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WEST VIRGINIA STANDS LIKE GIBRALTAR

Say Sixteen Judges, Supreme
and Circuit Court—Thirty-One
Prosecuting Attorneys and
Many Honorable Citizens.



COMPLETELY ANSWERS
THE FALSE WET
PROPAGANDA



ANTI-SALOON LEAGUE OF WEST VIRGINIA
208 DAVIDSON BUILDING
CHARLESTON, WEST VIRGINIA



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

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WEST VIRGINIA STANDS LIKE GIBRALTAR

A writer in Liberty says:

“West Virginia, according to Liberty’s correspondent, is undergoing a change of heart after having tried state prohibition for ten years and national prohibition for six.”

He charges there is ever-increasing violation, both in Wheeling and over the state; that the federal and state courts are clogged with liquor violation cases, etc.

Excerpts from thte letters of thirty-one prosecuting attorneys, sixteen judges from the supreme court on down, nine ex-judges and ten private citizens show that Liberty has taken rather moist liberty in its statements regarding conditions in our state. These letters from men who know conditions from long residence in the state are quite different from the above referred-to wet propaganda. Had we the space we would be glad to publish these letters in full.

Supreme Court Judge Speaks

A judge of the state supreme court, in reply to the question, “Is West Virginia undergoing a change of heart after trying state prohibition ten years and national prohibition for six?” says:

“Both my personal observation and my experience as a judge lead me to believe that there are fewer violations and stricter enforcement of the prohibition laws now than at any time since the laws came into effect. While the consumption of whisky has grown less, greater publicity has been given to public drunkenness. The sporadic cases seen at public gatherings are widely advertised by those who favor the repeal of our prohibition laws. I attended four football games at Laidley field last fall and among the thousands I saw at these games my attention was attracted to only one young man who was notably under the influence of liquor. Such an observation would have been impossible in the years prior to the rigid enforcement we have now of the prohibition laws. Although the rank and file of our voters deplore the fact that bootleg whisky may still be obtained, I feel certain that there has been no change of heart in their determination to try out thoroughly the great experiment of prohibition.”

Judge A. D. Preston, of Beckley, says: “The magnitude of the ‘moonshining’ and the profit therefrom has decreased considerably. Formerly the moonshiners and active bootleggers seemed to be making plenty of money. Now I am told that they are universally without funds or much profit. . . . I believe that people generally would vote against any re-

peal or radical amendment of the prohibition laws."

Court Not Liquor-Logged

Judge J. A. Strother, Welch, says: "No alcoholic beer of any per cent has been handled in this county during the past five or six years. No so-called red liquors of any consequence. There is bootlegging to some extent. It is confined to moonshine liquors entirely. . . . There have been fewer indictments for all causes in this county during the last two years than for many years previous. Crime here is on the decrease. Prohibition is as well enforced as in any place I know of. . . . There are very few persons of any consequence in this county who desire a repeal of the Volstead act or any amelioration of it. . . . My court is certainly not clogged with liquor violations. Not 10 per cent of the cases before my court are for liquor violations."

Judge D. H. Rodgers, Martinsburg, says: "During the last year conditions have gradually improved. At the last term of the Jefferson court, according to my recollection, there were convictions in every case except two. . . . In my opinion the prohibition law is as well enforced in the courts of this circuit as any other law."

Judge J. A. Valentine, Parsons, says: "The law is being continually violated."

Grand juries do not indict always when they should and petit juries will seldom convict, no matter how strong the case has been made for the state. . . . In at least one county in this judicial circuit the sheriff is inactive After a conviction is had petitions are prepared and signed by leading (?) citizens and politicians asking that the offender be pardoned. . . . As I see this law must be enforced at all hazards, as the breaking down of the law would be the greatest victory for the criminally inclined ever registered in this country and would materially increase the existing disrespect for law."

Brighter Day Is Dawning

Judge H. Roy Waugh, Buckhannon, says: "In my opinion prohibition has passed through its darkest days and its friends have cause to be encouraged. Public sentiment in favor of law enforcement in general is much stronger now than it has been in recent years and the sentiment is reaching, as it does, the trial jurors, and convictions are being had where acquittals were formerly the order. This, I think, is especially true as to prohibition violations. . . . I know a jury panel that gave as its excuse for not returning verdicts of guilty in moonshine cases the return of a verdict of acquittal in a plain murder case. They said: 'If murder is to go unpunished, why punish

the moonshiner?' But I am pleased to note a decided change of sentiment favorable to law enforcement. . . . Light wine and beer is but a step toward open saloons and I predict that not even that one step will be taken."

Judge W. B. Kittle, Philippi, says: "So far as my judicial circuit is concerned the public interest in the enforcement of the prohibition laws is not waning, but is as active as ever. The jurors in this district seem to be as willing as ever to convict a person guilty of violating the prohibition laws. . . . The officers in this circuit, and especially the state police, have been very active in hunting out liquor violations. . . . In my opinion, the people of this district are as strong for prohibition as ever."

Prohibition Eminently Successful

Judge I. Grant Lazzelle, Morgantown, says: "Prohibition laws are better enforced in Monongalia county now than at any former period of our history. We have less drunkenness on the streets of Morgantown. . . . A great many people opposed to prohibition laws, most of them thoroughly **wet**, are 'kidding' themselves that prohibition has been a failure, whereas, as a matter of fact, everything considered, prohibition has been eminently successful wherever the officers charged with the enforcement of the law have attempted to do their duty. . . .

I believe that the best people will agree with me in this statement."

Judge J. W. Eary, Fayetteville, says: "About four years ago, in these two counties, we tried a number of cases for the violation of the prohibition laws and had quite a number of convictions. In fact, a number of these violators were sent to the state penitentiary. The sheriffs and prosecuting attorneys of these two counties were very active in apprehending and prosecuting these offenders. Most of the justices of the peace were, likewise, very vigilant and did good work. I am sure that this had a good effect. We now have good enforcement officials in both counties, but not nearly so many violations of these laws. It is not often now that we have a prosecution for the operation of a moonshine still. There is but little drunkenness any more and what we have is mostly due to the use of hair tonics, extracts, bitters, etc. I heard a very intelligent and disinterested citizen say the other day that, in his opinion, the prohibition laws are the best enforced criminal laws on our statute book."

Honest Officers the Big Thing

Judge S. O. Prunty, Harrisville, says: "Conditions, in my judgment, are much better than formerly in the Third circuit. The big things in prohibition enforcement are **honest officers** and sentences which have **real teeth** in them. Old of-

fenders must be shown that there is a God in Israel. Most of the officers in my circuit have done real work and moonshine is scarce and we think that there will be much less of it in the future."

Judge W. H. O'Brien, Ripley, says: "Prompt work of the prohibition officers, assisted by the sheriffs and other officers of these four counties, have reduced the illicit sale of intoxicating liquors materially, and it is my belief that conditions are better generally in these counties at this time, with fewer manufacturers of 'moonshine' and fewer vendors of liquors, than ever before in the history of these counties. I believe prohibition has come to stay and that sentiment against the traffic in this judicial circuit is gaining ground every day."

Judge Thomas R. Shepherd, Huntington, says: "I do not agree at all with the statement that courts are clogged up, etc., as far as this, the Sixth circuit, is concerned, and that is not true. . . . The condition is not all one could ask and never will be this side of Judgment Day, and many will not be satisfied on that day. But, in my opinion, the condition is far better than formerly and improving steadily."

Judge R. D. Bailey, Williamson, says: "The enforcement of the prohibition law has been very good in my circuit. The

people are becoming more obedient to this law and the conditions are better now in respect to said law than when I first went on the bench."

Law Violations Materially Reduced

Judge H. K. Black, Charleston, says: "In this jurisdiction the officers have been diligent in their efforts to discover and apprehend violators of the law. Prosecutions have been vigorous and with marked success. In my opinion violations of the law have been materially reduced."

Ex-Judge J. T. Graham, Huntington, says: "I have no hesitancy in saying, after nearly twelve years on the bench, dealing with violations of the liquor law, that prohibition is **not** a failure in West Virginia. It is true we have violations of the law, but I find that the violators, while it might be said that they are numerous, are narrowing down to an element that would violate the law under any conditions. . . . There is not one pint of whisky, moonshine or any other kind, consumed in this section of the state, where prior to the amendment there were gallons drank."

Ex-Judge Haymond Maxwell, Clarksburg, says: "I am of the firm belief that the great mass of the citizenship of Harrison and Lewis counties, where I was a public official for many years, is unquestionably in favor of the prohibition

laws. . . . The greatest danger that I see in the situation is lethargy and indifference on the part of church people and of people generally who know that the outlawry of the saloon has brought great good to the state. . . . Let friends of prohibition stand their ground undismayed. Results already accomplished are a long step in the right direction, and, if we do not lose heart, the present effervescence of opposition to prohibition will subside, as is characteristic of froth and foam generally, and prohibition will be an actuality."

Ex-Judge W. H. Rardin, Beckley, says: "It is not true that violations are increasing, the fact being that fewer violators of the law are escaping arrest and punishment. The 'flood of poison liquor and high-powered beer' that the Bird's-eye View man sees in this part of West Virginia has diminished to a very small stream, and this stream only runs in spots, and with the good work of the enforcement officers in this part of West Virginia it will not be long until this stream will no longer flow."

Ex-Judge J. A. Meredith, Fairmont, says: "In my judgment there has been no change of heart in West Virginia over the liquor question since we so overwhelmingly voted dry more than ten years ago. The sentiment of our state was dry then and its dry now. Our peo-

ple are not deceived by the hue and cry raised by the advocates of light wines and beer or by those who object to the present methods of enforcing prohibition. It is true that there are many liquor cases pending in our courts, both state and federal, but I do not think that there are anything like as many now as there were when we had saloons."

Statements from Prosecuting Attorneys

Hon. Myron B. Hymes, Buckhannon, says: "It is my candid opinion that prohibition in Upshur county is a success. . . . We have gradually worked up public opinion in this county against the moonshiner and bootlegger and where a conviction used to be the exception it is now the rule and an acquittal is the exception. . . . A wonderful change is taking place all over the county."

Hon. Lafe B. Chafin, Williamson, says: "Our court here is not clogged with liquor cases. Most of the cases are disposed of in the magistrate's courts. . . . I do not think that the violations of the law are on the increase. The consumption has unquestionably been curtailed. . . . Prohibition is enforced in this county. Our records will show that in the majority of cases, not only have the courts, but juries as well, have honestly attempted to enforce the prohibition law."

Hon. G. G. Duff, Summersville, says: "As to Nicholas county the prohibition

law is being vigorously executed and bootlegging and liquor cases dwindling. I have been in Nicholas county twenty-five and a half years and I never knew as little whisky and violation of the prohibition law as at the present time."

Hon. E. V. Fortney, Kingwood, says: "Year by year violations of the liquor laws are decreasing, fewer in prison, fewer homes wrecked and less aid given the poor as a result of confinement in prison of the head of the home. . . . Conditions in Preston county are much better and I consider prohibition a success. . . . The manufacture of intoxicating liquors would soon be a thing of the past, prohibition a complete success and the liquor problem forever a dead issue if certain of the press would refrain from continually keeping it before the people and misquoting the facts."

Ritchie County Fifty Per Cent Better

Hon. W. B. Nutter, Harrisville, says: "Conditions in Ritchie county, so far as the manufacture and sale of bootleg liquor is concerned, are 50 per cent better than they were one year ago. . . . We have no so-called high-power beer in our section so far as I know. . . . I feel sure that the whole liquor output is much less in quantity that reaches our section than any time heretofore since I have been in this section."

Hon. W. M. Watkins, Grafton, says: "There has been a decrease in prohibition cases in this vicinity and I believe that situation exists generally over the state. The violators of this law are of the characteristic criminal class. Sentiment in favor of the law is as strong as it ever was in this part of the state and those few who favor a modification to permit light wines and beers are the same people who always voted wet. The prohibition law has been one of the most beneficial measures ever enacted by a State Legislature in its direct effect upon the morals and standards of the people, as I see it."

Hon. A. C. Schiffler, Wheeling, says: "While Ohio county is in sympathy preponderantly wet, the work of officials charged with enforcement of this and other laws has been very commendable. . . . The amount of liquor now being disposed of in Ohio county is far less than one year ago. . . . There has been a large decrease in places of sale and intoxication is also on the decrease, as reflected by our police court record. Sixteen months ago, one Monday morning, there were as many as sixty cases on the police court docket. Three-fourths of these would be drunks. Today this has decreased to bare a half-dozen. . . . Great progress has been made in the enforcement of this law."

Better Dry Than Wet

Hon. W. F. Boggess, Ripley, says: "Our county at this time and for the last year is 50 per cent better than any prior year since the state went dry. . . . Ask any credible person living in Jackson county."

Hon. H. D. Allen, Berkeley Springs, says: "There has been a great change for the good under our prohibition laws. Drunkenness and insobriety are not nearly so prevalent as in the days of the saloon. . . . Our officers are on the alert and our juries convict in proper cases. There is a growing sentiment among the people in general of respect for the law. . . . I know as to conditions in some of the adjoining counties to Morgan county and conditions are also better in those counties."

Hon. W. T. Talbott, Webster Springs, says: "I seriously doubt if any man could obtain a drink of bonded whisky in Webster county at this time or at any time during the last year or more. . . . Webster county is bone dry and any reports to the contrary can always be traced to a wet source."

Hon. James E. Cutlip, Sutton, says: "For more than a year past I do not remember to have seen a man on the street under the influence of liquor. . . . The fines and penalties imposed have paid the expense incident to the prose-

cution. Our courts have not been clogged with offenders of this kind and are not now."

Beerites Want Ivory Soap

Hon. H. A. Sommerville, Elizabeth, says: "There is no demand for a change in the prohibition law—unless it be 'upward.' . . . What they (wets) really want is something like Ivory soap, 99-44/100% pure."

Hon. G. G. Somerville, Point Pleasant, says: "I can see 'no change of heart' in Mason county in reference to the prohibition question. We have but few cases of violation of the liquor laws in this county."

Hon. Homer Strosnider, Clarksburg, says: "I believe the wet propagandists imposed on Jack, because none but wet sympathizers find such conditions existing. West Virginia today would vote in the prohibition amendment by a greater majority than she did. Sentiment is overwhelmingly for prohibition. . . . In the days of the saloons in Clarksburg on any day conditions were disgusting. Drunken men, boys, and sometimes women, were always found on the streets. It was so common that one passed the drunkards by without giving the matter a thought. But now a drunken person is so rare he attracts one's attention. It is true boys now drink moonshine, but the number of such is very small as compared with the

number of boys who drank the commercial whisky in the days of the saloons. Prohibition is saving the boys."

Other Citizens Testify

Judge J. C. McWhorter, Buckhannon, says: "The masses of our people are becoming more and more impressed with the practical benefit of prohibition and it has unquestionably become a fixed policy of our society as well as organic part of our law. Drunkenness has greatly decreased in the state and the moonshine business enormously exaggerated in the reports and tales of pro-booze advocates and agitators. The only change of heart taking place in West Virginia, as I see it with wide opportunities of observation, is a deeper conviction that prohibition is a wise, practical and uplifting measure and a firmer determination to see that the law is enforced. I could give you numerous instances to show this is true. Only today the sheriff of Lewis county told me of the greatest gathering ever had in that county on the 4th of last July and eight state police on the ground were amazed to find no drunks, a thing that never could have happened under the liquor regime. At the last term of the Randolph circuit court, while the grand jury was in session, one of these blab-mouthed anti-prohibition propagandists—the kind that make more noise than fifty temperance people—walked into the Ran-

dolph Hotel lobby cursing prohibition and declaring that he had been offered liquor or moonshine right on the train by one of the state police and that they were selling it right on the train, and so on. You know how such folk talk. He was immediately summoned and made to go before the grand jury the next morning, and there, under his solemn oath, admitted that the whole story was a fabrication and that he had deliberately lied. . . . There are people all over the state doing just such things as this I have no doubt."

Mr. C. D. Howard, of Howard Lumber Company, Cowen, says: "The wets are making a tremendous effort to create sentiment in favor of changing the Volstead act. . . . My own opinion is that prohibition is making tremendous progress in our section of West Virginia. We employ more than 100 men and now have but little trouble about liquor. The men seem to have forgotten about it and devote their time, money and leisure to the pursuit of other things. . . . ' I hope there will be no letup on the part of the West Virginia forces in driving out all who engage in this business."

Dr. D. P. Kessler, Weston, says: "Last Fourth there was an unusually large crowd at Jackson's Mill picnic—possibly 20,000 people—gathered from all parts of Lewis and adjoining counties, and many

careful observers aver that they failed to see a single drunk and not a violation of any kind was reported."

Ex-Sheriff William Dean, Martinsburg, says: "I do not meet anyone who voted dry that would want to see the licensed saloon back again. . . . There is no change of heart in this section and if there was a vote taken on the subject at this time I am quite sure the vote would be much larger in favor of prohibition than it was when the state voted dry some years ago. Violations of the prohibition laws are not increasing. Moonshine stills are very scarce here. High-powered beer is unknown and home-brew is seldom found."

Former United States District Attorney T. A. Brown, Parkersburg, states that it is his judgment that conditions have somewhat improved and that the number of offenses reported to that office have fallen off very materially.

All in a Nutshell

Here is the testimony of sixty-six reliable witnesses. They are well informed on this subject—some unusually so. Their testimony stands in any court of the land. These judges especially are accustomed to listen to both sides of cases before them, weigh matters carefully and then decide according to the law and the evidence. So with the other witnesses. Their testimony is unimpeachable.

They affirm that West Virginia, after voting dry by 92,342 majority and trying prohibition for over ten years, has had no change of heart. The state thinks today as it did in 1912. These men above quoted state that there is much less drunkenness than under saloons; that wet claims that prohibition is a failure has no basis in fact, but emphatically the contrary; that wet claims that dry law violations are ever increasing, and that the country is flooded with high-powered beer and the courts clogged with liquor cases, are not founded on facts, but are plain fabrications for propaganda purposes; that real bonded whisky is scarcely obtainable now. They state also that the amount of liquor now being disposed of, even in the wettest parts of the state, is less than it was a year ago, and that less and less is being consumed; that officers are more alert, experienced and successful in enforcing the law; that juries are more disposed to convict in proper cases and judges impose severer sentences; that public sentiment is stronger for prohibition than ever before. The only good sentiment for amending the dry law is to make it more stringent and enforce it still more strictly.