

51724

GUIDE

to

The Scholarly Resources microfilm edition

of

**PAPERS OF THE ASSOCIATION AGAINST
THE PROHIBITION AMENDMENT**

AND

**THE WOMEN'S ORGANIZATION FOR
NATIONAL PROHIBITION REFORM**

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PUBLISHER'S NOTE

The papers filmed represent a selection from Pierre S. du Pont's AAPA File 1023 of forty-five boxes, of which twenty-nine comprise the AAPA itself and sixteen the WONPR, photographed in the order in which they were inventoried by the staff of the Eleutherian Mills Historical Library. Some carbon or pencilled copies are poor in quality and may appear so on the film.

These items in the boxes have not been photographed: any inter-filed papers of the Delaware State Liquor Commission from 1933 to 1938, while Mr. du Pont was its chairman; newsclippings, except for those mentioned in letters and dated 1931 or earlier; duplicates of either manuscript or printed material within a folder; and certain copyrighted imprints.

The roster of folders in the Guide varies in minor detail from the folder labels in the manuscript boxes for the sake of clarity and consistency. The breakers on the film rolls, however, follow the folder labels.

THIRSTING AFTER RIGHTEOUSNESS:

The Opposition to National Prohibition

by

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Of all the upheavals and turns in the history of that remarkable charter of government, the United States Constitution, none was any more dramatic than the addition and subsequent rapid deletion of a provision making the federal government responsible for preventing the manufacture, transportation, or sale of alcoholic beverages. The Eighteenth Amendment, providing for national prohibition of intoxicating beverages, was adopted in January 1919 and was repealed by the ratification of the Twenty-first Amendment in December 1933, less than fourteen years later. The reversal was not merely fast, it remains as of this writing the only instance in nearly two hundred years of a constitutional amendment being overturned.

The significance of this constitutional about-face becomes more evident when the requirements for altering the Constitution are considered. The formal proposal of an amendment requires the support of two-thirds of each house of Congress (thus far the method always employed) or two-thirds of the state legislatures. Then the proposed amendment must be ratified by three-fourths of the states, either through state legislatures or specially convened conventions. So difficult is the amendment procedure that by 1919 it had been completed only seven times since the ratification of the first ten amendments, the Bill of Rights, in 1791. The removal of an amendment once adopted follows the same procedure and requires the same overwhelming degree of approval, in other words an almost total political turnabout. No wonder then that after the ratification of the prohibition amendment, one of its most ardent advocates, Texas Senator Morris Sheppard, crowed, "There is as much chance of repealing the Eighteenth Amendment as there is for a hummingbird to fly to the planet Mars with the Washington Monument tied to its tail."

The repeal of national prohibition was an event of great importance in the social, political, and constitutional development of the United States. A more than century-long righteous crusade to change the behavior of millions of Americans was halted after having gained widespread support and having altered social habits. Political practices and partisan loyalties were tested and reshaped in the struggle over the right to drink. Ideas about the Constitution and questions about its purpose, design, and

alteration were formed or reformed. These consequential developments did not occur simply because some Americans discovered they disliked national prohibition and preferred to continue drinking intoxicating beverages, but largely because organizations philosophically opposed to the liquor ban took up the battle following the passage of the Eighteenth Amendment. These politically effective associations represent the key to any effort to understand the circumstances and implications of prohibition repeal.

The opposition to national prohibition is worthy of detailed examination for several reasons. The campaign to repeal the Eighteenth Amendment was a major chapter in the long history of the American temperance movement, one of the most durable and significant social reform campaigns in the nation's history. Much can be learned about the complex issue of liquor control by studying criticism of national prohibition. The insertion of prohibition into the Constitution stimulated widespread discussion of the nature and purpose of the country's charter of government, a debate which revealed the attitudes of prohibition's opponents on a broad range of issues much more basic than liquor control, such questions as the nature of federalism, civil rights in criminal prosecutions, and the resolution of conflicts between different features of the Constitution. National prohibition was an important political issue during the 1920s and early 1930s, a period of surface calm but underlying upheaval in political loyalties which ended with the toppling of a long-standing Republican majority and the creation of an even longer-lasting Democratic majority in national government. Opposition to the Eighteenth Amendment drew some Americans into politics and altered the loyalties of others. To the extent that national prohibition was perceived as a part of progressive reform, doubts about the liquor ban raised questions about this political philosophy and contributed to the reaction against progressivism in the 1920s. As each stood at a crossroads in its history, the two major political parties responded differently to prohibition, with significant results. In short, the battle over prohibition is an aperture through which a great deal of the political history of this pivotal era can be viewed. The study of opposition to national prohibition can shed light on a broad range of social, political, and philosophical issues confronting America in the years between the two World Wars.

The crusade to end the use of intoxicating beverages had a long history in the United States, but the attempt to write a ban on liquor into the federal Constitution did not emerge until late in the campaign. Efforts to promote voluntary temperance and abstinence date from the late eighteenth century, and legislative efforts to curb drinking from the 1840s. A wave of state-wide bans on the manufacture and sale of spirits hit the United States in the 1850s, with Maine leading the way in 1851, but then quickly receded. A smaller second wave of state prohibition laws in the 1880s also ebbed rapidly. By 1913, after a third wave of anti-liquor agitation, prohibition existed by local option in many communities but statewide in only nine states. Furthermore, many of these bans were partial, allowing the sale of beer and wine and permitting residents to mail order distilled spirits for their own use from outside the dry district. In November 1913 the Anti-Saloon League of America shifted its attention from state and local efforts to declare for the first time that it would seek a federal constitutional amendment providing for national prohibition. Jack S. Blocker, Jr., whose Retreat From Reform: The

Prohibition Movement in the United States, 1890-1913 (Westport, Conn.: Greenwood, 1976) examined the rivalry between the Prohibition Party and the Anti-Saloon League, concluded that the league's decision to seek national constitutional prohibition was in part an effort to assert leadership of the antiliquor forces and in part an acknowledgement that other tactics were failing. Attacking liquor at the national level allowed efforts to be concentrated on one battle rather than dispersed in many. Obtaining a constitutional amendment would protect a liquor ban from an ordinary law's constant danger of being overturned due to pressure from the liquor industry or the growing population of drinking immigrants. The Anti-Saloon League reasoned that constitutional amendment, though difficult to achieve, would protect the country from future human frailty and backsliding.

Once the objective was set, constitutional prohibition proved surprisingly easy to obtain. James H. Timberlake, in Prohibition and the Progressive Movement, 1900-1920 (Cambridge: Harvard University Press, 1963), attributed the rapid passage of the Eighteenth Amendment to the political effectiveness of the Anti-Saloon League and the contemporary spirit of progressivism. Several state-level studies of the prohibition movement* have confirmed Timberlake's view that progressive determination to impose order on rapidly urbanizing, industrializing America together with optimism that the environment could be improved and society uplifted by adoption of the proper laws gave a mighty boost to the antiliquor campaign. Political reformers eager to break the power of saloon-based urban machines, settlement workers seeking to raise the standard of working-class life, businessmen hoping to improve worker efficiency all found reasons to support national prohibition. The Congress elected in 1916 was receptive to the liquor ban, and the added stimulus of World War I patriotic self-sacrifice and anti-German feelings helped speed a prohibition amendment resolution through Congress with bipartisan support in December 1917. Ratified by more than three-fourths of the states by January 1919, the amendment was to take effect one year later.

During this time, little organized opposition to national prohibition appeared. What did develop came from obviously self-interested parties, in particular brewers, distillers, hotel and saloon keepers, and brewery workers unions. The liquor industry appeared sufficiently wealthy and influential to protect itself, consumer groups were inherently difficult to organize, and more extended ramifications of a federal liquor ban attracted little attention. But just as ratification of the Eighteenth Amendment was being completed a new sort of opposition movement commenced.

*Among the best are Gilman M. Ostrander, The Prohibition Movement in California, 1848-1933, University of California Publications in History, vol. 57 (Berkeley: University of California Press, 1957); Norman H. Clark, The Dry Years: Prohibition and Social Change in Washington (Seattle: University of Washington Press, 1965); Lewis L. Gould, Progressives and Prohibitionists: Texas Democrats in the Wilson Era (Austin: University of Texas Press, 1973); and Larry Engelmann, Intemperance: The Lost War Against Liquor [in Michigan] (New York: Macmillan, 1979).

The Association Against the Prohibition Amendment was founded in November 1918 by Captain William H. Stayton, a lawyer, one-time naval officer, and leader of the Navy League of the United States.* Stayton was an ardent believer in states' rights who expressed alarm at a growing concentration of power in the federal government. Liquor control seemed to him a prime example of a matter which should be determined locally. The day after the European armistice, Stayton organized some friends to try to block ratification of the proposed prohibition amendment. After that tiny, late-starting effort proved futile, Stayton and his colleagues decided to seek to overturn the new amendment. In October 1919 they undertook a national appeal for members, saying that while "prohibition accomplishes much that is good, and that it merits dignified treatment and serious consideration, yet we also believe that the recent prohibition amendment to our Federal Constitution is improper and dangerous. . . . Prohibition should, we think, be dealt with locally, and not in violation of the fundamental principles of home rule under which our country has grown to greatness."

In December 1920 Stayton incorporated the Association Against the Prohibition Amendment in the District of Columbia, announcing:

The particular business and objects of the Association shall be to educate its members as to fundamental provisions, objects, and purposes of the Constitution of the United States; to place before its members and before the American citizens information as to the intentions and wishes of those who formulated and adopted the Federal Constitution; to publicly present arguments bearing upon the necessity for keeping the powers of the several States separated from those of the Federal Government, and the advisability of earnest consideration before further yielding up by the several States of those powers which pertain to local self-government.

The concern with constitutionalism remained at the center of the AAPA's appeal for members as the organization grew in the 1920s. Early in 1921, the Association claimed 100,000 members, and by mid-1926 nearly three-quarters of a million. These figures seem exaggerated since annual dues were \$1, a number of large donations were received (\$10,000 from John A. Roebling and \$1,000 per month from Stayton), and collections by 1926 only totalled \$800,000. However, the AAPA was continuing to grow and even creating a number of state branches, while over forty other organizations founded to oppose prohibition failed to attract much of a following.

During the early 1920s, several important Supreme Court decisions concerning the Eighteenth Amendment and its enforcement legislation, the Volstead Act, drew attention to the very aspects of the prohibition question with which the AAPA was preoccupied. In June 1920 the Court ruled

* Contrasting views of the AAPA can be found in Fletcher Dobyns, The Amazing Story of Repeal: An Exposé of the Power of Propaganda (Chicago: Willet, Clark, 1940), and David E. Kyvig, Repealing National Prohibition (Chicago: University of Chicago Press, 1979).

in Hawke v. Smith that although Ohio voters in a popular referendum rejected the Eighteenth Amendment, prior ratification of the amendment by the Ohio legislature would stand because the Congress had called for a legislative decision. Procedures for amendment were declared to be federally, not state, determined. Whatever the legal merits of the Hawke v. Smith decision, it outraged national prohibition's opponents and fostered the view that the amendment had been adopted by undemocratic means. A week later, the Court declared in the National Prohibition Cases that no limitations existed on the subject matter of amendments. Subsequent decisions of the Court to permit prosecution of the same prohibition violation by both state and federal authorities since both state and federal laws had been broken (U.S. v. Lanza, 1922), to allow searches without warrant of suspected bootleggers' automobiles (Carroll v. U.S., 1925), to limit physicians' rights to prescribe medicinal liquor (Lambert v. Yellowley, 1926), and to permit wiretapping of suspected bootleggers' telephones (Olmstead v. U.S., 1927), seemed to some to be undermining constitutional protections against double jeopardy, unreasonable search and seizure, and other individual rights. The Association Against the Prohibition Amendment repeatedly expressed apprehension about national prohibition's various constitutional implications.

Opponents as well as supporters of national prohibition initially assumed that once the law went into force, liquor would disappear quickly from the scene. Both sides assumed that the alcohol ban would be effective because of the American people's respect for the Constitution. Widespread violation of prohibition shocked both sides. While it is impossible to measure the amount of illegal drinking with any precision, indications suggest that most Americans obeyed the law and that total alcohol consumption fell by more than half. At the same time, an enormous amount of smuggling as well as illegal brewing and distilling occurred. As bootlegging systems became established, many Americans could and did drink. Together with the highly publicized violence associated with the illegal liquor industry, the actual drinking taking place fostered an image of a widely disregarded law. Prohibitionists began to call for expanded efforts and budgets to enforce the law, while critics argued that the law itself was in error and was causing a dangerous loss of respect for law in general and the Constitution in particular. Both sides discussed prohibition violation at length. Also they considered the question of the legitimate limits and techniques of law enforcement in an increasingly mobile, anonymous modern society where automatic compliance with laws no longer could be taken for granted.

Hanging over all discussion of national prohibition during the 1920s was the widespread assumption that the Eighteenth Amendment could never be dislodged from the Constitution. The requirements of further amendment seemed to put repeal of prohibition forever out of reach. Ratification of a new amendment could be blocked by one house of the legislature in one-quarter of the states. Thus the thirteen smallest, most rural states, whose combined population was less than that of New York City, could prevent adoption of a new amendment. Since rural America was perceived as staunchly prohibitionist, it is no wonder that an antiprohibitionist would conclude, "The mechanism controlling the amendment power of the Federal Constitution is very much like the ratchet on a cog wheel. The wheel may be turned conveniently in one direction, but it cannot be reversed."

Under the circumstances, much of the attention of prohibition's opponents turned to various possibilities for lessening the effect of a provision which would remain part of the Constitution. There was a great deal of discussion of changing the definition of intoxicating beverage, which the Volstead Act had set at .5 percent alcohol content, banning beer and wine as well as distilled spirits. Modify the Volstead Act to allow 2.75 percent beer and wine and most people will be satisfied enough to accept the ban on hard liquor, it was argued. Other antiprohibitionists called for the repeal of state prohibition enforcement laws to eliminate double jeopardy possibilities as well as to register an objection to the antiliqor principle where it was politically possible to do so. This approach reached a pinnacle with the successful campaign to repeal New York's state prohibition law, the Mullan-Gage Act, in 1923. A third alternative which began to be advocated in the mid-1920s was simple nullification of the law, acceptance of the fact that the law was both unenforceable and unrepealable, and abandonment of any effort to do either. "A community has not ceased to be essentially law-abiding merely because it refuses to practice literal obedience," argued Walter Lippmann, one advocate of nullification. "There is such a thing as orderly disobedience to a statute, a disobedience which is open, frankly avowed, and in conformity with the general sense of what is reasonable." Nullification along with other possibilities for altering prohibition received attention in a seemingly endless series of congressional hearings, books, pamphlets, articles, and public debates which pitted various opponents and supporters of national prohibition against each other as the 1920s wore on.

William Stayton and the Association Against the Prohibition Amendment, while participating in various state and federal modification efforts, concluded that the only solution to the problems caused by the Eighteenth Amendment was its repeal. Nullification offended their belief in the need to encourage respect for law and order, and modification did nothing to correct the basic problem: too much power in the hands of the federal government. The AAPA attracted new adherents in the mid-1920s because of its uncompromising positions, among them, U.S. Senator James W. Wadsworth, Jr., of New York, the Du Pont brothers of Delaware, Pierre, Iréneé, and Lamot, and their business associate John J. Raskob. Pierre du Pont, the head of the family and the mastermind behind the creation of the modern Du Pont corporation, and Raskob, Pierre's closest associate and principal ally in the Du Pont acquisition of controlling interest in General Motors, both became very interested in the prohibition issue and, together with Wadsworth, took a leading role in the reorganization of the AAPA in December 1927 and January 1928 to make it a more effective instrument for seeking repeal.

The reorganized AAPA had a strong Du Pont-Wadsworth cast to it. The elderly Captain Stayton was made chairman of a national board of directors, a window-dressing body created to gain prestigious endorsements for the association. Henry Curran, a friend of Wadsworth, became the association's president. A new executive committee was created with Pierre du Pont as chairman. Other members were Pierre's brother Iréneé, Stayton, Curran, and Wadsworth's friends Grayson M.-P. Murphy, Charles S. Sabin, and Benedict Crowell. Wadsworth himself and Robert Cassatt later joined this executive committee which effectively directed the affairs of the association. Under

this new leadership, the AAPA began a sophisticated publicity campaign and became more involved in political activity.

The debate over national prohibition provoked many assertions about prohibition's wisdom or foolishness, but not many careful or objective inquiries into its operation or effects. The Social Science Research Council, finding existing information on prohibition very inadequate, made plans in 1926 for a thorough study of the law and its impact but was unable to obtain the \$500,000 needed to conduct it. At the time prohibitionists such as Irving Fisher, who wrote Prohibition at its Worst (1926) and co-authored, with H. Bruce Brougham, Prohibition Still at its Worst (1928) and The 'Noble Experiment' (1930), insisted that the liquor ban had produced social and economic benefits, but these claims were based upon questionable assumptions and limited research. The antiprohibitionist position was no more strongly fortified.

In April 1928 the AAPA established a research and information department under New York social worker John G. Gephart, who had been involved in the Social Science Research Council's abortive study, to investigate and publicize the operation, economic influence, and practical effects of national prohibition as well as to examine foreign systems of liquor control. Gephart and his staff produced a series of research reports between 1928 and 1931 which were the basis for more than a dozen pamphlets and many press releases. The AAPA claimed to have distributed over 1.1 million copies of its pamphlets and to have prompted stories appearing in over 250 million copies of newspapers. Whatever the accuracy of those figures, the AAPA pamphlet series did set forth the circumstances of national prohibition as the AAPA saw them.

The AAPA research department did studies of criminal activity, police corruption, and civil liberties violations arising from efforts to enforce prohibition. An effort was made to determine the level of alcoholic beverage consumption, the extent of liquor smuggling from Canada, and the cost of prohibition in enforcement expenses and lost tax revenues. Alternative approaches to achieving temperance were explored, among them Quebec's system of government-regulated liquor sales, Sweden's government-supervised, privately financed liquor monopoly, England's sales licenses, and Denmark's high taxation methods. Not only did the AAPA research studies become an important part of the association's case against national prohibition, they were used by other antiprohibitionists and cited to congressional committees and a presidential commission.

As the antiprohibitionist publicity campaign expanded in 1928 and after, so too did repeal-minded political activity. Prior to 1928 the prohibition issue cut across party lines. Congressional support for and opposition to the Eighteenth Amendment had been evenly drawn from both major parties in 1917. In 1920 neither party platform addressed the prohibition issue, and in 1924 both pledged to enforce the law. Each party contained advocates and opponents of national prohibition. By 1928, however, partisan divisions began to appear. The Republicans, as the party in power since 1920 and therefore responsible for administering the law, pledged a continued effort to enforce the liquor ban. The Republican candidate for president, Herbert Hoover, accepting his party's nomination, proclaimed, "Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must

be worked out constructively." Within the Democratic party, by contrast, power had shifted toward the northern, urban, antiprohibition wing, and its presidential nominee, Alfred E. Smith of New York, let it be known that although the party platform called for an "honest effort" at prohibition enforcement, he would seek to change the law. When Smith appointed his friend John J. Raskob, a leader of the Association Against the Prohibition Amendment, as chairman of the Democratic national committee, he both strengthened his party's image as favoring repeal and attracted antiprohibitionist support.

Smith lost decisively to Hoover, and the role played by prohibition in the outcome is still a matter of debate among historians. But the polarization of political parties on the prohibition issue had begun. By placing the machinery of the Democratic party in the hands of Raskob for the following four years, Smith practically assured that his party's identification with repeal would continue. Right or wrong, Raskob was convinced that national prohibition was the nation's leading problem, and he agitated continually for a party commitment to seek change. The executive hired by Raskob to run the day-to-day affairs of the national committee, Jouett Shouse, took up the antiprohibition theme as well.

The Republican party meanwhile appeared to be moving in the opposite direction. In 1929 the Republican-controlled Congress adopted legislation increasing the penalties for prohibition violation. President Hoover, a great believer in solving problems through expert analysis, appointed a commission headed by former Attorney General George Wickersham to investigate issues of law observance and enforcement, particularly that of national prohibition. The eleven-member Wickersham commission took testimony from advocates and opponents of the liquor ban, conducted investigations and discussions in private, and finally produced a report in January 1931. Hoover announced that the National Commission on Law Observance and Enforcement endorsed continuation of prohibition, but when the report was examined, it was apparent that a majority of the members believed the law was not working and favored modification or repeal. Only one commissioner unequivocally supported a continued total ban on liquor. The Wickersham report stirred rather than resolved the prohibition debate, but its manner of release conveyed a strong impression that Herbert Hoover was a determined defender of the Eighteenth Amendment and the Volstead Act.

Simultaneously, the opposition to national prohibition was growing rapidly. Several organizations emerged alongside the Association Against the Prohibition Amendment as important political forces. Most notable was the Women's Organization for National Prohibition Reform, founded in 1929 and claiming 1.5 million members by 1933. Established by Pauline Morton Sabin, a former Republican national committee member from New York and closely allied with the AAPA, the WONPR attacked national prohibition as ineffective, destructive of respect for law, and socially disruptive. Like the AAPA, the Women's Organization criticized the Eighteenth Amendment for expanding federal authority at the expense of local self-government and individual liberties. The WONPR, which eventually had branches in over forty states, generated a great deal of publicity through its public statements, meetings, and activities. Its leaders, Pauline Sabin especially, received considerable attention in publications aimed at a female audience. The Women's Organization for National Prohibition Reform undermined the

impression that all women supported prohibition and therefore would effectively block constitutional change. According to James Wadsworth, the rapid growth of the WONPR "made a lot of men wake up and realize that: 'By heavens, there is a chance of getting repeal if the women are going to join with us.'"

A smaller antiprohibition association, but one which came to play an important role in the repeal movement, was the Voluntary Committee of Lawyers. Incorporated in January 1929 by a group of New York attorneys headed by Joseph H. Choate, Jr., the VCL was a loose-knit national organization of some 3,600 lawyers. The VCL worked quietly to obtain local and state bar association resolutions opposing the Eighteenth Amendment, and it won an important victory in November 1930 when an American Bar Association membership referendum favored repeal by a two-to-one margin. The Voluntary Committee of Lawyers later played a crucial role in establishing state conventions to ratify the repeal amendment.

The other new national antiprohibition organization to emerge in the late 1920s was the Crusaders. An association for young men established by Fred G. Clark of Cleveland, the Crusaders eventually claimed a million members. In some localities, they appear to have been popular and active, but weak central leadership and ineffective publicity left the Crusaders without the national stature of the AAPA, WONPR, or VCL. Several other antiprohibition organizations were launched, among them the Federal Dispensary Tax Reduction League, the Prosperity Beer League, the Congressional Districts Modification League, the National Committee for the Repeal of the 18th Amendment, Inc., the Blue Cockade, the Companions of the Golden Dawn, and the Anti-Prohibition Battle Fund, but they sank without a trace.

While the new antiprohibition associations were surfacing, the United States entered an economic depression which, among its multitude of effects, influenced the course of the prohibition battle. Antiprohibitionists emphatically criticized the economic consequences of the Eighteenth Amendment: lost jobs, law enforcement expenditures, and abandoned tax revenues. The AAPA maintained that, without national prohibition, federal liquor tax receipts and reduced government costs would have produced a balanced budget in 1930 and 1931. The illegal liquor industry was escaping the taxation which fell on personal incomes and corporate profits. President Henry Curran argued, "Americans are sick, as never before, of the squandering of millions of dollars on an exploded experiment while people are clamoring for work and food. When we kill Prohibition we not only regain our national self-respect but we give jobs to the unemployed, start the upswing to better business and provide a billion dollars a year to wipe out the government's deficit and prevent heavier taxes."

The Hoover administration resisted the depression pressure to alter or abandon national prohibition. Vocal antiprohibitionists within the Republican party, such as James Wadsworth, Pauline Sabin, Columbia University president Nicholas Murray Butler, congressman and former Solicitor General James M. Beck, New Jersey Senator Dwight Morrow, and others failed to move the president. The major antiprohibition organizations joined forces as the United Repeal Council under the chairmanship of Pierre du Pont to urge the 1932 Republican convention to endorse repeal. Despite a strong showing of repeal sentiment within the convention, the Republican

platform at White House insistence defended national prohibition as an advance in the battle against liquor; pledged continued federal protection against the return of the saloon, and only conceded to submitting a modification amendment for consideration by popularly elected state conventions.

Meanwhile, John Raskob had continued to agitate within the Democratic party for endorsement of full and immediate repeal. At Democratic national committee meetings on 5 March 1931, and 9 January 1932, as well as at other times, Raskob clashed with supporters of New York Governor Franklin D. Roosevelt, the frontrunner for the party's presidential nomination, who wished to avoid the potentially divisive prohibition question. After a fierce struggle before and during the 1932 Democratic convention, Roosevelt conceded and a party platform endorsing absolute repeal was overwhelmingly adopted. Franklin Roosevelt immediately wrapped himself in the repeal mantle and entered the 1932 campaign against Herbert Hoover with a position on prohibition which contrasted strikingly with that of the president.

The Democratic landslide victory in the November 1932 election was widely viewed as a mandate for repealing the Eighteenth Amendment. The Association Against the Prohibition Amendment's new president, Jouett Shouse, declared that the results showed the public demand for repeal to be "overwhelming." Congress obviously agreed, for on the first day of its post-election session, 5 December, the House came only six votes short of mustering a two-thirds majority for a repeal resolution. This was 85 more votes against prohibition than a much more modest proposal had gained in the same assembly nine months earlier. In the Senate, a repeal resolution offered by Wisconsin Republican John J. Blaine was opposed at first by the AAPA and WONPR, but eventually accepted after amendment. The Senate approved the resolution calling for a new constitutional amendment repealing the Eighteenth by a 63 to 23 vote on 16 February 1933, and the House concurred 289 to 121 four days later.

The congressional repeal resolution stipulated that the proposed amendment was to be ratified by state conventions rather than state legislatures as had always been done. The 1919 Ohio referendum result which the Supreme Court invalidated in Hawke v. Smith led antiprohibitionists to believe that the general public would be more sympathetic to repeal than state legislatures. In 1930 a New Jersey federal judge, William Clark, in a case supported by the VCL and AAPA, ruled that the Eighteenth Amendment had been improperly ratified because the electorate had not been consulted, but his decision in Sprague v. U.S. was quickly reversed by the Supreme Court. The antiprohibition organizations agitated for convention ratification at the 1932 party platform hearings and opposed the Blaine resolution until altered to stipulate convention ratification.

Since in the nearly 150 years since state conventions approved the original Constitution, Congress had never submitted an amendment to conventions, there was considerable uncertainty as to how to proceed. Did Congress or state legislatures possess authority to set up these conventions? How should they operate? The Voluntary Committee of Lawyers had drafted a model convention bill which VCL and AAPA representatives quickly placed before every state legislature then in session. The provision of a detailed plan, along with well-marshaled arguments on the rights of states to proceed, led forty-three state legislatures to take prompt action. Most states followed the VCL's suggestions and arranged for slates pledged for and against prohibition, so that the election of delegates would serve as a

referendum on the proposed constitutional change. Arizona went so far as to provide that if a delegate failed to hold to the view declared on his nominating petition, he would "be guilty of a misdemeanor, his vote not considered, and his office deemed vacant." The VCL resolution of the convention issue encountered few challenges, none successful, and the anti-prohibitionist goal of a national popular referendum on the Eighteenth Amendment was achieved.

The AAPA, WONPR, and Crusaders continued to press their argument for repeal even though prohibitionists appeared dispirited. State elections and ratification conventions went forward rapidly, beginning with Michigan in April 1933. By November, thirty-eight states had held prohibition repeal elections. North Carolina voters chose not to hold a convention, and South Carolinians narrowly chose to continue prohibition. But in thirty-six other states voters endorsed repeal, usually by wide margins. Nearly twenty-one million Americans went to the polls, and almost 73 percent favored repeal delegates, many of whom were prominent members of antiprohibition organizations. When the last three state conventions met on 5 December 1933 to validate the decision made in the voting booth, the Twenty-first Amendment, repealing the Eighteenth, became part of the United States Constitution.

The various antiprohibition organizations celebrated their unprecedented victory and then quickly disbanded. Before long, however, the leaders of the Association Against the Prohibition Amendment became alarmed over the direction being taken by the Roosevelt administration. The New Deal's various programs to combat the depression seemed to many former AAPAers to be centralizing power in the federal government, exactly what they had objected to with the Eighteenth Amendment. Believing that they understood and reflected the national viewpoint better than the president (after all, the voters overwhelmingly had rejected prohibition after Roosevelt had long tried to avoid the issue), they launched a new organization patterned closely on the AAPA, the American Liberty League. The league became a focus for New Deal opposition between 1934 and 1936, only to fade away following Roosevelt's landslide reelection victory in November 1936. John Raskob, Jouett Shouse, Pauline Sabin, William Stayton, James Wadsworth, Al Smith, the Du Ponts, and their allies found that opposition to national prohibition did not carry over into other areas.

When the antiprohibition organizations disbanded, their records were scattered and often lost. The records of the Association Against the Prohibition Amendment disappeared, except for a small body of material, primarily publications and newspaper clippings from 1928 through 1933, which were placed in the Manuscript Division of the Library of Congress. The files of the Women's Organization for National Prohibition Reform and the Crusaders vanished altogether. The records of the Voluntary Committee of Lawyers remained in the files of Joseph H. Choate's New York law firm until the 1970s when they were donated to Wesleyan University in Middletown, Connecticut, where they are open for research.

Fortunately for anyone interested in the history of the prohibition and repeal movements, Pierre and Irénée du Pont and John Raskob maintained excellent files concerning their involvement in the antiprohibition movement. All three collections have been placed in the Eleutherian Mills Historical Library in Wilmington, Delaware. To a certain extent they duplicate each other. Raskob's papers include his files as Democratic

national chairman, 1928-32. Pierre du Pont's papers are the most voluminous and best organized of the three. They contain not only his extensive personal correspondence, research files, and the like, but also copies of minutes, financial reports, publications, and other records of the Association Against the Prohibition Amendment, whose executive committee he chaired. Also part of the collection are the papers of Pierre's wife, Alice Belin du Pont, a leader of the Women's Organization for National Prohibition Reform. Mrs. du Pont's substantial files represent the only known repository of WONPR records.

Without the resources of the Eleutherian Mills Historical Library, it would be virtually impossible to probe very deeply into the history of the antiprohibition movement. With them many interesting and important questions may be pursued. These records shed light on the process by which amendment occurred; the background, reasoning, and activities of various single-issue groups seeking constitutional change; the strategy and tactics employed at both the state and national levels by one set of reformers trying to overcome the imposing obstacles to constitutional alteration; the composition of the antiprohibition coalition; and many other social, political, and constitutional issues of contemporary as well as historical significance.

The outburst of civic righteousness which produced the constitutional ban on intoxicating beverages provoked an equally serious and determined counterattack. By closely examining the response to national prohibition, much can be learned about the limits to reform in America, political life from the 1910s to the 1930s, and the nature of constitutional thought. Since it provides the only instance in American history of an amendment being repealed, the antiprohibition victory offers unique insights into the constitutional process. Certainly there is merit in studying how, contrary to Senator Sheppard's confident prediction, that hummingbird did manage to fly to Mars with the Washington Monument tied to its tail.

File 1023 AAPA: Correspondence

<u>Folder</u>	<u>Reel/Frame</u>
Suggested Form of Act for Control of the Liquor Traffic	
Undated	01-0003
1920	01-0120
1922-23	01-0189
1924	01-0263
1925	01-0278
1926	01-0286
	01-0476
Jan-June 1926	01-0588
June-Dec 1926	01-0827
Jan-March 1927	01-1011
April-May 1927	01-1169
June 1927	01-1217
July-Sept 1927	01-1298
Oct-Nov 1927	01-1349
Dec 1927	01-1468
1928	01-1559
1928 (cont.)	02-0003
Jan 1928	02-0212
Feb 1928	02-0313
March 1928	02-0362
April 1928	02-0386
May 1928	02-0427
June 1928	02-0534
July 1928	02-0600
Aug 1928	02-0651
Sept 1928	02-0764
Oct 1928	02-0813
Nov 1928	02-0892
Dec 1928	02-1046
Jan 1929	02-1075
Feb 1929	02-1131
March 1929	02-1176
April 1929	02-1283
May 1929	02-1336
June 1929	02-1508
July-Sept 1929	02-1594
Oct 1929	03-0003
Nov-Dec 1929	03-0099
Jan 1930	03-0198
Feb 1930	03-0333
March 1930	03-0472
April 1930	03-0555
May 1930	03-0612
May 1930	03-0711
June 1930	03-0838
July 1930	03-0894
Aug 1930	03-0970
Sept 1930	03-1007

File 1023 AAPA: Correspondence (cont.)

<u>Folder</u>	<u>Reel/Frame</u>
Oct 1930	03-1049
Nov 1930	03-1052
Dec 1930	03-1199
Jan 1931	03-1308
Feb-March 1931	03-1411
April-May 1931	03-1501
June-July 1931	03-1623
Aug-Dec 1931	04-0003
Black notebook of printed & typed extracts	04-0185
Jan-March 1932	04-0250
May 1932	04-0384
July-Aug 1932	04-0559
Sept-Dec 1932	04-0656
Brown binder, "STATE ORGANIZATIONS/Association Against the Prohibition Amendment/ Mr. du Pont"	04-0790
Jan-June 1933	04-0948
July-Dec 1933	04-1158
Liquor Control, 1934	04-1346
Liquor Control, 1935	04-1384
Liquor Control, 1936	04-1415
Liquor Control, 1937	04-1429
Liquor Control, 1938	04-1494
Liquor Control, 1939	04-1537
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Liquor Control, 1941	04-1601
Liquor Control, 1942	04-1641
Liquor Control, 1943	04-1687
Liquor Control, 1945	04-1709
Liquor Control, 1946	05-0003
Liquor Control, 1947	05-0091
Liquor Control, 1948-49	05-0097
Liquor Control, 1950-53	05-0187
Liquor Control, undated	05-0213

File 1023-1 AAPA: Audits

<u>Folder</u>	<u>Reel/Frame</u>
1926-28	05-0291
1930	05-0307
1931	05-0316
1932	05-0326
1933	05-0337

File 1023-2 AAPA: William Cabell Bruce

<u>Folder</u>	<u>Reel/Frame</u>
Correspondence, 1929	05-0347
Correspondence, 1930	05-0487

File 1023-3 AAPA: F. W. Buck

<u>Folder</u>	<u>Reel/Frame</u>
Dr. Buck's Plan, 1929	05-0554

File 1023-6 AAPA: Samuel Harden Church (Liberty Party)

<u>Folder</u>	<u>Reel/Frame</u>
1930	05-0595
1931	05-0674
1932	05-0728
1933	05-0761

File 1023-17 AAPA: Proposed Directors and Members

<u>Folder</u>	<u>Reel/Frame</u>
Jan-Feb 1928	05-0774
March 1928	05-0808
April 1928	05-0853
May 1928	05-0886
June 1928	05-0947
July 1928	05-0980
Aug 1928	05-0996
Sept-Dec 1928	05-1022
1929	05-1085
1930	05-1194
1931	05-1220
1932	05-1301
1933	05-1320

File 1023-18 AAPA: Pierre S. du Pont Research

<u>Folder</u>	<u>Reel/Frame</u>
Chronology in States, 1926-29	05-1328
General, 1928-29	05-1453
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General, 1931-32	06-0003
Constitutionality of the XVIII Amendment	06-0248
Data from B. N. Brown, 1927	06-0461
Dry Arguments, 1931-32	06-0536
Foreign, 1927	06-0554
Fragments	06-0744
Opinions, undated	06-0814
Printed Matter, 1912-31	06-0850
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Printed Matter: Foreign, 1925 ff.	06-1221
Printed Matter: General	06-1279
Printed Matter: General	06-1501
Printed Matter: General (cont.)	07-0005
Saloons, Speakeasies, Manufacture of Liquor	07-0457
Sources of Information, 1928	07-0492

File 1023-18 AAPA: Pierre S. du Pont Research (cont.)

<u>Folder</u>	<u>Reel/Frame</u>
Prohibition, P. S. du Pont Research, States, 1927	07-0569
Prohibition, P. S. du Pont Research, States, 1927	07-0717
Prohibition, P. S. du Pont Research, Votes, National, 1926	07-0883

File 1023-19 AAPA: Pierre S. du Pont Letters to Executive
Committee and Directors

<u>Folder</u>	<u>Reel/Frame</u>
1929	07-0911

File 1023-21 AAPA: Financial Statements

<u>Folder</u>	<u>Reel/Frame</u>
1928	07-1009
1929	07-1027
1930	07-1074
1931	07-1176
1932	07-1322
1933-34	07-1415

File 1023-25 AAPA: Invitations, Meetings, and Radio Talks

<u>Folder</u>	<u>Reel/Frame</u>
1929	07-1517
Hartford Meeting, 1929	07-1607
1930	08-0003
1931	08-0174
1932	08-0212
1933	08-0284

File 1023-26 AAPA: Legal

<u>Folder</u>	<u>Reel/Frame</u>
1926-27	08-0394
Jan-March 1928	08-0531
April-June 1928	08-0654
June-Oct 1928	08-0726
Jan-March 1929	08-0883
April 1929	08-0968
May 1929	08-1011
June-Sept 1929	08-1044
Oct-Dec 1929	08-1100
Jan 1930	08-1239
Feb 1930	08-1289
March 1930	08-1324
April 1930	08-1420

File 1023-26 AAPA: Legal (cont.)

<u>Folder</u>	<u>Reel/Frame</u>
May 1930	08-1481
June 1930	08-1554
July-Aug 1930	08-1594
Sept 1930	09-0003
Oct 1930	09-0097
Nov 1930	09-0108
Dec 1930	09-0139
1931	09-0245
Jan-May 1932	09-0481
June-Dec 1932	09-0619

File 1023-30 AAPA: Membership Lists

<u>Folder</u>	<u>Reel/Frame</u>
1928	09-0740
1929	09-0844
1930	09-0887
1931	09-0972
1932	09-1080
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File 1023-31 AAPA: Minutes

<u>Folder</u>	<u>Reel/Frame</u>
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Minutes, 1930	09-1543
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File 1023-36 AAPA: Presidential Campaign

<u>Folder</u>	<u>Reel/Frame</u>
1932	10-0003

File 1023-38 AAPA: Publications

<u>Folder</u>	<u>Reel/Frame</u>
1923	10-0148
1924	10-0168
Jan-April 1928	10-0189
May 1928	10-0237

File 1023-38 AAPA: Publications (cont.)

<u>Folder</u>	<u>Reel/Frame</u>
June 1928	10-0313
July 1928	10-0354
Aug 1928	10-0385
Sept 1928	10-0450
Oct 1928	10-0506
Nov 1928	10-0530
Dec 1928	10-0606
Jan 1929	10-0640
Feb 1929	10-0669
March 1929	10-0721
April 1929	10-0754
May 1929	10-0795
June-Aug 1929	10-0838
Sept-Dec 1929	10-0880
Jan-March 1930	10-1022
April-June 1930	10-1182
July-Dec 1930	10-1318
1931	10-1436
1932	10-1517
1933	11-0004

File 1023-41 AAPA: Reports

<u>Folder</u>	<u>Reel/Frame</u>
1931	11-0077

File 1023-49 AAPA: United Repeal Council

<u>Folder</u>	<u>Reel/Frame</u>
1932	11-0127
1933	11-0329
American Hotel Association, 1932	11-0334
American Hotel Association, 1933	11-0366
The Crusaders, 1932	11-0387
The Crusaders, 1933	11-0422
Labor Committee on Prohibition, 1932	11-0427
Veterans Repeal League, 1932	11-0482
Voluntary Committee of Lawyers, 1932	11-0491
Voluntary Committee of Lawyers, 1933	11-0505

File 1023-54 Women's Organization for National Prohibition Reform

<u>Folder</u>	<u>Reel/Frame</u>
Women's Branch, 1930	11-0517
Women's Branch, 1931	11-0701
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(AAPA) Women's Committee, 1930	11-1150
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(AAPA) Women's Committee, 1932	11-1249

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<u>Folder</u>	<u>Reel/Frame</u>
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Prohibition, Women's Committee: -Miss Eckman's File (Vice Chairman)	11-1334
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<u>Annual Report of The President of the Association Against the Prohibition Amendment For the Year 1932</u>	17-0084
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<u>Association Against the Prohibition Amendment, Washington, D.C., December 31, 1933</u>	17-0127
<u>The Bratt System of Liquor Control in Sweden, 2nd. ed., July 1930</u>	17-0138
<u>A Business Man's View of Prohibition, radio talk by Pierre S. du Pont, NBC, December 15, 1929</u>	17-0159
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<u>Canada Liquor Crossing the Border, July 1929</u>	17-0179
<u>Cost of Prohibition and Your Income Tax [1st. ed.], May 1929; 2nd. ed., July 1930</u>	17-0199
<u>Does Prohibition Pay? October 1930</u>	17-0229
<u>Eighteenth Amendment Not a Remedy for The Drink Evil, by Pierre S. du Pont, n.d.</u>	17-0258
<u>England's Solution of the Liquor Problem, September 1930</u>	17-0268
<u>Finland's Judges Condemn Prohibition [1931]</u>	17-0309
<u>Finland's Prohibition: An Echo of Volsteadism, June 1930</u>	17-0316
<u>For Repeal of the Eighteenth Amendment, an address delivered by the Hon. Dwight W. Morrow in Newark, New Jersey, May 15, 1930</u>	17-0339
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<u>Handy Digest of the Wickersham Report, January 1932</u>	17-0403
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<u>Scandals of Prohibition Enforcement,</u> March 1, 1929	17-0631
<u>Statement Made Before The Committee on the</u> <u>Judiciary of the House of Representatives,</u> April 30, 1920, by Pierre S. du Pont: two copies annotated differently	17-0654
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<u>Temperance by Taxation: How Denmark Does It,</u> March 1932	17-0738
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