



Abba Hillel Silver Collection Digitization Project

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Prohibition, 1928.

I have read with great interest the report of the Church Temperance Society which indicates that a majority of Episcopalian clergymen who replied to a questionnaire sent out by that Society believe that the Prohibition Law is a failure and that it should be modified. The report is forceful, earnest and challenging.

This latest criticism of prohibition clearly does not emanate from the old-time liquor interests or from the professional bootleggers who seem to have found the Eighteenth Amendment quite lucrative and desirable. It comes from ministers, educators and social reformers who are seriously perturbed about the spread of the liquor habit among classes and in localities where heretofore it did not exist, about the fascination which it now seems to have for the youth of America and about the carelessness and indifference with which decent, law-abiding citizens flaunt this organic law of the land.

Their arguments may be summarized as follows:

1. Prohibition has not worked. Drinking and drunkenness are as widespread today as they ever were.
2. Prohibition has wrought havoc in the moral life of the American people. It has inspired men to hold all law, not merely the Prohibition Law, in contempt and it has increased crime.
3. Prohibition is immoral in principle for it seeks to improve a people's moral life by force and coercion instead of by education in self-restraint.

My reaction to these arguments is as follows:

1. That Prohibition has not worked is substantially true and only a fanatic partisan will shut his eyes to the appalling disregard of this law in America today. Every observant citizen knows

that bootlegging is rampant in the United States. We all know that border States and the seaboard States are almost as wet as the bodies of water which they confine; that while the United States has failed to develop a merchant marine, it has quite successfully succeeded in developing a liquor marine. We all know that rich and poor, young and old, men and women drink of the forbidden drinks and crave for them with a phenomenal craving.

Granting these facts I am still inclined to ask myself: Is it fair to pass judgment on Prohibition at the present time? Is it fair to pass judgment upon the value and the effectiveness of a law which was so revolutionary in character that it must require decades to adjust the minds of the people to it after it has been in force less than a single decade? The measure was revolutionary because it demanded of men to come and look upon a practice as illegal which they had up to that time regarded as quite legal and proper. Every revolution is followed by years of readjustment, mal-adjustment and unrest.

Are the Fourteenth and Fifteenth Amendment a success after more than seven decades? Shall we repeal them because they are still being generally disregarded in most of the Southern States or shall we not rather take the long-ranged, patient view, trusting to the operations of inevitable historic processes to make ^{them} ~~it~~ ultimately effective. Liquor was given in this country three hundred years in which to prove its worth and was found wanting. Ought we to scrap Prohibition after experimenting with it for only ten years? Has the Government made an honest effort to enforce the Law? Have all law-abiding citizens cooperated with their Government in enforcing it? Have we tried and failed? Or have we never really tried?

2. I am not at all convinced that the increase in crime in the United States can be laid at the door of Prohibition. Crime was on

a steady increase in our country before the Prohibition Amendment was adopted. To be sure the lax enforcement of the Law has invited the lawless element to rush in and exploit the great profits which can be derived from illicit liquor traffic. Many of these people have waxed rich, powerful and dangerous. But recent crime surveys have shown that quite other factors are chiefly responsible for the appalling crime conditions which exist in our country today - the laxity of our courts, the inefficiency of prosecution, the delays and frustrations of justice, the interference of corrupt politicians, etc. etc.

3. The third argument raises certain philosophic questions. Has the State the right to dictate to its citizens in matters of food or drink or dress? Should the State attempt to improve the morals of people by means of legislation? Is the moral life of a man helped if he is restrained from doing wrong by such legislation? Clearly these questions can not be answered by yes or no. We have all conceded to the State the right in certain instances to enact restrictive laws. We have conceded to the State the right to prohibit the sale of narcotics except for medicinal purposes because we are all convinced that drugs are harmful and that the average man can not always be relied upon to exercise that full measure of moral restraint in order to avoid the use of them. The State is summoned to his aid. It helps him to do that which he would himself do were he at all times possessed of a strong will and a sound judgment. To many this holds true also of the consumption of liquor.

It is not necessary to surround a man with every conceivable temptation in order to develop him morally. In many instances it is far more helpful to remove temptations from the ways of men. One does not have to drink liquor in order to be made aware of the virtue of temperance.

There are only three possible attitudes that one can take towards

the Prohibition Law:

1. To repeal it.
2. To ignore it.
3. To enforce it.

A fourth alternative, that of modification, does not in my mind meet the issue squarely. The American people are not craving for light wine and beer, (I mean those who are craving at all) but for liquor. There is no assurance at all that after the restoration of light wine and beer that there will not continue quite as thriving and profitable a trade in the bootlegging of liquor as exists today.

There remain but the three alternatives.

1. The Law can not be repealed. It is quite clear to a student of conditions that the forces which are lined up for the retention of Prohibition are now in control of this government and will continue for a long time. The women of America will sustain the Law. The great organized churches of America will continue to work for its enforcement. The rural districts and the Southern States will again and again rise to its defence; and the large employers of America will continue to endorse the measure. The Law can not be repealed. It may be ignored.

2. It may be ignored as the Fourteenth and Fifteenth Amendments are being ignored in the Southern States with the connivance of citizens and officials; but while these Amendments may be ignored the Eighteenth Amendment can not be ignored. To deny a man the right to vote is gross injustice but it does not make for corruption, graft and immorality. But to ignore the enforcement of the Eighteenth Amendment is to corrupt the whole political structure of America. It is to encourage vice, graft and corruption. It is to eat at the very vitals of our democratic

institutions. You can not have an illicit trade carried on extensively with the connivance of the government without undermining the very foundations of that government. The Law can not be ignored.

3. There is only one other way and that is to enforce the Law. I think it is rather unreasonable to maintain that the United States Government, once it makes up its mind to enforce it, is incapable of doing it. The trouble is that our government has not yet made up its mind to enforce it.

Abba Hillel Silver



I have read with great interest the report of the
Church Temperance Society, which ~~states~~ ^{would state} that
a majority of Episco. clergymen who replied
to a questionnaire ^{sent out by the Society} believe that Prohibition
is a failure and should be modified.
The report is proper, earnest and
challenging. (p. 1)

Their arguments may be summarized
as follows:

- ① The P. law has not worked. Drinking +
drunkenness are as widespread as ever.
- ② It has wrought havoc in the moral
life of the American people. It has made all
law - not even the P. law, contemptible, and has
increased crime.
- ③ It is an unnatural law. It seeks
to moralize a people through force
& coercion instead of through education in self restraint.

My reaction to these arguments is as
follows.

- ① P. 5-6. Are the 14+15 Am.
a success after 77 years? If shall we
repeat them because they are still being
flagrantly violated in most of the Southern
States? Or shall we ^{not rather} take the long-suffered
~~obvious~~ ^{obvious} view, bidding no time, trusting to
the operation of the inevitable historical process
ultimately to make them effective?

Has our govt made an honest effort to en-
force the law? Have all law abiding citizens
cooperated with the govt in enforcing
it? Have we tried and jailed, or have we
never really tried?

[illegible]

(3) The 2nd argum. raises ^{certain} philosophical questions, ~~to which no satisfactory~~
~~answer can be given~~ For the
the right to debate to men

in matter of food & drink & dress? Then,
the state attempt to influence the
moral of a people thru legislation?
Is the moral life of a man helped if
he refrains from doing wrong
by social legislation? Clearly
~~we cannot answer~~ these questions
by laws he answered by an absolute
yes or no. ~~In each case~~ we have
all conceded to the state in certain
cases the right to enforce restrictive
legislation. We concede to the state
the right to prohibit the sale of
narcotics except for medicinal
purposes, because drugs are harmful
for our ~~the average~~ man ^{does not}
~~be trusted to~~ ^{judge} ~~the~~ ^{himself} ~~power~~
to avoid them. The state comes to his
aid. It helps him to do that which
he would do were he at all
true person of a strong will and
sound judgment - It is not
necessary to surround a man
with all possible temptations in
order to develop him morally.
It is far more helpful to remove
temptations; ~~and to~~ ^{we} do not have

to drink liquor in order to be
temperate.

Those who argue for a modification
of the Pro laws to permit the sale of
light wines there are, to my mind,
not facing the issue squarely. The
Am. people are not crying for light
wines there (I mean those who
are crying at all) but for liquor.
There is no assurance at all that
with the restrictions now there there
will not be quite as strong a
temptation to drink in the bottle as
(liquor as exists to-day.

(p. 11)

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