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"Building a 'Temple of Temperance': The Repeal of Prohibition in Virginia and the Alcoholic Beverage Control Act"

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A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts at Virginia Commonwealth University.

by

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This project examines the process by which the Commonwealth of Virginia repealed its statewide prohibition laws and the Eighteenth Amendment in 1933 and created a public monopoly system of alcohol control in 1934. It provides an overview of the enactment of prohibition in Virginia in 1916 by a 1914 statewide referendum, and the problems of enforcement and control over the liquor traffic during the dry years. It carefully details the repeal process in 1933, during which Virginia rapidly reversed its near twenty-year prohibition and restructured its alcohol control policy. It also explains the origins of the state monopoly system which replaced prohibition with the passage of the Alcoholic Beverage Control Act of 1934, establishing an ABC Board to control the manufacturing, distribution, and sale of hard liquor, along with licensing of private retailers of light beverages.

Introduction

The story of Prohibition is not just an account of the thirteen-year constitutional ban on alcohol in America. It is a story of evangelical social activism, religious bigotry and fanaticism, ethnic prejudice and division, political "bossism," crime, and corruption. The American experiment with prohibition, though described by President Herbert Hoover as "noble in motive," gave rise to an organized criminal underworld and blatant disregard for the Constitution of the United States, even by those charged with enforcing the law. The Eighteenth Amendment, unlike amendments before it, was designed and implemented not to expand or guarantee personal rights and freedoms, but to restrict them for the supposed benefit of society. Intended to correct the perceived abuses of alcohol, end poverty and immoral behavior, improve the nation's health, and derail the domination of liquor regulation by the brewers, distillers, alcohol barons, and their political patrons, Prohibition instead created a range of its own problems so extensive that the 1920s has since been engrained in the American collective memory as the "lawless decade."

Prohibition is a tale that has been told in many ways by many people, from the academic historian to the professional documentarian, the novelist and Hollywood filmmaker. And the historical literature on the movement to enact federal Prohibition, the dry years, and repeal, is substantial. Whether for education or mere entertainment, the story of Prohibition caters to many audiences and serves many interests. It is by no means an unexplored area of American history. Yet it is a topic infused with larger social, cultural, and political implications, and continues to warrant ongoing research and historical interpretation. Furthermore, there exist notable gaps in the story that deserve filling. Certainly, portrayals of the 1920s in New York City and Chicago are abundant—just watch the History Channel and you will likely encounter some documentary on Al Capone, "Bugs" Moran, or "Lucky" Luciano. Watch famed documentarian Ken Burns'

"Prohibition" for a comprehensive account of the buildup, enactment, and repeal of the dry laws, with all the big players—politicians, reformers, pressure group leaders, criminal bosses, and other notorious figures, both law enforcers and evaders—depicted in rich detail. And as far as topics of scholarly pursuits, Prohibition is neither obscure nor particularly original, as many historians have written about it. *Organized for Prohibition: A New History of the Anti-Saloon League* by K. Austin Kerr, *Repealing National Prohibition* by David E. Kyvig, and *American Women and the Repeal of Prohibition* by Kenneth D. Rose are just a few examples. But what is noticeable is that the focus of the narrative has been on the big cities, where bootlegging, speakeasies, and gangs abounded, creating a world of crime unlike any the United States had ever known. This interest in the urban centers where prohibition violations were most prolific is understandable, but it leaves the story of how prohibition unfolded in other parts of the country incomplete. For example, it turns out that a rural county in the Blue Ridge Mountains in southwest Virginia was identified as one of worst areas for rampant law evasion, corruption, violence, and organized crime in the nation. Franklin County, Virginia, known as the "wettest county in the world," had an experience with prohibition equally as compelling and essential to understanding the dry years as did New York or Chicago. The story of Franklin County has been depicted in literature, but certainly to a lesser extent than the big cities.

But it is not just the crime drama that unfolded in Franklin County that should interest scholars of Virginia history with regards to prohibition. Despite "wet" hubs like Franklin County, Virginia was a "dry" state by national standards, as well as very rural, and ethnically and religiously quite homogenous, so its experience with prohibition was naturally different than that of northern states with big urban centers and diverse ethnic, religious, and cultural makeup. Since the issue of prohibition represented a variety of religious, moral, social, and political motivations,

an historian interested in the topic should seek to expand the interpretation of Prohibition into places that have not been given due attention. Arguably, Virginia is one of those places that deserve further investigation.

There is a moderately large historiography, mostly consisting of scholarly articles, covering the enactment of prohibition in Virginia, with historian Robert A. Hohner's "Prohibition Comes to Virginia: The Referendum of 1914" as an example. Ronald L. Heinemann's *Harry Byrd of Virginia*, an accredited biography of Democratic "boss" Harry Flood Byrd, Sr., and to a greater extent, Allen W. Moger's *Virginia: Bourbonism to Byrd, 1870-1925*, provide overviews of the process by which the state went dry before nationwide Prohibition was enacted. Additionally, scholars have been drawn to the personage of Bishop James Cannon, Jr., a figure so contentious and infamous in his time, and whose actions were so consequential to Prohibition, that he cannot be overlooked. Cannon, a Methodist bishop from Blackstone who founded the Anti-Saloon League of Virginia, was one of the most controversial, yet impactful personalities of his day, and undoubtedly one of the most influential leaders of the dry movement, both in the Virginia and on a federal level.

Authors like Richmond newspaper editor Virginius Dabney and historian Robert A. Hohner have written about Cannon, presumably due to his influence and notoriety. Cannon was one of the most divisive, outrageous, yet powerful and persuasive individuals of his time. His role in the history of prohibition in Virginia has been documented and interpreted in two comprehensive biographies.

An interest in Cannon has contributed to the literature on prohibition in Virginia, but the historiography is still lacking. In particular, there is a notable gap regarding the repeal process in the state. Cannon's influence by the time of repeal was unsubstantial, and his role in it was

negligible. Historians have not yet attempted an in-depth examination of repeal in Virginia, or its outcome, outside of the works mentioned. And these books describe prohibition coming to the state, but contain little to nothing on repeal. Virginia's solution to the problems of regulating the liquor traffic was not the standard that most states took upon ratification of the Twenty-First Amendment. And its system remains in near form to the original structure created in 1934. Rather than the dry forces merely fading away, as the historiography of national Prohibition seems to suggest, Virginia's repeal movement and approach to alcohol control was influenced by many of the same drys who had supported the cause of prohibition, and who were determined, upon its repeal, to see that the state would never again return to the conditions of the saloon era—conditions which had inspired the dry movement in the first place. The repeal of prohibition in Virginia is a history worth telling, and important to understanding politics in the state and the social, cultural, and religious divisions that distinguished its place in the American and southern political climate of the era.

Chapter 1:
"Drying up Virginia: The 'Moral Forces' Achieve Political Victory"

The enactment of prohibition in the Commonwealth of Virginia represents the clash of progressivism and conservatism, the rural "old world" and urban "new world," evangelism and secularism, rigid morality and political pragmatism. The dry victory in Virginia occurred in 1914, and prohibition took effect in 1916, several years before federal Prohibition was written into the Constitution of the United States. The dry crusade, tied to evangelical ideals and morals, was part of a broader reform movement that fell under the umbrella term "progressivism," which became popular in the early twentieth century. Many progressive reformers believed they could improve society by applying Christian principles to various realms of American life.[1]

Progressivism created a surge in associational activity, which historians call an "organizational revolution."[2] The success of progressive organizing in Virginia, as it relates to prohibition, is seen through the efforts of two reform groups, the Anti-Saloon League (ASL) of Virginia and the Woman's Christian Temperance Union (WCTU) of Virginia, who persuaded both the legislature and voting populace to embrace prohibition as a chief element of Christian social reform. Furthermore, the enactment and support of prohibition can be attributed to the strategic victories of the Reverend James Cannon, Jr., a Methodist preacher and leader of the ASL of Virginia, who, more than any other single individual, was responsible for imposing abstinence upon Virginians through legislation. Amidst his crusade, aided by members of the ASL, the WCTU, the evangelical churches, and pragmatic Democratic politicians, Cannon

1 K. Austin Kerr, Organized for Prohibition: A New History of the Anti-Saloon League, (New Haven, CT: Yale University Press, 1985), 8.
2 Kerr, Organized for Prohibition: A New History of the Anti-Saloon League, 4-5.

created both allies and enemies. His unbending efforts largely reflected the will of many Virginians at the time, but his unscrupulous maneuverings to achieve temperance through enforced abstinence provoked significant backlash from the "wet" press, and created adversaries who would contribute to the tarnishing of his reputation, both at the time leading up to prohibition's enactment, as well as at the time of its repeal. However one interprets Cannon's motives, intentions, and legacy, it is unquestionable that he was one of the most powerful and influential political figures in Virginia around the time that the state went "dry."

Cannon founded the ASL of Virginia in Richmond in 1901, sixteen years after the birth of the national organization. He embraced the message of the national ASL's founder, the Reverend Dr. Howard H. Russell, who declared that he had been ordained by God to "drive the satanic liquor traffic down to its native hell."[3] The ASL evolved essentially into a branch of the Baptist and Methodist Churches, whose pastors often referred to themselves as the "moral and religious forces."[4] The ASL became known as the "church in action against the saloon," an organization through which church members could exercise political influence without the church itself entering politics.[5] Cannon, who was elected president and superintendent of the Virginia ASL, became the most powerful "non-office holding politician" in the state, as well as a prominent figure in the fight for nationwide Prohibition.[6]

The Baptist and Methodist Churches were the dominant Christian denominations in the rural South.[7] The Methodist Church was the most aggressive of the large churches in its

[3] Quoted in Virginius Dabney, *Dry Messiah: The Life of Bishop Cannon*, (Westport, CT: Greenwood Press, 1949), 35.
[4] Dabney, Dry Messiah: The Life of Bishop Cannon, 35.
[5] Allen W. Moger, *Virginia: Bourbonism to Byrd, 1870-1925*, (Charlottesville, VA: The University Press of Virginia, 1968), 298.
[6] Moger, Virginia: Bourbonism to Byrd, 1870-1925, 300.
[7] Dabney, Dry Messiah: The Life of Bishop Cannon, 38.

opposition to the saloon and the liquor traffic.[8] And not only was Virginia mostly rural, but the majority of its population was native-born; and these rural, native-born Protestants looked down upon the foreign-born new immigrants who populated cities, whose social and cultural habits involved drinking alcohol, and who were perceived as a threat to their way of life.[9] The ASL was most influential in rural areas, small towns, and villages, where approximately 77 percent of Virginia's population lived. Here, ministers, who were seen as both spiritual and social leaders, helped shape the sentiment of the community wherein they preached, whereas the church and preacher had less influence in cities, where the secular "wet" press opposed the ASL's activities. The prohibition movement in Virginia tended to pit the country against the city,[10] and contemporary observers saw the conflict in those terms.

Cannon, a devout Methodist, was raised to believe that alcohol was a curse. In his personal memoirs, he attributed the greatest obstacles to his reform efforts to "rum, Romanism, and Bourbonism."[11] In his youth, college years, and during the early years of his ministry, Cannon encountered families of drunkards and drunken college classmates, whose behavior reinforced his childhood convictions regarding the dangers of the saloon and intoxicating drink. Cannon's beliefs mirrored the ultimate goal of the ASL, which was the reform of both society and the individual, and which, in practicality, meant destroying the alcohol industries.[12] The initial strategy adopted by Cannon's organization involved curtailing drinking by mobilizing

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[8] Ibid, 43.
[9] Mark Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," *Brewery History*, Issue 138 (Winter 2010-2011), 20, 24. http://www.breweryhistory.com/journal/archive/138/Bendow.pdf.
[10] Moger, Virginia: Bourbonism to Byrd, 1870-1925, 298-299.
[11] James Cannon, Jr., *Bishop Cannon's Own Story: Life as I Have Seen It*, edited by Richard L. Watson, Jr., (Durham, NC: Duke University Press, 1955), 109. As it relates to the forces that Cannon proclaimed stood as obstacles to his reform, "Romanism" means Roman Catholicism, and "Bourbonism" refers to the ideology and politics of the conservative wing of the Democratic Party, which, at the time, was in control of the legislature, and dominated politics in the state. The Republican Party was practically a non-entity in Virginia at this time.
[12] Kerr, Organized for Prohibition: A New History of the Anti-Saloon League, 2-3.

public opinion against granting licenses, persuading the Virginia legislature to grant "no license" territories, and pushing for local option elections to outlaw the saloon.[13]

In 1903, after two years of aiding the closing of saloons by local option, Cannon mobilized the anti-liquor lobby in Richmond. He and dry state senator, William Hodges Mann, cosponsored the Mann Law, which allowed, with certain exceptions, the granting of licenses to liquor retailers only in towns with a population of five hundred or more inhabitants, and where there was adequate policing. In most cases, the judge issuing the license had to certify that the majority of voters in the district or town favored the license, and also that it was not "injurious to the moral or material interest of the community."[14] As a result, about five hundred saloons closed throughout the state. By 1905, seventy out of Virginia's one hundred counties, and three cities, were dry.[15]

The Mann Law was strengthened by the passage of the Byrd Law in 1908, named for Speaker of the House of Delegates Richard Evelyn Byrd. The Byrd Law specifically forbade issuing *any* liquor license to a community of fewer than five hundred inhabitants, which, in effect, drove the barrooms to more populated areas, especially big cities.[16] The law eliminated the possibility of judges issuing licenses to sparsely populated communities by omitting the procedures for awarding such permits. It also banned the so-called "private clubs" which had been selling alcohol in dry areas, and increased measures by which police could enforce dry

[13] Moger, *Virginia: Bourbonism to Byrd, 1870-1925*, 297. Local option allowed for voters to determine whether or not saloons should be licensed in the locality. The right of local option had been authorized in 1886, and upheld by the Virginia Supreme Court of Appeals in 1888. By 1900, many districts in the state were dry. However, saloon-keepers merely had to move to a wet district close enough that they could serve patrons in dry areas. Due to inadequate policing, speakeasies and "blind tigers," places where liquor could be bought without seeing the seller, thrived, and consumption of liquor remained high.
[14] Quoted in Dabney, Dry Messiah: The Life of Bishop Cannon, 49.
[15] Figures in Ronald L. Heinemann, *Harry Byrd of Virginia*, (Charlottesville, VA: University Press of Virginia, 1996), 13.
[16] Dabney, Dry Messiah: The Life of Bishop Cannon, 50.

laws. As a result, the Byrd Law banned the sale of legal alcohol in rural areas of the state, and restricted it to a handful of large towns and cities.[17]

The Byrd Law's restrictions, in effect, brought statutory prohibition upon rural Virginia. Despite his success at drying up the majority of the state piecemeal and through restrictive legislation, by 1909, Cannon believed that the local option policy had reached its limits.[18] Drys argued that the local option could not be maintained if wet cities continued to ship alcohol into dry areas.[19]

In his speech to the Virginia General Assembly with regards to the Mann Law, Cannon argued for the right of society to protect itself, even if it meant placing severe restrictions upon the rights of its individual members. In response to his speech, the attorney for the state Liquor Dealers' Association told Cannon to return to his pulpit, and "not drag the ermine of your sacred office into the dirty path of politics."[20] Instead, as chairman of the Legislative Committee of the Virginia ASL, Cannon became more overtly political. Despite the ASL and its affiliated state leagues' declaration that it was a "nonpartisan and omnipartisan"[21] organization, Cannon aligned himself and his organization with the Democratic Party, which at the time, was under the control of the political machine known as "The Ring," led by U.S. Senator Thomas J. Martin. In 1909, Cannon became entangled with the gubernatorial campaign of dry state senator and Virginia

[17] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 29-30.
[18] Robert A. Hohner, *Prohibition and Politics: The Life of Bishop James Cannon, Jr.*, (Columbia, SC: University of South Carolina Press, 1999), 72-73.
[19] Moger, *Virginia: Bourbonism to Byrd, 1870-1925*, 311. Such shipments had not been outlawed, so the drys felt that the only real solution to the problem was a statewide policy. Moger notes that to the drys, "it was either statewide prohibition or statewide saloon influence."
[20] Quoted in Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 121.
[21] Ibid, 117. The constitution of the Anti-Saloon League of America and its affiliated state league declared that "the aim is the extermination of the beverage liquor traffic." Cannon notes that to this aim, the League declared itself to be "nonpartisan and omnipartisan," as its membership included members of all political parties. Furthermore, "the League pledges itself to avoid affiliation with any political party as such and to maintain the attitude of strict neutrality on all questions of public policy not directly and immediately concerned with the traffic in strong drink."

ASL Vice President, William Hodges Mann, whom Cannon had allied and supported. Cannon asserted that his support for Mann was on purely moral grounds.[22] Yet his alliance with the Democratic Martin machine would suggest other motives. "Ring" leader Martin knew that the main issue that threatened his machine's hegemony in the Democratic Party was liquor. Though he was financially backed by liquor interests, and opposed to involving the machine in such a volatile issue, he nevertheless began to concede to Cannon. Always a political pragmatist, Martin endorsed Mann for governor.[23] Martin was concerned more with maintaining political power than with temperance, and though the machine was "wet," he wanted to ensure his organization would get both the dry and wet vote.[24]

Cannon was convinced that Martin personally favored abolishing the saloon but knew that legislation could not be passed if it was too far ahead of public sentiment.[25] So Cannon and Martin made a political deal, whereby Martin would back Mann for governor, if Cannon promised not to push for statewide prohibition until after Mann's term.[26] In his memoirs, Cannon described the denunciations from the liquor industry and from the wet newspapers of his alliance with the Martin Ring, which called him a dictator with political aims, controlling the ASL's supporters like puppets. After all, State Senator Mann was a prohibitionist, but nonetheless maintained the local option policy in his platform. Cannon, however, claimed that the charges were meant to mislead the voting public and to encourage anti-Ring members of the ASL to desert him.[27]

[22] Ibid, 146.
[23] Heinemann, Harry Byrd of Virginia, 13.
[24] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 30.
[25] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 132.
[26] Dabney, Dry Messiah: The Life of Bishop Cannon, 55.
[27] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 130.

It is possible that Cannon double-crossed Martin, because in 1910, shortly after Mann became governor, the Enabling Act, calling for a statewide referendum on prohibition, was introduced before the General Assembly.[28] Cannon claimed that statewide prohibition had always been the goal of his organization, but the ASL's legislative resolution of 1908 stated that it favored the principle of local option, and its own publication, the Virginia edition of *American Issue*, in the same year, advocated "Anti-Saloon, Not Prohibition."[29]

Cannon's alliance with the conservative Martin machine contradicted the "moral" reform by which he claimed to be driven. He even went as far as to dissuade U.S. Congressman Carter Glass, a dry Methodist, from entering the race for governor, worried that his entry would divide the dry vote. Cannon's rebuff of Glass triggered an animosity that would hurt his later career and reputation.[30] Historian Raymond Pulley said that progressivism in Virginia did more "to conserve and strengthen the Old Virginia order than to rid the state of political bosses and broaden the base of popular government,"[31] and Cannon served as a prime example.

Despite Cannon's strategic maneuvering to get one of his allies elected governor, his alliance with Martin proved temporary. Cannon threatened to split with the Martin machine when members of the "Ring" in the legislature rejected the 1910 proposal for a prohibition referendum. Cannon knew then that increased public support would be needed, and therefore used extensive propaganda in his efforts. He began publication of a dry newspaper based in Richmond called the *Virginian*.[32] At the Virginia ASL convention in 1911, Cannon condemned liquor advertising in wet newspapers, claiming advertising made the press partners of the

[28] Dabney, Dry Messiah: The Life of Bishop Cannon, 73.
[29] Ibid, 57-58.
[30] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 74-75.
[31] Quoted in Heinemann, *Harry Byrd of Virginia*, 13.
[32] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 33.

saloon,[33] and both were out to make money by the "damnation of their fellow men."[34] In response, the wet press denounced Cannon as a "base slanderer."[35]

Prohibition became arguably the most emotional and divisive political issue of the day. As the 1912 legislative session approached, the *Virginian* issued propaganda advocating the passage of the Enabling Act, calling for a referendum. As the denunciations from the wet press became more frequent and vehement, Cannon's supporters rallied behind him, believing that any criticism by the wet press was meant to discredit the reform movement, as his opponents would stop at nothing to prevent prohibition. His opponents seemed to reinforce the drys' perception that Cannon was a "martyr" to the dry cause, as perceived abuses of the wet press ended up enhancing his status as a dry leader.[36] However, Cannon was equally relentless; even the *Baptist Religious Herald,* the leading Baptist publication in the state, criticized some of the extreme language that Cannon and the ASL used in denouncing wet, secular papers.[37]

By 1912, with the proposal for a statewide prohibition referendum facing defeat once again in the General Assembly, Cannon threatened to pull his support for the Martin machine. It seemed to Cannon that the defeat of the prohibition bill would cause resentment among Democratic voters.[38] In a letter dated February 23, 1912, Cannon wrote to Martin, stating that the temperance people who loyally supported the Organization should be supported in return. Otherwise, those drys would be forced to rescind their defense of the Organization against attacks by drys who felt the Organization was unwilling to antagonize the "whiskey elements in the cities." The Organization's support for the Enabling Act would ensure the ASL's continued

[33] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 76.
[34] Dabney, Dry Messiah: The Life of Bishop Cannon, 74.
[35] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 76.
[36] Ibid, 76-77. One of Cannon's colleagues declared, "His sufferings, if so virile a fighter can be said to suffer in the midst of a righteous conflict, are entirely vicarious."
[37] Dabney, Dry Messiah: The Life of Bishop Cannon, 75.
[38] Moger, Virginia: Bourbonism to Byrd, 1870-1925, 306.

defense of the Organization in coming years.[39] At best, this was a kind of diplomatic persuasion; at worst, it was political blackmail. In the same letter, Cannon also expressed his opinion that Martin, for the benefit of the Democratic Party, should work to remove the liquor question from the realm of politics.[40] The way to do that, of course, was through prohibition.

The Enabling Act finally passed in 1914, with the tie-breaking Senate vote of Lieutenant Governor J. Taylor Ellyson.[41] By this point, the Martin machine did face more challenges from the progressive, anti-Ring Democrats, led by state attorney general, John Garland Pollard, and from the Virginia Democratic Progressive League, which threatened to unite with the ASL against Martin. Martin, unwilling to lose the prohibition issue to his political opponents, finally succumbed to Cannon. In just two years, the Ring senators reversed their position and called for a referendum to be held throughout the state on September 22, 1914.[42]

Cannon enlisted the help of the Baptist and Methodist churches throughout Virginia to preach the "gospel of prohibition."[43] Temperance journals like the *Virginian* were filled with scientific studies showing that alcohol was harmful to the body, and the ASL even created a showroom in downtown Richmond depicting images of the horrible side effects of alcoholism, which wets called the "Chamber of Horrors."[44] The drys maintained that alcohol ruined health and families, reduced work efficiency, and increased crime.[45] Wet groups, like the Richmond Association for Local Self-Government, on the other hand, argued that prohibiting alcohol would only drive the liquor problem underground. They campaigned for the local option, arguing that

[39] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 147-148.
[40] Ibid.
[41] Dabney, Dry Messiah: The Life of Bishop Cannon, 81.
[42] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 78-79.
[43] Robert Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," *The Virginia Magazine of History and Biography*, Vol. 75, No. 4 (October 1967), 475.
[44] Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," 482.
[45] Ibid, 480.

that prohibition violated the principle of local self-government. They further claimed that prohibition would lead to evasion of the law, the rise of speakeasies, and significantly higher taxes.[46] In contradiction to the assertions of drys like Cannon that prohibition was a moral issue, the wets said it was political; temperance was a habit that individuals had to develop, not something that could be forced through legislation.[47] The wets denied that prohibition and temperance were connected, and they denounced the emotional appeals used by the drys. Rather than the use of rational arguments, the wets believed that drys' tactics were "distressing pictures, tears and the other devices of the professional sentimentalist."[48] And the ASL was assisted by another pressure group that had also appealed to emotions in its dry campaign: the Woman's Christian Temperance Union.

The WCTU of Virginia was part of the national WCTU, organized in 1873 by women in Hillsboro, Ohio, who prayed outside local saloons.[49] The Virginia state chapter formed after Frances E. Willard, president of the national WCTU, delivered a lecture at the Broad Street Methodist Church in Richmond in 1881.[50] At the first state convention in 1883, the Virginia WCTU established as its object: "bringing to bear the moral and religious power of women against the cruelty and crime of the liquor traffic in our State."[51] The organization established "Scientific Temperance Instruction," a platform for "making public sentiment" through youth education and information for adults.[52] Their efforts at lobbying for anti-alcohol programs in schools culminated in the Scientific Temperance Instruction law of 1900, requiring public

[46] Ibid, 477-479.
[47] Ibid, 480.
[48] Quoted in Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," 479.
[49] Elizabeth Hogg Ironmonger and Pauline Landrum Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, (Richmond, VA: Cavalier Press, 1958), 11.
[50] Ironmonger and Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, 25.
[51] Ibid, 35.
[52] Ibid, 47.

schools to teach the harmful effects of alcohol on the human body.[53] Temperance instruction evolved into teaching total abstinence.[54] Not only did the WCTU influence education in public schools and Sunday schools, but they also tried to persuade the general public, distributing temperance literature at public events like the Virginia State Fair.[55] Their message was that the liquor traffic caused "broken homes, broken hearts, and undernourished children."[56]

During the long administration of Sara Hoge, state president from 1898 to 1938, the WCTU maintained that it was not political-- it endorsed principles over parties--and its motto was "Agitate, Educate, Organize."[57] By 1908, the Virginia WCTU was the largest chapter in any southern state, working to petition the legislature to pass the bill which the ASL advocated, that would banish the saloon throughout Virginia. Hoge and a number of WCTU members attended state legislative sessions, circulated petitions, and held meetings to shape public sentiment.[58] By 1914, the WCTU campaigned with slogans like "Prohibition Promotes Prosperity," and held numerous public meetings and parades, often featuring children singing songs like "We're Out For Prohibition," and "Please, Won't You Vote it Out?"[59] The Norfolk Union had a parade with almost two hundred floats, with temperance mottoes displayed, and children waving flags and pennants, all the while stores displayed temperance decorations, and temperance ministers held

[53] The Lighthouse: A History of the Richmond-Henrico County Woman's Christian Temperance Union, 1882-1938, (Richmond, VA: Virginia State Library, 1938), 29.
[54] The Lighthouse: A History of the Richmond-Henrico County Woman's Christian Temperance Union, 1882-1938, 69.
[55] Ibid, 42.
[56] Ibid, 71.
[57] Ironmonger and Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, 66.
[58] Ibid, 71-72.
[59] Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," 476.

prayer meetings.[60] The WCTU believed its role was to help form habits consistent with Christian principles; one of their slogans was "For God and Home and Every Land."[61]

Sara Hoge claimed her organization's tactics won the votes of people who "could not be reached in any other way."[62] The emotional rhetoric employed by the WCTU mirrored Cannon's, who said that alcohol's only contribution to society was "pauperism and insanity and crime and shame and misery and broken hearts and ruined homes and shortened, wasted lives."[63] This "protect the home" theme proved more persuasive than the economic arguments and unemotional statistics put forth by wets, such as the warnings that prohibition would cause a loss of $600,000 annually in tax revenue, and that crime would remain, as average citizens would ignore a law that would prove unpopular and unfeasible.[64]

The prohibition referendum of 1914 was a huge victory for the drys. The referendum passed by a three-to-two margin,[65] due partially to the fact that many wet voters in dry areas did not vote.[66] The alcohol industries and immigrant population were confined mostly to cities, and these representatives of the wet vote were small compared to the rural, native-born dry voters. Since most of the state was already dry, any voters opposed to statewide prohibition outside of the cities had little incentive to vote.[67]

Over the next couple of years, Cannon involved himself even more in the Virginia legislature. For example, memberships of a number of legislative committees of the General

[60] Ironmonger and Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, 230.
[61] The Lighthouse: A History of the Richmond-Henrico County Woman's Christian Temperance Union, 1882-1938, 156. The WCTU embraced statewide, nationwide, and worldwide abstinence.
[62] Quoted in Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," 476.
[63] Ibid, 480-481.
[64] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 36-37.
[65] Figure in Heinemann, *Harry Byrd of Virginia*, 15.
[66] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 40.
[67] Ibid, 42.

Assembly were submitted to Cannon for his approval. He, along with ASL associates, Reverend J. Sidney Peters and Reverend Howard M. Hoge, husband of Virginia WCTU president, Sara Hoge, often sat on the Senate floor debating the formation of the prohibition bill.[68] They worked closely with State Senator G. Walter Mapp, an ASL spokesman, to form the Mapp Law, which made statewide prohibition effective in November, 1916. While the Mapp Law closed hundreds of saloons and breweries, it permitted every household in Virginia to purchase one quart of liquor, three gallons of beer, or one gallon of wine per month from out of state. Cannon claimed this part of the law benefited the majority of Virginians who voted for prohibition, but who wished to continue to purchase small quantities of alcohol for personal use.[69] Carter Glass, in turn, referred to him as "One-Quart Cannon."[70]

Perhaps Cannon wished to remain in line with public sentiment, but a letter he wrote to Senator Martin in January, 1912, requested that Martin support a resolution protecting dry Virginia from interstate liquor shipments.[71] Furthermore, in 1913, Cannon represented the national ASL at a conference in Washington, D.C., regarding the Webb-Canyon Bill, which banned the shipment of intoxicating liquor into any state where the sale of liquor was illegal.[72] One might conclude that Cannon's succumbing to the "one-quart" element of the Mapp Law was merely a political strategy, as he wanted to seem willing to compromise, all the while knowing that the "one-quart" element would be nullified by the Webb-Canyon Law. And as the story of prohibition's repeal will demonstrate, Cannon proved to be a rigid, uncompromising individual.

[68] Dabney, Dry Messiah: The Life of Bishop Cannon, 99-100.
[69] Ibid, 102.
[70] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 83.
[71] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 146.
[72] Ibid, 148-149.

The Mapp Law also called for the General Assembly to establish an office of the Commissioner of Prohibition, and to elect a commissioner to enforce the law.[73] Anti-Ring Democrats, led by Attorney General Pollard, wanted the appointment to fall under Pollard's office, fearing a commissioner controlled by Cannon and the ASL. However, the ASL managed to obtain an independent position, a fact which Cannon's opponents claimed was meant to enhance his political prospects.[74] The post was given to Reverend J. Sidney Peters, one of Cannon's closest associates, who had partnered with him in 1903 to purchase the *Baltimore and Richmond Christian Advocate*, a dry weekly,[75] and was a large stockholder in the *Virginian*, the paper that Cannon had established to serve as the organ of the "moral and religious forces."[76] The selection of Peters fed criticism that Cannon was a sort of "dictator" in the legislature, as he was accused of favoring an independent office in order to reward his own workers.[77]

Attorney General Pollard, already weary of Cannon's influence in the legislature and his partiality toward the Martin Ring, became further alienated from him during the gubernatorial primary in 1917. Cannon threw his support behind Lieutenant Governor Ellyson, claiming that Ellyson was a good Baptist, despite the fact that Pollard was as well, yet Pollard was personally dry, and Ellyson was personally wet.[78] What proceeded was a back-and-forth argument between Pollard and Cannon, Cannon claiming Pollard only supported prohibition to further his political career, and Pollard criticizing the alliance between Cannon and the Martin Ring. The outcome

[73] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 83-84.
[74] Ibid, 84.
[75] Dabney, Dry Messiah: The Life of Bishop Cannon, 32.
[76] Ibid, 59.
[77] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 85.
[78] Dabney, Dry Messiah: The Life of Bishop Cannon, 109.

was a divided dry vote, allowing Westmoreland Davis, a wet Democrat who opposed prohibition, to win the primary election.[79]

Prohibition came to Virginia because of the "moral appeal" of the dry crusaders, particularly the ASL and WCTU, and the political acumen of Cannon and his associates. Their tactics of "moral suasion" were directed not only at asserting the righteousness of their cause, but also at vilifying those who took opposite, or simply more moderate, positions on the issue of prohibition. Cannon, known for highlighting the attacks of the wet press, was equally, if not more, vicious in his denouncements. While the wet press had accused him of using his influence as a temperance crusader for political purposes,[80] he was known to belabor the "venomous attacks" of the opposition, those he referred to as "drunkard makers."[81] Cannon charged that the Association for Local Self-Government merely represented the organized liquor traffic, and that the association's allies were "the distilleries, the brewers, the saloon-keepers, the bar-tenders, the fallen women, the debauchers, the panderers, the pimps, the white slave-dealers, the gamblers, the thieves and slaves of appetite and passion."[82] Though the Association resented Cannon's depiction of them as friends of the evil saloon, his propaganda was highly effective, and he, along with the WCTU, through emotional tactics and rhetoric, won the votes of the majority of Virginians. And since approximately 95 percent of the state's territory was already dry by local option,[83] prohibition seemed to be an easy victory.

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[79] Hohner, *Prohibition and Politics: The Life of Bishop James Cannon, Jr.*, 87-88. Since the Democratic Party dominated politics in the state, the primary election was the only election of real consequence.
[80] Cannon, *Bishop Cannon's Own Story: Life as I Have Seen It*, 161. In alluding to the fact that he often dictated the appointments of legislative committees, Cannon notes that "there was a great deal of sharp and unjust criticism because of my objection to the placing of men hostile to our moral aims on the committees." He, of course, denied the accusation that there had been an "unholy alliance" with the Democratic machine in the General Assembly.
[81] Dabney, Dry Messiah: The Life of Bishop Cannon, 83.
[82] Quoted in Hohner, "Prohibition Comes to Virginia: The Referendum of 1914," 484.
[83] Figure in Moger, Virginia: Bourbonism to Byrd, 1870-1925, 305.

The dry victory was certainly a reflection of dry public sentiment, but one cannot overlook the role that the ASL and the WCTU played in creating that sentiment. Their tactics at "moral suasion," which repeal advocates would employ a decade later, resonated with the evangelical spirit of reform, and suspicion toward the new immigrant urban lifestyle, that characterized the rural South during the Progressive Era. But while Cannon's efforts may have aligned with the spirit of progressive reform, his goal could not have been achieved without his manipulation of the conservative Democratic organization that controlled Virginia politics at the time. The ASL and the WCTU already had won the battle in rural areas, which represented the majority of the state, and this victory gave the conservative "Ring" little choice but to concede to the drys' demands.

On January 11, 1918, the General Assembly ratified the Eighteenth Amendment to the U.S. Constitution, second only in haste to Mississippi, which had ratified it just three days earlier.[84] Up to that point, only thirteen states, all in the South and West, were completely dry. These states represented roughly only one seventh of the American population. So on a federal level, it seems that the ASL and WCTU had forced abstinence upon the nation ahead of national sentiment.[85] While Virginia's demographic distribution was less diverse, and the population more willing to embrace abstinence than the nation had been as a whole, it would still be difficult to argue that statewide prohibition would have come to pass if not for the vilification of wets and moderates, and the unabated pressure from dry crusaders to force the General Assembly to accede to their will.

[84] Ibid, 317.
[85] Dabney, Dry Messiah: The Life of Bishop Cannon, 132.

Chapter 2:
"The 'Lawless Years': Virginians Fight 'Demon Rum' and 'Roman Dominion'"

"Of course we do not expect that the prohibitory law will be a panacea for all troubles, private and political. It will do its share, and a large share in developing a better citizenship. We have learned that if prohibition does not always prohibit, neither does civilization always civilize, nor education always educate, nor Christianity always Christianize. But they are God's great levers by which we can lift."[86]

Though intended to be a defense of prohibition, this quote from an active member of the Virginia WCTU indicates that enforcement of the law in the commonwealth, like in many other states, proved difficult. An early roadblock came with the election of Governor Westmoreland Davis, a wet, in 1917. Governor Davis, who was committed to economic efficiency, called for the General Assembly in 1918 to reduce appropriation for prohibition enforcement.[87] George W. McDaniel, leader of the Baptist General Association of Virginia and member of the Southern Baptist Convention, stated in early 1921: "Prohibition enforcement in Virginia has been just as hard as an anti-Prohibition Governor dared it to be." Also, that "Virginia has learned by unwelcome experience how essential it is to have men in office, from the governorship down, who favor the laws of the state and nation and uphold them in the firm conviction that they are right."[88]

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[86] Mrs. Lillian Shepherd, Corresponding Secretary of the Virginia WCTU, comments on prohibition enforcement. Quoted in Elizabeth Hogg Ironmonger and Pauline Landrum Phillips, *History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958*, 73.
[87] Heinemann, Harry Byrd of Virginia, 25.
[88] George W. McDaniel, "The Status of Prohibition in Virginia," Earl Gregg Swem Library Special Collections, the College of William and Mary. This document is undated, but in the text, McDaniel refers to the recent one-year anniversary of the enactment of federal Prohibition; which places the date around January, 1921.

A 1920 cartoon in the *Baptist Religious Herald* depicts a giant ("booze") holding a club ("greed"), standing on (and blocking) the path to human progress; the caption underneath reads, "Help us see that the Eighteenth Amendment and all other mandates of the people are enforced."[89] Three weeks later, the publication issued a warning that "it is a clear-cut fight between BOOZE and BOLSHEVISM on the one hand, and AMERICANISM on the other," and that "disrespect for the law repudiates your government and encourages the forces of anarchy."[90] The Virginia WCTU expressed concern in 1920 that the drys were not making a strong enough campaign to match the liquor interests who were trying to reinstate the saloon. They thought it should be the goal of the dry forces to convince Virginians that prohibition represents "health, happiness, possessions, public order and justice."[91] Even Governor Davis was convinced of the need to uphold the law, as he recommended to the General Assembly in 1922 a constitutional provision requiring public officials to take an oath not to violate prohibition.[92]

In 1920, the prohibition law was revised to give the General Assembly the power to elect the Commissioner of Prohibition to serve for a two-year term.[93] In 1922, the office of the Commissioner of Prohibition was abolished, and the responsibilities transferred to the Department of Prohibition within the Office of the Attorney General.[94] Prohibition enforcers began gathering records of distilling, bootlegging, and other instances of violating the law. The

[89] Featured in the *Baptist Religious Herald*, Vol. XCIII, No. 1, (January 1, 1920), Library of Virginia.
[90] *Baptist Religious Herald*, Vol. XCIII, No. 4, (January 22, 1920), Library of Virginia.
[91] Quoted from the Virginia WCTU Annual Report of 1920, in Ironmonger and Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, 75.
[92] Dabney, Dry Messiah: The Life of Bishop Cannon, 173.
[93] "A Guide to the Records of the Virginia Prohibition Commission, 1916-1934," http://ead.lib.virginia.edu/vivaxtf/view?docId=lva/vi01055.xml.
[94] Ibid.

Prohibition Commission compiled data on enforcement problems by various counties, a sample of which are depicted in the following chart.[95]

Table 1. Prohibition Violations by Select Virginia Counties, November 1921- October 1922

Accession 42740 Box 50 Folder 2	SELECT COUNTIES	ARRESTS MADE	GALLONS OF LIQUOR SEIZED	STILLS DESTROYED	VEHICLES CONFISCATED
Nov. 1, 1921- Oct. 31, 1922					
	ARLINGTON	164	275	39	--
	AUGUSTA	59	560	20	--
	CHESTERFIELD	44	--	22	--
	FLOYD	14	530	--	--
	FRANKLIN	3	100	--	17
	JAMES CITY	15	150	25	--
	LOUISA	150	--	--	--
	NORFOLK	412	1,605	571	48

Though the data from November 1, 1921 to October 31, 1922 is somewhat incomplete, it is clear that a range of violations were occurring early in the dry years.

In 1925, Attorney General John R. Saunders, under whose office the Department of Prohibition now fell, wrote to Governor E. Lee Trinkle, saying that a much greater number of violators of the law have been arrested than in previous years.[96] Saunders was optimistic that the increase reflected the effectiveness of law enforcement rather than a substantially larger rise in criminal activity, but also remarked that the Department had not been able to employ enough

[95] Statistics are from the Virginia Prohibition Commission Records, Financial and Administrative Records, Annual Reports, Accession 42740, Box 50, Folder 2, Library of Virginia State Records Center, Richmond, Virginia.
[96] Attorney General John R. Saunders to Governor E. Lee Trinkle, letter submitting annual report from November 1, 1923 to October 31, 1924, and November 1, 1924 to June 30, 1925, Virginia Prohibition Commission Records, Financial and Administrative Records, Annual Reports, Accession 42740, Box 50, Folder 3, Library of Virginia State Records Center, Richmond, Virginia. (*Legislative Acts of 1924 required the submission of annual reports.)

men to police the state effectively, while the legislature had not increased appropriation for prohibition enforcement in the year 1924.[97]

The below chart summarizes the findings of the Prohibition Department from 1923 to 1933.[98] Over a ten-year period, there was a general rise in various kinds of violations involving distilling and transport, as well as in the total number of arrests and cases pertaining to all prohibition-related offenses, and of fines and value of properties destroyed. The peak year of law enforcement seems to be 1931-1932, in which the Department spent the most of any year and had the highest numbers of arrests, convictions, and fines imposed. But it also seized the largest amount of stills, automobiles, and gallons of liquor in that same year, which could be

Table 2. Summary of Prohibition Violations in Virginia, 1923-1933

Accession 42740 Box 50	ANNUAL REPORTS	TOTAL ARRESTS BY DEPT OF PROHIBITON	CASES PROSECUTED	DEFENDANTS CONVICTED	TOTAL FINES	STILLS SEIZED	GALLONS OF LIQUOR SEIZED	VALUE OF PROPERTIES DESTROYED	AUTOMOBILES SEIZED	TOTAL EXPENDITURE DEPT OF PROHIBITION
	YEAR									
Folder 3	1923-1924	1,425	9,485	7,207	$303, 875.05	1,831	32,687	$383,263.50	--	$74,047.73
Folder 3	1924-half of 1925	1,924	8,637	--	$340, 502.00	2,191	50,711	--	--	$42, 538.97
Folder 4	1925-1926	2,615	15,871	12,017	$500,229.89	2,770	47,187	$779,248.80		$74,019.71
Folder 6	1926-1927	2,552	17,209	13,102	$463,684.55	2,774	66,516	--	--	$71,514.91
Folder 7	1927-1928	5,137	20,005	15,297	$512,749.72	2,936	--	$907,685.15	380	$66,937.58
Folder 9	1929-1930	20,709	21,757	17,857	$673,749.52	2,581	66,768	$941,909.65	1,343	$73,671.41
Folder 10	1930-1931	21,750	23,067	18,564	$677,470.50	3,145	82,339	$918,520.75	1,656	$76,577.12
Folder 11, 12	1931-1932	23,159	25,189	19,530	$716,141.55	3,504	111,187	$918,349.12	1,847	$80,363.39
Folder 13	1932-1933	20,206	20,845	16,646	$511.413.29	2,967	76,158	$638,916.05	1,041	$46,641.70

[97] Ibid.

[98] Statistics are from the Virginia Prohibition Commission Records, Financial and Administrative Records, Annual Reports, Accession 42740, Box 50, Folders 3-13, Library of Virginia State Records Center, Richmond, Virginia.

interpreted to mean that enforcement or lawlessness (or both) were at their all-time high. While enforcement expenditure was cut in the last year before prohibition's repeal, the number of violations remained high, which seems to suggest that evasion of the law was particularly bad in the later dry years.

Arguments that historians have put forth concerning the multifaceted problems of Prohibition on a national level seem to apply in Virginia, despite it having been a notably dry state. By 1925, unlawful conditions were seen, for example, in rural Giles County, ranging from gambling and drunkenness, to public shootings, and transporting liquor to big-ring headquarters, with apprehension of few violators, and sentencing too meagre to prevent future crime.[99] Attorney General Saunders informed Governor Trinkle that enforcing the law throughout Virginia was difficult with limited funds given by the legislature.[100] Saunders had noted in 1925 that demand from communities for assistance exceeded the Department's ability to enforce because of too few men employed. However, such a demand also indicated that a majority of citizens wanted proper enforcement of the law.[101]

Despite the dry sentiment, particularly in rural areas, that had driven the passage of statewide prohibition before the federal law, as well as the Baptist-Methodist influence, and pressure from the ASL and the WCTU, Virginia was far from able to escape the temptations of the dry decade. One reason was that Virginia bordered Maryland, a state which made no effort to enforce national dry laws from 1920 to 1933. Maryland Governor Albert C. Ritchie told Maryland police that Prohibition was a federal law, and so federal authorities should enforce

[99] C.P. Ellison, Letter to Governor E. Lee Trinkle, dated July 15, 1925, Virginia Prohibition Commission Records, Accession 42740, Box 31, Folder 42, Library of Virginia State Records Center, Richmond, Virginia.
[100] John R. Saunders, Letter to E. Lee Trinkle, dated January 25, 1925, Virginia Prohibition Commission Records, Accession 42740, Box 29, Folder 16, Library of Virginia State Records Center, Richmond, Virginia.
[101] John R. Saunders to E. Lee Trinkle, Letter submitting annual report from November 1, 1923 to October 31, 1924, and November 1, 1924 to June 30, 1925, Virginia Prohibition Commission Records, Accession 42740, Box 50, Folder 3, Library of Virginia State Records Center, Richmond, Virginia.

it.[102] After the Eighteenth Amendment was ratified, every state enacted prohibitory provisions by statute or constitutional amendment, except Maryland, which passed neither statewide prohibition, nor measures to enforce the federal law.[103]

Virginia had cities that were reluctantly dry, including Alexandria, Richmond, Williamsburg, and Norfolk.[104] Norfolk, in particular, became a major center for the illegal liquor trade. Moonshiners of the Chesapeake Bay country supplied tidewater communities, while the greater Norfolk area had some of the biggest moonshine distilling facilities that federal agents had ever confiscated.[105] Norfolk also received substantial traffic from "Rum Row," as rum vessels found their way into the Chesapeake Bay for coastal imports. In 1923, arrests in Norfolk revealed one of the most powerful smuggling rings of the dry years, which had branches in New York, Canada, London, Scotland, and Bermuda.[106] Liquor flooded the Chesapeake Bay area, while skilled distillers were fewer than amateurs who were known to pollute their products. "Wood alcohol," distilled from heating hardwood sawdust, and meant for commercial use, was sold for drink, and metal-still moonshine, known as "monkey-rum," became common as well, both of which were poisonous and could have horrific side effects, even death.[107]

Virginia also had a long-established tradition of making moonshine in the mountainous western part of the state. Franklin County in the Blue Ridge became known as the "moonshine capital of the world." But moonshine was not just a local commodity, as alcohol had to be sold widely to bring money to the community. The industry involved complex strategies for sales and

[102] Eric Mills, *Chesapeake Rumrunners of the Roaring Twenties*, (Centreville, MD: Tidewater Publishers, 2000), 50.
[103] "Intoxicating Liquor Laws," A Table Showing the Current Status of State Laws Prohibiting or Regulating Alcoholic Beverages, March 1, 1933, compiled by the Interstate Legislative Reference Bureau, The American Legislators' Association, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia.
[104] Benbow, "The Old Dominion Goes Dry: Prohibition in Virginia," 39.
[105] Mills, Chesapeake Rumrunners of the Roaring Twenties, 36, 39.
[106] Ibid, 65-66.
[107] Ibid, 44-46.

transport to cities, even to the back doors of politicians who had voted for Prohibition. It became the economic life force for many poverty-stricken farmers, both in the 1920s, and especially during the early years of the Great Depression.[108] Stories of liquor running and blockades in Virginia's mountains reached national news, and rumors andmyths about the region spread. Depictions in literature, comics, and on radio caricatured hillbillies holding guns and jugs of moonshine, enhancing the perception that all Blue Ridge inhabitants fostered lawlessness.[109]

While depictions of these mountaineers may have exaggerated their lifestyles, the fact remained that millions of gallons of corn whiskey were distilled and sold out of Franklin County every year.[110] By the late 1920s, corrupt officials had capitalized on the local moonshine market, creating an organized syndicate headed by powerful local men, to whom producers paid a "tax" for hauling their product. Among these corrupt officials were the very lawmen entrusted with prohibition enforcement, who instead exploited local moonshiners, profiting off their attempt at self-sustainment.[111]

In 1931, the National Commission on Law Observance and Enforcement, appointed by President Herbert Hoover, and chaired by former U.S. Attorney General, George W. Wickersham, described Franklin County as "one of the wettest spots in the United States."[112] In an addendum to the Wickersham Report, entitled "Survey of Prohibition Enforcement in Virginia," Frederick C. Dezendorf of the U.S. Treasury Department's Bureau of Prohibition,

[108]Charles D. Thompson, Jr. Spirits of Just Men: Mountaineers, Liquor Bosses, and Lawmen in the Moonshine Capital of the World, (Chicago, IL: University of Illinois Press, 2011), xxv-xxvi.
[109] Thompson, Spirits of Just Men: Mountaineers, Liquor Bosses, and Lawmen in the Moonshine Capital of the World, 8.
[110] Ibid, 9.
[111] Ibid, 11.
[112] Quoted in T. Keister Greer, *The Great Moonshine Conspiracy Trial of 1935*, (Rocky Mount, VA: History House Press, 2003), 20.

wrote that "in one County (Franklin) it is claimed 99 people out of 100 are making, or have some connection with, illicit liquor."[113]

In January 1934, Special Investigator Colonel Thomas Bailey, from the Alcohol Tax Unit of the U.S. Treasury Department's Bureau of Prohibition, was sent to investigate the range of criminal activity that had developed in Franklin County. Bailey lived undercover in Franklin County for more than a year, and his report to the Treasury Department supported the findings of the Wickersham Commission.[114] Bailey ended up uncovering an underground liquor ring so extensive that he referred to the county as one of the most lawless in the nation. Every law enforcement agent he had encountered had some part in either moonshine production or protection, and law enforcement had managed to blackmail home distillers into the business, where a handful of officials got rich from promises of paid protection to local farmer-moonshiners.[115] The scheme went all the way to Commonwealth's Attorney Carter Lee, grand-nephew of Robert E. Lee.[116] The moonshine conspiracy trial that followed ended in an acquittal of Lee, who it was believed bribed a jury member, but not before Deputy Sheriff Thomas

[113] Quoted in Greer, *The Great Moonshine Conspiracy Trial of 1935*, 21. Dezendorf met with N.C. Alexander, former Deputy Prohibition Commissioner in Roanoke, who told him that of the 30,000 people in Franklin County, "29,999 are mixed up directly or indirectly in the whiskey business." Alexander remarked in a later testimony that he had inflated this figure, but that Dezendorf recorded it all the same. However exaggerated Alexander's statement may have been, it nonetheless captures the extent of violations of prohibition that occurred in Franklin County—which suggests that the caricatures of Virginia mountaineers may not have been too far from the truth.

[114] Ibid, 23. Bailey's preliminary report stated that beginning in 1928, "an organization which extends its scope into the surrounding counties, which has for its purpose the manufacture, transportation, sale and possession of non-tax paid liquors and the protection of members of this organization by the Commonwealth's Attorney's office of Franklin County, the sheriff's office, state prohibition officer, and certain men who either now are or formerly were federal officers engaged in the enforcement of liquor laws." 24.

[115] Thompson, *Spirits of Just Men: Mountaineers, Liquor Bosses, and Lawmen in the Moonshine Capital of the World*, 13. The alternative to paying a protection fee was to face time in jail. The fee in exchange for non-intervention was twenty-five dollars for each still and ten dollars for each load hauled. The schemers, who "taxed" the illegal trade, pocketed their earnings, while the distillers themselves remained poor.

[116] Greer, *The Great Moonshine Conspiracy Trial of 1935*, 24. Special Investigator Bailey singled out Commonwealth's Attorney Carter Lee, Sheriff Pete Hodges, and various deputy sheriffs in his report. He said that in the fall of 1928, Lee and Hodges proposed to divide Franklin County into districts "for the purpose of assessing illicit distillers and bootleggers a certain amount (from ten dollars to 25 dollars) per month for the privilege of operating with the protection of County officers."

Jefferson "Jeff" Richards, known to be the "treasurer" of the conspiracy, was gunned down and murdered after word got out that he was going to testify against the co-conspirators.[117] Richards was shot on October 12, 1934, just seventeen days before the grand jury was supposed to meet to indict the co-conspirators.[118] Of all the men indicted, Carter Lee and two deputy sheriffs were the only three that were acquitted.[119] Lee remained as commonwealth's attorney until 1947.[120]

The wide range of bootlegging, corruption, and other crimes related to prohibition proliferated as the 1920s progressed. By 1929, Governor Harry F. Byrd was inundated with regular complaints of law breakers throughout Virginia. In that year, a Deputy Sheriff for Buchanan County described the roadside view of the mountains between Buchanan and Dickenson County as scattered with distilling plants, and a Dickenson County police force unwilling to destroy the moonshine outfits.[121] The Sheriff in St. Paul, a town between Russell and Wise Counties, was witnessed handling a trade of liquor with other officers involved.[122] The Sheriff of Lee County was known to turn a blind eye to violators of the law, except when it came to arresting poor drunkards. In fact, this sheriff caught a group of bootleggers with five hundred pints of whiskey, and forced them to pay him off; the commonwealth's attorney then settled for each to pay $200, and carry on.[123]

These types of occurrences did not fall on deaf ears. But Governor Byrd knew he had to walk the line when it came to prohibition because it was such a hot-blooded issue in the state;

[117] Spirits of Just Men: Mountaineers, Liquor Bosses, and Lawmen in the Moonshine Capital of the World, 18, 85.
[118] Greer, The Great Moonshine Conspiracy Trial of 1935, 33.
[119] Ibid, 849.
[120] Ibid, 860.
[121] Henry Ratliff, Deputy Sheriff for Buchanan County, Letter to Governor Harry F. Byrd, dated November 23, 1929, in the Executive Papers of Harry Flood Byrd, Accession 22561, Box 49, Library of Virginia.
[122] Mrs. Rufus Mullins, Letter to Governor Harry F. Byrd, dated June 23, 1929, in the Executive Papers of Harry Flood Byrd, Accession 22561, Box 49, Library of Virginia.
[123]Letter to the Hon. John R. Saunders, dated July 19, 1929, in the Executive Papers of Harry Flood Byrd, Accession 22561, Box 49, Library of Virginia.

one that had previously pitted Democrat against Democrat, wet against dry, and even dry against dry. Byrd had supported prohibition for both personal and political reasons. He was a dry largely because of his father's drinking, but he also recognized the political need to support it in such a heavily Baptist and Methodist state. But he was never vocally partisan on the issue, and was far too pragmatic to allow it affect politics.[124]

In 1924, as Democratic state chairman, Byrd chose to run for governor in reaction to the opinion of now nationally famed and episcopally ordained, Bishop James Cannon, who believed Byrd did not stand a chance to win the primary, since Cannon and his organization (the ASL of Virginia) was supporting the candidacy of G. Walter Mapp, author of the Virginia prohibition law, ally of Cannon, and Democratic machine independent.[125] Mapp ended up winning the anti-machine vote, including that of fellow independent, John Garland Pollard.[126] But Byrd, now in control of the Democratic machine, outspent Mapp two-to-one, and won the primary election and general election with ease.

As governor, Byrd's progressivism was generally determined by political self-interest.[127] One example of his machine's pragmatism was in the conversion of Carter Glass to the Organization. Once an independent, Glass was appointed by Governor Westmoreland Davis to the U.S. Senate in 1920, replacing deceased U.S. Senator Thomas Martin, founder of the Organization. In 1922, Organization Senator Claude A. Swanson was elected, and assured Glass of the Organization's support for Glass's reelection.[128] With the promise of machine support and

[124] Heinemann, Harry Byrd of Virginia, 21.
[125] Ibid, 49.
[126] Ibid, 54.
[127] Ibid, 63.
[128] Moger, Virginia: Bourbonism to Byrd, 1870-1925, 323, 327.

the securing of several Senate committee assignments, Glass entered into a relationship of mutual support with the Organization.[129]

The Organization continued to support political pragmatism to maintain power during Byrd's governorship. But as it had done before, prohibition once again threatened to divide the party and undermine Byrd's control. It was the presidential election of 1928 that proved such a crisis as to unravel the Democratic hegemony that had existed in the state since Reconstruction. The issue that played a central role in this crisis: prohibition.

Prohibition played a particularly divisive role in the election of 1928 because of social, cultural, and religious divisions that were linked to it. Nativism and evangelism, movements that had aligned in Virginia and the South in the cause of prohibition, resurfaced once again, or perhaps more accurately, were always present. To these rural, native-born Protestants, the worst behavioral offenders were those city-dwelling, Catholic or Jewish, foreign-born immigrants, and the best way to control the lawless behavior of these "outsiders" was through prohibition.[130]

In such an atmosphere of suspicion, and the fact that urban centers were wet and filled with bootlegging, speakeasies, gang violence, and other criminal activities, it is not surprising that the dry forces in Virginia would oppose any candidate for presidential office who represented all their worst fears personified. So the nomination of Democratic Governor of New York, Alfred E. Smith, a wet urban Catholic, came hardly without controversy.

Once again, it was Bishop Cannon who took the lead in the debate in the state over prohibition. Cannon's influence in Virginia and its legislature now extended to Congress and the nation by way of the Legislative Committee of the national branch of the ASL. In 1926, when Al Smith was reelected governor of New York, he was considered a likely candidate for

[129] Heinemann, Harry Byrd of Virginia, 29.
[130] Ibid, 90.

president in 1928. The ASL began to mobilize in response.[131] Cannon employed his usual hyperbolic rhetoric that had appealed to so many drys during prohibition's enactment. He proclaimed that it was "unthinkable" for any southern Democrat who approved of statewide and national Prohibition to support Smith, who "has not only made no effort to cooperate in the enforcement of the Prohibition Law, but has, by his official action and influence, endeavored to nullify its operation as far as he could possibly do."[132]

As governor of New York, Smith had pushed for modification of the Volstead Act, which he maintained through the eve of the Democratic nominating convention of 1928.[133] At the convention, Senator Glass wrote a watered-down prohibition plank that simply pledged the party and nominee to uphold the law. [134] Smith agreed to endorse the law enforcement plank, although he insisted that the Volstead Act should be amended to give more power to the states.[135] Cannon attended the convention, at which he called for the nomination of a dry Democrat.[136] Upon Smith's nomination, Cannon went to work to rally the dry forces that had won the crusade for prohibition in Virginia. He organized an Anti-Smith Committee for the South, with headquarters in Richmond.[137] He held a conference of Anti-Smith Democrats, where a "Declaration of Principles and Purposes" was adopted, pushing for Prohibition.[138] But the prohibition issue was not the only instrument Cannon used to rally opposition to Smith. Though he we would frequently deny it, Cannon made religion just as serious and polarizing an issue as liquor.

[131] Dabney, Dry Messiah: The Life of Bishop Cannon, 176.
[132] James Cannon, Jr., *Bishop Cannon's Own Story*: *Life as I Have Seen It*, 360. This quote is taken from a statement issued November 20, 1926.
[133] Dabney, Dry Messiah: The Life of Bishop Cannon, 177.
[134] Heinemann, Harry Byrd of Virginia, 91.
[135] Dabney, Dry Messiah: The Life of Bishop Cannon, 178.
[136] Heinemann, Harry Byrd of Virginia, 91.
[137] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 429.
[138] Heinemann, Harry Byrd of Virginia, 92.

Cannon knew that millions of dry southern Protestant Democrats feared the nomination of a wet northern urban Roman Catholic.[139] He would repeatedly claim that his opposition to Smith was NOT based on his religion, but entirely because of Smith's views and record on Prohibition. In a statement issued in 1926, Cannon asserted that "it would be an insult to the intelligence and independence of the Southern people to suppose that they would agree to vote for any man simply because he was branded 'Democrat' regardless of his attitude toward prohibition and lawlessness."[140] In 1927, he said: "In short, the dry southern Democrats are asked to subordinate their moral convictions to partisan political loyalty. They are invited to commit moral suicide for political office."[141] In yet another defense, Cannon claims there is "not a taint of bigotry or intolerance in the statement concerning the effects on Protestant voters of Governor Smith's Romanism, but an unprejudiced appraisal of the possible effect upon the policies of the nation should a subject of the Pope be in the White House."[142] The fear-mongering used to create unfounded threats of a nefarious Roman-American alliance, or unification of Catholic Church and State, were persuasive in Virginia.

In the past, Cannon had referred to Roman Catholicism as the "mother of ignorance, superstition, intolerance, and sin."[143] He also had said repeatedly more than a year before the nominating convention that Smith's religion should bar him from the presidency.[144] Yet throughout the campaign, he claimed that anyone who accused him of opposing Smith for

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[139] Dabney, Dry Messiah: The Life of Bishop Cannon, 179.
[140] Cannon, *Bishop Cannon's Own Story: Life as I Have Seen It*, 360. In his memoirs, Cannon cites numerous times in which he stated his opposition to Smith pertained only to prohibition, as a way to negate claims that he opposed Smith on religious grounds, or that he employed bigoted anti-Catholic rhetoric in the campaign.
[141] Ibid, 374.
[142] Ibid. This statement, spoken self-righteously, is full of irony. Not only does it reveal Cannon's anti-Catholic views, but the very language that Cannon uses to counter accusations of bigotry contains prejudiced assumptions about Catholics.
[143] Dabney, Dry Messiah: The Life of Bishop Cannon, 181.
[144] Ibid, 182.

religious reasons had spoken a "malicious political falsehood."[145] In denying his bigotry, Cannon claimed to oppose Smith on the grounds that he was wet, associated with Tammany Hall, and he had appointed John J. Raskob, a wet Republican, as his campaign manager.[146] The Anti-Smith Democrats criticized the "insulting, conscienceless attitude of the wet Tammany candidate toward the dry voters of the Democratic party."[147] They also condemned Smith's selection of Raskob, identifying him as "Vice-Chairman of the Association against the Prohibition Amendment, a member of the Republican Union League Club, and a voter for Coolidge in the election of 1924."[148] Cannon himself said of Raskob in 1928: "Mr. Raskob is very rich, very wet and very Catholic. Besides that he is not a Democrat."[149] Raskob's ties to the Republican Party were a problem for Cannon, and one justification for his opposition to Smith. Surprising, then, that Cannon saw nothing wrong with abandoning the Democratic Party and backing Republican Herbert Hoover for president.

Cannon led a series of attacks on Smith's religion and personal habits as the campaign progressed. He crafted a depiction of Smith as a "cocktail president," one who "drank four to eight cocktails a day."[150] The emotional rhetoric that had driven the prohibition campaign was employed once more. Dr. Arthur J. Barton, an associate of Cannon's and a fellow Anti-Smith Democrat, proclaimed: "Elect Smith and you will turn this country over to the domination of a foreign religious sect, which I could name, and Church and State will once again be united."[151]

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[145] Ibid, 185.
[146] Ibid, 180.
[147] Cannon, *Bishop Cannon's Own Story: Life as I Have Seen It*, 425. This is taken from the Declaration of Principles and Purposes of the Conference of Anti-Smith Democrats, adopted at Asheville, N.C., on July 19, 1928.
[148] Ibid.
[149] Ibid, 444.
[150] Dabney, *Dry Messiah: The Life of Bishop Cannon*, 183. In response to this condemnation, John Garland Pollard remarked that "many of Cannon's most ardent supporters in the [Virginia] General Assembly were drunk while they were enacting 'dry' legislation."
[151] Ibid, 184.

Virginia Baptists made similar hyperbolic threats in speech and print, over the prospect of allowing the "tragic manacles of ecclesiasticism [to] overtake our fatherland," or hearing the "prolonged trumpet call around the earth to revive the dying hope of Catholic world domination."[152]

Cannon's prejudice and hypocrisy could not better revealed than with the following statement: "It is a fact, therefore, that I did not think that any unexpected contingency would arise which would make it possible for me to vote for Governor Smith…and this altogether apart from his religion, although I knew that he was of the intolerant bigoted type, characteristic of the Irish Roman Catholic hierarchy of New York City."[153] In response to accusations of religious bigotry, Cannon charged Smith and Raskob with injecting religion into the campaign in order to garnish sympathy for Smith.[154]

Carter Glass and Harry Byrd watched the campaign with fear of the persuasive power of Bishop Cannon. Both appealed to Smith to moderate his position on Prohibition. They had, of course, decided to back Smith, fearing that a Republican victory in Virginia would undermine their party and the Organization's power over politics in the state. Nor did they want Virginians to be labeled as bigoted. So their strategy for endorsing Smith involved avoiding the issue of prohibition, and challenging the anti-Smith forces on their prejudice; also stressing loyalty to the party.[155] Byrd also insisted that the election of Smith was necessary to maintain white supremacy, stating "that the next danger is that the defeat of the National Democratic ticket by the electoral votes of the Southern States may render the Southern States defenseless against its

[152] L.C. Quarles, op-ed in the *Baptist Religious Herald*, Vol. CI, No. 51, (December 27, 1928). The author of this piece also expresses the need to evangelize the Roman Catholic population "to save ourselves from the unlimited powers of ecclesiastical darkness."
[153] Cannon, Bishop Cannon's Own Story: Life as I Have Seen It, 399.
[154] Dabney, Dry Messiah: The Life of Bishop Cannon, 181.
[155] Heinemann, *Harry Byrd of Virginia*, 91-92.

sectional enemies in the National Congress."[156] Cannon, meanwhile, claimed that his opponents branded every Smith opponent a bigot, and injected the religious issue for political gain.[157]

Glass, a dry, became a passionate spokesman for Smith, although he had privately stated that a Democratic victory would require "the interposition of God and the entirely heavenly host to win the ensuing election."[158] John Garland Pollard, also a dry, backed Smith as well. As an independent Democrat, Pollard had once criticized the Martin ring for making political deals with Cannon leading up to prohibition's enactment. His dispute with Cannon in the gubernatorial primary of 1917 had divided the dry vote and cost him the Democratic nomination (and presumably the governorship). Pollard seemed to walk the line between both sides of the liquor debate, having a dry record, but now supporting a wet presidential candidate. He had also once been an enemy of the Organization, but now he was in accordance with Glass and Byrd that Democratic hegemony in Virginia was too critical to sacrifice. Plus, he had felt enmity toward Cannon. He denounced Cannon as "an ecclesiastical politician and traitor to the Democratic party."[159]

The results of the election were shocking to the Democratic leadership in the state. Hoover defeated Smith overwhelmingly, and most shockingly, won the solid South. He carried eight southern states, four of which had been solidly Democratic since Reconstruction.[160] His victory in Texas, Florida, North Carolina, and Virginia, as well as thirty-six other states, was a

[156] Quoted in "Virginia Political Leaders Fail to Keep Faith," *The American Issue: Virginia Edition*, Vol. VIII, No. 20, (September 29, 1928), Albert and Shirley Small Special Collections Library, University of Virginia. In response to Byrd's warning, the Virginia ASL wondered how a Congressional Democratic minority, that had successfully preserved Prohibition, despite the opposition of the "wet" forces of the nation, could be so weak in defense of the South from "objectionable legislation on the negro question."
[157] Dabney, Dry Messiah: The Life of Bishop Cannon, 183.
[158] Quoted in Heinemann, *Harry Byrd of Virginia*, 91.
[159] Cannon, *Bishop Cannon's Own Story: Life as I Have Seen It*, 446. Pollard's words are taken from an address delivered in Norfolk during the presidential campaign.
[160] Dabney, Dry Messiah: The Life of Bishop Cannon, 187.

landslide.[161] Hoover won 58.2 percent of the popular vote to Smith's 40.8 percent, and 444 electoral votes to Smith's eighty-seven.[162] In Virginia, the votes for Hoover were pretty evenly distributed between rural and urban areas. In Albemarle County, Smith won sixty-five percent of the votes, but in neighboring Augusta County, Hoover won sixty-four percent. In Charlottesville, the vote was fifty-eight percent in favor of Smith.[163] In Franklin County, Smith won fifty-five percent, but in neighboring Floyd County, Hoover won seventy-seven percent. Hoover carried Roanoke by sixty-two percent, and Chesterfield County by fifty-five percent. Surprisingly, Hoover even won several wet urban areas, including Richmond, by fifty-one percent, Norfolk by fifty-nine percent, and Alexandria by fifty-five percent, although Smith won Williamsburg by seventy-six percent, and Petersburg by sixty percent. Hoover carried Arlington County by seventy-five percent.[164]

The election in Virginia had been an unpredictable battle. Senator Glass blamed the Democratic loss on "political parsons and innate religious prejudices."[165] For the first time, Republicans were joined by members of the KKK, the ASL, and Baptist and Methodist preachers, all who disparaged the "Rum and Romanism" of the Democratic Party.[166] This alliance represented quite an anomaly to political alliances of the period. It also signified that Prohibition, backed by evangelism and nativism, was still very much supported in the

[161] Kerr, Organized for Prohibition: A New History of the Anti-Saloon League, 258.
[162] J. Clark Archer et al, *Historical Atlas of U.S. Presidential Elections, 1788-2004*, (Washington, D.C.: Congressional Quarterly Press, 2006), Library of Virginia.
[163] *America at the Polls: A Handbook of American Presidential Election Statistics, 1920-1964*, edited by Richard M. Scammon, (Pittsburg: University of Pittsburgh Press, 1965), 471.
[164] Ibid. The fact that Hoover's victory in several wet cities broke the rural-urban divide which seems to have characterized the push for statewide prohibition, speaks most prominently to the persuasive power of Cannon and the Anti-Smith forces. Although places like Norfolk and Richmond had been reluctantly dry since prohibition was enacted, their voting for a dry Republican over a wet Democrat suggests that Cannon's fear mongering and propaganda was quite effective.
[165] Quoted in Heinemann, *Harry Byrd of Virginia*, 94.
[166] Heinemann, Harry Byrd of Virginia, 93.

commonwealth. Furthermore, it demonstrated that Bishop Cannon was, as famed journalist and commentator, H.L. Mencken, described him, "the most powerful ecclesiastic ever heard of in America."[167]

Following the electoral disaster in 1928, Governor Byrd knew that the future of the Democratic Party in Virginia would be determined by the gubernatorial election of 1929. He told Senator Glass that he would make no compromise with Cannon, whom Byrd charged with trying to destroy the Democratic Party.[168] Byrd endorsed Pollard, who had gravitated toward the Democratic Organization under Byrd's rule, and had supported Smith for the presidency in 1928. Pollard, however, still seemed an unusual candidate, since he had previously aligned with the progressive Democrats in fighting the Martin machine that Byrd inherited. Running against Pollard was G. Walter Mapp, an avid dry who had had a close association with Cannon, and whose candidacy as an independent Pollard had supported in the gubernatorial primary of 1925, which Byrd easily won.[169] Byrd, determined to defeat Cannon, backed Pollard, who was personally and politically dry, as well as one of Virginia's leading Baptists, but more importantly, was an enemy of Cannon's.[170] All of the political re-aligning taking place excluded Cannon, whose decision to break completely with the Democratic Party may have won him a dry president, but it cost him a continued relationship with Virginia's key politicians.

Cannon urged the Anti-Smith Democrats to stay out of the primary race, as he felt he could not support either Pollard or Mapp, both of whom had supported Smith. Although Cannon made it clear that Mapp would have been his choice among the Democratic candidates, neither

[167] Quoted in Dabney, Dry Messiah: The Life of Bishop Cannon, 190.
[168] Heinemann, Harry Byrd of Virginia, 95.
[169] Ibid, 97.
[170] Dabney, *Dry Messiah: The Life of Bishop Cannon*, 194. Robert Hohner notes in his biography, "After years of ecclesiastical and political combat, he [Cannon] had more enemies than most men in public life." 236.

the candidates or party leaders had protested "Smith's betrayal of the party."[171] Cannon had gone as far as to demand a public apology from the state's Democratic leaders for their denunciations of him and other Anti-Smith Democrats during the 1928 campaign. He further demanded that the Democratic leaders denounce the Smith-Raskob leadership of the national party, if they wanted Cannon to return to their ranks.[172] Byrd, of course, would not surrender to Cannon's demands.

Cannon and the Anti-Smith Democrats decided to endorse Dr. William Moseley Brown, a professor of psychology at Washington and Lee University, who, as a dry Democrat, had voted for Hoover in 1928.[173] Shortly after their endorsement, Virginia Republicans likewise nominated Brown.[174] Many had wondered whether the coalition of Anti-Smith Democrats and Republicans would remain, and whether it signified a major realignment of the parties, or merely an anomaly resulting from the circumstances of 1928.[175]

While Cannon urged voters to "smash the Machine,"[176] and proclaimed that the major issue of the day was "Raskobism vs. Southern Democracy,"[177] allegations were surfacing surrounding a recent public revelation of his questionable activities on the stock market. In June, 1929, a report of Cannon's association with Kable and Company, a New York bucket shop under indictment for fraud, became national news, the release of which was aided by one of Cannon's other old nemeses: Senator Carter Glass. Glass had said privately, "I know of no human being

[171] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 239.
[172] Dabney, Dry Messiah: The Life of Bishop Cannon, 192.
[173] Heinemann, Harry Byrd of Virginia, 98.
[174] Dabney, Dry Messiah: The Life of Bishop Cannon, 195.
[175] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 237.
[176] Heinemann, Harry Byrd of Virginia, 98.
[177] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 240.

who more richly deserves to be destroyed."[178] The June 20th newspapers revealed that Cannon had not only been a patron of Kable and Company, but that the firm's books showed that for an eight-month period between 1927 and 1928, the firm had bought stocks for him worth $477,777, and sold them for $486,000, while Cannon had paid only $2500.[179] Cannon's stock speculation on margin through a fraudulent and bankrupted firm was hardly the right behavior for a bishop in his position.[180]

Shortly after the stock gambling scandal became public, the *New York Herald* and *Chicago Tribune* published the fact that R. W. Boyden, an enforcement officer for the United States Food Administration, had accused Cannon of being a wartime flour hoarder, while serving as president of Blackstone College, a small Virginia girls' school. Boyden's opinion came as a response to a request from Senator Glass, who had learned in 1918 that Cannon had bought 650 barrels of flour the year before, claiming his motivation was to protect Blackstone College from a possible rise in the cost of provisions for the following school year. Cannon admitted to holding the flour until he was sure the price to be secured was satisfactory, upon which he sold it and turned the money over to Blackstone College.[181] Following the release of this information in the summer of 1929, Cannon denied Boyden's previous accusations that he had bought a three-year supply of flour for the college, although the charges were particularly damaging, as Cannon's actions had occurred at a time when profiteering in foodstuffs and hoarding was condemned by President Woodrow Wilson and the nation at large.[182] Glass, who orchestrated the investigation during the war, kept the Food Administration's confirmation that Cannon was

[178] Quoted in Hohner, *Prohibition and Politics: The Life of Bishop James Cannon, Jr.*, 242. Hohner attributes Glass to "a vindictiveness unusual even in political life." Glass was "determined to discredit Cannon and eliminate him as a force in Virginia and in national politics."
[179] Dabney, Dry Messiah: The Life of Bishop Cannon, 195-196.
[180] David E. Kyvig, *Repealing National Prohibition*, (Kent, Ohio: The Kent State University Press, 2000), 136.
[181] Dabney, Dry Messiah: The Life of Bishop Cannon, 200.
[182] Ibid, 202.

"clearly a hoarder" under wraps, for use at an appropriate time, specifically, the gubernatorial campaign of 1929.[183]

Amidst the bucket-shop and flour-hoarding controversies, yet another scandal threatened Cannon's reputation. A letter by the Reverend Dr. Rembert G. Smith to the *Lynchburg News*, the Virginia newspaper owned by Senator Glass, charged that the Southern Methodist Board of Temperance and Social Service had lent some of its funds to Cannon, its chairman, during the 1928 presidential campaign. In fact, Cannon had given more than $27,000 to the Anti-Smith Democrats. He claimed he had made only personal loans, which were repaid to him as contributions were received for the work done by the Anti-Smith headquarters committee. Now Cannon was facing violation of the Federal Corrupt Practices Act.[184] In characteristic style, he attributed all of the recent charges to the "venomous attacks" of the "Roman Catholic influenced secular press."[185] Despite Cannon's assertions that he was the victim of wet Catholic vendetta, by 1930, even the *Christian Century*, a publication that had always defended him, referred to him a "lost leader."[186]

During the hearing on Cannon's stock market speculating, H.L. Mencken observed that "what ails the bishop chiefly, though he does not seem to realize it, is that a formidable opposition to him is rolling up in his own camp—that multitudes of Methodists, clerical and lay, have become convinced by the slanders of the wet press, that he has reached the end of his usefulness, at least as a great moral agent."[187] With Cannon's recent discrediting, it became clear that his political influence had been undermined. Furthermore, he had no issue with which to

[183] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 246.
[184] Dabney, Dry Messiah: The Life of Bishop Cannon, 203.
[185] Ibid, 204.
[186] Kenneth D. Rose, *American Women and the Repeal of Prohibition*, (New York: New York University Press, 1996), 62.
[187] Quoted in Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 255.

rouse the constituents who had helped him elect President Hoover in 1928; the Organization's gubernatorial nominee, John Garland Pollard, a Baptist and life-long dry, gave Cannon no basis for criticism once again that the Democrats were aligned with the Pope and Tammany Hall.[188] Cannon ended up traveling to Brazil for episcopal conferences in the fall of 1929, remaining out of the scene of the gubernatorial contest. He was absent until after the election, and though he had urged Virginians to vote for Dr. Brown, Cannon refrained from voting himself, even though he could have voted by mail.[189]

Pollard's victory in the gubernatorial election of 1929 was a landslide; the second-largest of any candidate in the history of the state.[190] Charges of wet politics and "bossism," which Cannon had proclaimed, did not stick. Cannon had been repudiated, and once again, a united Democratic Party retained a firm hold over politics in Virginia.[191]

The election of Republican president, Herbert Hoover, in a state so deeply rooted in Democratic hegemony, was a major, if temporary interruption of party power in Virginia. To understand how such a significant political realignment could suddenly occur in one election and seem to fade away by the next, reveals the extent to which one divisive issue can cause an unforeseen and game-changing outcome. This issue was Prohibition. Of the other divisive factors, namely ethnic and religious prejudices, native-born suspicion of "new world" urbanites, and other scapegoating measures that figures like Bishop Cannon used to place blame for the lawlessness and debauchery that characterized the 1920s, all were linked with Prohibition.

The vote for Hoover indicated that Prohibition was still supported, and the social and cultural divisions that were responsible for its enactment and perpetuation were still influential in

[188] Dabney, Dry Messiah: The Life of Bishop Cannon, 210.
[189] Ibid, 212.
[190] Ibid.
[191] Heinemann, Harry Byrd of Virginia, 98-99.

Virginia, despite the growing national consensus that Prohibition was a failure, and needed modification, if not outright repeal. Yet one cannot overlook the fact that Cannon's besmirched reputation coincided with his candidate's overwhelming gubernatorial defeat in 1929. Pollard's election can be interpreted as not just a political defeat for Cannon, but a symbolic defeat for all that Cannon represented. Thus, the discrediting of the state's leading dry was arguably an impetus to further the cause of the growing wet sentiment evolving in Virginia and other states. Cannon represented prohibition, so it is not surprising that his disgrace would contribute to the growing perception that prohibition was a failure. At the least, his fading moral and political influence posed a challenge to the drys' continued defense of prohibition.

Once Virginia joins the repeal movement, the evangelical forces for abstinence clash with extreme wets and more moderate forces for temperance. While wets came out victoriously, it seems that in Virginia, the dry sentiment was resilient enough not to accept total defeat when it became apparent that the state, and the nation at large, wanted Prohibition to end. The ensuing debate over legalizing alcohol once again, and the form of control that Virginia would adopt in order to achieve real temperance, shows that the dry influence in Virginia never totally disappeared, even though the dry movement on a national level was suffering a crisis of credibility and support on the eve of the ratification of the Twenty-First Amendment and the end of the "noble experiment."

Chapter 3:

"'To Build Anew in the Place of the Structure which the Storm of Public Indignation has Swept Away': Repeal in the Commonwealth"

"Damn him all you please…the fact remains brilliantly plain that Monsignor James Cannon, Jr., LLD, is the chief figure in American public life today."[192] H.L. Mencken's observation captures Bishop Cannon's notoriety by the end of the 1920s. Cannon had succeeded in 1928 in forging a political alliance unheard of in Virginia at the time, and helped confirm both the support and continuation of Prohibition, upheld by President Hoover. The Anti-Saloon League of Virginia described Hoover's election as the "greatest dry victory in [the] history of temperance legislation."[193] The organization also claimed that Prohibition was the leading issue in the campaign, and that Al Smith had made the election a national referendum on that issue, asserting that "it was undoubtedly the threat of the destruction of our prohibition policy that aroused indifferent citizens and the first voter to go to the polls."[194] Furthermore, they proclaimed that Bishop Cannon was the most beloved figure in Virginia, and that it was disgraceful for men like Governor Byrd and Senator Glass to slander a man of his character and service.[195]

Governor Pollard, on the other hand, claimed that *Cannon* charged *him* with vicious slanders, as Cannon's personal hatred of Pollard was "of ancient origin," due mostly to the fact that "he [Cannon] knows I never approved of his embezzlement of the influence he acquired as the leader of a great cause in order that he might increase political power in directions

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[192] Quoted in Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 257.
[193] "Greatest Dry Victory in History of Temperance Legislation," *The American Issue, Virginia edition*, Vol. VIII, No. 23, (November 10, 1928), Albert and Shirley Small Special Collections Library, University of Virginia.
[194] "Proof That This Election is a Prohibition Referendum," *The American Issue, Virginia edition*, Vol. VIII, No. 23, (November 10, 1928), Albert and Shirley Small Special Collections Library, University of Virginia.
[195] "Bishop James Cannon, Jr.," *The American Issue, Virginia edition*, Vol. VIII, No. 23, (November 10, 1928), Albert and Shirley Small Special Collections Library, University of Virginia.

unconnected with the reform he professed he was seeking."[196] Certainly, to the "bone-drys," Cannon had done the nation a great service. But to Virginia's Democratic leaders, it was the tactics he used to secure the survival of Prohibition that they resented. Pollard, himself a devoted dry, stated shortly before the 1928 election, "I protest against making prohibition the only question of this campaign. The drink problem will take half a century to solve, and in the meantime, are we going to let the other great problems come up and go unheeded?"[197] Pollard maintained that the success of prohibition was not dependent on the party in power, but rather, entirely on public opinion, and that it was up to the drys to create public sentiment to uphold the law.[198]

Senator Glass believed in 1926, by which time many of the problems of Prohibition had been widely known, that the question of modification or repeal of the Eighteenth Amendment would be defeated in Congress.[199] Yet during the Smith-Hoover campaign, Glass said that he had tried "to save the Democratic Party from the desperate hazard of a campaign in behalf of liquor; but the nominee appears to have taken a different view of the matter."[200] Both Glass and Pollard, though dry and in support of Prohibition, wished the issue had stayed out of the realm of politics and party loyalty.

Cannon, who had orchestrated a split among Democratic voters along a wet-dry line in 1928 to the dismay of Virginia's political leaders, faced overwhelming defeat in 1929. His

[196] John Garland Pollard, "Unpublished reply to Bishop Cannon's Attack on me during my campaign for governor," 1929, in the Papers of John Garland Pollard, Box 8, Folder 209, Earl Gregg Swem Library Special Collections, the College of William and Mary.
[197] "Pollard Protests Making 'Dry' Question Only One of Campaign," *Richmond Times-Dispatch*, October 20, 1928, Library of Virginia.
[198] Ibid.
[199] Carter Glass, Letter to Miss. Margaret E. Crenshaw, dated March 26, 1926, in the Papers of Carter Glass, Accession 2913, Box 247, Albert and Shirley Small Special Collections Library, University of Virginia.
[200] Carter Glass, Letter to Dr. John Preston McConnell, dated July 13, 1928, in the Papers of Carter Glass, Accession 2913, Box 253, Albert and Shirley Small Special Collections Library, University of Virginia.

candidate, Dr. William Moseley Brown, was the worst beaten candidate that had ever run for governor, with Pollard's majority exceeding 75,000.[201] Pollard's victory, though expected in a historically Democratic state, was a rebuke of Cannon, who had just the year before carried Virginia's voters in his favor and into the Republican ranks. One therefore wonders, how deeply rooted was the force for prohibition in Virginia by this time? If Cannon had the power to convince Democratic voters to abandon their party for prohibition (and to keep a Catholic out of the White House), only to lose the favor of those who had rallied behind him just one year later, after various scandals had damaged his reputation, does Virginia voters' flocking back to their traditional allegiance indicate that the 1928 "referendum on prohibition" was proof more of Cannon's persuasive power, than a true sign of the public's desire to remain "bone-dry"? Once Cannon's credibility had been undermined, would his radical prohibition stance continue to maintain support?

A few years later, the "noble experiment" came to an end, both federally and in Virginia. The rapid reversal of opinion in Virginia cannot be attributed solely to the discrediting of a single individual, albeit one who was the personification of the dry movement; even in a state as dry as the Old Dominion, the problems of prohibition had given rise to a wet sentiment that had been developing by the time Cannon's infamy had become known nationwide. It seems, therefore, that a combination of factors contributed to the demise of the dry laws: a wet movement whose influence seemed to grow as the dry movement waned, the downfall of one of the drys' most admired leaders, and the acceptance by Virginia's dry politicians, namely Glass, Byrd, and

[201] "Glass Opposition Induced by Cannon: Virginia G.O.P. Will Meet August 30 to Name Senate Candidate," *The Washington Post*, July 20, 1930, in the Papers of Carter Glass, Accession 2913, Box 421, Albert and Shirley Small Special Collections Library, University of Virginia. Cannon, determined to punish Glass, and all who had supported Smith and Pollard, joined Republicans again in 1930 to oppose Glass' Senate reelection.

Pollard, that in light of a perceived shift in public opinion, a certain degree of concession was necessary and inevitable.

An explanation for the speed at which states, Virginia included, rallied behind repeal, is that the movement reflected a wave of changing popular opinion. Prohibition had become vastly unpopular throughout the country, as it was difficult and costly to enforce, and led to a rise in criminal behavior. As early as 1926, Congress had held hearings on the problems of enforcement and the increase in crime. Congressman and future major of New York City, Fiorello LaGuardia, stated in one hearing: "It is impossible to tell whether prohibition is a good thing or a bad thing. It has never been enforced in this country."[202] LaGuardia went on to cite the fact that consumption of denatured alcohol increased two hundred percent since Prohibition began; at least one billion dollars a year was lost to the national and state governments in excise taxes; and the Prohibition Enforcement Union was so discredited that it had become a joke.[203] Judge Alfred J. Talley testified that since the enactment of Prohibition, alcoholism increased over one hundred percent; women and youth became significantly more intemperate; the saloon that once trafficked in the open was replaced by the clandestine and unregulated "speakeasy;" and the law "has made sneaks and hypocrites of the once fearless and straightforward and chivalrous American people."[204]

Similar sentiment was felt in Virginia. For example, a constituent of Senator Glass, Chas H. Fulwiler, expressed in 1926 that he had voted dry when the state went dry, opposed the

[202] Fiorello H. LaGuardia, "The Impossible Enforcement Problem," Reprinted from *The National Prohibition Law*, Hearings before the Committee on the Judiciary, U.S. Senate, 69th Congress, 1st Session (1926), in *The Politics of Moral Behavior*, K. Austin Kerr (ed.), (Reading, MA: Addison-Wesley Publishing Company, 1973), 137.
[203] LaGuardia, "The Impossible Enforcement Problem," 139.
[204] Alfred J. Talley, "Prohibition and the Crime Wave," Reprinted from *The National Prohibition Law*, Hearings before the Committee on the Judiciary, U.S. Senate, 69th Congress, 1st Session (1926), in *The Politics of Moral Behavior*, K. Austin Kerr (ed.), (Reading, MA: Addison-Wesley Publishing Company, 1973), 146.

saloon, but would rather see the saloon return rather than existing conditions remain.[205] Four years later, Governor Pollard reinforced Fulwiler's perception that prohibition had not, in fact, corrected the problems of the saloon era; liquor trade, consumption, and lawlessness were pervasive problems. In his inaugural address, Pollard described an alarming situation that had arisen, in which lawlessness had become "the most contagious and deadly of all the diseases which afflict the body politic."[206] He had promised in the gubernatorial campaign to use his influence to encourage respect for and obedience to the law.[207] Once elected, however, Pollard recognized that "law enforcement and public sentiment must go hand in hand."[208] His words beg the question whether public sentiment was still in support of prohibition.

The wet sentiment in Virginia evolved largely due to the efforts of two of the nation's most influential wet pressure groups: The Women's Organization for National Prohibition Reform (WONPR) and The Association Against the Prohibition Amendment (AAPA). The WONPR was founded by wealthy New York socialite, Pauline Sabin, who in April 1929, announced her intention to retire from the Women's National Republican Club, which she had founded, in order to work for a change in the Prohibition laws.[209] Within a year, the WONPR

[205] Chas H. Fulwiler, Letter to the Hon. Carter Glass, dated March 24, 1926, in the Papers of Carter Glass, Accession 2913, Box 247, Albert and Shirley Small Special Collections Library, University of Virginia. The recognition by drys like Fulwiler of the failure of prohibition to correct the problems of the saloon era suggests that at least a portion of Virginians had already begun to reverse their opinions regarding the efficacy of the dry laws as early as 1926-- before the repeal forces had gathered momentum.
[206] John Garland Pollard, Inaugural Address of John Garland Pollard, Governor, to the General Assembly and the People of Virginia, Wednesday, January Fifteenth, Nineteen Hundred and Thirty, Richmond: Division of Purchase and Printing, 1930, Senate Document No. 5, January 15, 1930, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 355, Albert and Shirley Small Special Collections Library, University of Virginia.
[207] John Garland Pollard, "Williamsburg Speech of John Garland Pollard, Democratic Nominee for Governor," in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 355, Albert and Shirley Small Special Collections Library, University of Virginia.
[208] John Garland Pollard, Inaugural Address of John Garland Pollard, Governor, to the General Assembly and the People of Virginia, Wednesday, January Fifteenth, Nineteen Hundred and Thirty, Richmond: Division of Purchase and Printing, 1930, Senate Document No. 5, January 15, 1930, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 355, Albert and Shirley Small Special Collections Library, University of Virginia.
[209] Grace Cogswell Root, Women and Repeal: The Story of the Women's Organization for National Prohibition Reform, (New York: Harper & Brothers Publishers, 1934), 3.

held its first national conference, in which twenty-nine states were represented.[210] The early goals of the organization involved gathering statistics on the increase in drunkenness during the dry years, especially among youth; writing letters to organizations supporting prohibition, training women to speak on the issue, enrolling members, and following all legislation pertaining to Prohibition.[211] The WONPR employed techniques that dry organizations, namely the Woman's Christian Temperance Union (WCTU), had used a decade before, such as congressional testimonies, polling of political representatives, home visits, and mass mailings. Like the WCTU before them, the WONPR used the theme of preserving the nation's morality as a driving force behind their movement.[212]

The WONPR called for repeal of the Eighteenth Amendment, and the restoration of the power to regulate the manufacture, transport, and sale of alcohol to the individual states, along with state regulations forbidding the return of the saloon; thereby responding to public sentiment and setting conditions that could be enforced.[213] It began campaigning through the press, radio, public meetings, and through printed material.[214] The Virginia WONPR organized in 1929 under the leadership of Mrs. Algernon S. Craven, during which time, membership climbed from two hundred to two thousand. Margaret N. Keith, elected state chairman in 1931, pledged to carry on the campaign for repeal.[215] WONPR members in Virginia "plunged gallantly into the driest of dry communities and made themselves heard regardless of affronts."[216] Taking on a strategy of direct political action, the WONPR urged its members to support only those political

[210] Root, Women and Repeal: The Story of the Women's Organization for National Prohibition Reform, 19.
[211] Ibid, 10-11.
[212] Rose, American Women and the Repeal of Prohibition, xiii.
[213] Root, Women and Repeal: The Story of the Women's Organization for National Prohibition Reform, 20.
[214] Ibid, 29.
[215] "Virginia Women to Seek Repeal," *The Free Lance Star*, September 15, 1931. http://news.google.com/newspapers?nid=1298&dat=19310915&id=GtdNAAAAIBAJ&sjid=wIoDAAAAIBAJ&pg=6680,2108688
[216] Root, Women and Repeal: The Story of the Women's Organization for National Prohibition Reform, 30.

candidates who have openly declared support for repeal.[217] At the Resolutions Committee of the Democratic National Convention in 1932, Mrs. George K. Sloane, co-chairman of the Virginia WONPR, was picked by Pauline Sabin to speak on behalf of the dry South, urging the Democratic Party, not merely to submit the question of the Eighteenth Amendment to the people, but to pledge the party to work for its repeal. The WONPR's Director of Research, Grace Cogswell Root, noted that this speech was described as "the voice of American womanhood."[218]

Another wet pressure group that became a force for change was the Association Against the Prohibition Amendment, founded in 1918 by Captain William H. Stayton.[219] The organization's political campaign to repeal the Eighteenth Amendment began in December 1927.[220] The Virginia AAPA was granted a charter by the State Corporation Commission in October, 1931, with General W.H. Cocke, former Superintendent of the Virginia Military Institute, as its president.[221] Among the other founders were State Senator C. O'Conor Goolrick and State Senator James S. Barron.[222] The purpose of the association in advocating repeal was to end the inefficiencies of national enforcement, and the crimes and lawlessness resulting from it, and to restore governance of the liquor traffic to the states.[223] Cocke admitted that he was not particularly opposed to statewide prohibition, but rather to the federal legislative involvement on

[217] Ibid, 45.
[218] Ibid, 80.
[219] Kyvig, Repealing National Prohibition, 3.
[220] Ibid, 1.
[221] "State Group Fight For Repeal: Virginia Association Against Prohibition Chartered with Gen. W.H. Cocke as President," *The Free Lance Star*, October 27, 1931. http://news.google.com/newspapers?nid=1298&dat=19311027&id=PNdNAAAAIBAJ&sjid=wIoDAAAAIBAJ&pg=6487,4382001
[222] "New Group Aims to Unite Virginia for Repeal of Dry Law," *Richmond Times-Dispatch*, October 27, 1931, Library of Virginia.
[223] "General Cocke Heads Newly Organized Wets in State," *The Cadet*, November 2, 1931. *Published by the Corps of Cadets, Virginia Military Institute. http://digitalcollections.vmi.edu/cdm/ref/collection/p15821coll8/id/6028

questions that were never intended to be within its scope.[224] Federal Prohibition was an invasion of states' rights and contrary to the fundamental principles of government, he said.[225]

Cocke believed that federal Prohibition was a failure, and in a matter so closely connected with the personal habits of the people, a uniform law that applied to all states, regardless of the citizens' sentiment in each state, could not be enforced, and so should be repealed; so each state could determine a policy that its citizens approved.[226] Cocke further noted that the need to remedy the deplorable conditions under national Prohibition was supported by such organizations as the American Medical Society, the American Bar Association, the American Federation of Labor, and the American Legion.[227] The AAPA's aim was to solicit voters, bringing to the polls all who opposed the interference of the federal government into regulation that should be left to the discretion of the individual states.[228]

The WONPR argued that the final death blow to Prohibition occurred with the publication of the Wickersham Report, by President Hoover's appointed Commission on Law Observance and Enforcement, in January 1931. To the WONPR, this proved that control of liquor and respect for law and order had vanquished.[229] The report mentioned a multitude of

[224] W.H. Cocke, Letter to Governor Pollard, dated April 12, 1931, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 97, Library of Virginia.
[225] W.H. Cocke, Letter to Governor Pollard, dated April 9, 1931, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 97, Library of Virginia. In his response, dated April 10, 1931, Pollard assured Cocke that he was not opposed to Cocke's decision to accept the chairmanship of the association against the Federal Prohibition Amendment in Virginia, on the grounds that "the great question involved is one in which honest men differ," and that he could not allow their differing views on prohibition to interfere with their personal or political friendship.
[226] "New Group Aims to Unite Virginia for Repeal of Dry Law," *Richmond Times-Dispatch*, October 27, 1931, Library of Virginia.
[227] "State Group Fight For Repeal: Virginia Association Against Prohibition Chartered with Gen. W.H. Cocke as President," *The Free Lance Star*, October 27, 1931. http://news.google.com/newspapers?nid=1298&dat=19311027&id=PNdNAAAAIBAJ&sjid=wIoDAAAAIBAJ&pg=6487,4382001
[228] "General Cocke Heads Newly Organized Wets in State," *The Cadet*, November 2, 1931. *Published by the Corps of Cadets, Virginia Military Institute. http://digitalcollections.vmi.edu/cdm/ref/collection/p15821coll8/id/6028
[229] "After Repeal, What?" Issued by the Women's Organization for National Prohibition Reform, in miscellaneous pamphlets of the WONPR, Virginia Commonwealth University Special Collections and Archives.

problems in Virginia, despite the state having been a zealous prohibition state since 1914. For example, the number of arrests for drunkenness in Richmond increased by more than one-third in five years, and the amount of liquor circulating steadily increased in Richmond, Norfolk, and Roanoke.[230]

The WONPR highlighted the fact that both disrespect for the law and increased drinking was particularly notable among youth. While it opposed the return of the saloon, it admitted that even in pre-prohibition days, minors were excluded from the saloon by saloon-keepers who feared risking revoked licenses, unlike the illegal speak-easy, where minors were often patrons. These women claimed that for the sake of their homes and their children, all women should protest the existing conditions and unite against the evils of national Prohibition.[231] The AAPA came to similar conclusions. It opposed the return of the unregulated saloon, but was equally weary of the "myriad of poison-peddling speakeasies, which, under Federal Prohibition, have replaced the old saloons."[232] They urged state legislation that would "prevent the return of the saloon, and bring the liquor traffic into the open under complete supervision and control by the States."[233] On the other hand, drys in Virginia believed that any vote against prohibition would give encouragement to "the considerable element of our people who favor a return of the old

[230] Facts are taken from the Wickersham Report, as printed in the *Congressional Record*, February, 1931, quoted by Nicholas Murray Butler, "The Repeal of the Eighteenth Amendment," an address delivered at Pasadena, California, March 17, 1931.
[231] "A Few Reasons Why Women Should Work for a Change in the National Prohibition Laws," issued by the Women's Organization for National Prohibition Reform, miscellaneous pamphlets of the WONPR, Virginia Commonwealth University Special Collections and Archives.
[232] Henry C. Curran, President of the Association, at the Republican National Convention in Kansas City, MO, June, 1928, quoted in the "Report to the Directors, Members, and Friends of the Association Against the Prohibition Amendment," submitted to the Executive Committee of the Board of Directors, for the Year 1928, dated January 29, 1929, in the Annual Reports of the Association Against the Prohibition Amendment, Library of Virginia.
[233] "Annual Report of the President of the Association Against the Prohibition Amendment, for the Year 1932," dated February 27, 1933, in the Annual Reports of the Association Against the Prohibition Amendment, Library of Virginia.

liquor regime."[234] One dry columnist predicted, with sarcasm, the return of the pre-prohibition unregulated liquor traffic and the saloon: "The saloon will not come back, much less do we think that Americans will permit the baser elements of society, or pin-headed politicians, to make a liquor dealer of any of our states, for that would put our whole citizenship of that State in the liquor business and would make all particeps criminals in the infamous traffic."[235]

In most points concerning prohibition, the drys and wets tended to use similar argumentation, while coming to opposite conclusions. The WCTU learned from sending inquiries to jailors in various cities and counties in Virginia that few convictions resulted from cases of drunkenness, and only occasionally from cases of bootlegging. To these dry women, prohibition was a success, but the wets were working to bring the nefarious liquor back.[236] The WCTU cited Dr. Irving Fisher of Yale University, who argued that liquor consumption was probably less than ten percent of saloon era consumption. These women also claimed that police statistics in the nation's largest cities showed a decrease in arrests for drunkenness.[237] With regards to enforcement problems, the WCTU proclaimed that the "corruption charge against prohibition is the product of those who buy liquor from the bootlegger and smuggler, and this is promoted by wet propaganda. The country cannot substitute liquor-control for civic consciousness and expect good government."[238]

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[234] R.H. Pitt, "Facing the Facts," editorial featured in the *Baptist Religious Herald*, Vol. CVI, No. 8, (February 23, 1933), Library of Virginia.

[235] H. Beauchamp, in the *Baptist Religious Herald*, Vol. CIV, No. 2, (January 8, 1931), Library of Virginia. Beauchamp noted that as alcohol is outlawed "by science, by the great bulk of educators, by sane economists, and by the moral and religious elements," all arguments against prohibition "are based either on a depraved appetite or an avaricious spirit that would sell virtue for money."

[236] Ironmonger and Phillips, History of the Woman's Christian Temperance Union of Virginia and a Glimpse of Seventy-Five Years, 1883-1958, 76.

[237] "False Wet Arguments," *Virginia Call*, Vol. 39, No, 1, (April 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.

[238] "Bootleggers like Wets," *Virginia Call*, Vol. 39, No. 2 (June 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia. This statement is an inadvertent admission that prohibition could not be effectively

The leading wet and dry groups came to contradictory conclusions on seemingly every condition that had developed under Prohibition. One wet argument was that Prohibition turned harmless habits into criminal acts,[239] whereas the drys argued that the real problem prohibition faced was the drinking habits of the people—"Let the drinking habit be corrected and every other problem of prohibition becomes solvable."[240] In other words, the wets thought prohibition posed a problem for the *modest* drinking habits of the people, while the drys thought the *excessive* drinking habits of the people posed a problem for prohibition. With regards to levels of alcohol use, the wets put forth figures showing that the death rate from alcoholism had increased three hundred percent, insanity due to alcoholism was as bad as in the saloon days, and arrests for drunkenness were twice as many as upon enactment of Prohibition.[241] The drys, meanwhile, argued that Prohibition reduced drunkenness, lowered drinking by at least sixty percent, closed nearly all the inebriate hospitals, reduced vice, and made streets safer for women and children.[242]

The wets claimed that they did not want more liquor, but rather, more liquor *control*,[243] while the drys doubted whether making liquor easier to obtain would make people drink less, especially if liquor was considered respectable once again.[244] The wets believed that prohibition

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enforced, as it alleges that civic-mindedness and liquor control are not compatible. It also suggests that liquor control and prohibition are synonymous, which the wets would dispute. Ironically, the use of the term "liquor control" to describe prohibition enforcement also implies that under Prohibition, liquor was prevalent enough to necessitate control by officials who wouldn't be persuaded by "wet propaganda," or be tempted to turn a blind eye to bootleggers—which, in effect, weakens the WCTU's claims to the efficacy of prohibition.

[239] "Annual Report to the Directors, Members, and Friends of the Association Against the Prohibition Amendment," Submitted by the Executive Committee of the Board of Directors for the year 1929, dated January 15, 1930, in the Annual Reports of the Association Against the Prohibition Amendment, Library of Virginia.

[240] Solon Cousins, "Prohibition and the Habit of Drinking," *Baptist Religious Herald,* Vol. CII, No. 21, (May 23, 1929), Library of Virginia.

[241] "Has Prohibition Brought Temperance?" Published by the Women's Organization for National Prohibition Reform, pamphlet in the Executive Papers of John Garland Pollard, Accession 23344a, Box 97, Library of Virginia.

[242] "False Wet Arguments," *Virginia Call*, Vol. 39, No, 1, (April 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.

[243] "After Repeal, What?" Issued by the Women's Organization for National Prohibition Reform, miscellaneous pamphlets of the WONPR, Virginia Commonwealth University Special Collections and Archives.

[244] James Hoge Ricks, "Judge Ricks Against Repeal," the *Baptist Religious Herald*, Vol. CV, No. 48, (December 1, 1932), Library of Virginia.

increased taxes to an alarming extent, and wasted money which could otherwise be directed to national welfare.[245] Criticizing the fact that federal Prohibition cost almost a billion dollars a year for enforcement and from loss in revenue, they proclaimed the need to take the profit out of crime, give jobs to law-abiding citizens, and put the citizens' income tax to better use.[246] The drys, on the other hand, believed that the taxpayers' money could not be put to use more economically or efficiently than toward prohibition enforcement;[247] while prohibition, referred to as "America's greatest welfare legislation,"[248] had abolished slums, reduced pauperism, and ensured high levels of living.[249] The wets believed that the Eighteenth Amendment violated the "fundamental rights essential to liberty,"[250] while the drys believed that personal liberty had the tendency to evolve into personal license, "as many like to cast off the restraints of the law without acknowledging the rights of others."[251]

Arguably, the biggest concern to both wets and drys was temperance. Though they made conflicting arguments, both constantly alluded to temperance, but their opposing viewpoints extended to developing different meanings of the word. The WONPR pledge stated that "the

[245] "A Few Reasons Why Women Should Work for a Change in the National Prohibition Laws," issued by the Women's Organization for National Prohibition Reform, miscellaneous pamphlets of the WONPR, Virginia Commonwealth University Special Collections and Archives.
[246] "Tax Payers! Do You Know?" Published by the Women's Organization for National Prohibition Reform, pamphlet in the Executive Papers of John Garland Pollard, Accession 23344a, Box 97, Library of Virginia.
[247] Op-ed in the *Baptist Religious Herald*, Vol. CII, No. 36, (September 5, 1929), Library of Virginia.
[248] Arthur J. Barton, "Study Course in Prohibition," the *Baptist Religious Herald*, Vol. CIV, No 44, (October 29, 1931), Library of Virginia. *Barton was the Chairman of the Commission on Social Service, Southern Baptist Convention.
[249] W. Scott McBride, national superintendent of the ASL of America, quoted in the *Baptist Religious Herald*, Vol. CII, No. 2, (January 16, 1930), Library of Virginia.
[250] Taken from the text of the Virginia AAPA charter, in "State Group Fight for Repeal: Virginia Association Against Prohibition Chartered with Gen. W.H. Cocke as President," *The Free Lance Star*, October 27, 1931, http://news.google.com/newspapers?nid=1298&dat=19311027&id=PNdNAAAAIBAJ&sjid=wIoDAAAAIBAJ&pg=6487,4382001.
[251] Rev. D.W. Charlton, "The Problem of Prohibition," the *Baptist Religious Herald*, Vol. CII, No. 6, (February 6, 1930), Library of Virginia.

moderate use of liquors is desirable and is real temperance,"[252] whereas the WCTU attributed to those who advocated repeal a "tremendous drive of the pro-liquor forces *against* temperance, total abstinence, and law observance."[253] Virginia WCTU president, Sara Hoge, declared her fellow drys to be the temperance forces of the state,[254] while Virginia AAPA president, General W.H. Cocke, pointed out that "all right thinking people believe in temperance."[255]

Both sides claimed the temperance label. A statement from the Washington Prohibition Emergency Conference called on all temperance and prohibition organizations supporting the Eighteenth Amendment to unite under a campaign to prevent repeal,[256] implying the synonymous use of the words "temperance" and "prohibition," whereas Dr. Nicholas Murray Butler, Director of Research for the AAPA, claimed to "speak as a life-long supporter of those measures and public policies which would promote temperance in all its forms."[257] In the same speech, Butler approvingly quoted excerpts from the Wickersham Report, highlighting the discrepancies with the usage of the word: "Temperance assumes a moderate use of alcoholic beverages, but seeks to prevent excess. Prohibition makes no distinction between moderate and excessive use. There is, therefore, a fundamental cleavage in principle between those who believe in temperance and those who believe in prohibition which is difficult to reconcile."[258]

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[252] Quote taken from the WONPR pledge, in *Virginia Call*, Vol. 39, No. 5, (August, 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.
[253] *Virginia Call*, Vol. 38, No. 11, (February 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.
[254] Message from President Sara H. Hoge, dated March 16, 1933, in *Virginia Call*, Vol. 40, No. 1, (April, 1933), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.
[255] Quoted in "New Group Aims to Unite Virginia for Repeal of Dry Law," *Richmond Times-Dispatch*, October 27, 1931, Library of Virginia.
[256] "A Statement to the American People from the Washington Prohibition Emergency Conference," featured in the *Baptist Religious Herald*, Vol. CVI, No. 13, (March 30, 1933), Library of Virginia.
[257] Nicholas Murray Butler, "The Repeal of the Eighteenth Amendment," an address delivered at Pasadena, California, March 17, 1931.
[258] Text taken from the Wickersham Report, as printed in the *Congressional Record* for February 11, 1931, quoted by Butler, "The Repeal of the Eighteenth Amendment," March 17, 1931.

Such a recognition was backed by the WONPR, who believed that Prohibition attempted to substitute enforced abstinence for temperance.[259]

One dry columnist responded that alcohol and temperance are inherently in conflict: "Had men been able to use alcohol temperately and decently, there would have never been an Anti-Saloon League or a Woman's Temperance Union."[260] Since this opinion suggests that temperance, i.e. moderation, is not possible, one can infer that the term "temperance" as used by dry forces really meant "abstinence," a conclusion reinforced by the Virginia WCTU: "The opponents of prohibition have advised disobedience…meantime, the best cure for liquor evil is total abstinence."[261]

In contrast, consider the opinion of the president of the University of Virginia, responding to public allegations brought by the Rev. David Hepburn, Superintendent of the Virginia ASL, regarding instances of public drunkenness at the university. President Edwin Alderman noted that he had stood, and continued to stand, in support of prohibition, but nonetheless recognized "tremendous difficulties connected with the constant warfare we wage against drunkenness."[262] He noted that "the creation of a satisfactory public opinion among the students against the use of alcohol is a slow process, like all the processes of self-government…high-minded American youth cannot be drilled and tossed into good behavior like an expeditionary force."[263] Alderman's words seem to imply a distinction between temperance

[259] "A Few Reasons Why Women Should Work for a Change in the National Prohibition Laws," issued by the Women's Organization for National Prohibition Reform, miscellaneous pamphlets of the WONPR, Virginia Commonwealth University Special Collections and Archives.
[260] D.N. Simmons, in the *Baptist Religious Herald*, Vol. CII, No. 9, (February 27, 1930), Library of Virginia.
[261] "False Wet Arguments," *Virginia Call*, Vol. 39, No. 1, (April 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.
[262] Edwin Anderson Alderman, Letter to Governor Harry Flood Byrd, dated December 5, 1928, in "University Papers Related to Prohibition," Accession 1001-e, Albert and Shirley Small Special Collections Library, University of Virginia.
[263] Ibid.

and abstinence, as he recognized the slow process of developing "good behavior" as a social habit, one that is difficult to externally enforce. Though he detested the "stubborn drink tradition in American college life,"[264] Alderman's dry stance had evolved enough, in light of the "present confused and menacing situation,"[265] to distinguish between excess and moderate consumption, unlike those drys who denied a distinction, arguing that "lawlessness and liquor are inseparably connected."[266]

One month after criticizing the University of Virginia's handling of the alcohol problem on its campus, Rev. Hepburn noted, "No law is any stronger than public sentiment. The lack of public sentiment is responsible for the flagrant violation of the Eighteenth Amendment."[267] Though Hepburn said that reverence to the law and the Constitution needed to be "preached from every pulpit, proclaimed from every platform, and taught in our public schools and homes" [268] to ensure the success of Prohibition, he inadvertently gave credence to the wets, by recognizing the lack of public support for the law.

It was not just those affiliated with the wet movement, however, who recognized that public opinion was changing. Virginia's dry political leaders seemed to acknowledge a rising tide for modification, if not outright repeal, of the Eighteenth Amendment and the Volstead Act. Virginia WCTU secretary, Evalyn G. Peterson, approved of Carter Glass' uncompromising stand against any modification of the law once the "wild and frantic ravings of the wets" had gotten

[264] Ibid.
[265] Ibid.
[266] "Prohibition Greatly Alive," the *Baptist Religious Herald*, Vol. CII, No. 48, (November 27, 1930), Library of Virginia.
[267] Rev. David Hepburn, Superintendent, Virginia ASL, "What I Conceive to be the Best Plan to Make the Eighteenth Amendment Effective," *The American Issue*, Virginia Edition, Vol. IX, No. 1, (January 5, 1929), Albert and Shirley Small Special Collections Library, University of Virginia.
[268] Ibid.

underway.[269] Glass continued to defend the Eighteenth Amendment in Congress through 1932. When, for example, a bill for the legalization of beer with low alcohol content was first introduced, he opposed and stated that it would not prevent the return of the saloon, and also that the beer in question was, contrary to the expressed view of the bill's supporters, intoxicating.[270] As a figure in his position would, however, Glass was forced to consider the state of public opinion and the legitimacy of the repeal movement's arguments as they gained support in the debate over prohibition. In a reply to a constituent, who wrote requesting Glass' support for submitting the opportunity to vote on prohibition to the people, he noted that he was giving the issue due consideration.[271]

Harry Byrd was also in a difficult position when it came to prohibition, especially when the debate aligned with his political aspirations. Throughout 1931, Byrd had worked on the Democratic National Committee, where he had allied with New York Governor Franklin D. Roosevelt, in blocking Chairman John J. Raskob's effort to write a repeal plank for the party, fearing it would threaten a Democratic victory in Virginia once again, and undermine his Organization.[272] Raskob, who had joined with Al Smith in 1928 to advocate repeal, reiterated in 1931 that the Democratic Party had to take a definitive position on prohibition.[273] However, drys like Byrd and University of Virginia president, Edwin Alderman, questioned whether Smith and

[269] Evalyn G. Peterson, Recording Secretary of the Virginia WCTU, Letter to the Hon. Carter Glass, dated March 17, 1926, in the Papers of Carter Glass, Accession 2913, Box 247, Albert and Shirley Small Special Collections Library, University of Virginia.
[270] Carter Glass, Memorandum for Senator Harry F. Byrd, dated March 16, 1932, in the Papers of Carter Glass, Accession 2913, Box 147, Albert and Shirley Small Special Collections Library, University of Virginia.
[271] Carter Glass, Letter to Bernard P. Chamberlain, dated April 11, 1932, in the Papers of Carter Glass, Accession 2913, Box 272, Albert and Shirley Small Special Collections Library, University of Virginia.
[272] Heinemann, Harry Byrd of Virginia, 142.
[273] John J. Raskob, Letter to Edwin Anderson Alderman, dated March 9, 1931, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.

Raskob understood the situation in the South.[274] Governor Pollard, who thought the wets were unduly "cocky," believed in 1931 that some kind of referendum on the issue would occur eventually, but that it might not be wise to advocate such a move at that time.[275]

In 1932, Byrd began the year by running for the presidency and ended it pursuing a seat in the United States Senate.[276] In January, the Virginia General Assembly backed Byrd for the presidential nomination.[277] At a planning session in April for the Democratic National Convention, Byrd presented a referendum proposal, whereby the question of repeal or modification of the Eighteenth Amendment would be submitted to the voters in every state, on a day chosen by Congress when no other election was held, with support of three-fourths of the states needed to change the amendment.[278] Byrd had privately expressed to Pollard that he was somewhat doubtful of the referendum idea, but that it was the best way to avoid a straight repeal plank, which he thought would cause him and the party trouble. He also worried that such an announcement at the Jefferson Day Dinner, an event called by Raskob, would feed criticism that his "liberalization of dry views" was influenced by Raskob.[279]

Pollard feared a proposal to amend a law that the drys considered sacred, and one which would also displease the wets, because any change to the existing amendment would still require the public approval of three-fourths of the states.[280] Byrd, however, felt that his plan was a better

[274] E.A. Alderman, Letter to the Hon. Harry Flood Byrd, dated March 13, 1931, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[275] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated March 19, 1931, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[276] Heinemann, Harry Byrd of Virginia, 141.
[277] Ibid, 145.
[278] Harry F. Byrd, Address of Former Governor Harry Flood Byrd of Virginia before Jefferson Day Rally, April 13, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 358, Albert and Shirley Small Special Collections Library, University of Virginia.
[279] Harry Byrd, Letter to Governor John Garland Pollard, dated April 2, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[280] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated April 1, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.

way for the direct voice of the people to be heard than a process of amendment by either state legislature or convention.[281] He felt that "the sooner the dry forces carry the question to the people, the better it will be. They are losing ground daily, and we must get a re-ascertainment of the sentiment of the people so as to enforce the law."[282] Pollard had recommended, that if Byrd take command of the prohibition issue, it should be insisted that the issue is not a party question, and that the Democratic Party should not bind its candidates by platform declaration over liquor legislation, but rather allow each candidate to follow his own convictions. Pollard did, however, support a party declaration in favor of Congress submitting the question to the states.[283]

The polarization over prohibition was increasing, and Virginia's leaders tried to occupy the middle ground. Governor Pollard expressed disappointment, for example, with Dr. R.H. Pitt's editorials in the *Baptist Religious Herald*, which claimed there was no constitutional ground for a popular referendum, an argument the wets employed before prohibition's enactment. Over a decade before, Pollard observed, the drys had replied to this charge by saying that, inasmuch as the efficacy of the law depends on popular support, the people must be allowed to vote directly on it.[284] Pollard was dismayed that Virginia ASL spokesman, Dr. A.J. Barton, opposed the Byrd plan for a constitutional referendum, to which Pollard replied that something had to be done in light of the "widespread dissatisfaction with the present conditions."[285] This dissatisfaction, furthermore, came from a large number of citizens, many of whom could not be

[281] Harry F. Byrd, Address of Former Governor Harry Flood Byrd of Virginia before Jefferson Day Rally, April 13, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 358, Albert and Shirley Small Special Collections Library, University of Virginia.
[282] Harry F. Byrd, Letter to Governor Pollard, dated April 18, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[283] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated April 5, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[284] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated May 3, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[285] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated April 16, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.

fairly classified as friends of the liquor traffic.[286] Pollard further lamented that Barton insisted dry Democrats propose a dry plank in the party's Chicago national convention platform, as Bishop Cannon had demanded. Yet he also noted that many might be willing to compromise on the Byrd plan.[287] For example, Virginia ASL Superintendent, Ed J. Richardson, while acknowledging that he would have to "go along with his organization," thought favorably of the Byrd plan.[288]

Byrd reminded fellow Democrats upon announcement of his referendum proposal: "In Virginia I voted as a member of the State Senate to submit to the people of Virginia a referendum on prohibition. My views on the national problem are identical. No problem has ever touched the lives and morals of our citizens more closely than prohibition. It should be removed from party politics and submitted directly to the people themselves for decision."[289] Here Byrd highlighted his consistency with regards to his record on prohibition, and reinforced the merit of his referendum plan by showing how it paralleled the process of prohibition's enactment.

Carter Glass, who felt that the Democrats would be "compelled by extremists to face the issue," wished the state platform in Virginia would refrain from committing any Democrat to vote for or against repeal or modification of the Eighteenth Amendment, but would merely

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[286] John Garland Pollard, "Observations on Prohibition," statement of May 30, 1932, in the Papers of John Garland Pollard, Box 15, folder 3, Earl Gregg Swem Library Special Collections, the College of William and Mary.
[287] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated April 16, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia. In this letter to Byrd, Pollard referred to him as "The Great Conciliator."
[288] John Garland Pollard, Letter to the Hon. Harry F. Byrd, dated May 31, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[289] Harry F. Byrd, Address of Former Governor Harry Flood Byrd of Virginia before Jefferson Day Rally, April 13, 1932, quoted in the *Boston Evening Transcript*, May 7, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia. The author of the *Boston Evening Transcript* article, Oliver McKee, Jr., remarked that "the drys have waited too long for their own good. Had they agreed to a referendum several years ago, before the tide of anti-prohibition sentiment had reached its present formidable proportions, a referendum vote might have been favorable to the dry cause."

commit the party to submit the question to the states, with a resolution that would preclude the saloon, and guarantee the "integrity of dry States from the incursion of wet States."[290] The proposal for a referendum gained support from some on both sides of the prohibition debate. Dry state senator, George N. Conrad, remarked that the question of National Prohibition was not a political one, but one that should be determined by the people on its own merits.[291] Wet state senator and member of the Virginia AAPA, James S. Barron, acknowledged that the decision about any form of liquor control should rest directly with the people.[292] On the other hand, wet state senator, C. O'Conor Goolrick, also a member of the AAPA, and one of the state's most vocal wets, opposed the recommendation of the Byrd plan, instead pleading for Virginia to adopt a straight repeal plank.[293]

The Virginia AAPA resolved that the organization favored the repeal of the Eighteenth Amendment, the submission of the question of repeal to the states, and the urging of all delegates to the Democratic State Convention who supported the resolution, to request that both the State and National Convention adopt such a plank in its platform.[294] The allusion in this resolution to both Byrd's referendum idea and Goolrick's commitment to straight repeal, indicates that a certain amount of compromise was reached between pragmatic drys and wets. However, the

[290] Carter Glass, Letter to the Hon. Harry Flood Byrd, dated May 23, 1932, in the Papers of Carter Glass, Accession 2913, Box 147, Albert and Shirley Small Special Collections Library, University of Virginia.
[291] George N. Conrad, Memorandum to Harry F. Byrd, enclosed in Harry F. Byrd, Letter to Senator Carter Glass, dated June 2, 1932, in the Papers of Carter Glass, Accession 2913, Box 147, Albert and Shirley Small Special Collections Library, University of Virginia.
[292] James S. Barron, Memorandum to Harry F. Byrd, enclosed in Harry F. Byrd, Letter to Senator Carter Glass, dated June 2, 1932, in the Papers of Carter Glass, Accession 2913, Box 147, Albert and Shirley Small Special Collections Library, University of Virginia.
[293] Julia Sully, Richmond WONPR, Letter to Pauline Sabin, dated June 10, 1932, in the Papers of Julia Sully, Accession 26567, Box 3, Folder 26, Library of Virginia. Sully declared that Goolrick's record was splendid, that he commanded the respect even of his enemies, and he put up a magnificent fight. She believed Goolrick's stance would be justified if the Democratic Convention in Chicago should adopt a straight repeal plank.
[294] Resolution of the Virginia Association Against the Eighteenth Amendment, enclosed in Julia Sully, Letter to Margaret Keith, Chairman, Virginia WONPR, dated June 11, 1932, in the Papers of Julia Sully, Accession 26567, Box 3, folder 26, Library of Virginia.

chairman of the Richmond WONPR, Julia Sully, believed that if not for personal and party loyalty to Byrd, Virginia would have adopted a straight repeal plank in the state party platform.[295]

Byrd's plan earned the Virginia Democratic Party's endorsement, and in June, 1932, he won the Virginia State Convention nomination for president.[296] Shortly thereafter, however, Senator Glass expressed concern that they would face a demand at the National Convention in Chicago to commit the party to repeal, which he thought "would be fatal in Southern and Western states which must be won if the election is to be secured."[297] Pressure from both sides of the debate had been brought to bear upon Glass. The WONPR beseeched Glass to support any Congressional movement leading to the repeal of the Eighteenth Amendment,[298] while the WCTU had urged him to throw the weight of his influence against the referendum movement, because "its motives are wet motives and its whole purpose sinister."[299] One can conclude by the arguments put forth by moderates and extremists, both wet and dry, that as the repeal movement became a force for change, the public discourse reflected a gradual convergence of sentiment among moderate drys and wets, while the extremists remained rigid, uncompromising, and polarized.

On the eve of the Democratic National Convention, Byrd felt that the public mind in Virginia was prepared for a referendum leading to a popular vote. He claimed that a popular

[295] Opinion of Julia Sully, Richmond WONPR, in a Letter to Pauline Sabin, dated June 10, 1932, in the Papers of Julia Sully, Accession 26567, Box 3, Folder 26, Library of Virginia.
[296] Heinemann, Harry Byrd of Virginia, 149.
[297] Carter Glass, Letter to the Hon. Harry Flood Byrd, dated June 18, 1932, in the Papers of Carter Glass, Accession 2913, Box 147, Albert and Shirley Small Special Collections Library, University of Virginia.
[298] Miss Inno McGill, Publicity Chairman, Prince William County Branch, Women's Organization for National Prohibition Reform, Letter to the Hon. Carter Glass, dated April 13, 1932, in the Papers of Carter Glass, Accession 2913, Box 272, Albert and Shirley Small Special Collections Library, University of Virginia.
[299] WCTU Committee of South Boston, VA, Letter to the Hon. Carter Glass, dated January 32, 1932, in the Papers of Carter Glass, Accession 2913, Box 272, Albert and Shirley Small Special Collections Library, University of Virginia.

vote entirely separate from other issues was the only way to settle the question of Prohibition. In his view, a state convention method, having never been used in the history of the country, was complicated and time consuming, and prone to bitter divisiveness directing the action of the convention.[300] Pollard, to whom Byrd gave credit for initiating the referendum idea,[301] backed the Byrd plan, believing that the drys needed "to adopt a competitive proposition to the wet proposal of absolute repeal which will restore old conditions and leave us without having preserved the things that are admittedly good, to wit: the abolition of the saloon and fuller power on the part of the Federal Government to protect dry states from wet invasion."[302] Pollard noted that the dry cause would be blamed for standing in the way of the people, if the people are denied the right to express their opinion on Prohibition. Instead, the drys should frame the question of repeal in a way that forbids the return of old conditions.[303]

Even John J. Raskob became an advocate of the referendum plan.[304] Raskob's modified views, credited to Byrd's influence, were seen as a victory for the South. Raskob believed the South was willing to have the referendum, as he believed that considerable diversity of opinion existed there. He thought that as long as the southern states could remain dry, and were able to handle their own problems in their own way, they would allow the North to do the same.[305]

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[300] Harry F. Byrd, Letter to Governor Pollard, dated June 1, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[301] Harry F. Byrd, Letter to Governor Pollard, dated June 11, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[302] John Garland Pollard, Letter to the Hon. Harry Flood Byrd, dated June 13, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[303] John Garland Pollard, "Observations on Prohibition," statement of May 30, 1932, in the Papers of John Garland Pollard, Box 15, folder 3, Earl Gregg Swem Library Special Collections, the College of William and Mary.
[304] Harry F. Byrd, Letter to Governor Pollard, dated June 14, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[305] "Avoid Wet or Dry Plank and Send Issue to People, Raskob Tells Committee," *Richmond Times Dispatch*, January 6, 1932, Library of Virginia.

At the Democratic National Convention in Chicago, Senator Glass nominated Byrd for the Democratic ticket, calling him the "best-loved governor in three-quarters of a century."[306] Though Byrd held out long against Governor Roosevelt, FDR narrowly won the nomination.[307] When the Smith-Raskob wing had tried to label Roosevelt as a dry, he reiterated what he had expressed in 1930, that he supported the repeal of the Eighteenth Amendment, the return of the control of liquor to the states, and, a provision he added during the convention, the proposal that the states that chose to legalize liquor again should structure their laws so as to increase revenue and reduce taxes.[308]

The deepening of the Great Depression ended up being crucial to the repeal momentum. Prohibitionists had attributed the nation's formerly healthy economy to Prohibition, but this assertion became vulnerable to criticism once the Depression was felt; and now the drys faced the wet counterclaim that legalizing liquor would create more jobs and tax revenue.[309] Roosevelt's success in framing the prohibition issue in economic terms proved successful. Byrd's attempt to "walk the tightrope" on prohibition cost him the support of prohibitionists who feared a popular vote would lead to outright repeal, and also of the wet forces that dominated the Democratic party at the convention.[310]

To the dismay of the drys, the Democratic Party adopted a repeal plank in 1932. A number of prominent figures in American public life had reversed their opinion on Prohibition, among them, John D. Rockefeller, Jr. Rockefeller, once a major financial supporter of the ASL, had shocked the nation during the 1932 convention season, by publicly branding Prohibition a

[306] Heinemann, Harry Byrd of Virginia, 150.
[307] Ibid, 153.
[308] Norman Clark, *Deliver us From Evil: An Interpretation of American Prohibition*, (New York: W.W. Norton and Co, 1976), 204-205.
[309] Rose, American Women and the Repeal of Prohibition, 122.
[310] Heinemann, Harry Byrd of Virginia, 148.

failure and calling for repeal.[311] In reply, Bishop Cannon, who still desperately clung to his dwindling influence, charged that Rockefeller's attitude had been shaped by his residence in New York, "where literally Satan's seat is."[312] Cannon continued to charge those Democrats whose opinion on Prohibition had evolved post-1928 with being influenced by Tammany Hall, which was, according to the bishop, allied with the criminal underworld.[313] Under no circumstances would Cannon support Roosevelt for the presidential nomination. Though a self-proclaimed "good Democrat," Cannon would support the reelection of Hoover if the Democrats chose a wet candidate.[314] In response to the Democratic Party's adoption of a wet plank in 1932, Cannon remarked that "there is not the slightest idea of yielding to this present-day whiskey rebellion."[315] He later responded to President Hoover's own endorsement of repeal as a surrender "to the speakeasies, bootleggers, and nullifiers of the Constitution."[316] Dry extremists attributed the evolved opinions of both Rockefeller and Hoover to their having been misled by the subsidized press.[317]

Cannon's words had little impact, however, as public opinion had turned against him, in light of the hearings and trials he had undergone, ever since various charges had first been brought against him a couple years before. And, at the height of the scandal over his financial dealings, he had faced yet another accusation in 1930. Carter Glass once again led the charge, this time revealing to clergymen in the Virginia Methodist Conference that Cannon had had an

[311] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 284.
[312] Dabney, Dry Messiah: The Life of Bishop Cannon, 311.
[313] "Cannon Asks Jury Inquiry; Would Oppose Roosevelt," *Richmond Times-Dispatch*, September 18, 1931, Library of Virginia. To Cannon, any Democrat who had evolved or moderated his views on prohibition was influenced by the Democratic machine that had long controlled politics in New York City.
[314] Ibid. Note Cannon's intransigence, and the irony in his labeling himself a "good Democrat."
[315]Dabney, Dry Messiah: The Life of Bishop Cannon, 313.
[316] Ibid.
[317] Katherine Stinson, "How the Prohibition Law Has Been Discredited," the *Baptist Religious Herald*, Vol. CV, No. 41, (October 13, 1932), Library of Virginia.

affair with Helen MacCallum, now his wife, before they had married, and before Cannon was widowed.[318] Over the next couple of years, Cannon was preoccupied with his legal defense in the hearings related to his many questionable activities,[319] for which he laid blame on a Roman Catholic/wet press vendetta.[320] Though acquitted of all charges, Cannon's reputation was broken beyond repair, and his influence in the 1932 convention season was unsubstantial. In fact, he had been such a power, that a correspondent told Glass that the exposures of Cannon, in which Glass had an important part, were "to a great extent responsible for the very pronounced anti-prohibition sentiment at the National Convention in Chicago."[321]

In response to the platforms of both parties, the "bone-drys" had objections. The Virginia WCTU felt that both party platforms' declarations about preventing the return of the saloon were meaningless, as were their promises to safeguard the states that wanted to continue prohibition, recalling how the Webb-Canyon Act had failed to protect dry states from neighboring wet states.[322] On the other hand, more moderate drys considered the repeal plank in the Democratic platform a temperance measure, and very distinctly NOT a wet measure.[323] The platform, professing support for measures that would "promote temperance, effectively prevent the return of the saloon, and bring the liquor traffic into the open under complete supervision and

[318] Hohner, Prohibition and Politics: The Life of Bishop James Cannon, Jr., 264.
[319] Ibid, 285.
[320] "Cannon Drops Work for Prohibition," *Richmond Times-Dispatch*, October 21, 1931, Library of Virginia. Cannon proclaimed, "For three years certain elements of the opponents of prohibition, including the newspapers, not all—Roman Catholics and their church press, not all—or stand-put Southern Democrats, not all—have tried to destroy my health, thus impairing my activities, to destroy my financial credit, and to destroy my influence in my church and with the general public."
[321] George W. Eads, Letter to the Hon. Carter Glass, dated July 15, 1932, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia. Eads described Cannon as "one our best assets."
[322] Mrs. Howard M. Hoge, President's Annual Address, *Virginia Call*, Vol. 39, No. 7, (October 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia. The Webb-Canyon Act had prohibited the importation of alcohol into states where its sale was illegal.
[323] Howell C. Featherston, Letter to the Hon. Carter Glass, dated July 12, 1932, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.

control by the states," called for state conventions to act solely on the proposal of a Constitutional Amendment which would repeal the Eighteenth Amendment.[324]

Governor Pollard felt that he could not support the advocacy of repeal in the language of the platform. Yet while he could not defend the repeal plank, he believed that the welfare of the nation depended on the election of the Democratic nominees.[325] He believed that neither Democratic nor Republican voters should abandon their party on account of prohibition, because the question would be submitted to the states and decided regardless of party affiliations. The campaign, instead, should be fought on economic issues.[326] Of course, extreme drys blamed the wet forces for the repeal plank. For example, Nicholas Murray Butler was addressed as "High Priest of Rumdom" by one correspondent, who asked whether the public should vote for more liquor, disease, and debauchery, or honest enforcement of the Eighteenth Amendment.[327] Pollard, in response, reminded Butler's accuser that there was very little difference between the two parties' prohibition planks: Hoover called for repeal with federal power to control the saloon, and Roosevelt called for repeal with state control over the saloon.[328]

Shortly after the November election of Franklin D. Roosevelt, Virginia WCTU president, Sara Hoge, claimed that the election was *not* a referendum on prohibition, or a wet victory, but

[324] "Democratic Party Platform of 1932," June 27, 1932. Online by Gerhard Peters and John T. Woolley, *the American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=29595
[325] John Garland Pollard, Letter to the Hon. Harry Byrd, dated July 28, 1932, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 120, Albert and Shirley Small Special Collections Library, University of Virginia.
[326] "Pollard Sees Dry Test Regardless of Party," *Richmond News Leader*, July 5, 1932. Pollard remarked, "I have always protested against the attitude of those extreme drys and extreme wets who ignore every other vital question and insist on making prohibition the sole issue in every campaign. While the importance of sobriety of our people cannot be over-estimated, it is in no way involved in the victory of either party."
[327] George L. Chandler, Letter to Nicholas Murray Butler, dated August 10, 1932, in the Executive Papers of John Garland Pollard, Access 23344a, Box 15, Library of Virginia.
[328] John Garland Pollard, Letter to George L. Chandler, dated August 13, 1932, in the Executive Papers of John Garland Pollard, Access 23344a, Box 15, Library of Virginia.

rather, a victory won because of the Depression.[329] Hoge had, however, implored Senator Glass to "stand for the protection of our homes" by voting against such proposals as would modify the Volstead Act to permit the sale of beer, and against the repeal of the Eighteenth Amendment.[330] Wet groups, like the Richmond Hotel Men's Association, meanwhile, urged the senator to vote favorably on a proposal to submit repeal to state ratification conventions.[331]

Many advocates of repeal had interpreted the 1932 Democratic landslide as a mandate from the people to bring an end to federal Prohibition.[332] In January, 1933, the U.S. Senate Judiciary Committee issued the Blaine Resolution, named for Republican Senator John J. Blaine, of Wisconsin. This resolution proposed a new Constitutional Amendment ending national Prohibition, but requiring the federal government to protect dry states from liquor importation. It also called for ratification of the amendment by state legislature, since the legislature could act quickly; unlike the convention method, which could be quite lengthy, costly to the states, and, with repeal inevitable, seemed unnecessary. Some wets agreed with Blaine that ratifying conventions presented more problems than they were worth.[333] The Virginia WONPR, however, urged Glass to vote against the measure, as it was "in direct opposition to the principles upon which this organization is founded."[334]

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[329] Mrs. H.M. Hoge, "Message from the President," *Virginia Call*, Vol. 39, No. 9, (December, 1932), in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.
[330] Mrs. H.M. Hoge, Letter to the Hon. Carter Glass, dated November 30, 1932, in the Papers of Carter Glass, Accession 2913, Box 272, Albert and Shirley Small Special Collections Library, University of Virginia.
[331] W.E. Hockett, Secretary, Richmond Hotel Men's Association, Letter to the Hon. Carter Glass, dated December 5, 1932, in the Papers of Carter Glass, Accession 2913, Box 272, Albert and Shirley Small Special Collections Library, University of Virginia.
[332] Kyvig, Repealing National Prohibition, 168.
[333] Ibid, 170-171.
[334] Margaret N. Keith, Chairman, Virginia WONPR, Western Union Telegram to the Hon. Carter Glass, dated January 10, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.

In February, 1933, a push for the implementation of the Democratic Party's repeal plank, led by Senator Joseph T. Robinson, Al Smith's 1928 running mate and a dry, resulted in a modified Blaine resolution to provide for convention ratification.[335] The deadlock that had existed in Congress over repeal was lifted, and the resolution was sent to the states, no thanks to Senator Glass, who had voted against the resolution. The drys, of course, took Glass' vote as an expression of his personal conviction on prohibition.[336] Former state senator, and author of Virginia's first dry law, G. Walter Mapp, looked forward to Glass' leadership in defeating the ratification of the repeal amendment.[337]

It turns out, however, that Glass' vote was not driven simply by his general opposition to repeal, but rather, by the conditions set forth in the resolution. In response to the petition of State Senator Barron to vote for submission of repeal to the respective states,[338] Glass expressed astonishment in the failure of wets like Barron to appreciate the "insuperable difficulties of even submitting, much less ratifying, a proposition of naked repeal."[339] Glass' objection to the resolution lay in the fact that it did not declare definitively against a return of the saloon system of dispensing liquor. Furthermore, he noted that Bishop Cannon and other "professional prohibition agitators, who subsist personally and politically on this issue," would prefer to have the question submitted for naked repeal, as they were confident of holding more than the

[335] Kyvig, Repealing National Prohibition, 172.
[336] Ed. J. Richardson, Superintendent, Virginia ASL, Letter to the Hon. Carter Glass, dated February 21, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.
[337] G. Walter Mapp, Western Union Telegram to the Hon. Carter Glass, dated February 17, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.
[338] James S. Barron, Letter to the Hon. Carter Glass, dated February 3, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.
[339] Carter Glass, Letter to the Hon. James S. Barron, dated February 6, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.

minimum of thirteen states against it.[340] The January resolution of both the Virginia AAPA and Virginia WONPR also had expressed opposition to the return of the saloon, but favored a state law in Virginia prohibiting it. They declared that any resolution that empowered Congress to prohibit the saloon was an invasion of states' rights.[341] Glass, however, doubted whether the present repeal resolution could effectively prevent the saloon's return.

When President Roosevelt entered office in March, 1933, he called a special session of Congress, and asked that the Volstead Act be modified to legalize 3.2 percent beer, pending repeal of the Eighteenth Amendment. Congress agreed, and 3.2 beer was made legal in April.[342] In the meantime, Harry Byrd had been appointed by Governor Pollard to fill the vacant seat in the U.S. Senate, upon Senator Claude A. Swanson's selection by President Roosevelt to the cabinet position of Secretary of the Navy.[343] One of Byrd's first acts as a senator was to vote against Roosevelt's Beer Bill. Byrd believed that 3.2 percent beer was intoxicating, and that the bill invited the return of the saloon. As the Eighteenth Amendment prohibited the sale of intoxicating beverages, the law was also in violation of the Constitution as it currently stood.[344] Despite his opposition to legalizing beer before repeal, however, Byrd did publicly announce his support for repeal of the Eighteenth Amendment in April. While standing firm on his life-long antipathy to the saloon, and the fact that he voted for the Eighteenth Amendment in hope that

[340] Ibid. Glass told Barron, "I have never been a prohibition zealot, and long ago came to the conclusion that there are few things worse than liquor, a depraved Methodist bishop being one of them as well as other like men who have the effrontery to undertake to guide the moral sentiment of the country; nevertheless, we must deal with the question in a practical way and not idealists either for or against the liquor traffic."
[341] Resolutions adopted at a joint meeting of representatives, from the Virginia Association Against the 18th Amendment and the Woman's Organization for National Prohibition Reform and the Crusaders, January 16, 1933, in the Papers of Carter Glass, Accession 2913, Box 292, Albert and Shirley Small Special Collections Library, University of Virginia.
[342] Kyvig, Repealing National Prohibition, 177.
[343] Heinemann, Harry Byrd of Virginia, 158.
[344] Harry F. Byrd, Letter to Amy C. Weech, dated March 24, 1933, in the Papers of the Woman's Christian Temperance Union of Virginia, Accession 1750, Box 1, Albert and Shirley Small Special Collections Library, University of Virginia.

national Prohibition would promote temperance and sobriety, Byrd recognized that in many states, the public sentiment against national Prohibition prevented adequate enforcement. He hoped that in Virginia and elsewhere, the adoption of plans by the individual states, sustained by public sentiment, would promote the cause of real temperance.[345]

Governor Pollard, meanwhile, faced pressure to call a special session of the General Assembly to act upon beer and repeal. The ASL described the efforts as the wets "trying to stampede the Governor,"[346] while they commended Pollard's refusal to call the session. Drys claimed that the majority of people in Virginia did not want beer, and also that that the special session would create an additional expense and burden on the people.[347]

Pollard had, in 1932, objected to the convention method of ratification, and preferred Byrd's plan for a secret ballot vote by direct national referendum. He, like Byrd, had thought that the convention route would be the most complicated and slowest method for ratification, as it would involve a previous meeting of legislatures to determine the details of the convention, including representation of delegates, which also posed the threat of wets and drys maneuvering for advantage in the basis of representation.[348] Though he favored the "promise of an early decision of this vexing question,"[349] Pollard was also concerned with the financial strain that a special session would place on the state, and also that it was "best to delay the matter until we

[345] A. Judson Evans, "Byrd for Repeal and Control," *Richmond Times-Dispatch*, April 9, 1933. Byrd stated, "Laws and liquor control machinery are merely a means to an end, and all right-thinking persons will agree that the goal is true temperance."
[346] Ed J. Richardson, Letter from the Superintendent of the Virginia ASL to members of the League, dated March 25, 1933, Miscellaneous Letters and Papers published by the Anti-Saloon League of Virginia, Albert and Shirley Small Special Collections Library, University of Virginia.
[347] Letter to the Hon. John Garland Pollard, undated, in Miscellaneous Letters and Papers published by the Anti-Saloon League of Virginia, Albert and Shirley Small Special Collections Library, University of Virginia.
[348] John Garland Pollard, Comment by Governor John Garland Pollard of Virginia before the Democratic State Convention of June 9, 1932, in the Papers of John Garland Pollard, Box 6, Folder 144, Earl Gregg Swem Library Special Collections, the College of William and Mary.
[349] Ibid.

can get a Legislature fresh from the people."[350] Not unexpectedly, the ASL agreed with Pollard, that the extra session was unnecessary, in view of the upcoming gubernatorial primary election in August, the general election in November, and the short time between the present and the next regular session of the General Assembly in January, 1934.[351] Senator Byrd, however, favored the special session, as did the 1933 Democratic gubernatorial nominee, George C. Peery.

Peery, a dry lawyer from Tazewell, Virginia, member of the State Corporation Commission, and Democratic Organization ally, who had helped solidify Byrd's leadership of the party, was picked by Byrd to succeed Pollard.[352] Peery expressed in his gubernatorial platform his support for the repeal of the Eighteenth Amendment as a measure for promoting temperance. He, like his Organization allies, believed that repeal was a matter of personal, not partisan conviction, as the matter involved the individual habits and lives of the people. He supported the legalization of beer and wine in any proposed plan of liquor control for the commonwealth, and, in the hope of determining the question of repeal promptly, recommended that the General Assembly authorize a statewide referendum on the matter of modified liquor control, in light of the movement to ratify the Twenty-First Amendment and end national Prohibition.[353]

Confident that the nation was on the verge of repeal, and due to the fact that Richmond restaurants were openly selling beer once again, Byrd and Peery devised a plan for calling a special session of the legislature to legalize the sale of beer, and establish the procedures Virginia would follow to repeal the dry laws.[354] Byrd believed the process of repeal should be determined

[350] John Garland Pollard, Letter to Julian W. Fretwell, dated April 3, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 51, Library of Virginia.
[351] Ed J. Richardson, Superintendent, Virginia ASL, Letter to Governor Pollard, dated June 24, 1933 in the Executive Papers of John Garland Pollard, Accession 23344a, Box 51, Library of Virginia.
[352] Heinemann, Harry Byrd of Virginia, 163.
[353] "Text of Peery's Platform," *Richmond Times-Dispatch*, April 7, 1933, Library of Virginia.
[354] Heinemann, Harry Byrd of Virginia, 163.

by a special election, so that the issue could be decided separately from political considerations, and, while recognizing Pollard's financial concern, insisted that the cost would not be great.[355]

Though Pollard was steadfast in his objection to calling an extra session, the General Assembly, by a majority vote of two-thirds of the members of both houses, overrode Pollard's decision, as the Virginia Constitution had directed it could. Pollard's hands were tied, as the legislative petition mandated that an extra session be called.[356] Pollard therefore summoned the members of the General Assembly to convene in extra session on the 17th of August.[357] The primary purpose of the special session was to legalize beer and set up the machinery for a repeal referendum.[358] Virginia House Floor Leader, Ashton Dovell, advocated enacting a liquor control bill at the special session as well, but this plan lacked support even from wets, who thought nothing should complicate the question of voting for or against repeal, while the question of liquor control could create controversy.[359]

As the General Assembly convened, a proposal for a vote on immediate legalization of beer, and a plan for liquor control, was put forth by the delegates to the first state convention of the Young Democratic Clubs of Virginia. These Democrats warned against the taxation rate of beer being either too high or too low to evade competition by bootleggers. They predicted flowing revenues following the legalization of beer, wine, and distilled spirits, but noted that such an outcome was of secondary importance to effective regulation of intoxicants, and ridding

[355] Harry F. Byrd, Letter to the Hon. John Garland Pollard, dated August 7, 1933, in the Papers of John Garland Pollard, Box 6, folder 146, Earl Gregg Swem Library Special Collections, the College of William and Mary.
[356] John Garland Pollard, Letter to Ed. J. Richardson, dated July 11, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 51, Library of Virginia.
[357] John Garland Pollard, Proclamation, dated July 15, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 51, Library of Virginia.
[358] "Wet Issue to Dominate Extra Session," *Richmond Times-Dispatch*, August 16, 1933, Library of Virginia. (One other purpose was to enact necessary legislation for a public works program).
[359] Ibid. Delegate Dovell ended up amending his proposition for liquor control legislation at the special session, arguing instead, at the present time, for the session to name a commission of Assemblymen to study liquor control.

the state and nation of lawlessness and corruption.[360] Governor Pollard stood before the General Assembly and "threw down the gauntlet to unyielding prohibitionists."[361] He outlined plans to legalize 3.2 beer, suggested machinery for the matter of voting on repeal of the Eighteenth Amendment, and proposed that the matter of statewide prohibition be decided by the same referendum held to determine the fate of the national Prohibition.[362]

During the special session of a couple of weeks, the Virginia General Assembly acted on a number of matters. On August 28, the legislators approved an act to hold a state convention to ratify or reject the Twenty-First Amendment to the US Constitution.[363] The Act called for a special referendum to be held in all cities and counties on Tuesday, October 3, 1933, to elect delegates to the state convention. The number of delegates to the convention would be thirty, and each person wishing to be nominated as a candidate for the office of delegate should file a written declaration of candidacy with the Secretary of the Commonwealth, with an indication of whether the candidate favored or opposed ratification.

The Governor, Lieutenant Governor, Speaker of the House of Delegates, and two persons selected by the Governor, one Democratic, one Republican, chose the candidates for the referendum ballot, thirty in favor of ratification, and thirty opposed. During the referendum, Virginians would vote for thirty of the sixty candidates, and those who received the majority of votes would represent the commonwealth at the convention.[364] The thirty delegates on the losing side would not attend the convention, so that the decision would be unanimous.[365] By giving

[360] "Joint Vote on Control and Repeal Proposed as Assembly Convenes," *Richmond Times-Dispatch*, August 17, 1933, Library of Virginia.
[361] "Pollard Offers 3.2 Beer Plan to Legislators," *Richmond Times-Dispatch*, August 18, 1933, Library of Virginia.
[362] Ibid.
[363] "Acts of the General Assembly of the State of Virginia," Extra Session, which commenced at the State Capitol on Thursday, August 17, 1933, Richmond, Division of Purchase and Printing, 1933, Library of Virginia.
[364] Ibid.
[365] *Richmond Times-Dispatch*, October 3, 1933, Library of Virginia.

Virginia voters the opportunity to decide between an equal number of drys and wets, the method of selecting delegation could evade criticism, feared initially by Senator Byrd and Governor Pollard, that interest group pressure or political patronage would influence the selection of representatives; or else, that bitter division would direct the convention. Ultimately, all of the delegates to the Virginia convention favored repeal.[366] And by the time the General Assembly had ended their special session, twenty-three states had already held referenda on the Eighteenth Amendment, all of which had gone for repeal.[367]

On August 29, the General Assembly issued an act to legalize and control the manufacturing and sale of alcoholic beverages containing no more than 3.2 percent alcohol by weight, in conjunction with the Congressional Act of March, 1933.[368] Pollard had been implored to veto the beer bill by notable drys, like *Baptist Religious Herald* editor, R.H. Pitt, who, though claiming to be neither "extreme or fanatical," was opposed "to this wild and unreasonable policy of handing over this whole question to the most rabid elements of the wet sympathizers."[369] Pollard later expressed that he signed the beer bill, having come to the conclusion that, "inasmuch as beer was being sold openly, untaxed and uncontrolled, it was better to regulate it and to tax it than to have all the evils with none of the benefits."[370] He privately admitted that

[366] Journal of the Convention to Ratify or Reject an Amendment to the Constitution of the United States, Held in the State Capitol at Richmond, Wednesday, October 25, 1933, in Pursuance of an Act of the General Assembly, Library of Virginia.
[367] "Candidates for nomination as delegates to the repeal convention—thirty persons favoring ratification, and thirty opposed will be chosen by a commission headed by the Governor," *Richmond Times-Dispatch*, August 29, 1933, Library of Virginia.
[368] "Acts of the General Assembly of the State of Virginia," Extra Session, which commenced at the State Capitol on Thursday, August 17, 1933, Richmond, Division of Purchase and Printing, 1933, Library of Virginia.
[369] R.H. Pitt, Letter to Governor Pollard, dated August 26, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia. Pitt warned Pollard that his decision to allow legalization of beer would likely "damage if not disrupt the party with which both of us have long been identified."
[370] John Garland Pollard, Letter to the Hon. George N. Conrad, dated September 9, 1933, in the Executive Papers of Governor John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.

the beer bill was not to his liking, but that it was "as good a bill as could be gotten in these days of hysteria."[371]

Additionally, On August 29, the Virginia legislature approved an act to determine the course of Virginia's statewide prohibition law. The referendum on October 3rd would determine whether statewide prohibition should continue if the Twenty-First Amendment was ratified, or if a plan of liquor control should be adopted.[372] Furthermore, should Virginia voters decide on a system of alcohol control to replace prohibition, a committee should be appointed to prepare and present a bill to the General Assembly in January, detailing its plan for liquor control, which would permit the "manufacture, sale, use, and handling of intoxicating liquors under provisions prohibiting saloons and reserving to each county and city the right by popular vote to prohibit the sale of such liquor within each county or city."[373] The emphasis on prohibiting the return of the saloon, and reserving the right to local option, suggests that the reasons for repeal in Virginia, and the adoption of a sound system of alcohol control, rested on the desire to promote temperance above economic or other incentives.

As the General Assembly determined the time had come for a vote on statewide and nationwide prohibition, certain drys refused to concede, including G. Walter Mapp, who insisted that there were more drys in the state than wets, but the drys were confused and unorganized, while the wets were vocal and organized.[374] As the October referendum approached, the drys accused the Virginia AAPA of allying with the "whisky trust," and the association's financial

[371] John Garland Pollard, Letter to Dr. J.D. Eggleston, dated September 19, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia.
[372]"Acts of the General Assembly of the State of Virginia," Extra Session, which commenced at the State Capitol on Thursday, August 17, 1933, Richmond, Division of Purchase and Printing, 1933, Library of Virginia.
[373] Ibid.
[374] G. Walter Mapp, Letter to Governor Pollard, Dated August 28, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 53, Library of Virginia. Mapp had written to Pollard expressing his hope that Pollard would veto the Beer Bill, which he signed shortly thereafter.

chairman, James. S. Barron, defended the association from accusations that its members were personally invested in the liquor business. Meanwhile, National Democratic Chairman, James A. Farley, believed that "Virginia, the mother of great presidents, is not going to become now the parent of bad precedents."[375]

The referendum of October 3rd showed that Virginia voters favored repeal of both national and statewide prohibition. In Virginia's counties, 58, 974 citizens voted for repeal of the Eighteenth Amendment, and 44,448 against repeal. In the cities, 40,486 voted for repeal, and 14,070 against. Only thirty-five counties (out of 95), and two cities, Danville and Radford, voted dry. In Richmond, the vote was 10,801 to 2,629. On the question of continuing statewide prohibition or replacing it with a system of liquor control, the counties voted 59,170 to 43,959 for a system of control, and the cities voted 41,275 to 13,914.[376] The results of the election show that a number of voters who opposed ratification of the Twenty-First Amendment agreed on replacing statewide prohibition with a sound system of liquor control. A total of 100,445 Virginia voters wanted a system of control, whereas only 99,460 wanted national Prohibition repealed.[377] To these 985 voters, a system of liquor control that would promote temperance seemed a better solution than enforced abstinence that, in many ways, had proved unenforceable.

The day after the referendum election, Governor Pollard issued a statement on the results, saying: "This is not an hour of rejoicing for me. It is an hour of deepest regret that failure has come to a remedy designed to correct an age-old evil."[378] He described in this speech the efforts

[375] "Virginia Wets Bash Charges they Got Aid of Distillers," *Richmond Times-Dispatch*, October 1, 1933, Library of Virginia.
[376] Commonwealth of Virginia, "Statement of Votes Cast For and Against Ratification and Continuation of State Prohibition or A Plan of Liquor Control," At an Election Held Tuesday, October 3, 1933, compiled by Peter Saunders, Secretary of the Commonwealth, from Official Records, Richmond, Division of Purchase and Printing, 1933, Library of Virginia.
[377] Ibid.
[378] Governor John Garland Pollard, "Statement on Results of Repeal Vote," *Richmond Times-Dispatch*, October 4, 1933, Library of Virginia.

of thousands of conscientious men and women who fought long and hard to protect themselves and their children from the evils of intoxicating liquors. However, he noted that the public sentiment that had supported the superstructure of Prohibition had disappeared, and "the friends of temperance must begin at once to build anew in the place of the structure which the storm of public indignation has swept away."[379]

Pollard regretted that many drys were not interested in any method of promoting temperance other than Prohibition. Though himself a dry, he heeded the change in public opinion, and recognized the need to find a system of alcohol control that would prevent the return of the saloon under another name.[380] Pollard shortly thereafter remarked on having fought the extreme drys, namely Bishop Cannon, and now the time had come to fight the extreme wets, who would like to have laws enacted that would increase intemperance.[381] The fight with Bishop Cannon did seem, however, to be at an end. Once seen as the nation's most potent dry, and also as a political boss in Virginia, Cannon did not even vote in the referendum election, either at Blackstone or by mail.[382]

In Pollard's address to the state ratifying convention on October 25, he reiterated that although Prohibition was gone, the evil remained. He criticized two classes of citizens, those drys whose extreme devotion to Prohibition meant they were not interested in any other means of promoting temperance, and those wets who had helped destroy Prohibition, but refused to help

[379] Ibid.
[380] Ibid.
[381] John Garland Pollard, Letter to the Hon. Hugh E. Smith, dated October 7, 1933, in the Executive Papers of Governor John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[382] "Virginia Votes Wet, 2 to 1; It's No. 32 for Repeal; Liquor Control Plan Wins; City Joins Sweep, 4 to 1," *Richmond Times-Dispatch*, October 4, 1933, Library of Virginia.

lessen the evils of alcohol. He further urged the delegates to support the enactment of measures that would "bring the liquor into the open under complete supervision by the State."[383]

In his address as president of the convention, C. O'Conor Goolrick said that it was an historic occasion, in that for the first time, delegates chosen by *direct vote* of the people would act on the people's will. It seemed fitting to him that the fate of an amendment designed to govern the habits of citizens should rest with the people. He further claimed that the delegates were there not to review, but to *confirm*, the judgment of the public.[384]

Goolrick claimed that Prohibition retarded rather than promoted temperance, broke down respect for the law, and led to nation-wide racketeering and corruption. He reminded his audience that in voting for the ratification of the Twenty-First Amendment, the delegates should remember that there was an immediate need and responsibility to replace prohibition with a sound control system. Virginia should demand a system that would diminish the "evil features of the old days;" one which guarded against license, and, while supplying the public demand for alcohol, would promote temperance among the people.[385] Delegate James S. Barron referred to the "rude hut of prohibition," and the need to build a "temple of temperance," in his speech.[386] He noted that the system of alcohol control enacted in Virginia should prevent the bootlegger from thriving, which could be avoided if the state government focused more on temperance and less on attempts to make too much of a profit from the manufacture and sale of ardent spirits.[387]

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[383] John Garland Pollard, "Address to the Convention," Journal of the Convention to Ratify or Reject an Amendment to the Constitution of the United States, Held in the State Capitol at Richmond, Wednesday, October 25, 1933, in Pursuance of an Act of the General Assembly, Library of Virginia.
[384] C. O'Conor Goolrick, "Address by the President of the Convention," Journal of the Convention to Ratify or Reject an Amendment to the Constitution of the United States, Held in the State Capitol at Richmond, Wednesday, October 25, 1933, in Pursuance of an Act of the General Assembly, Library of Virginia.
[385] Ibid.
[386] James S. Barron, "Address to the Convention," Journal of the Convention to Ratify or Reject an Amendment to the Constitution of the United States, Held in the State Capitol at Richmond, Wednesday, October 25, 1933, in Pursuance of an Act of the General Assembly, Library of Virginia.
[387] Ibid.

As of October 1933, Virginians had voted to repeal the national and state dry laws, when just five years earlier, voters had rebuked Al Smith and the wet forces with which the drys had associated him. Unlike states like Maryland and New York, which had been considered wet throughout the entirety of the dry years, Virginia was ready to join the repeal ranks only late in the game; and even when it joined, its Democratic leaders resisted succumbing to extreme wet sentiment, in guiding the process by which their state would accommodate a national public demand that would trump any successful efforts at further resistance.

Virginia's dry leaders' attempts at handling the repeal movement in a practical, non-partisan, and moderate way, suggests that the political process of repeal in Virginia was, in a sense, more "reactive" than "proactive;" it was managed by arguably the most conservative political machine of the era, and led by men who were personally and politically dry, but who were willing to concede to public opinion, wanting to obtain the best system of control to replace the now discredited and rejected dry laws. Yet, one cannot overlook the role that the wet forces played in influencing the evolving public opinion, and persuading these drys that the time had come to compromise, while the unyielding demands of the extremists on both sides were reproved and generally left out of the debate. The moderates, who had compromised on enacting a "sound system" of alcohol control, included those drys whose opinion had evolved amidst a shift in the national mood. So did the merging of moderate dry with moderate wet opinion in Virginia result in any concession to dry sentiment, evidenced in the system of control that was enacted to replace prohibition in March, 1934? Or was prohibition's repeal in Virginia a point in which all ties with the dry movement that had been so politically powerful and so widely supported were severed? Did the commonwealth's model for liquor control reflect a desire of those drys who had capitulated, to avoid a return of the conditions that had existed before

prohibition, and which had driven the dry movement in the first place? Did the drys merely fade away, in light of the ratification of the Twenty-First Amendment and the return of liquor control management to Virginia's legislators? Or did they have a say in the form of control Virginia would adopt?

Chapter 4:

"'Is Prohibition a Policy or a Principle'? Fighting the 'Evils of Intemperance': the Alcoholic Beverage Control Act"

"The men and women who went to the polls on October 3 to register their protest against this change went in spite of the most tremendous political pressure that was ever brought to bear upon the citizenship of this state."[388] R.H. Pitt's remarks in the *Baptist Religious Herald* placed blame for the repeal of prohibition on the powerful wet interests that had, by implication, forced it upon Virginians. He insisted that the Democratic leaders of the state would have to reckon with the roughly 57,000 Virginians who voted against repeal. Should any liquor legislation be enacted resembling the model that the wet press was advocating, and insisting that the people wanted, one with few restrictions and at the lowest cost possible, then "it will at once revive earlier controversies and bring those who have wavered back into the dry columns by the thousands."[389]

The Director of the Prohibition Emergency Movement in Virginia, W.R. Phelps, had claimed prior to the referendum, that if it had been left to the people, Virginians would not have to fight the "ruthless nationally organized liquor trade," forced on citizens of the state by the influence of New York, Chicago, and the "greedy liquor interests."[390] One particularly derisive dry expressed similar sentiment in a scathing denunciation of Governor Pollard, claiming that

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[388] Dr. R.H. Pitt, "Making Bootlegging Respectable," editorial featured in the *Baptist Religious Herald*, Vol. CVI, No. 44, (November 2, 1933), Library of Virginia. This claim could, of course, be disputed by considering the presidential election of 1928. Pitt, however, would have sought to undermine any claim that special interest pressure had an influence on the outcome of 1928—after all, the drys had labeled Hoover's victory a "referendum on prohibition," which implies that public sentiment, demonstrated to be dry, guided the outcome; notwithstanding Cannon's, the ASL's, or the anti-Smith Democrats' role in convincing the public to vote contrary to their traditional allegiance, for the sake of "law and order." What's interesting is Pitt's resistance to accepting that the outcome of October 3, 1933, an *actual* referendum, accurately represented the public's evolved views on prohibition.

[389] Ibid.

[390] W.R. Phelps, Director, "Prohibition Emergency Movement in Virginia," the *Baptist Religious Herald*, Vol. CVI, No. 37, (September 14, 1933), Library of Virginia.

"an army of drys in this country who are called 'befuddled,'" have been taken advantage of by the wets to "rush this diabolical repeal through."[391]

While the wets, moderate drys, and "those who have wavered" may have doubted the urgency of Dr. Pitt's warning that liquor control would fail, and all the evolved drys who had voted for repeal and/or control would flock back to the cause of prohibition, his message resonates with the atmosphere that guided repeal in Virginia. Virginia's movement to ratify the Twenty-First Amendment, and its voters' professed desire to see a sound control policy enacted, was, contrary to Pitt's opinion, guided less by extreme wets--those who represented the so-called "tremendous political pressure" to which he alluded--than by moderate drys, those whose views evolved in light of a perceived shift in public opinion. While this disputes Pitt's suggestion that repeal had been forced upon an unwilling public by overwhelming wet pressure, he did raise a relevant point, and one that Virginia's legislators would heed: those roughly 57,000 drys who wanted Prohibition retained represented public opinion as much as those on the winning side, who wanted a control system to replace the dry laws. Though many embraced, or perhaps in many cases, succumbed, to the inevitable demise of federal Prohibition, the two-to-one vote for repeal in Virginia shows that about one-third of the state's voters opposed ratification of the Twenty-First Amendment.

Virginia was one of the first states to ratify the Eighteenth Amendment, and one of the last to repeal it. With nationwide opposition to Prohibition prevailing, and the pathway to repeal already blazed by thirty-one states, Virginia's referendum vote nonetheless shows that a

[391] A.G. Mason, Letter to Governor Pollard, dated October 3, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia. With a tone of ridicule and condescension, Mason informed Pollard that "when our good Anti-Saloon League, Prohibition Emergency Movement, and W.C.T.U. have blazed another trail and made everything safe and secure, you will be brave and loyal enough to fall in line and toot your little horn for the drys." He then alleged that Pollard's weapons were "defeat" and "retreat" in the name of "majority." And if this was not insulting enough, Mason concluded his letter likening Pollard to Judas Iscariot, as he asked the governor, "And what will you do with your thirty pieces of silver?"

significant portion of its population refused to accede to the national sentiment. However, a number of voters (985) who opposed repeal of federal Prohibition, desired a sound control system over any statewide attempt to remain dry if the Eighteenth Amendment was repealed. As this number is small, it suggests that most Virginians who voted for liquor control had come to support repeal, unlike drys like Pitt who wanted a continuation of prohibition. Yet, the moderate dry sentiment, represented by those who voted against repeal but for liquor control should repeal occur, had a key part in the process of creating a system of control to replace prohibition. While still believing prohibition was the best solution to the evils of the liquor traffic, these drys thought a system of statewide control was the next best thing. Though perhaps now more humbled than before the nation's and the state's dry laws were rejected, this sentiment was prevalent enough to be considered in determining an appropriate model for a state that had, by national standards, been notably dry.

While the "bone-drys" doubted the efficacy of *any* system of liquor control, Governor Pollard, a moderate dry, believed that "if we, the drys, shut our eyes to what is happening around us, and insist on prohibition at a time when it cannot be made effective, we will be allowed no part in the important task of making the law."[392] Pollard regretted that some of his fellow drys were so devoted to prohibition, that despite the "crumbling of the foundation" upon which prohibition rested, they were not interested in any other means of promoting temperance.[393] He

[392] John Garland Pollard, Letter to R.H. Pitt, dated September 19, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia. Pollard wished to "conserve the little influence I yet have in the matter of liquor legislation and to use it to get the best control law possible, rather than to have my influence completely destroyed by insisting on the retention of a law which we all know is not in accord with the present will of the people."

[393] John Garland Pollard, Letter to Rev. W. O. Carver, dated October 26, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia. Pollard stated, "When the foundation crumbles the house will fall." He reminded Rev. Carver, however, that "no one worked more earnestly than I did to prevent the crumbling of the foundation and no one will work more earnestly than myself for the recreation of public sentiment which will sustain laws for the promotion of temperance."

believed that whether repeal would affect the attitude of the people toward drinking, and the levels of bootlegging and crime, depended on the quality and character of the liquor control plan adopted.[394]

Wet state senator and repeal convention delegate, James S. Barron, had believed, prior to the referendum, that it would be practically impossible to enforce statewide prohibition, should Virginia vote for repeal of the Eighteenth Amendment. In his opinion, any attempt to do so would place the "radical element of the wets in control of the state and probably the next legislature."[395] It seems that the public agreed with Barron, indicated by the fact that a significant portion of those drys opposed to the Twenty-First Amendment voted for statewide control over statewide prohibition, in light of the amendment's presumed ratification. The process of determining a sound control system in Virginia will show that the moderate dry sentiment, which seems by this point to have aligned with that of the moderate wets, had notable influence on the model of control that Virginia enacted. Rather than the formation of a liquor control model driven solely by wet interests, who had won the liquor battle on a national level, the dry forces were still prevalent enough in Virginia to have some say as well. The compromise achieved between evolved prohibitionists, and advocates of repeal with strict control, is evident in the formation of Virginia's liquor control legislation.

[394] John Garland Pollard, Letter to William C. Stuart, dated October 7, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia.

[395] J.S. Barron, Letter to the Hon. Harry F. Byrd, dated September 11, 1933, in the Papers of Harry Flood Byrd, Sr., Accession 9700, Box 129, Albert and Shirley Small Special Collections Library, University of Virginia. It seems that Barron, though known publicly as a "wet," and having stated in his repeal convention speech that he was opposed to prohibition from the start, was a rather moderate wet. Unlike colleague, C. O'Conor Goolrick, who had wanted straight repeal of the Eighteenth Amendment, Barron had advocated the proposal for state referendum and ratification of the Twenty-First Amendment by state convention. This method seems to have been the result of compromise achieved by moderate drys and moderate wets. The fact that Barron has distinguished himself from the "radical wets" he believed would take hold of the process of establishing a control model, suggests that he considered himself to be among the moderates.

As directed by the legislative acts in August, 1933, a special commission was appointed to study the issue of liquor control, and to present its findings to the next regular session of the General Assembly in January, 1934. The commission consisted of fifteen members, five of whom each chosen by the Governor, the President of the Senate (Lieutenant-Governor), and the Speaker of the House of Delegates.[396] Governor Pollard had been advised by State Senator George N. Conrad, a dry, to choose a majority of dry appointments, since the remaining selections, and therefore the commission as a whole, were likely to be wet.[397] However, as prohibition was doomed, at least for the time being, Pollard believed that the main responsibility for setting up a substitute for prohibition should be given to those against it.[398] He ended up compromising, with the selections of wet state senator, James S. Barron,[399] and dry former state senator, G. Walter Mapp.[400] Mapp, an unrelenting dry, had served as Chairman of the Prohibition Emergency Movement in Virginia.[401] Pollard had considered other notable figures, including Margaret N. Keith, state chapter president of the Virginia WONPR, a candidacy that was endorsed by wet state senator and Virginia AAPA member, C. O'Conor Goolrick.[402]

[396] "Acts of the General Assembly of the State of Virginia," Extra Session, which commenced at the State Capitol on Thursday, August 17, 1933, Chapter 4, Approved August 29, 1933, Richmond, Division of Purchase and Printing, 1933, Library of Virginia.
[397] George N. Conrad, Letter to Governor Pollard, dated August 31, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[398] John Garland Pollard, Letter to George N. Conrad, dated September 9, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[399] James S. Barron, Letter to Governor Pollard, dated September 11, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[400] G. Walter Mapp, Letter to Governor Pollard, dated September 11, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[401] G. Walter Mapp, Letter to Governor Pollard, dated August 28, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 53, Library of Virginia.
[402] C. O'Conor Goolrick, Letter to the Hon. Harry F. Byrd, dated September 26, 1933, in the Papers of Harry Flood Byrd, Sr, Accession 9700, Box 139, Albert and Shirley Small Special Collections Library, University of Virginia.

Senator Harry Byrd had recommended the appointment of Keith as well, knowing the high regard for her held by the women of Virginia.[403]

With the October resignation from the commission of R. Walton Moore, who was picked by President Roosevelt to serve as Assistant Secretary of State, Pollard considered offering the vacant spot to Charles J. Smith, president of Roanoke College,[404] as well as Margaret Keith. He decided, however, upon State Senator Goolrick,[405] informing Keith that he felt it his duty to appoint only those who had had experience in law making and administration.[406] Keith, who supported Pollard's decision to choose Goolrick, hoped that the next General Assembly would pass laws that would "bring about a more temperate state of society and greater respect for the law."[407]

Other notable members of the commission were State Senators A.P. Staples, John W. Eggleston, who served as chairman, and George W. Layman.[408] Staples and Eggleston were the patrons of the Staples-Eggleston Bill, which had provided for both the referendum on statewide prohibition, and for a commission to study various liquor control plans, to report its findings to the next regular session of the legislature.[409] Eggleston proclaimed to be neither a radical wet

[403] Harry F. Byrd, Letter to Governor Pollard, dated August 24, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[404] John Garland Pollard, Letter to Chas J. Smith, dated October 10, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[405] John Garland Pollard, Letter to the Hon. C. O'Conor Goolrick, dated October 9, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[406] John Garland Pollard, Letter to Mrs. Julian Keith, dated October 10, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[407] M.N. Keith, Letter to Governor Pollard, dated October 9, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[408] Commonwealth of Virginia, Governor's Office, Richmond, Liquor Control Commission, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[409] "Legalized Beer to Flow in Virginia on Labor Day; Repeal of Layman Act Goes Before Voters," *Richmond Times-Dispatch*, August 30, 1933, Library of Virginia.

nor a radical dry.[410] State Senator Layman had authored the Layman Act, the 1928 amendment to Virginia's prohibition law.[411]

In his remarks to the Liquor Control Commission upon their organization, Pollard stated, "If I may be permitted a personal preference, I would repeat that I am a prohibitionist but I am not so dry as to want prohibition against the will of the majority."[412] He explained to the commission that the people of Virginia have assigned them a task that would have a great effect on the public welfare, and likened them to architects, who were assigned to create and submit preliminary plans for the "structure which is to take the place of the building called prohibition which has been condemned by public opinion and is about to be torn down."[413] He reminded them that when the public sentiment changes enough to make the law no longer effective, "it is the part of wisdom to tear down and begin over again," as those who insist on keeping laws against the will of the majority "are out of tune with democratic institutions."[414] Pollard hoped that the commission would recommend the strictest system of control that the public would support. To this end, he ordered that the commission be provided with copies of liquor laws that various states and countries of the world had adopted, as a wise architect first studies the designs of others, and "adopts their good features with such changes as may be necessary to meet the special conditions which confront him."[415]

The Liquor Control Commission used as a main source for their report to present to the General Assembly a study commissioned by disillusioned dry, and repeal advocate, John D.

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[410] John W. Eggleston, Letter to Governor Pollard, dated August 5, 1933, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[411] "Legalized Beer to Flow in Virginia on Labor Day; Repeal of Layman Act Goes Before Voters," *Richmond Times-Dispatch*, August 30, 1933, Library of Virginia.
[412] John Garland Pollard, "Remarks to the Liquor Control Committee on Occasion of their Organization," in the Executive Papers of Governor John Garland Pollard, Accession 23344a, Box 54, Library of Virginia.
[413] Ibid.
[414] Ibid.
[415] Ibid.

Rockefeller, Jr., to research systems of liquor control in various countries. Pollard wrote to the coauthor of the report commissioned by Rockefeller, Raymond B. Fosdick, informing him that in Virginia, a state commission had been appointed for the purpose of recommending a liquor control bill, and asking him if the Virginia commission might obtain the results of the study.[416] Fosdick replied that the report sponsored by Rockefeller would be issued on October 23, and that he would be pleased to see that Pollard obtain a copy at the earliest possible time.[417] Pollard also wrote directly to Rockefeller, thanking him for the great service of having prepared studies on various nations' liquor control systems. He expressed to Rockefeller that the wets were "drunk with victory," and would insist on passing laws that encouraged the use of intoxicating liquors; a fact that all who supported temperance should fight, to prevent a "return to the old evils of the liquor traffic, ineffectively controlled."[418] He implored Rockefeller to use his influence with coauthors Fosdick and Albert L. Scott to present the matter of liquor control on October 24 to the Virginia commission.[419] Shortly thereafter, Pollard stated that he was inclined to agree with the recommendations of Messrs. Fosdick and Scott in their book entitled, "Toward Liquor Control."[420]

Rockefeller had believed that Prohibition harmed more than it benefited. He commissioned his study in 1933 to find an alternative system that would promote "self-control

[416] John Garland Pollard, Letter to Raymond B. Fosdick, dated September 29, 1933, in the Executive Papers of John Garland Pollard, Accession 23344A, Box 54, Library of Virginia.
[417] Raymond B. Fosdick, Letter to Governor Pollard, dated October 2, 1933, in the Executive Papers of John Garland Pollard, Accession 23344A, Box 98, Library of Virginia.
[418] John Garland Pollard, Letter to John D. Rockefeller, Jr., dated October 6, 1933, in the Executive Papers of John Garland Pollard, Accession 23344A, Box 98, Library of Virginia.
[419] John Garland Pollard, Western Union Telegram to John D. Rockefeller, Jr., dated October 20, 1933, in the Executive Papers of John Garland Pollard, Accession 23344A, Box 54, Library of Virginia. A memorandum in Pollard's papers states, "Mr. Leonard Harrison is coming October 24, 1933---Liquor Control Commission." Harrison was another researcher on the Rockefeller commission, who apparently presented the report's findings to the Virginia commission.
[420] John Garland Pollard, Letter to W. F. Day, city manager, Staunton, dated November 1, 1933, in the Executive Papers of John Garland Pollard, Accession 23344A, Box 54, Library of Virginia.

and temperance as regards the use of alcoholic beverages."[421] He believed that in the attempt to bring about total abstinence, a nationwide disregard for the law ensued, that was even worse than intemperance. Yet, despite repeal, the liquor problem was far from solved. "If carefully laid plans of control are not made, the old evils against which prohibition was invoked can easily return," [422] he proclaimed--a fact that drove his commissioning a study of systems of control in various countries to find a solution for the states.

Toward Liquor Control examines a number of options for states to pursue with regards to alcohol control. One such system was a continuation of statewide prohibition. The authors worried, however, that surviving dry areas would become "a paradise for bootleggers," as illicit liquor traffickers would compete with legal, higher priced liquor in neighboring wet states.[423] The other two main classifications of governmental control were the license method and the public monopoly method.[424] The licensing of private manufacturers and sellers of all alcoholic beverages was the nearly universal form of control before Prohibition, and continued to govern the systems of most countries. However, a number of countries, including Norway, Sweden, Finland, and eight of the nine Canadian provinces, abandoned the private licensing system in favor of state management, or "monopoly."[425]

While their study of licensing systems in countries like England showed success, the authors noted that what worked in one country may not work in another. England had a tradition of public order and respect for the law that the United States lacked, and the bootlegger, gangster, and speakeasy never developed there. The authors argued, also, that the license

[421] John D. Rockefeller, Jr., "Foreword," in *Toward Liquor Control*, Raymond B. Fosdick and Albert L. Scott, (New York: Harper & Brothers Publishers, 1933), ix.
[422] Rockefeller, "Foreword," in *Toward Liquor Control*, Raymond B. Fosdick and Albert L. Scott, vii-viii.
[423] Fosdick and Scott, *Toward Liquor Control*, 25.
[424] Ibid, 35.
[425] Ibid, 36.

method as a true instrument of control did not exist in the United States before Prohibition. They described state attempts at licensing as "usually an ill-considered patchwork resulting from the conflict of interest between liquor dealers and reformers," rather than a carefully thought out plan for social control of the liquor problem.[426]

To Fosdick and Scott, the liquor licensing plan had four primary weaknesses: for one, the liquor traffic, motivated by private profit, would tend to circumvent any system of licenses that would limit maximal profits, encouraging bootleggers seeking to evade the system. Secondly, the licensing body could become a powerful political machine, tempted by political favoritism to relax the system's control over licensees. Third, private liquor sellers would never advocate temperance, as limiting consumption would harm their businesses, and, fourth, a deeply entrenched system of proprietary interest would be extremely difficult to undo should the system prove a failure.[427]

For Fosdick and Scott, the primary goal of the states should be to eliminate the private profit motive, as it "holds out only the purpose of endless guerilla warfare between a nation fighting for temperance and a traffic that thrives on excess."[428] They therefore favored the public monopoly plan over private licensing for liquor sales. Having studied the systems of public monopolies in several countries, and favoring in particular the system in Quebec, Canada, the authors proposed the creation of a "State Alcohol Control Authority," which would establish a chain of its own retail stores for the sale of stronger alcoholic beverages by package. These stores would be located as to meet public demand, without violating the desires of sections of the state to have no such stores in their localities.[429] The Authority would have the exclusive right to

[426] Ibid, 40-41.
[427] Ibid, 56-60.
[428] Ibid, 62.
[429] Ibid, 64-65.

sell and control the sale of all alcoholic beverages containing "spirits," and to establish regulations, and issue permits to hotels, restaurants, and other public places for the sale of beer and naturally fermented, or unfortified, wine.[430]

Although the authors had no precedents in the United States to favor public monopoly, they recognized the sound policy of eight of Canada's nine provinces that abandoned licensing and prohibition in favor of public monopoly. They outlined the benefits of this system as follows: first, state employees would have no profit incentive to encourage sale of liquors. Additionally, the Authority could use its price-making power as an instrument of control, balancing between curtailing cheap bootlegged liquor and stimulation of consumption, which might follow too-low a level of prices.[431] By respecting the local option, should local sentiment turn against liquor sales in a particular locale, the Authority could merely close shop without having to fight private wholesalers or retailers. And the liberalization of control of light beers and wines, though it might seem too great of a concession to the wet sentiment, would actually encourage the use of drinks with lower alcohol content.[432] Other than stifling the profit motive for enlarging liquor sales, and providing freedom to regulate prices so as to limit illicit dealing and curtail the use of spirits, the public monopoly system would also eliminate the saloon, control advertising, minimize opportunities for political interference, and generally promote temperance.[433]

It was not just the researchers on the Rockefeller commission who had been examining different alcohol control models in various countries. Both the WONPR and AAPA had also conducted studies of different models, since their push for repeal first got underway. The

[430] Ibid, 66-67.
[431] Ibid, 80-83.
[432] Ibid, 149.
[433] Ibid, 93.

WONPR, believing that regulation was more effective than suppression, asserted that "the education of the individual rather than attempts to dictate his personal habits are the bases of liquor-control systems of the world over."[434] This reinforced its message proclaimed during the national repeal drive, calling for the repeal of the Eighteenth Amendment, the control of the liquor traffic by a system of state regulation suitable to the people, and the education of children to temperance in the home, the school, and the church.[435]

The WONPR's director of research, Grace C. Root, reported that the system of State-owned monopolies was in operation in countries like Finland, Turkey, Iceland, Poland, Switzerland, Germany, Russia, and eight Canadian provinces. The conditions of sale in the Canadian provinces varied somewhat—in Ontario, no drinking of any kind was permitted in public, except of "light beer" of 2.5 percent alcohol, whereas in Quebec, licensed taverns were permitted to sell the standard beer, and both wine and beer could be sold in restaurants, hotels, and other public places. Compared to other non-prohibition countries, Canada's ban on the sale of spirits at hotels and restaurants, even under restriction, was an exception.[436] Like researchers on the Rockefeller commission, Root believed that in other countries, the saloon of the type found in pre-Volstead America did not exist. The nearest comparison was, perhaps, the English public house, however, unlike the saloon, these were considered reputable places. In Germany and other "beer-drinking" countries, beer gardens were considered respectable family resorts, and in most countries, wine usually accompanied meals.[437]

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[434] Grace Cogswell Root, "More Liquor Control Systems of Today," issued by the Women's Organization for National Prohibition Reform, March, 1933, 7.
[435] "Three Steps to Temperance," published by the Women's Organization for National Prohibition Reform, in the Executive Papers of John Garland Pollard, Accession 23344a, Box 97, Library of Virginia.
[436] Root, "More Liquor Control Systems of Today," 9-11.
[437] Ibid, 11-12.

For Root, the problem of bootlegging would persist as long as illicit liquor could be sold at prices lower than legal alcohol. However, she found there to be no evidence that any non-prohibition government ever had a problem with bootlegging and smuggling comparable to that which existed in the United States. Moreover, the smuggling and bootlegging that did occur in other countries "do not command the tacit toleration which is shown toward them in the United States under the Eighteenth Amendment."[438] Root believed that in a nation as diverse as the United States, one universal system of regulation would hardly meet the needs of each individual state. The mere substitution of federal control for statewide control would serve the interests of public opinion, and would replace a failed system with ones that had potential for success.[439]

The AAPA also conducted and published various studies of liquor control as part of the campaign for repeal. The AAPA's director of research, John C. Gebhart, believed that any of the control systems in place in other countries was preferable to the "futile attempt to enforce universal total abstinence by legal fiat."[440] While the United States "committed to a program of universal total abstinence by law, rushed through in a period of war hysteria," in all of the other countries studied by the AAPA, even those that had experimented with prohibition, "the history of liquor legislation shows an orderly and progressive development which is lacking in this country."[441] It seems to Gebhart that in all of the countries studied, any changes in liquor legislation or regulations had the support of public opinion, which, in turn, eliminated "political and social friction over the drink question."[442]

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[438] Ibid, 13. Root's reasoning was that countries under liquor control had the approval of the majority of the population.
[439] Ibid.
[440] John C. Gebhart, "What Shall Replace Prohibition?" Prepared by the Association Against the Prohibition Amendment, May, 1932, 1.
[441] Gebhart, "What Shall Replace Prohibition?" 1.
[442] Ibid, 2.

In countries like Great Britain, Australia, and New Zealand, there had been a gradual reduction of licenses, either by direct popular vote, or by the discretion of the licensing authorities, which helped to restrict liquor consumption. In Canada, every province except Prince Edward Island had created state monopolies, allowing the government to have complete control over the liquor industry and effectively deal with the problem of intemperance.[443] Wine, like spirits, could be purchased by the bottle only, from government stores, to be consumed at home, with exceptions in only two provinces: in Quebec, wine could be served with meals in licensed establishments, and in Ontario, native wine growers could sell their product directly.[444] Beer, on the other hand, had fewer restrictions than wine or spirits, but could only be sold by the glass in parlors or taverns in four provinces—Alberta, British Columbia, Manitoba, and Quebec. Bottled beer could be bought at beer stores run by brewers in all provinces except Saskatchewan, New Brunswick, and British Columbia. In Quebec, beer could be bought at grocery stores as well.[445]

Like the researchers on the Rockefeller Commission, Gebhart favored the control model found in Quebec. He stated that crime in Quebec had been consistently lower than in Ontario, which had some form of prohibition until 1927. He quoted the findings of the Quebec Liquor Control Commission, which proclaimed: "Either drunkenness has no connection with criminality and does not influence criminality in general—or else the Province of Quebec is not that rendezvous for all drinkers, that den of drunkenness, that territory reeking with alcohol which the adversaries of the Alcoholic Liquor Act have represented this province to be for the last five

[443] Ibid, 3.
[444] Ibid, 16-17.
[445] Ibid, 17.

years."[446] Furthermore, the Quebec plan reduced intemperance, increased revenues, and helped bring about the decline of the illicit liquor traffic.[447]

Although more states adopted a range of private licensing systems for all alcoholic beverages, fifteen states did adopt a form of public monopoly.[448] In North Dakota, the sale of all liquor was exclusively through publically owned stores. The law allowed for any incorporated city, town, or village, which maintained a full-time police department, to operate such stores, but each store would have to be approved by the local governing body, which was authorized to appoint the manager and staff of the store.[449] In Montana, state liquor stores could be established to sell wine and hard liquor to drug stores, physicians, and holders of individual permits for personal consumption at home. The law also provided for private licensing for the sale of beer.[450] In Pennsylvania, a Liquor Control Board established state liquor stores. The Pennsylvania Liquor Control Board, recognizing that alcohol abuse was still a significant social problem, made the point that it would do nothing to either encourage or increase the use of liquor. The Pennsylvania Board described the liquor business in pre-prohibition days as a political issue, and during prohibition a criminal issue, and now the board would handle it, "in behalf of a square deal for the people who use liquor and a square deal for unfortunate citizens who have a right to look to their government for help."[451]

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[446] John C. Gebhart, "The Quebec System: A Study in Liquor Control," prepared by the Association Against the Prohibition Amendment, 1929, 32.
[447] Gebhart, "The Quebec System: A Study in Liquor Control," 39-40.
[448] Leonard V. Harrison and Elizabeth Laine, *After Repeal: A Study of Liquor Control Administration*, (New York: Harper & Brothers Publishers, 1936), 7.
[449] A. Norman Christensen, Department of Political Science, University of Chicago, "State Liquor Laws," report in the Executive Papers of John Garland Pollard, Accession 23344a, Box 98, Library of Virginia.
[450] Ibid.
[451] Robert S. Gawthrop, Chairman, and A. Marshall Thompson, Pennsylvania Liquor Control Board, "A Message to Customers of the Pennsylvania State Liquor Stores," in the Executive Papers of George Campbell Peery, Accession 23344b, Box 7, Library of Virginia.

Although a number of states like Pennsylvania had adopted a public monopoly system, Virginia's Liquor Control Commission was more inclined to use the Canadian control systems as models for Virginia, as they had proven success.[452] In particular, the commission recommended the State Control Plan, whereby the state government monopolized the retail sale, through its own stores, of sealed beverages, to be consumed off premises—a system patterned after that which had operated in the Province of Quebec and other Canadian Provinces.[453] Though it would later be amended, Virginia's plan initially forbade the sale of spirits, even by the drink, for on-premise use in hotels and restaurants. The commissioners believed that a large majority of Virginians would approve the private sale of wine and beer by the drink, but not of distilled liquors, and though many people would be dissatisfied with the limitations on the sale of liquor, the commissioners wished to adopt a policy they thought would be supported by a "healthy majority opinion."[454]

Two of the researchers who worked on the team to produce the published report of the Rockefeller commission, Leonard Harrison and Elizabeth Laine, published a study in 1936 examining the effectiveness of the different systems of control enacted throughout the states. Twenty-five states established central licensing bodies to regulate the private liquor trade, and fifteen states created liquor control commissions to monopolize sales. Harrison and Laine argued that the licensing method of control was driven more by a desire to gather tax revenue for the states than a "conscious desire to promote social welfare."[455]

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[452] "Virginia Commission Submits Plan for Control by State of Liquor Sales," *Richmond Times-Dispatch*, December 22, 1933, Library of Virginia.
[453] "Liquor Control," Report of the Committee appointed under authority of an Act approved August 29, 1933, Submitted to the General Assembly of Virginia, January, 1934, Senate Document No. 5, Richmond, Division of Purchase and Printing, 1934, 3, Library of Virginia.
[454] "Liquor Control," 4.
[455] Leonard V. Harrison and Elizabeth Laine, After Repeal: A Study of Liquor Control Administration, 7.

Of all the monopoly states, the most effective systems in place in 1936 were in New Hampshire, Vermont, Virginia, and Washington. To Harrison and Laine, these states most adequately met the cardinal requirements of an effective state-store system: administered by men who are free from political or commercial influence; operating with restrictions of sales in line with the sentiment of the majority of citizens, and driven by the aim of subordinating profits to the promotion of temperance and the general welfare. [456]

With regards to taxation, Harrison and Laine recognized the need to lighten the tax burden on all alcoholic beverages, including beer, in order to defeat the bootlegger. High taxes on light beverages encouraged the consumption of beverages of higher alcohol content, rather than reduced the total consumption of alcohol. Lower taxes would also increase revenue by replacing bootlegged liquor with taxed products. And, lower taxes on light beverages would help promote temperance.[457] With regards to "spirits," most monopoly states did not impose taxes on liquor, since their revenue came from profits from sales in state stores.[458] Monopolies could purchase goods more cheaply than the individual retailer because the state could buy in large quantities.[459]

To Harrison and Laine, what was more important than judging the economic benefits and shortfalls of the licensing and monopoly systems was to evaluate the systems' merits by their social consequences. They noted that "the Virginia board of control stands almost alone in showing special interest in evaluating the monopoly system in terms of its effects on consumption of liquor and observance of law."[460]

[456] Harrison and Laine, After Repeal: A Study of Liquor Control Administration, 10.
[457] Ibid, 12-13.
[458] Ibid, 138.
[459] Ibid, 144.
[460] Ibid, 146.

It was, in fact, an adherence to the principles of temperance over a desire to bring in money to the state that drove the formation of Virginia's control model. The report of the commission presented to the General Assembly on how to proceed with alcohol control emphasized temperance as a primary concern. In the report, the general principles state that "temperance, social betterment and respect for law should be the prime objectives of any system of liquor control. Taxes should be levied as a method of promoting social control and not primarily for raising State or local revenues."[461]

Other principles laid out in the Virginia commission's report nearly mirror the recommendations set forth by Rockefeller report authors, Fosdick and Scott, in *Toward Liquor Control*. These include local option as a cardinal principle; the sale of beverages at such prices as would make it unprofitable for the bootlegger to compete with lawful dispensers; the prevention of the return of the saloon; and the encouragement of light fermented beverages, and discouragement of distilled liquor with high alcohol content.[462]

Believing that discouraging the use of distilled liquor would promote temperance, the commission recommended that private licensees, including hotels, restaurants, clubs, dining cars and passenger boats, be permitted to sell only beer and wine by the glass, for consumption with or without meals, on the premises. Other licensees should be allowed to sell beer and wine in sealed packages for consumption off premises. All licenses would be under the regulation of a State central authority.[463] The commissioners distinctly expressed their opposition to the sale of liquor by the drink at hotels and restaurants, noting: "By the referendum held last October we are

[461] "Liquor Control," Report of the Committee appointed under authority of an Act approved August 29, 1933, Submitted to the General Assembly of Virginia, January, 1934, Senate Document No. 5, Richmond, Division of Purchase and Printing, 1934, 2, Library of Virginia.
[462] "Liquor Control," 2-3.
[463] Ibid, 3.

bound to oppose the return of the saloon. It may be argued that a hotel or restaurant which serves distilled liquors at tables is not a saloon in the common acceptance of the word, but really the only difference is that the bar and the swinging doors are missing. In almost every other respect it would be the same and so deemed by the people of Virginia."[464]

Under the State Control Plan, there was no perceived danger of the "domination and control of the liquor traffic by the manufacturers, the brewers, and the distillers—one of the evils of pre-prohibition days."[465] Additionally, state stores would serve to help eliminate the bootlegger, as the Alcoholic Beverage Control Board could purchase liquor at a much lower price than private licensees, by reason of the volume of purchase, and it would prevent the interference of vested interest opposed to restrictions to trade.[466] Thus, the liquor traffic would remain outside the realm of politics.

With regard to finances, the profits from the business would more than restore the original capital outlay to the State treasury. The net profits from the state stores would be divided. One-third went to the general fund, and two-thirds to the counties or cities in proportion of their population, so that the profits from stores would be returned to the communities wherein the stores were located, for the purpose of policing and enforcement of the law.[467]

In comparing the efficacy of the state control plan over a private licensing system, the commissioners believed that the "former plan has for its purpose the control of the liquor traffic as a public enterprise for the benefit of society and the community. Its aim is temperance and respect for the law," whereas the private licensing system, "legalizes the liquor traffic as a private industry organized and conducted for private gain without regard to its influence or effect

[464] Ibid, 4.
[465] Ibid, 5.
[466] Ibid, 5.
[467] Ibid, 10-11.

upon the community."[468] Furthermore, the state control plan had a safeguarding element: granted that the proposal was an experiment, should a change prove necessary, it could be easily changed for a licensing system, whereas a retreat from a private licensing system, with all the capital invested and interests affiliated with it, would be difficult, if not impossible.[469]

On March 7, 1934, the Virginia General Assembly enacted the Alcoholic Beverage Control Act, to "legalize, regulate, and control the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking, and use of all alcoholic beverages obtained by distillation or fermentation," and to create a Department of Alcoholic Beverage Control and a Virginia Alcoholic Beverage Control Board to perform the duties and functions outlined in the Act.[470]

The Alcoholic Beverage Control Board met for the first time on March 22, 1934, in the office of the Governor, at the State Capitol building.[471] Newly elected governor, George Campbell Peery, had appointed a three-member Board under his direct supervision, as directed by the ABC Act. Governor Peery appointed S. Heth Tyler as chairman for a term of one year, R. McC. Bullington as a member for three years, and T. McCall Frazier as a member for five years.[472] Chairman Tyler was the former mayor of Norfolk.[473]

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[468] Ibid, 4.
[469] Ibid, 5.
[470] "Alcoholic Beverage Control Act," in Acts of the General Assembly of the State of Virginia, Chapter 94, Approved at the State Capitol at Richmond, March 7, 1934, Richmond, Division of Purchase and Printing, Library of Virginia.
[471] Virginia Alcoholic Beverage Control Board, Minutes of the ABC Board, Minute Book Number One, March 22, 1934, Library of Virginia.
[472] George Campbell Peery, Letter to the Secretary of the Commonwealth, dated March 22, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 4, Library of Virginia. Peery advised the secretary to issue a commission to the three appointees.
[473] Sidney S. Kellam, Letter to Governor Peery, dated March 9, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 7, Library of Virginia.

Peery had been urged to consider appointing Margaret Keith to the Board. Keith was endorsed, for example, by Loretto McGill, Chairman for the Prince William County branch of the WONPR, who claimed that "much of the success achieved by that body [the WONPR] in bringing about a temperance state of society is due to the gracious tact and untiring efforts of Mrs. Keith."[474] Assistant Secretary of State R. Walton Moore endorsed Keith as well.[475] Another recommendation was General W.H. Cocke, former president of the Virginia AAPA.[476] Surprisingly, Dr. R. H. Pitt endorsed R. McC. Bullington, whom Peery ended up appointing.[477] Col. Bullington had served as president of the Richmond Chamber of Commerce and as a staff member for former governor Henry C. Stuart.[478]

The Alcoholic Beverage Control Board went to work on a number of matters related to administration of the new law. They created divisions of management, and named directors to the Divisions of Accounts and Control, Real Estate and Insurance, Licenses, Inspection and Enforcement, and Press Relations and Statistics.[479] On April 6, they deliberated on the question of licensing wholesale wine distributors, determining that all orders for wine from retailers would be cleared through the Board, who also established regulations regarding "designated"

[474] Miss Loretto McGill, Letter to Governor George Campbell Peery, dated January 29, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 6, Library of Virginia. Peery replied on February 14, 1934, that he knew of Mrs. Keith's "ardent interest in the cause of temperance and her wide knowledge of the problems which the state faces in connection with the control of alcoholic beverages." He said he was considering Mrs. Keith for the appointment.
[475] R. Walton Moore, Letter to Governor Peery, dated February 14, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 6, Library of Virginia.
[476] John B. Minor, Letter to Governor Peery, dated February 21, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 6, Library of Virginia.
[477] George Campbell Peery, Letter to R. H. Pitt, dated February 1, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 5, Library of Virginia.
[478] Jas. Galleher, Letter to Governor Peery, dated January 11, 1934 in the Executive Papers of George Campbell Peery, Accession 23344b, Box 5, Library of Virginia.
[479] Virginia Alcoholic Beverage Control Board, Minutes of the ABC Board, Minute Book Number One, April 3, 1934, Library of Virginia.

rooms for the sale of wine and beer in hotels and clubs.[480] They decided that the R.F. & P. freight depot at Broad and Harrison Streets in Richmond should serve as a storage facility for the future ABC stores, as the building would hold approximately 70,000 cases of whiskey, which they presumed a sufficient space for the time being.[481]

On April 18, Bullington suggested adopting a resolution urging President Roosevelt to consider reducing the federal liquor tax, so as to focus attention on the necessity of obtaining legal liquor at a price that would put the bootlegger out of business.[482] On April 25, Frazier expressed the opinion that a liberal attitude should be applied in the case of country clubs and establishments of "unimpeachable character," regarding restrictions on beer and wine consumption, believing that limiting such restrictions would promote temperance.[483] On April 26, Chairman Tyler asked for an official opinion in view of the declaration of policy as to dry counties. The Board stated that it had not adopted any regulation prohibiting the sale of wine and beer in counties that voted dry in the 1933 referendum, but that at present, the Board would not establish any liquor dispensaries in any counties that voted dry, until an election was help upon the will of thirty percent of the locality's population to change the local policy regarding liquor sales and the licensing of wine and beer sales.[484]

The Board adopted other strict regulations to try to limit and control consumption of alcohol. For example, they decided that in the matter of outdoor advertising of particular brands of wine and beer, such advertisements would have to remain a minimum of 500 yards from the

[480] Virginia Alcoholic Beverage Control Board, Minutes of the ABC Board, Minute Book Number One, April 6, 1934, Library of Virginia.
[481] Virginia Alcoholic Beverage Control Board, Minutes of the ABC Board, Minute Book Number One, April 11, 1934, Library of Virginia.
[482] Virginia Alcoholic Beverage Control Board, Minutes of the ABC Board, Minute Book Number One, April 18, 1934, Library of Virginia.
[483] Ibid, April 25, 1934.
[484] Ibid, April 26, 1934.

establishment selling the specific brand. The advertisement of liquor brands were not permitted in localities where the Board had not established any state stores.[485] The Board also adopted regulations for the labeling of alcoholic beverages to show the alcohol content.[486] Additionally, they agreed that the maximum quantity that an individual should be permitted to transport, at any one time, was one gallon; any amount exceeding one gallon should require a special permit.[487]

The local option was arguably a key component of the state's policy of temperance. Rather than force the establishment of dispensaries in localities that had voted dry in the 1933 referendum, the legislature upheld the local dry option. Recognizing that many communities in Virginia expressed opposition to the repeal of prohibition, the ABC act allowed for a method by which local elections could determine whether to allow licensing of light beverages or the opening of state run liquor stores within said cities, towns, or counties.[488] As of August 29, 1934, one year after the first Acts of Assembly initiated the process by which Virginia reversed its prohibition law, fifty-four state government stores had already opened, but with the opening of seventy-five additional stores in places like Richmond, Norfolk, Orange, and Williamsburg, the operation of these stores would be carefully studied before additional stores were considered.[489]

To get a sense for local sentiment, so as to adhere to the policy of local option, the ABC Board kept a scrapbook of newspaper clippings detailing citizens' responses to the new law from various parts of the state. The *Shenandoah Herald* reported that petitioners in Woodstock and Shenandoah County, which had voted dry in October, 1933, planned to hold a special election

[485] Ibid, May 17, 1934.
[486] Ibid, June 6, 1934.
[487] Ibid, June 13, 1934.
[488] Ibid, June 21, 1934.
[489] Ibid, August 29, 1934.

prohibiting the sale of wines and beer with high (above 3.2 percent) alcohol content, as well as the operation of a state liquor dispensary.[490] Rockingham voters also held an election to determine if they wanted beverages of more than 3.2 percent alcohol by weight sold in their county—the first local option election held in Virginia.[491]

The *Clarendon Chronicl*e reported that Deets Pickett, Executive Secretary of the Methodist Board of Temperance, Prohibition, and Public Morals, claimed to have found sentiment throughout Arlington Country against the establishment of liquor stores, but a liberal county group argued that the county's proximity to Washington, D.C. and Alexandria would make it difficult to ban liquor stores, and would only drive prospective business elsewhere. They advocated giving the state stores a "thorough trial toward abolishing bootlegging and promotion of temperance."[492] The First Baptist Church of West Point acknowledged that its view of the nature of alcohol had not changed since Prohibition, and continued to believe that the liquor traffic was anti-social, immoral, and contrary to their Christian principles.[493] Danville voters expressed similar opposition and called for a local option election, which was held on July 17.[494]

Other reports indicated favorable response to the ABC Act and the establishing of state run liquor stores. The Board opened the first stores in Richmond on May 15, 1934.[495] The state brought in almost $60,000 in the first two weeks, and patronage to the stores came from

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[490] *Shenandoah Herald*, March 23, 1934, in General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[491] *Greene Co. Record*, June 7, 1934, in General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[492] *Clarendon Chronicle*, March 30, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[493] *West Point-Tidewater Review*, April 12, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[494] *Danville Tribune-Enterprise*, June 8, 1934, General Clippings, March-July 1934, Scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia. Despite the dry sentiment in Danville, the local option election determined that the sale of all alcoholic beverages would be allowed.
[495] S. Heth Tyler, Letter to Governor Peery, submitting the annual report of the ABC Board for the year ending June 30, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 4, Library of Virginia.

surrounding areas. The next scheduled openings were in Virginia Beach, Portsmouth, Newport News, Roanoke, Lynchburg, and Alexandria.[496] Visitors to Virginia Beach from all parts of the country praised Virginia's liquor sales system.[497] Twenty-five stores opened before June 30, most of which were in cities like Richmond, Norfolk, Virginia Beach, Roanoke, and Alexandria.[498] More openings were planned for cities like Fredericksburg and Charlottesville.[499] By August, 1934, Chairman Tyler believed that the system was working all over the state, evidenced, for example, by the fact that in Richmond, the bootlegger practically had been eliminated.[500]

Though Richmond's citizens generally favored Virginia's new system, there still remained certain groups who stood in opposition, and they voiced their concerns as well. The Board of Deacons of the Ginter Park Baptist Church in Richmond wrote to Governor Peery and the ABC Board, requesting that they refrain from opening any stores, or issuing private licenses for beer and wine sales with greater than 3.2 percent alcohol, to any retailer in Richmond's northern suburbs. They claimed that such sales would be "detrimental to the material, moral, and spiritual welfare of the people of our community."[501] They claimed to speak on behalf of children of their community, who, on their way to school and church, would encounter alcoholics, and patronize stores that were close in proximity to alcohol dispensaries.[502] Despite

[496] *Clarendon Chronicle*, June 1, 1937, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[497] *Virginia Beach News*, July 20, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[498] Report on Audit, Alcoholic Beverage Control Board, First Annual Report for the Period March 22, 1934 to June 30, 1934, Senate Document No. 6, Richmond: Division of Purchase and Printing, 1936, Library of Virginia.
[499] *Amherst-New Era Progress*, July 12, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[500] *Loudon Times- Mirror*, August 2, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[501] Ginter Park Baptist Church Board of Deacons, Letter to the Alcoholic Beverage Control Board, undated, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 7, Library of Virginia.
[502] Ibid.

this dry sentiment that lingered even in wet cities like Richmond, the ABC law had not allowed for subsections of a city to vote dry--and to try to push for a dry local vote in Richmond would have been futile.

Governor Peery received complaints from citizens in places like Bluefield and Tazewell, both of which had voted dry in the 1933 referendum. One concerned citizen regretted both the opening of the ABC store in his town of Bluefield, and the fact that, at present, the citizens could not hold a local option election.[503] To which Peery replied, that in forming the new law, the commissioners, both wet and dry, considered local elections to address public sentiment, but that in Bluefield's case, an election could not be held in the same year that other elections were held, so as to divorce the issue from local politics.[504] Peery, like Pollard before him, wanted the issue of alcohol control free of significant political pressure.

The town of Tazewell seemed to have a mixed response to the prospect of opening a store there. The mayor of Tazewell, J.W. Jones, wrote to Peery requesting that the ABC Board consider opening a store there, despite the fact that the town had always been dry. Jones argued that the people of Tazewell already had access to beer, wine, and liquor, but should not have to continue going elsewhere to buy it legally. He believed that the town could better control legal liquor than attempting to police bootlegged liquor.[505] One active dry citizen, on the other hand, sent a petition protesting the establishment of a liquor store there,[506] claiming that such a move

[503] T.S. Gillespie, Letter to the Hon. Geo. C. Peery, dated December 10, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[504] George Campbell Peery, Letter to T.S. Gillespie, dated December 11, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[505] J.W. Jones, Letter to the Hon. George C. Peery, dated July 7, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[506] W.B. Leslie, Letter to Governor Peery, dated September 11, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.

would harm the moral force of the community.[507] Peery acknowledged that there was considerable sentiment against the opening of a store there, but opposed the suggestion that such a store should be referred to as an "open saloon."[508] Another citizen of Tazewell informed Peery that Tazewell had been dry for years, and the sentiment of the people was dry.[509]

Out of regard for public sentiment, and to avoid the costly investment in properties where communities were likely to vote themselves out of the liquor control plan, the ABC Board determined that they would refrain from opening liquor stores in dry locales.[510] By December 1, 1934, there were sixty-seven state stores. However, the Board close its Bristol store on December 11, in response to a local option election held there in October. No additional stores were opened thereafter until April 25, 1935, when the Board opened a sixth store in Richmond.[511] No local option elections were held during the July 1, 1935 to June 30, 1936 fiscal year, but those localities that had voted "dry" as of June 30, 1935, remained unchanged from the previous year. An election in Danville, which had voted dry in 1933, determined in July, 1934, that the sale of all alcoholic beverages would be permitted. Rockingham voters prohibited the sale of all beverages other than wine and beer in August, 1934, and other dry locales, including the towns of Abington, Narrows, and Richlands, the City of Radford, and York County, all prohibited the sale of all alcoholic beverages, by local option election in December, 1934.[512]

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[507] W.B. Leslie, Letter to the Hon. George C. Peery, dated August 6, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[508] George Campbell Peery, Letter to W.B. Leslie, dated August 7, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[509] George Earl Owen, Letter to Governor Peery, dated August 11, 1934, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 8, Library of Virginia.
[510] *Wythe County News*, May 15, 1934, General Clippings, March-July 1934, scrapbook compiled by the Virginia Alcoholic Beverage Control Board, Library of Virginia.
[511] Commonwealth of Virginia, Second Annual Report of the Virginia Alcoholic Beverage Control Board, July 1, 1934 to June 30, 1935, Richmond: Division of Purchase and Printing, 1935, Library of Virginia.
[512] Commonwealth of Virginia, Annual Report of the Virginia Alcoholic Beverage Control Board, July 1, 1935 to June 30, 1936, Richmond: Division of Purchase and Printing, 1936, Library of Virginia.

The Board continued over the next couple of years to keep track of local sentiment. Between December, 1934 and October, 1936, no local option elections were held. In October, 1936, Russell County voted against the retail sale of all alcoholic beverages, whereas Middlesex County and West Point favored retaining the sale of all beverages in December, 1936, as did Chincoteague in April, 1937. However, in May, 1937, Bluefield and Tazewell both voted to prohibit the sale wine, beer, and spirits. Tazewell, by a significant majority of dry votes: 1,677 to 654 opposed the retail sale of wine and beer, and 1,631 to 692 opposed the sale of spirits.[513] In August, 1937, the town of Pocahontas voted to allow the sale of all beverages, followed by Altavista in September, which determined to ban the sale of spirits, but did not vote on the question of the sale of beer and wine, and Culpeper in October, which retained the sale of all beverages.[514]

One year after the Alcoholic Beverage Control Act was enacted, Governor Peery remarked that he believed that the new system "has made material headway against the illicit traffic, especially in those localities where state stores are operating."[515] He believed the new system, though still in the experimental phase, showed "marked promise," and "call[ed] on every loyal citizen of the Commonwealth to join with their public servants in working out a satisfactory method of dealing with this age-old problem," believing it a "worthwhile adventure in our social and economic life."[516]

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[513] Commonwealth of Virginia, Annual Report of the Virginia Alcoholic Beverage Control Board, July 1, 1936 to June 30, 1937, Richmond: Division of Purchase and Printing, 1937, Library of Virginia.
[514] Commonwealth of Virginia, Annual Report of the Virginia Alcoholic Beverage Control Board, July 1, 1937 to June 30, 1938, Richmond: Division of Purchase and Printing, 1938, Library of Virginia.
[515] George Campbell Peery, statement of March 16, 1935, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 4, Library of Virginia. Peery noted, however, that bootleggers and moonshiners were still able to operate in the remotest and most rural parts of the state, and so called on the Board to "direct its economic weapons upon them, just as local authorities will fight them with direct police methods."
[516] Ibid.

As the story of repeal in Virginia showed, extremists on both sides of the issue were generally too radical to have a significant part in the discourse over the method by which the state abandoned its dry laws and the Eighteenth Amendment. Regarding a system of control, both extreme wets and extreme drys criticized the prospect, with certain drys rejecting *any* method of control in place of abstinence enforced by law, and certain wets unsatisfied with the strict level of control to which Virginia was leaning. For example, the Baptist General Association and the Baptist Ministerial Union of Richmond disapproved of their members' accepting employment in the new system of dispensaries. To these unyielding drys, Governor Pollard posed the question of whether now that prohibition was no longer a weapon to fight the liquor traffic, "should the Christian citizen refuse to have any part in the new system which for the present constitutes the only legal weapon now left for use against unlimited and unrestricted sale of intoxicants?"[517] The former governor was not the only public figure to have to reckon with extremists. State Senator Barron, who had favored the state dispensary system over a system of private licensing for spirits, faced accusation that he, along with other members of the Liquor Control Commission, proposed "to put the state back under practically a dry condition, which is certainly against their expressed desire."[518]

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[517] John Garland Pollard, "Is Prohibition Part of our Religion?" *Religious Herald,* March 31, 1934, in the Papers of John Garland Pollard, Box 15, folder 354, Earl Gregg Swem Library Special Collections, the College of William and Mary. Pollard also questioned, rhetorically, whether disapproval of the church regarding employment of its members in the new state stores would tend to place the running of said stores "in the hands of men who are not friends of temperance and who will not conscientiously enforce present restrictions against the sale to drunkards, minors, etc.?" He also asked, "Is prohibition a policy or a principle---a policy to be adopted when public sentiment makes it reasonably enforceable—or a principle so sacred that Christians can have nothing to do with any other method which a majority may adopt to lessen the evils of intemperance?"

[518] Gilbert Weldon, Letter to J.S. Barron, dated December 11, 1933, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 7, Library of Virginia. Weldon believed that "the people of Virginia, at the recent election and through the convention adopted, unqualifiedly showed their desire to change from a dry regime to a wet one." This raises the question of the meaning of the word "wet." Like the ambiguity over the term "temperance," as used by both advocates and opponents of repeal, it seems that the meaning of "wet" was different to extremists and moderates. Here, Weldon, an extreme wet, is inferring that "wet" means little restriction to alcohol trade and consumption, whereas wet moderates like Barron had implied that the word "wet" simply meant opposed to prohibition, or not under a state of prohibition.

The opinions of extremists, however, seemed to have little consequence by the time Virginia had formed a law to control the trade and use of alcohol—the first since the Mapp Law took effect in November, 1916. Governor Peery believed in 1935 that it was too early to judge fully the merits of "Virginia's experiment in alcoholic beverage control," but knew that the success of the system "requires the concerted effort of all loyal citizens who, obeying the law, try to take a reasonable view of the problems involved and to work toward a constructive solution."[519] Like Governor Pollard before him, Peery represented those moderate drys who, despite the drys' defeat in the statewide and nationwide battle over prohibition, hoped that the ratification of the Twenty-First Amendment, and in turn, the adoption of effective state management and control of alcohol, would promote true temperance, and effectively diminish the multitude of problems that had arisen during the dry years, while also working to prevent a return of the conditions of the pre-prohibition days.

The motives for establishing a state monopoly of liquor reflected this pursuit of temperance and proper regulation above economic or political incentive. The nature and formation of Virginia's method of control to replace prohibition, like the repeal process itself, resulted from a unification of sentiment among those moderate wets and moderate drys, to whom Peery alluded, who held a reasonable view on the liquor control problem, and who desired a constructive solution. An interest in constructing and judging the new system according to its social consequences, and ability to control trade and consumption, indicates that in Virginia the dry sentiment never fully faded away, but rather, aligned with their wet victors in the interest of salvaging something from the defeat of prohibition; a system that would bring the liquor traffic into the open, under complete control and regulation of the state. And Virginia's experiment to

[519] George Campbell Peery, statement of March 16, 1935, in the Executive Papers of George Campbell Peery, Accession 23344b, Box 4, Library of Virginia.

replace the “noble experiment” proved suitable to its citizens’ needs, as, despite small later modifications, the original structure remains in place today.

Conclusion

Virginia's model for alcohol control was created to ensure that the unregulated liquor traffic, driven by profits and controlled by political patronage, would never return in its pre-prohibition form. Though the perceived evils of the saloon were felt throughout the nation, Virginia voters were particularly inclined to oppose the saloon's return, as dry reformers had worked for years before the enactment of statewide prohibition to outlaw the saloon, and to protect dry locales from wet incursion. Committed from the time that the dry movement got underway to establishing a system of control that would achieve real temperance, Virginia voters and law makers sought a temperate society over one where profits and economic considerations trumped social or moral concerns. Despite the deepening of the Great Depression by 1934, the desire to find new sources of revenue for the cash-strapped state never took precedence over maintaining strict regulation and control of alcohol. Moderates of both wet and dry affiliation worked toward finding common ground in order to salvage something from the wreck of prohibition. And, the restrictions to trade and consumption as defined in the Alcoholic Beverage Control Act are active to this day.

The law has seen small modifications, such as the licensing of private establishments to serve liquor by the drink for on-premise consumption. But the basic structure of control has not changed—a fact which indicates success. The success of Virginia's control model can be attributed to the efforts of both wets and drys to find a viable alternative to the failed "noble experiment," a system that would prove effective and one that had the support of the citizens.

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