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Prohibition lessons resonate today: Tennessee led way in rise, fall of state alcohol policy

October 19, 2011
By James E. Hall

Ken Burns' new documentary Prohibition, which recently completed its three-night run on PBS, examines the origins, reign and demise of the 18th Amendment to the U.S. Constitution. The series is a stark reminder of Prohibition's failures, and its lessons are timelier than ever for Tennesseans.

Historically, Prohibition found popular support in Tennessee. On Jan. 26, 1838, our state passed the first Prohibition law in U.S. history, which made it a misdemeanor to sell alcoholic beverages in taverns and stores. The bill stipulated that citizens convicted of retailing "spirituous liquors" would be fined at the "discretion of the court," and the revenue from those fines would be used to support the state's public schools.

As the tide turned in favor of Prohibition, Tennessee's General Assembly voted almost unanimously for the 18th Amendment on Jan. 13, 1919. Prohibition took effect three days later. Nine months later, Congress passed the Volstead Act, which enabled the federal government to enforce Prohibition.

The ensuing cultural and societal shift compounded the alcohol-related problems that Prohibition aimed to stop. Right here in Tennessee, Johnson City became inextricably linked to the bootlegging activity of the Appalachian Mountains and earned the nickname "Little Chicago." Many of the other Prohibition-related problems in Tennessee — corruption, heavy drinking, tainted alcohol and a decline in state tax revenues, to name a few — were widespread across the United States.

Temperance turned to backlash against this failed, one-size-fits-all approach to alcohol regulation. Americans soon understood that their respective local communities required laws that worked for them alone. To end Prohibition in 1933, Congress enacted the 21st Amendment to the Constitution, which granted authority to the states to regulate alcohol as they see fit.

To help the public understand the cause and effect of Prohibition, as well as the foundations of modern alcohol regulation in the United States, the Center for Alcohol Policy recently republished Raymond B. Fosdick and Albert L. Scott's book, Toward Liquor Control. In 1933, John D. Rockefeller Jr. commissioned Fosdick and Scott to study reasonable alcohol regulation and prepare America for the return of legal alcohol following the passage of the 21st Amendment.

Toward Liquor Control was one of the key documents that influenced how the country would deal with alcoholic beverage regulation going forward. Daniel Okrent, author of Last Call: The Rise and Fall of Prohibition, has said the book's content is "as relevant today as it was then." Rockefeller notes in the foreword of the book, "If carefully laid plans of control are not made, the old evils against which Prohibition was invoked can easily return." Fosdick and Scott advised how to avoid returning to the corruptions of the pre-Prohibition era and provided the template for alcohol control policy that the states ultimately followed.

This template has grown into today's strong system of state-based controls that enforce transparency, accountability and moderation. Local control works because it balances responsible consumption with free enterprise and enables communities to pass and amend laws that evolve with the public's changing needs. Local control works because it wields tough penalties for drunken drivers and those who sell alcohol to our children. Local control works because it generates millions in revenue for the people of Tennessee.

Despite widespread public support for state-based alcohol regulation — a March 2011 national survey by the Center for Alcohol Policy found that 77 percent support the right of individual states to set their own laws and regulations surrounding the sale of alcohol — today's effective system does have its detractors, who make claims without merit or evidence.

If Tennessee and other states weren't able to pass their own alcohol laws, the United States could take a dangerous turn toward the Prohibition-era problems of its past. This is one area in the lives of millions of Americans where we can't afford for history to repeat itself.

James E. Hall was chairman of the National Transportation Safety Board from 1994 to 2001. Today, he's on the Advisory Council for the Center for Alcohol Policy, which works to educate policymakers, regulators and the public about alcohol, its attributes and the role of alcohol regulation.

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