing into close affiliation <sup>religion</sup> ~~mixing~~ and politics which if fanned into ~~existing~~ a more intense heat by further scrimonious agitation will prove highly injurious to both Church and State. Religion will not bear the contamination of politics and politics <sup>ceases</sup> ~~must~~ to be honest and patriotic when influenced by religious convictions.

Impelled by a desire to be of assistance in bringing this quarrel which has assumed the proportions of a national <sup>?</sup>, we submit the following - the regulation of personal habits and local customs is not a political matter and should not be made a political issue or test of party affiliation. As there was no serious difficulty of controlling the <sup>u</sup> manufacture of alcohol and as the real contention arose over the

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we propose  
 distribution and sale of liquors ~~to~~ to reverse the genuine temper-  
 ance societies of the past and direct the combined power of modern a-  
 gencies - churches, factories, schools - to keeping the abuse of liquors  
 down to the lowest possible degree and of decreasing the abuse by pro-  
 gressive steps until the abuse has been brought to the lowest point a f  
 free social organization can hope to ~~obtain~~ <sup>attain</sup>. How can liquors be dis-  
 tributed and sold and consumed with the smallest offense to health,  
 morals and industry - how can intemperance be combatted without ~~infring~~  
 infringing on the personal liberty of the citizen in a matter so strictly  
 personal? Our reply is separate the intemperate from liquor confinement  
 in an inebriate asylum and do not try to keep liquor from the millions  
 of sober men and women. Restrain the drunkard - the sober people need  
 no restraint. Why then impose it? Why violate the ~~rights~~ <sup>purity</sup> and offend the  
 dignity of our Constitution by retaining in its provisions on which has  
 someriously ~~been~~ <sup>upset</sup> our political parties and betrayed even religion in  
 to alliances which has ~~deluged~~ <sup>deluged</sup> the world in blood in the past. Modern  
 civilization rests on persuasion - not in jails, fines and prisons.

Would it be practicable to hold a national convention to be com-  
 posed of delegates from all sections of the country without reference  
 to politics for the purpose of dividing a wise and salutary settlement  
 of this infammable controversy? Unless steps are taken at once to end  
 the controversy the country may be drawn into the next presidential  
 election under the most unhappy circumstances. The result of which can-  
 not be foretold by surely with serious damage to the future of our  
 country.



In presenting to the conference the advantages to be obtained by a national convention to be composed of felegates from all parts of the country - men and women without regards to political affiliation, the first object is peace where *strife* now prevails; - a greater observance of law by the modification of laws for those now in force and to which so many people object; - to avoid a presidential election with prohibition the dominant issue to be decided by political parties under the influence of religious convictions where the question is neither political or religious.

If the 18th Amendment is repealed let every state on assuming jurisdiction of the liquor question vote on whether or not liquor shall be made and sold in the State.

In all States voting yes, place the sale in the hands of a private corporation, which shall provide shops in all suitable places in which sale is not prohibited by local option.

The corporation to which the State awards the contract shall keep on sale all liquors allowed to be sold by law for which there is a demand in the locality and shall charge a profit of 40 per cent - no more and no less - on all liquors sold and shall pay 10 per cent of the profit into the State Treasury and 10 per cent into the local treasury and retain 20 per cent for the corporation profit. No liquors of any kind shall be sold to be drunk on the premises nor shall the corporation deliver liquors. Nor sell to minors; nor to any person visibly under the influence of liquors nor shall liquors be sold in quantity less than pint or more than a quart, and all liquors shall be sold for cash. The states shall have the right to examine the ~~all~~ books of the corporation and of every branch or agency once a month, when the corporation makes payment to the State and local authority. Provide proper penalties for

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2.  
violation of laws No agency shall knowingly sell liquors to any kind or in any quantity to any person who has been convicted of drunkenness, for 30 days after such conviction. Imported wines may be sold in the original case.

The State and local authorities contiguous to each other shall apply the money received from the corporation after ~~after~~ withholding any money necessary to reimburse for expenses incurred in the administration of the law, to providing inebriate asylums in which all persons adjudged to be drunkards by a court on information <sup>to them</sup> ~~as~~ citizens by a member of the family. Persons able to pay for board shall pay and all not able to pay shall be supported by the asylum with money received from the corporation. The inmates shall be treated humanly and with a view to reform and when physically able may be required to do such work as they state or local authority may prescribe. If any surplus <sup>are</sup> after the asylums ~~are~~ properly conducted remains from the States 10 per cent, this money shall go to Ely Masonary Institute or the school fund as the State decided.

This is an outline of a basis of settlement in which both sides make concessions and neither state or locality derives any pecuniary benefit. The people who want liquors can buy them and use them in their own homes. The people who do not want them incur no expense from the use of it by those who do want it.

The profit goes to aid in the human work of reclaiming the intemperates for whose benefit the temperance movement was originally organized. This plan would then proceed as follows:

1. The 18th Amendment ~~will~~ goes out of the Constitution if repeal prevails.

2. Full control over liquors is restored to the States and the police and all forces organized at Washington to enforce prohibition are dismissed. Local police control.



3. In States voting wet, localities may exclude liquors.

4. The States and localities voting wet incur no expense from the liquor traffic and receive no profit, The drys are not even remotely affected beyond the aid they may extend by their votes to the duty of reforming the drunkards.

