

## Wickersham Commission Report, 1929



### CONCLUSIONS AND RECOMMENDATIONS

1. The Commission is opposed to repeal of the Eighteenth Amendment.
2. The Commission is opposed to the restoration in any manner of the legalized saloon.
3. The Commission is opposed to the federal or state governments, as such, going into the liquor business.
4. The Commission is opposed to the proposal to modify the National Prohibition Act so as to permit manufacture and sale of light wines or beer.
5. The Commission is of opinion that the cooperation of the states is an essential element in the enforcement of the Eighteenth Amendment and the National Prohibition Act throughout the territory of the United States; that the support of public opinion in the several states is necessary in order to insure such cooperation.
6. The Commission is of opinion that prior to the enactment of the Bureau of Prohibition Act, 1927, the agencies for enforcement were badly organized and inadequate; that subsequent to that enactment there has been continued improvement in organization and effort for enforcement.
7. The Commission is of opinion that there is yet no adequate observance or enforcement.
8. The Commission is of opinion that the present organization for enforcement is still inadequate.
9. The Commission is of opinion that the federal appropriations for enforcement of the Eighteenth Amendment should be substantially increased and that the vigorous and better organized efforts which have gone on since the Bureau of Prohibition Act, 1927, should be furthered by certain improvements in the statutes and in the organization, personnel, and equipment of enforcement, so as to give to enforcement the greatest practicable efficiency.
10. Some of the Commission are not convinced that Prohibition under the Eighteenth Amendment is unenforceable and believe that a further trial should be made with the help of the recommended improvements, and that if after such trial effective enforcement is not secured there should be a revision of the Amendment. Others of the Commission are convinced that it has been demonstrated that Prohibition under the Eighteenth Amendment is unenforceable and that the Amendment should be immediately revised, but recognizing that the process of amendment will require some time, they unite in the recommendations of Conclusion No. 9 for the improvement of the enforcement agencies.
11. All the Commission agree that if the Amendment is revised it should be made to read

substantially as follows:

Section 1. The Congress shall have power to regulate or to prohibit the manufacture, traffic in or transportation of intoxicating liquors within, the importation thereof into and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

12. The recommendations referred to in conclusion Number 9 are:

1. Removal of the causes of irritation and resentment on the part of the medical profession by:

(a) Doing away with the statutory fixing of the amount which may be prescribed and the number of prescriptions;

(b) Abolition of the requirement of specifying the ailment for which liquor is prescribed upon a blank to go into the public files;

(c) Leaving as much as possible to regulations rather than fixing details by statute.

2. Removal of the anomalous provisions in Section 29, National Prohibition Act, as to cider and fruit juices by making some uniform regulation for a fixed alcoholic content.

3. Increase of the number of agents, storekeeper-gaugers, prohibition investigators, and special agents; increase in the personnel of the Customs Bureau and in the equipment of all enforcement organizations.

4. Enactment of a statute authorizing regulations permitting access to the premises and records of wholesale and retail dealers so as to make it possible to trace products of specially denatured alcohol to the ultimate consumer.

5. Enactment of legislation to prohibit independent denaturing plants.

6. The Commission is opposed to legislation allowing more latitude for federal searches and seizures.

7. The Commission renews the recommendation contained in its previous reports for codification of the National Prohibition Act and the acts supplemental to and in amendment thereof.

8. The Commission renews its recommendation of legislation for making procedure in the so-called padlock injunction cases more effective.

9. The Commission recommends legislation providing a mode of prosecuting petty offenses in the federal courts and modifying the Increased Penalties Act of 1929, as set forth in the Chairman's letter to the Attorney General dated May 23, 1930, H. R. Rep. 1699.

There are differences of view among the members of the Commission as to certain of the conclusions stated and as to some matters included in or omitted from this report. The report is signed subject to individual reservation of the right to express these individual views in separate or supplemental reports to be annexed hereto.

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Chairman,

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