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Nebraska Goes Wet: The Repeal of Prohibition 1933-34

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NEBRASKA GOES WET:
THE REPEAL OF PROHIBITION 1933-34

A Thesis
Presented to the
Department of History
and the
Faculty of the Graduate College
University of Nebraska

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
University of Nebraska at Omaha

by
Timothy L. Shipman
April, 1987

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THESIS ACCEPTANCE

Accepted for the faculty of the Graduate College,
University of Nebraska, in partial fulfillment of the
requirements for the degree Master of Arts, University
of Nebraska at Omaha.

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ACKNOWLEDGMENTS

Several years ago I approached Dr. Jerold Simmons about doing a graduate paper on the Eighteenth Amendment for his constitutional history class. Its being the only constitutional amendment to be repealed provided a certain fascination. During that first conversation Dr. Simmons suggested that I look not at prohibition but at the lesser known subject of repeal--in particular, how repeal was achieved in Nebraska. To say that prohibition's death resulted from its own failure is too simplistic and does not recognize the advocates of prohibition who fought hard to maintain the state's dryness in the 1930's. The final outcome of the issue was never a certainty.

That paper which now seems incomplete formed the basis for the following study. I am indebted to Dr. Simmons for his help on that first project and also for directing me to Dr. Harl Dalstrom.

Dr. Dalstrom guided me to see my subject in the total "historical sphere." Repeal meant more than the return of legal liquor to Nebraska. It symbolized changes politically, culturally and economically within the state from its days as a territory to the middle 1930's. It is no

exaggeration that without his guidance this thesis could not have been possible. The sincere patience and advice he provided throughout the thesis process will always be appreciated. I am proud of the fact that his signature along with those of Dr. Simmons and Dr. Orville Menard appears on the acceptance page.

A thank you is due to the faculty and staff in the History Department of the University of Nebraska at Omaha for allowing me unlimited access to office "A." The words of encouragement I heard helped me to keep punching the keys.

Finally a special acknowledgment goes to my fellow graduate-assistants. Through long hours of coffee cup conversation we seemed to solve some of the world's most pressing problems, consistently keeping in mind that it is better to surprise people with knowledge than to bore them with it. Our moments of group support are fondly remembered.

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Chapter I
Nebraska Goes Dry

On November 7, 1916, a majority of Nebraska voters made prohibition part of their state constitution.¹ Four years before the nation adopted the Eighteenth Amendment, some dry advocates considered Nebraska to be one of the driest states in the union. In 1919 Nebraska became the thirty-sixth state to ratify that same amendment, which passed the legislature with only one negative vote in both houses.² The election of 1916 and the ratification in 1919 culminated a sometimes bitter fight that had raged in the state since the 1870's.

During its first days as a territory Nebraska was officially dry. Yet saloons still prospered and Omaha saloons claimed many legislators as loyal patrons.³ In 1858 the territorial legislature passed a licensing law

¹Omaha World-Herald, 11 November 1916, p. 1.

²Ernest Hurst Cherrington (ed.), Anti-Saloon Yearbook 1920 (Westerville, Ohio: Publishers Anti-Saloon League), p. 136. Hereafter cited as ASL Yearbook.

³James C. Olson, History of Nebraska, 2nd Edition (Lincoln: University of Nebraska Press, 1966), p. 87. Hereafter cited as Olson, Nebraska.

which allowed the sale of liquor by local option at the discretion of county commissioners. This statute remained largely unchanged until passage in 1881 of the Slocumb law.⁴ The Slocumb law gave county boards almost unlimited control over the distribution of malts and spirits in each county. The law with its thirty sections of regulations provided for licenses and penalties against violators of the law. It would regulate liquor in the state, with few changes until May 1, 1917 when prohibition took effect. Like prohibition itself this law attempted to appease a growing temperance movement.⁵

Temperance societies began to surface in Nebraska in the late 1860's. The Independent Order of Good Templars commonly referred to as Good Templars, founded a Nebraska chapter in 1868. They hoped to promote temperance by all possible means, but were committed to a non-partisan approach. The Good Templars monitored saloons, lobbied legislators, and "usually worked quietly behind the scenes" to promote temperance.⁶

⁴Joe Fisher, "The Liquor Question in Nebraska 1880-1890" (unpublished MA Thesis, Municipal University of Omaha, 1952), pp. 17-18. Hereafter cited as Fisher, "Liquor Question in Nebraska."

⁵Ibid., p. 36.

⁶Ibid., pp. 52-53.

The Templars were in contrast to the Ladies Temperance Society of Lincoln which employed the tactics of the "Modern Crusade" or "Temperance Crusade" that swept the Midwest in the 1870's. These Lincoln women attempted to sing and pray the saloon out of business. By carrying their message to the saloon they hoped to convert the men inside. The concern of many of these women was for the young men going to the university and living at what was then called University Place. As Harriet W. Leighton wrote, "how the hearts went out in motherly sympathy to the sweet boyish faces of many a beautiful boy away from home."⁷ Their campaign lasted several months in 1874 and resulted in frustrated saloon keepers petitioning the Lincoln City Council for protection.

The council responded by passing an ordinance that would prohibit "any two or more persons to assemble together on the sidewalk, or streets in front of, or adjacent unto any store, shop, saloon . . . for the purpose of obstructing the public right-of-way."⁸ Although the ordinance effectively killed the campaign, it did provide the groundwork

⁷Harriet Leighton, "Reminiscences of the Crusade in Nebraska," p. 165, unpublished history of Temperance Crusade 1902, Woman's Christian Temperance Union (WCTU) papers located Nebraska State Historical Society.

⁸Proceedings of Lincoln City Council Meeting, 14 April 1874, p. 19, Nebraska State Historical Society.

for what would become the Nebraska Chapter of the Woman's Christian Temperance Union (WCTU) founded in October 1875.⁹

To further their movement several Nebraska temperance societies including the Good Templars and Red Ribbon Society met in conference in 1874, and from this meeting came the Prohibition Party of Nebraska. While the party itself had little political impact in its first dozen years, between 1886 and 1896 it began to exert a major influence on state politics, electing several state legislators and polling a considerable number of votes in gubernatorial elections. The platforms during these years incorporated many "radical" ideas supported by other smaller parties such as the Anti-Monopoly, Farmers Alliance, and Populists in the hopes of benefiting from the growing prairie discontent.¹⁰

Three years before the forming of the Prohibition Party Nebraska voters rejected a section of the new state constitution that would have put the prohibition issue on the ballot. But in 1890 prohibitionist efforts paid off, as the issue was placed on the general election ballot, passing by a single vote in the House and two votes in the Senate.

⁹Ada Bittender (ed.), "History of the Woman's Christian Temperance Union in Nebraska," October 1892, p. 1, unpublished ms., WCTU papers located Nebraska State Historical Society.

¹⁰L. E. Aylsworth and John G. W. Lewis (eds.), Nebraska Party Platforms 1858-1938 (Work Projects Administration, University of Nebraska, 1940), p. viii. Hereafter cited as Aylsworth and Lewis, Nebraska Party Platforms.

This change of attitude reflected not only the growing influence of temperance societies, but also a developing fear of the liquor industry.¹¹

The "populist revolt" began to show in the platforms of the major political parties. Like the Populists, the Democrats and Republicans all favored direct election of senators, the Australian Ballot, labor's right to organize and remonetization of silver. The Democrats, though, were the only party willing to confront the prohibition issue by stating in their platform complete opposition to the amendment.¹² Yet the Democrats' stand on prohibition was not unanimous and for years to come this issue would be a point of contention among the party's leaders.

The proposed amendment gave the voters two options: the first section stated that "the manufacture, sale, and keeping for sale of intoxicating liquors, as a beverage are forever prohibited" The second part provided for a high license fee to be charged to saloons which would be set and enforced by the state legislature. By giving voters two choices the legislators hoped to clean their hands of the matter. But unfortunately for them both failed, the first by a vote of 82,390 to 112,043; the second, 75,462 to

¹¹Olson, Nebraska, p. 224.

¹²Ibid., pp. 224-25; Aylsworth and Lewis, Nebraska Party Platforms, pp. 147-60.

91,084.¹³ Only 39 of the 89 counties voted in favor of the prohibition amendment. The greatest defeat came, as could be expected, in Douglas County, where the brewers and a large European population helped defeat the amendment 23,918 to 1,155.¹⁴

The relationship of culture to the liquor question is evident in all votes on prohibition. Historian Robert W. Cherny in a detailed work on Nebraska politics from 1885 to 1915 discovered that Nebraska anti-prohibitionists tended to be Roman Catholics or Lutherans of central and eastern European backgrounds. Irish immigrants were also foes of prohibition.¹⁵ Although German, Czech, and Irish settlers were the backbone of opposition to prohibition, Scandinavian settlers often had a different perspective. Because of heavy drinking on the part of the male population in the early nineteenth century, temperance by the middle 1800's had become an acceptable reform measure in both Norway and

¹³Cyclopedia London Funk and Wagnalls (New Haven: Published London Funk and Wagnalls, 1891), p. 450. Hereafter cited as Funk and Wagnalls.

¹⁴Fisher, "Liquor Question in Nebraska," p. 105.

¹⁵Robert W. Cherny, Populism, Progressivism, and the Transformation of Nebraska Politics, 1885-1915 (Lincoln: University of Nebraska Press, 1981), p. 23. Hereafter cited as Cherny, Nebraska Politics, 1885-1915.

Sweden and persons from these countries who settled in Nebraska may have been well disposed to prohibition.¹⁶

The legislators had hoped voters would approve one or the other of the amendments, but when they did neither, Nebraska stayed with the Slocumb law. Despite its faults, no political group could muster enough support to change the law and it remained the status quo of liquor regulation until 1917.¹⁷

Between 1890 and 1916 the changes in the state were considerable. Helped in 1904 by the passage of the Kinkaid Act which allowed settlers to obtain up to 640 acres on terms similar to the Homestead Act, the population in western Nebraska increased greatly. In 1910 the population in thirty-seven western counties was 136,615, but ten years later this same area had a population of 251,830.¹⁸ With increased movement west, the power base of liquor interests found in the urban east weakened.

Nebraska, like other states in the early years of the twentieth century, experienced that phenomenon known as

¹⁶Inguar Anderson, A History of Sweden, translated by Carolyn Hannay (Stockholm: Natur Och Kultur), p. 369. See also Bill G. Reid, "Elizabeth Preston Anderson and the Politics of Social Reform," in The North Dakota Political Tradition, edited by Thomas W. Howard (Ames: Iowa State University Press, 1981), p. 191.

¹⁷Fisher, "Liquor Question in Nebraska," pp. 107-10.

¹⁸Olson, Nebraska, p. 258.

the progressive movement. Between votes on prohibition, Nebraska adopted or approved a state railroad commission, direct election of United States senators four years before the Seventeenth Amendment, and the Australian or secret ballot issued by public authorities. In 1912 a constitutional convention amended the state constitution to provide for direct voter input through the initiative and referendum process.¹⁹ Prohibition not only benefited from this spirit of reform but was part of the movement.²⁰

Prior to 1916 dry sentiment was evident throughout the state. Twenty-nine of the ninety-three counties had no liquor outlets. Forty-four cities with populations of between 1,000 and 5,000 were dry, and 263 towns with populations of less than 1,000, served no liquor. In terms of population, 43.4 percent of the state's 1,192,214 inhabitants lived under local prohibition. Of Nebraska's 76,808 square miles, 82.4 percent were dry. These numbers could be attributed to a large western area that had outlawed liquor. Restrictions on the saloon included an 8:00 p.m. closing

¹⁹Aylsworth and Lewis, Nebraska Party Platforms, p. xiv.

²⁰Norman Clark, Deliver Us From Evil: An Interpretation of American Prohibition (New York: W. W. Norton and Co., Inc., 1976), p. 5. Hereafter cited as Clark, Deliver Us From Evil. See also James H. Timberlake, Prohibition and the Progressive Movement (Cambridge: Harvard University Press, 1963), p. 2. Hereafter cited as Timberlake, Prohibition.

time and a provision that incorporated towns could control the liquor traffic within a two-mile radius of its boundaries.²¹ Nebraska's shift to prohibition came as a slow process rather than as a sudden leap into the unknown.

Backed by these impressive statistics, dry leaders began the push for constitutional prohibition. A letter by WCTU president Mrs. Morrie M. Claflin and Anti-Saloon League chairman H. F. Carson, dated April 20, 1915, called for a meeting of groups favorable to prohibition. Sent to some eight organizations it called for them to meet at the YMCA in Lincoln to select an organizing committee to hold a convention that following September.²²

Out of the "Nebraska Dry Convention" came the amendment which after May 1, 1917 would prohibit:

the manufacture, the sale, the keeping for sale, or barter, the sale or barter under pretext, of malt, spiritous, vinous or any other intoxicating liquors . . . except for medicinal, scientific, mechanical or sacramental purposes.

To get the amendment placed on the ballot through the referendum process and to work for its ultimate passage a "Nebraska Dry Federation" was formed. Designed to be purely non-partisan, the executive committee included members of

²¹ASL Yearbook 1916, pp. 232-33.

²²Morrie M. Claflin and H. F. Carson to L. D. Jones President Nebraska Epworth League, 20 April 1915, WCTU Papers, Nebraska State Historical Society, Lincoln.

the Democratic, Republican, Progressive, and Prohibition Parties along with Mrs. Clafein and H. F. Carson.²³

This non-partisan effort proved successful as prohibition out-pollled Democratic winners for the U.S. Senate and the governorship, both of whom were from the anti-prohibition faction of the Democratic Party.²⁴ As in the 1890 vote, the strength of the drys was in outstate (places away from Omaha) and rural areas. Prohibition failed to carry only thirteen counties, those mainly located in the eastern and northeastern section of the state, where many people of Irish and central European extraction resided, while drys enjoyed relatively large majorities in five counties. In Lancaster County, home of the prohibition movement, sixty-six percent of the voters supported the amendment, while Douglas County, with its breweries and eastern immigrants, voted sixty-three percent in opposition.²⁵

After its adoption, prohibition endured its detractors, but with the changing economic climate opposition increased. Early criticism of prohibition included the

²³Julia Permalia Watson, "The Evolution of the Temperance Movement in Nebraska" (unpublished MA Thesis, University of Nebraska, 1925), p. 62. Hereafter cited as Watson, "Evolution of Temperance Movement Nebraska."

²⁴Olson, Nebraska, p. 246.

²⁵Omaha World-Herald, 11 November 1916, p. 1.

argument that it was unenforceable and that it led to increased bootlegging and related crimes. Nationally the Association Against the Prohibition Amendment contended that prohibition increased taxes, infringed on personal liberties, retarded business growth and violated states' rights.²⁶

The true sentiment of Nebraskans would be hard to measure. Responses to a questionnaire sent out in the mid-twenties by the Omaha Bee-News, the Grand Island Independent and several other newspapers indicated that "a vast majority" favored modification.²⁷ An often-quoted Literary Digest poll taken in 1930 showed that of the 52,974 Nebraskans polled, only 22,481 supported enforcement of the Eighteenth Amendment. About an equal number either favored total repeal--14,735, or modification--15,758.²⁸ As part of that same poll several professional groups were surveyed. Although fifty-five percent of Nebraska lawyers supported at least modification of the amendment, sixty-one percent of the state's clergy and seventy-eight percent of its

²⁶Andrew Sinclair, Era of Excess: A Social History of the Prohibition Movement (New York, N.Y.: Harper and Row Publishers, 1962), p. 156. Hereafter cited as Sinclair, Era of Excess.

²⁷Grand Island Independent, 21 February 1933, p. 6.

²⁸Literary Digest, 24 May 1930, p. 8.

educators maintained loyal support of the amendment.²⁹ Far from a scientific poll, it did reflect what would be shown in the Nebraska debates over alcoholic beverages. Lawyers either as legislators or lobbyists generally pushed for repeal, while opposition was often headed by ministers and local groups affiliated with education.

Despite evidence of increased disillusionment with prohibition, Nebraska drys could boast of some notable accomplishments. From 1918 through 1931 Nebraskans elected Republican governors who generally favored prohibition. The only Democratic break-through was Charles W. Bryan in 1922 and 1930, but he, like his famous brother, William Jennings Bryan, was a long-time prohibition advocate.³⁰

Speaking of midwestern congressmen, the New York Times said: ". . . [they] are preponderantly dry in Congress. Out of the whole lot of Senators and Representatives there is just one out-spoken wet, Representative [Malcolm] Baldrige, and he represents the wet city of Omaha mainly." On the situation in the Midwest it continued,

It is from the dry farmer and his wife that prohibition derives its real support in the corn belt He is honestly and conscientiously dry in practice as well as in politics. He votes dry and drinks nothing stronger than buttermilk

²⁹Ibid., 3 May 1930, pp. 6-7.

³⁰Olson, Nebraska, p. 355.

Prohibition was not 'put over' on the corn belt. Most of its States were dry by personal choice and popular vote before the Eighteenth Amendment was adopted. This fact makes it difficult to read too much into poll signs of a shift in popular opinion.³¹

Support of the Times' comment could be found in the 1928 election.

Herbert Hoover's defeat of Alfred Smith was noted more for the conflicts of urban vs rural, Protestant vs Catholic, and wet vs dry, rather than non-cultural issues. Hoover outpolled Smith by the largest majority ever received by a presidential candidate in the state up to that time. Moreover the state elected a dry governor in Arthur J. Weaver along with a "militantly dry attorney-general." In that same election year a move to repeal the state prohibition amendment was turned back before it was placed on the ballot.³²

The state legislature elected two years later was described in the WCTU yearbook as one of the driest ever.³³ This legislature in 1931 increased penalties for drunken driving, defeated bills that would have allowed the use of

³¹New York Times, 6 March 1932, p. 6.

³²ASL Yearbook 1929, p. 121.

³³Woman's Christian Temperance Yearbook 1932 (Lincoln, Nebraska: Claflin Publishing Co.), p. 53. Hereafter cited as WCTU Yearbook.

alcohol in some foods and a measure to allow the "manufacture of near-beer by a dealcoholization process."³⁴

Just a year later, when midwestern economic conditions continued to worsen due to drought, failing crop prices, and the total impact of the Great Depression arguments for repeal were more widely expressed. Some persons contended that alcohol would provide new markets for crops, and provide needed state and federal revenue which would help reduce the federal budget.³⁵

By 1932 the liquor question had grown so paramount nationally that neither party could avoid the issue. The Democratic platform advocated the complete repeal of the Eighteenth Amendment while giving Congress the power to support states' rights in the matter. This was done to quiet fears that states would lose the right to remain dry if they so chose.³⁶ The Republican Party in a much more carefully-worded platform acknowledged "a nation-wide controversy over the Eighteenth Amendment" and that the controversy cut into the Republican Party itself. The statement advocated retaining the amendment to avoid going backward

³⁴Ibid. 1931, p. 76.

³⁵Omaha Bee-News, 22 March 1933, p. 6.

³⁶Bruce Johnson and Kirk H. Porter, comp., National Party Platforms 1840-1972 (Chicago: University of Illinois Press, Urbana, 1972), p. 32. Hereafter cited as Johnson and Porter, National Party Platforms.

in history, but proposed that individual states should decide the matter.³⁷

On the state level the Republican Party did not follow the national lead. It reminded "the individual citizen" that he was to observe all laws, including prohibition regardless of his own personal beliefs.³⁸ Nebraska Democrats again faced an intra-party fight over prohibition. By a close vote of 486½ to 427½ a resolution calling for a national debate on prohibition was defeated.³⁹ The defeat of the resolution could have been largely intended to avoid embarrassing Governor Bryan in his re-election campaign.⁴⁰ The platform contained praises for the WCTU and other organizations for their relief efforts during the depression but made no mention of prohibition.⁴¹

Although the political debate centered on the economy in 1932, Franklin D. Roosevelt and his advocacy of repeal helped elect large Democratic majorities, at both the federal and state levels of public office. The forty-ninth session of the Nebraska Legislature would have a decidedly

³⁷ Ibid., pp. 348-49.

³⁸ Aylsworth and Lewis, Nebraska Party Platforms, p. 464.

³⁹ Ibid., p. 459.

⁴⁰ Omaha World-Herald, 24 February 1933, p. 10.

⁴¹ Aylsworth and Lewis, Nebraska Party Platforms, pp. 459-63.

Democratic majority. Out of thirty-three senators, only Rolla C. Von Kirk and Charles J. Warner, both of Lancaster County, were Republicans. The Democrats in the House enjoyed an eighty-eight to eleven majority.⁴² As historian James C. Olson said, "the Democrats had rolled up the most substantial protest vote in the history of the state. In the state as in the nation they were completely in power . . ."⁴³ Yet while the next legislative session would be of one party, events proved that it was not of one mind.

⁴²Nebraska, Legislature, Senate, 49th Session, 1 January 1933, Senate Journal, pp. iv-x. Hereafter cited as Senate Journal.

⁴³Olson, Nebraska, p. 252.

Chapter II

The Forty-Ninth Legislature

THE LITERARY DIGEST POLL SHOWED AN OVERWHELMING
PUBLIC SENTIMENT FOR PROHIBITION REPEAL.
THE REPUBLICAN PLATFORM DECLARED FOR MODIFICATION.
THE DEMOCRATIC PLATFORM DEMANDED REPEAL.
THE DEMOCRATIC LEADERSHIP LAID STRONG EMPHASIS
ON THE WET PLANK AND THE DEMOCRATIC PARTY WON
BY AN ENORMOUS MAJORITY —

AND YET



When Will He Break Loose?

Omaha World-Herald, 6 April 1933, p. 1.

On January 3, 1933 the Forty-ninth Legislature convened. Before adjourning over four months later, it became one of the longest and most controversy-laden sessions in the state's history. Changing economic and political conditions intensified decisions made on taxes, the state budget, and farm relief. Among these issues was the legalization of alcohol.

The legislative session would consider three options to resolve the alcohol question: resubmission to the voters of state prohibition, a plan for a state convention on the issue of federal prohibition, and a law that would allow the sale of beers and wines having an alcohol content of 3.2 percent. No other matter would so occupy the attention of the forty-ninth session.

The Senate was the first of the two legislative bodies to take up the liquor question. On January 18, Senators Emil Brodecky of Howells and Paul F. Halpine of Omaha co-sponsored Senate File Number 115. The bill called for the voters to retain or eliminate Section 10, Article XV, in the State Constitution which prohibited the manufacture and sale of alcoholic beverages.¹ In effect S.F. 115 called

¹Senate Journal, 18 January 1933, p. 167. The following chapter serves as an outline of how three measures crucial to the liquor debate won approval in the 49th Legislature. Pro and anti-prohibition groups are mentioned, but because of the complexities of the political process analysis of the work of those organizations is reserved for a later chapter. Similarly a measure that allowed the

for the resubmission of state prohibition to Nebraska's voters.

At a public hearing held January 24 on S.F. 115, tempers flared as both supporters and opponents of the measure met before a capacity crowd at the House of Representatives Hall. F. A. High, Superintendent of Nebraska's Anti-Saloon League, presented the major argument against resubmission. He stated that it would cost the state \$25,000 to vote on an issue that "Nebraska voters would reject overwhelmingly under normal conditions." Clarence Miles, also of Lincoln, argued that the state should take no action until Congress had finished its debate on national resubmission.² Other speakers against resubmission included Charles A. Bowers of Lincoln, secretary of the Nebraska's Teachers Association, along with prominent lawyers from Lincoln and Omaha who supported prohibition. Mrs. Iva M. Innis, state president of the WCTU, created the largest uproar of the evening when she listed groups in favor of repeal including "the Crusaders [an organization formed for the sole purpose of prohibition repeal] and other

production of 3.2 beer in Nebraska is not treated. Senate File 323, known as the Omaha Brewery Bill, was passed by similar margins in both houses as H.R. 585, the Beer Bill. To discuss its passage would only cause duplication.

²Omaha World-Herald, 25 January 1933, p. 2. Records kept by the Clerk of the Legislature on committee hearings go back only to 1937. Due to this fact, newspaper accounts are noted extensively.

bootleggers, hijackers, racketeers, and gangsters."³ From the floor "cries of 'stop her,' 'take her off,' and 'throw her out,' interrupted Mrs. Innis. Representative Frank Freeouf of Crete responded, 'you can't call me a hijacker, I won't stand for it.'"⁴ Following the outburst, James H. Hanley, counsel for the Crusaders, asked Mrs. Innis if she thought the President-elect was a bootlegger and hijacker, but there is no record of her response. After the crowd settled and the boos and hisses subsided, Mrs. Innis "resumed with a sketch on organizations supporting prohibition."⁵ Proponents argued that public sentiment now favored repeal of prohibition, yet Nebraskans did not intend for the state to abandon control of the alcoholic beverage traffic. Advocates of these ideas included Mrs. Mae Hamilton, state chairwoman of the Women's Organization for Prohibition Reform, representatives of German-American societies, and private citizens, who asked for the opportunity to vote on prohibition.⁶ This early hearing set a precedent of vocal confrontations between wets and dries throughout the legislative session and into the 1934 election campaign.

³Ibid.

⁴Ibid.; Lincoln Star, 25 January 1933, p. 2.

⁵Lincoln Star, 25 January 1933, p. 2.

⁶Omaha World-Herald, 25 January 1933, p. 2.

Resubmission survived its first test on February 23, when Senator Cloyd Stewart of Clay Center moved that S.F. 115 be postponed indefinitely on grounds that the issue should come before the voters by the initiative process. The motion failed on an eleven to twenty-one vote. The vote proved to be the first victory for the bill's co-sponsor, Paul Halpine, who at twenty-six was the youngest senator. It was Halpine who had lobbied hard for S.F. 115, interviewing personally all of his colleagues. The Lincoln Star reported that without his efforts passage of the bill would have been doubtful.⁷

Despite defeat of Stewart's motion debate continued, taking up two-thirds of the morning session. Arguments hinged on the principles of popular sovereignty and the merits of the modern speakeasy versus the old-time saloon. During the debate almost all of the thirty-two senators present spoke. Many stated that while personally dry they believed that the prohibition question should be settled.⁸ At one point, Senator Gus Dworak of Omaha protested that F. A. High of the Anti-Saloon League was lobbying in the Senate chamber and communicating with Senator Stewart. He

⁷Lincoln Star, 23 February 1933, p. 1.

⁸Grand Island Independent, 23 February 1933, p. 2.

suggested that the Sergeant-at-Arms take High into custody, but was either ignored or not taken seriously.⁹

The debate took on a humorous tone when Halpine quizzed opposition senators and asked if any of them had ever visited a speakeasy, and "Stewart remarked he hadn't been to Omaha recently."¹⁰ The remark brought laughter from both spectators and senators alike, but it also gave evidence of the sectional conflict in the liquor issue. Of the eleven senators backing Stewart's earlier motion, none came from a large urban district. Only Senators Fred Hawxby of Auburn and Charles Warner of Waverly were from towns east of Lincoln. Predominant in the group were Senators Frank McCarter, Charles Green and Fred Neeland all from the panhandle.¹¹ Perhaps in scorn McCarter declared, "'My people in the west end of the state are not interested in this issue . . . they are more interested in what they will eat than what to drink.'"¹² McCarter would later discover that his statement was not totally true. Five days later

⁹Lincoln State Journal, 24 February 1933, p. 2; Omaha World-Herald, 24 February 1933, p. 2. The Lincoln State Journal and Omaha World-Herald differed on their reporting of Dworak's comments. The Journal stated that the comments sparked controversy, while the World-Herald said that they were spoken in jest and brought a humorous response from the senators.

¹⁰Omaha World-Herald, 24 February 1933, p. 10.

¹¹Senate Journal, 23 February 1933, p. 532.

¹²Omaha World-Herald, 24 February 1933, p. 10.

S.F. 115 passed on final reading twenty-one to twelve, giving it the needed three-fifths majority.¹³ A Lincoln senator, absent during the earlier vote, casting his ballot with the minority, provided the only change from the vote taken earlier.

S.F. 115 then went to the Nebraska House of Representatives for further consideration. In early January Representative Victor J. McGoningle of Dakota had proposed a similar bill, House Roll 66 which initially died in committee, but by a forty-eight to forty-five vote had been placed back on general file.¹⁴ When the House received S.F. 115 from the Senate, H.R. 66 would no longer be debated.

Assigned to the Constitutional Amendment Committee, the bill lay dormant for two weeks, until a hearing took place on March 16, 1933. Senator Halpine along with Representatives Ed Lusienki of Platte Center and Paul Bruveleit of Stanton presented the repeal case. Dry forces led by Mrs. C. J. Campbell of Lincoln repeated a familiar argument: repeal efforts should come before the voters by petition and

¹³Senate Journal, 28 February 1933, p. 556. According to the Nebraska Constitution all amendments submitted to the voters by the legislature had to pass both houses by three-fifths majorities.

¹⁴Nebraska, Legislature, House, 49th Session, 24 February 1933, House Journal, p. 745. Hereafter cited as House Journal. A bill killed in committee could be raised and placed on the House agenda, following passage by a simple majority vote of the House.

not by an act of the legislature. One dry proponent stated that Nebraska should wait until after Governor Charles W. Bryan submitted a plan for a convention to decide the state's position on national prohibition.¹⁵

Whatever their personal reasons, for the second time in as many months the members of the Constitutional Amendment Committee killed a resubmission bill by a four to three vote. The dry block of four included Sarah T. Muir of Lincoln, George Nickles of Murray, R. V. Graff of Bancroft and H. C. Lorensen from Johnston.¹⁶ The committee decision came under attack in editorials throughout the state, including the moderate Lincoln Star which stated:

The decision of a Nebraska house committee to report the Halpine prohibition referendum bill for indefinite postponement is not in the interest of prohibition. . . . The House committee proceeded on the theory, that its action will settle the case and there will be no ballot on prohibition. Nothing could be further from the truth. . . . [I]t comes down to whether the dry advocates are not injuring their own cause in refusing to permit the people to vote. . . . In view of the position of both political parties the attitude reflected by the committee in the Nebraska House is incomprehensible.¹⁷

¹⁵Lincoln Star, 17 March 1933, p. 2.

¹⁶House Journal, 27 April 1933, pp. 1547-48.

¹⁷Lincoln Star, 17 March 1933, p. 8.

The editorial reflected a belief shared by many moderate wet and dry politicians caught in an explosive political issue.

After March 17, resubmission took a backseat to other alcohol issues, most notably Governor Bryan's call for a state convention on federal prohibition repeal and the debate on House Roll 585, Nebraska's beer bill. Provisions for state conventions and the legalized sale of 3.2 beer in neighboring states helped bring interest back to the resubmission bill.

On April 27, Representative Lusienki moved that the House not concur with the report of the standing committee, which had killed S.F. 115 and that the bill be placed on general file. This coincided with Senate advancement of H.R. 585, the beer bill, that same day. S.F. 115 barely escaped defeat, as Lusienki's motion passed forty-four to forty-two with fourteen representatives abstaining. S.F. 115 did not receive the support that related legislation did. Several members who supported such bills either opposed resubmission or remained uncommitted on the vote.¹⁸

Miss Sarah Muir defended the committee's decision to kill S.F. 115. She reminded the representatives that in 1915 state prohibition came through the initiative process after the legislature had failed to pass the measure. "'If the people want to repeal state prohibition, they can repeal

¹⁸Lincoln Star, 27 April 1933, p. 2.

and just as rapidly as if we submit it to them.' She concluded, '[I] beseech you to keep the barrier where it is and let the people speak if they want to.'¹⁹ Miss Muir's speech apparently reflected some House members' attitudes. S.F. 115 carried a majority of votes but it was short of the necessary sixty votes or three-fifths majority which constitutional amendments needed for the legislature to send them to the voters of the state.

Events outside of the state began to have a bearing upon the politics of the beverage question. With legal beer now in three of Nebraska's bordering states and beer legislation already passed in both houses, the House again voted on S.F. 115. On its last legislative day the House passed the measure fifty-five to twenty-nine with eight members not voting.²⁰ Those who abstained probably did so for political reasons. By legislative rules on constitutional amendments, those not voting are recorded on the affirmative side. Thus, resubmission passed by the needed majority to place it on the 1934 ballot, but it is doubtful that without the other liquor issues S.F. 115 would have carried. The vote was probably more reflective of a desire of a majority of House members to settle a complex issue than an indication that most of them supported the arguments of the wet

¹⁹Ibid.

²⁰House Journal, 8 May 1933, pp. 1790-91.

advocates.²¹ Most representatives believed that the ballot would be the mechanism for settling the state's stand on federal prohibition.

The push for repeal was intensified by events in the nation's capital. On February 16, 1933, the United States Senate voted sixty-three to twenty-five to send repeal of the Eighteenth Amendment to state ratifying conventions. Nebraska Senators George Norris and R. B. Howell both favored retention of the amendment. Norris voted against resubmission and Howell paired a negative vote with a senator from New Mexico.²² Four days later the House of Representatives voted 289 to 121 to approve the Senate measure. Nebraska's six House members voted four to two against the resolution to submit repeal of the Eighteenth Amendment to state conventions. Prohibition sentiment crossed party lines as Republican Malcolm Baldrige and Democrat Edgar Howard voted for the resolution, while three

²¹Lincoln Star, 9 May 1933, p. 2.

²²United States Congressional Record, Second Session of the Seventy-Second Congress, 16 February 1933, p. 4231. Hereafter cited as Congressional Record. Pairing a vote enabled senators with opposite opinions to be absent from voting yet have their vote placed on the record. In this case Howell who was absent from the Capitol, "paired" his vote with an absent senator from New Mexico who favored the resolution.

Nebraska Democrats and one Republican voted with the minority.²³

Whether or not ratifying conventions were designed to give the eastern and urban centers control over the less populated rural areas or designed so that dries could have time to rally support is unclear. Holding ratifying conventions rather than ratification by state legislatures allowed the dry forces more time to mount a defense. At the same time dries hoped for a change in the economy to take away any wet argument in favor of a needed government revenue increase.²⁴ Yet it soon became clear that once the repeal movement began there was little that could stop it short of a successful conclusion.

In Nebraska confusion ruled as to how the convention was to be called. Attorney General Paul Good said that any action to hold a convention must be initiated from the Governor's office. "'Only the governor can introduce any bill now, and unless he chooses to ask the legislature to call a convention no action can be taken at this session.'"²⁵ In the months that followed opponents and supporters of the proposed Twenty-first Amendment petitioned

²³Ibid., 20 February 1933, p. 4516.

²⁴Sinclair, Era of Excess, p. 135.

²⁵Omaha World-Herald, 21 February 1933, p. 1. Good failed to mention the initiative and referendum procedure in the Nebraska Constitution.

Governor Bryan for support of their cause but he balked at taking any action. Bryan, recovering from a stroke, conducted business from his bedroom, and on many issues during the legislative session the solons lacked direction from the Governor's office.²⁶

Initially, the leading opponents of prohibition took a wait-and-see attitude. Senator Halpine stated that he would not seek special consideration for his state resubmission bill because of the developments in Washington, and his organization, the Crusaders, would not make special lobbying efforts.²⁷ In March, wets led by James H. Hanley of Omaha sent a proposed bill to Governor Bryan, outlining a means of calling the convention, yet Bryan's office remained silent until April 12, 1933.²⁸

In a message to the Senate Bryan called for the election of one hundred delegates, one from each of the representative districts. Delegate hopefuls would run in the 1934 primary on separate partisan tickets, either for or against the repeal of prohibition. The top vote-getters from both tickets would then run against each other in the

²⁶Larry G. Osnes, "Charles W. Bryan: Latter-Day Populist and Rural Progressive" (Ph.D. Dissertation, University of Cincinnati, 1970), p. 251. Hereafter cited as Osnes, "Charles W. Bryan."

²⁷Lincoln Star, 20 February 1933, p. 1.

²⁸Ibid., 24 March 1933, p. 7.

general election in November. The delegates elected to the convention would then meet in Lincoln on the first Tuesday in December, 1934.²⁹ With the candidates running in the general election as either wet or dry, the state would know immediately following the election returns how the convention would act. The meeting in Lincoln would be little more than ceremonial. Bryan's proposal differed somewhat from Hanley's plan, which called for delegates to be elected by senatorial districts. Bryan believed his plan would be fairer to the rural areas of the state and prevent them from being overwhelmed by the larger cities.³⁰

Action was quickly taken on Bryan's draft. A long-time dry advocate himself, Bryan expected little opposition from either side. Officially sponsored by House Speaker George O'Malley and titled House Roll 602, the bill was placed directly on general file. It avoided going through the Constitutional Amendment Committee when Chairman C. G. Campbell of Walthill informed the legislature that of his committee only Sarah T. Muir and George E. Nickles opposed the bill. It was the same committee that earlier had rejected two state resubmission bills.³¹

²⁹Senate Journal, 12 April 1933, pp. 1050-52.

³⁰Lincoln Star, 13 April 1933, p. 1.

³¹House Journal, 12 April 1933, p. 1285.

Advancing quickly to third reading on April 13, 1933, it won approval by a seventy-three to thirteen vote. Of the thirteen negative votes, five were from Lancaster County Republicans, with only three Democrats in the minority. The bill survived two amendments, one to move the election up to 1933 and another to bind the delegates to the positions they took during the 1934 election. Both were easily defeated. Most legislators followed the advice of E. P. Cromer of Gering, who while voting against H.R. 602 stated the House should follow the executive wishes and not change the bill. Further amendments were discouraged by "speaker Omalley's authoritative statement that the governor most certainly [would] veto his own bill if messed up by amendments."³²

Lincoln Representatives John Comstock and Sarah Muir explained their negative votes. Comstock stated that not enough restrictions would be placed on the delegates or their actions during the convention. Muir voiced a familiar argument, telling her peers that the people of the state should bring up the issue through the initiative and referendum process and not be dependent upon the legislature to call the convention.³³

³²Ibid., 13 April 1933, p. 1333.

³³Lincoln State Journal, 14 April 1933, p. 1.

After passage the House sent H.R. 602 to the Senate for approval. The bill literally faced no opposition. On April 27, twenty-eight senators voted affirmatively with no negative votes recorded. Five senators were absent and did not vote.³⁴

The debate over a constitutional convention proved to be a moot issue. By the time Bryan had acted on a means for Nebraska to reject or ratify the Twenty-first Amendment, Michigan had ratified the amendment, and a number of states were prepared to do so. On November 7, 1933, six states ratified the repeal amendment, bringing the total to thirty-nine states, three more than needed for ratification.³⁵ The governor, advised by Attorney General Good that the legislature did not intend for the voters to act upon an issue of no national or state importance, did not allow the matter to be placed on the ballot.³⁶

Whether Bryan had intended to postpone the vote in the hope that by 1934 it would be a politically dead issue or, as he previously stated, his process would be the least expensive to the state is uncertain. Bryan's inaction during March prevented the advancement and debate on both the state resubmission bill and on the 3.2 beer and wine

³⁴Senate Journal, 27 April 1933, p. 1241.

³⁵ASL Yearbook 1932-33, p. 16.

³⁶Lincoln Star, 16 June 1934, p. 1.

bill, as all sides awaited Bryan's decision. One thing is definite: of all the debates concerning prohibition, the state convention on federal repeal was the least controversial. It certainly did not spark the legal or political confrontations that the proposed sale of 3.2 percent beer and wine had in the forty-ninth legislative session.

Unlike resubmission which solons could approve on grounds that the people would render a final verdict on the issue, the question of 3.2 percent beer and wine sale did not afford that luxury. Even mild wets grew uncomfortable for fear of alienating prohibitionist constituents. Federal prohibition repeal could seem like a remote issue, and the voters would decide state prohibition, but 3.2 was an issue placed squarely in the hands of the legislators. At the end of the forty-ninth session it would prove an issue too controversial for many politicians, including the governor.

The movement to legalize beer and wine began during the first days of the session. On January 30, 1933, twelve days after Halpine offered his resubmission bill in the Senate, eight representatives, two from Douglas County and six from outstate, proposed House Roll No. 585. It was designed to "provide for the manufacture, possession, transportation and sale of beer, ale, . . . brewed and fermented beverages, containing more than one-half of

per centum of alcohol by volume"37 This legislation was commonly called the beer bill.

With passage of President Roosevelt's federal beer bill giving the states a national stamp of approval, the beer question heated up in late March and early April of 1933. Advocates of beer and wine saw the quick action of Congress and the activity of nearby state legislatures in moving toward legal alcoholic beverages as advantages for their cause. Support came not only from the Democratic side of the aisle. Republican House Floor Leader Stanfield B. Johnson of Omaha stated he was prepared to support a beer bill if safeguards were made in its distribution "'as no one wants the return of the saloon'"38 The fear of the return of the old-time saloon was widespread not only in Nebraska but throughout the country.39

In late March, 1933 the House and Senate Judiciary Committees held a joint hearing on H.R. 585 and a Senate bill, S.F. 322, which also proposed the legalization

³⁷House Journal, 17 April 1933, p. 1372.

³⁸Omaha Bee-News, 22 March 1933, p. 18.

³⁹Congressional Record House, 20 February 1933, p. 4522. The fear of the return of the saloon was mentioned during Congressional debate on the Twenty-first Amendment. Several Nebraska newspapers, including the Omaha World-Herald made editorial comments on the saloon. The World-Herald had a decidedly pro-repeal stance, but it did not welcome a return of the old-time saloon. See Omaha World-Herald, 5 May 1933, p. 22.

of beer.⁴⁰ Proponents of beer outnumbered opponents with only Mrs. Minnie Grinstead Hines, a longtime political activist, speaking against the measure. She was supported by prohibitionist Representatives E. E. Binfield of Prosser and E. P. Cromer of Gering. Hines stated that like the farmers who had marched on Washington, D.C., "'Nebraska wants bread, not booze.'" Speaking for the measure were several people from Omaha representing the Nebraska Crusaders, Nebraska Hotel Men's Association and Representative Rudolph Tesar, a sponsor of H.R. 585.⁴¹

James H. Hanley, legal counsel of the Crusaders, emphasized the protection the bills gave regarding the return of the saloon. In what would become familiar arguments, Hanley stated that beer would bring added revenue to the state, and keep neighboring states with legal beer from benefiting from Nebraska's dryness. Hanley also believed that beer would "give employment to at least three thousand persons in Nebraska."⁴² These reasons would provide an outline for pro-beer forces throughout the session.

⁴⁰Senate Journal, 6 May 1933, p. 1418. S.F. 322 was the Senate version of H.R. 585. Once the latter was approved by the House and sent to the Senate S.F. 322 was postponed and never debated again.

⁴¹Omaha Bee-News, 23 March 1933, p. 1.

⁴²Ibid.

Despite the hearing, both bills lay dormant in their committees, waiting for Governor Bryan to act on the federal prohibition amendment. Bryan, when questioned by sponsors of the beer bill, stated "he would do nothing . . . as long as parts of the original Bryan program are still pending in the legislature." One paper said that Bryan apparently was holding the liquor issue hostage until the legislature approved his appropriation bill.⁴³

Wet supporters began an extensive lobbying effort. Val J. Peter, publisher of the German language Daily Tribune, put the force of his newspaper behind beer. Peter also sent a letter to each member of the legislature and Governor Bryan calling for their support. Peter warned Bryan that:

Undue and sinister influences in the form of organized dry minorities are exerting every effort to warp your mind and to weaken your will so that you would shamefully neglect your duty to the people whose command to you and your party has been the immediate enactment of legislation permitting the return of light wines and beer.

The Nebraska chapter of the National Women's Organization for Prohibition Reform (NWOPR), mailed thousands of petitions to local county chapters for them to be distributed,

⁴³Pawnee Republican (Pawnee City), 30 March 1933, p. 1.

signed and returned to Lincoln. The Crusaders were to follow the NWOPR lead with a similar drive.⁴⁴

One of the more newsworthy lobbying efforts was by three Nebraska congressmen. Edward R. Burke of Omaha, Edgar Howard of Columbus and Terry Carpenter of Scottsbluff authored a telegram to the Nebraska lawmakers sent on March 28, 1933. Read to the Senate by Lieutenant Governor Walter Jurgenson it stated:

On President Roosevelt's recommendations based on the Democratic platform, we voted to legalize the manufacture and sale of beer, which goes into effect April 7. We earnestly and respectfully recommend that similar legislation be enacted by the legislature of Nebraska, thereby utilizing the grains and labors of our state, and producing much needed revenue.

The message evoked applause from the senators.⁴⁵

The following day the House Judiciary Committee sent H.R. 585 to the House floor by a six to three vote. Three of the committee members who voted to send the measure to the floor said that they did so "'only because it is a bill of wide public interest and one on which the legislature should be allowed to vote.'"⁴⁶ The beer question again laid in waiting until the second week in April, but after a

⁴⁴Lincoln State Journal, 31 March 1933, p. 3.

⁴⁵Kearney Daily Hub, 28 March 1933, p. 2.

⁴⁶Omaha Bee-News, 29 March 1933, p. 1.



Omaha World-Herald, 20 March 1933, p. 1.

weekend break the beer supporters returned to Lincoln with renewed vigor.

The weekend break of April 8-9, saw the majority of the legislators return home, where the chief topic of their constituents was the return of beer. The sale of 3.2 beer and wine had become legal under federal law on Friday, April 7.⁴⁷ Colorado and Missouri made provisions for its sale on that same day, much to the alarm of neighboring Nebraska merchants who saw weekend customers deserting area towns and heading into these states.⁴⁸

The Grand Island Independent reported that from the moment lawmakers returned to their desks, beer was the topic of discussion with wets and dries exchanging lively banter. "'I see a bunch of wets got drunk on beer,' said prohibitionist Representative E. P. Cromer of Gering. Representative A. G. Jensen of Fremont called right back 'naw, they got drunk on some of this bootleg whiskey.'" One legislator, John W. Buffington of Hamlet, admitted making the trek to St. Joseph, Missouri to try the new brew. His critique of the beverage was less than favorable, stating that it was called beer, but it did not taste like

⁴⁷ASL Yearbook 1932-33, pp. 31-32.

⁴⁸Omaha World-Herald, 9 April 1933, p. 1.

it, with little or no alcohol effect. "'Why I don't believe even a woman could get drunk on it.'"⁴⁹

The wet faction known as the "friends of beer," sensing the shift in some legislators, met that evening for a strategy session. The meeting resulted in the formation of a steering committee made up of six Democrats, all from districts outside of Omaha. Members of the committee were Edward F. Lusiencki of Platte Center, A. G. Jensen of Fremont, Charles Jackman of Grand Island, Paul Bruveleit of Stanton, John Havekost of Hooper, and Elmer C. Barnes of Doughboy. Also at the meeting was James Hanley who presented a revised version of H.R. 585, drafted by the Crusaders. Those assembled hoped that this new bill would win the favor of some moderate drys by raising license fees, providing a means of taxation, and putting further restrictions on beverage sale.⁵⁰

The revised bill provided that sale of 3.2 percent beer and wine by the drink would be allowed only in incorporated clubs, hotels, dining cars and restaurants while package sales could be made at retail outlets. It would not allow the beverages to be sold in any establishment that had blinds, a bar, or similar fixtures giving

⁴⁹Grand Island Independent, 11 April 1933, p. 2.

⁵⁰Lincoln State Journal, 11 April 1933, p. 1; Omaha World-Herald, 11 April 1933, p. 1.

the resemblance of a saloon.⁵¹ The return of the saloon was a concern of not only lawmakers, but of others as well. The heads of two Omaha breweries, Adolf Storz and Charles B. Morearty issued statements that repudiated the old-time saloon. They also said that brewers should have no part in retail sales.⁵²

Test of the new strategy came when beer advocates attempted to make the beer bill a special order of the day. On a motion by Lusiencki the measure passed forty-six to forty-one, allowing the bill to be brought before the legislature on that coming Thursday. Several motions were made in an attempt to stall or kill the bill but all failed. The closest vote came on a resolution that would have postponed the vote until the following week, allowing the legislators more time to review the revised bill. This proposal for a delay won some support from moderate wets but failed forty-seven to forty-five.⁵³ With many lawmakers failing to vote on several motions early indications were that the bill would indeed get the fifty-one votes needed for passage, but would lack the sixty-seven votes needed for

⁵¹Omaha World-Herald, 11 April 1933, p. 1.

⁵²Omaha Bee-News, 31 March 1933, p. 2.

⁵³House Journal, 11 April 1933, pp. 1299-1300. According to House rules a bill could be placed before other bills on the agenda by a simple majority voting for a bill to be debated at a set date and time.

passage with an emergency clause.⁵⁴ The stage was set for two days of intensive debate.

With over 1,000 spectators filling the gallery and others standing in the entranceways, legislators began the debate Thursday morning, April 13th. The steering committee led by Lusienki dominated the session. Several amendments to defeat or weaken the bill were offered, but only those with the stamp of approval of the steering committee won.⁵⁵ These included an increase of the state tax on beer from sixty-two cents a barrel to ninety-three cents, and another amendment which required liquor licensees to post a \$500.00 bond.⁵⁶

Not all of the opposition came from the drys. Representative Tremor Cone asked that only brewers and importers pay license fees, telling the House "'if this is an article of food, I'm offering to let anybody sell it like they do milk, bread, or bologna.'"⁵⁷ Again the steering

⁵⁴Lincoln Star, 11 April 1933, p. 1. For a bill to have gone into effect immediately after adjournment of the Legislature it would have had to have been passed with an "emergency clause." This required affirmative votes by two-thirds of the members of both houses--sixty-seven votes in the House of Representatives and twenty-two in the Senate.

⁵⁵Lincoln Star, 14 April 1933, p. 2.

⁵⁶House Journal, 14 April 1933, pp. 1350-51.

⁵⁷Omaha World-Herald, 14 April 1933, p. 4.

committee held off any changes and the amendment was defeated.

The final proposal came from Representative Wilmot Crozier, a long-time prohibitionist, who attempted to table the bill. Speaker O'Malley, who throughout the day had kept out of the fray, jumped to his feet and scolded the Democrat from Osceola:

People are thoroughly disgusted with conditions as they are now, no one can doubt they are demanding a change. There is only one question involved in this bill--whether we are going to permit sale and manufacture of 3.2 beer, under proper supervision and with a state tax. . . . It is not a question of whether we want beer. We have that and always had it. The question is whether we want revenue. I believe the bill will rehabilitate many homes that are now empty. I believe it will result in the re-employment of thousands and thousands of men who are now walking the streets, asking you and me for enough money to buy breakfast.⁵⁸

The Speaker in his one oration of the day summarized the moderate wet position and showed the difficulty the drys had in stopping or amending H.R. 585. Crozier's motion to kill was defeated and further discussion was set for the following day.⁵⁹

April 14, 1933, again found the Nebraska House flooded with onlookers as many stood for nearly three hours,

⁵⁸Ibid.

⁵⁹House Journal, 14 April 1933, p. 1354.

listening to the debate.⁶⁰ Beer opponents, led by elder House members E. E. Binfield of Prosser and James Richards of Arapahoe, called beer an "entering wedge for liquor." Passage of the bill, they warned, would mean an end to the Democratic majority in the legislature. Binfield explained, "'there is no way we can injure our party more than to pass a beer bill of this kind Nebraska always has been a dry state, outside of Omaha I don't know of any district where a man could have been elected if he announced he was going down to introduce a beer bill.'"⁶¹ Richards denounced claims that drinking conditions were worse in 1933 than they had been before prohibition. He recalled times before prohibition when the sergeant at arms had to retrieve lawmakers from nearby saloons to get them to vote.⁶²

Following four anti-beer speakers, Jackson Chase of Omaha controlled the House floor for close to forty-five minutes saying in part:

You might as well try to hold back the waves of the sea as hold back the public demand for beer. I don't care whether we like it or not the demand is here. Bear in mind that they're going to have it in Nebraska. Are you going to be practical and let our citizens have it in a way we can get

⁶⁰Lincoln Star, 14 April 1933, p. 1.

⁶¹Norfolk Daily News, 4 April 1933, p. 6.

⁶²Lincoln Star, 14 April 1933, p. 1.

some benefit out of it? Or are we going on with the fatuous theory that you can keep it from the people by laws?⁶³

Chase then drew a parallel between prohibition and a law regulating cigarette smoking that went against the common will:

I am opposed to intemperance in all things, but there is one thing even more dangerous than intemperance and that is hypocrisy and cowardice on the part of men in public office which makes them afraid to admit we have gone too far and afraid to correct the situation.⁶⁴

Chase's speech was received with the longest applause of the day from the gallery, but it prompted a fiery response from Representative Robert Graff of Bancroft.

Graff asked Chase if he would allow his children to test whether the beverages were intoxicating. Chase's simple reply, "'I have no children,'" brought laughter from the gallery. Graff continued the encounter, shouting at the top of his lungs, demanding that Chase put himself under the test right before the legislature. Graff's outburst not only enraged the gallery, but brought boos from the House floor and charges that he was making a spectacle of both the House and members' families.⁶⁵

⁶³Norfolk Daily News, 14 April 1933, p. 6.

⁶⁴Ibid.

⁶⁵Lincoln Star, 14 April 1933, p. 6.

At first the gallery applauded politely following each speaker. But as arguments heated up so did the gallery. Speaker O'Malley threatened to clear the gallery if the cheering and applauding continued, as the House came to have the appearance of a sporting contest rather than a legislative body.⁶⁶

Toward the end of the morning some representatives saw the radio broadcast of the session as the cause of the unruliness. Shouted W. H. O'Gara of Laurel, "'I'm sick and tired of this interminable talk to the radio and galleries. This matter has been carried beyond all sense and I demand the speaker to take the chair and entertain my motion to remove this equipment from the house.'" O'Gara's remarks followed an initial charge against the broadcast from Representative Charles Beushausen of Loup City, who after listening to three hours of speeches, thought removal of the microphones would bring speedier work on the bill. A sea of objection from both wets and drys rose to defeat the motion sixty-nine to seventeen.⁶⁷

The afternoon session, considerably quieter, finished with amendments and speeches. The House voted on whether to advance the bill, but not before Representative Binfield asserted that "'there will be a referendum if you

⁶⁶Ibid., p. 1.

⁶⁷York Daily News, 14 April 1933, p. 1.

pass this, by which the women will see that it never becomes a law.'" His warning went unheeded as five Republicans and forty-six Democrats voted against an enacting clause that would have in effect killed the bill. The opposition drys mustered forty-two votes from thirty Democrats and twelve Republicans. Only seven representatives were absent or did not vote.⁶⁸ Passage now seemed assured but the question of whether enough dry votes could be changed to allow the bill to be adopted with an emergency clause was still unknown.

Defections of western representatives who began to receive pressure on the economic argument buoyed beer advocates. The economic issue was apparent early in the beer debate, but it intensified when the neighboring states of Iowa, Missouri, Colorado, and Wyoming legalized 3.2 beer while Nebraska wrestled with the problem. When legal beer came to Colorado, the Sidney Telegraph carried the story on page one under the large headlines: "Legal Beer Draws Big Crowd of Nebraskans to Peetz [Colorado] and Sterling [Colorado]." Reports stated that Sidneyites could be found on about every block in Sterling, Peetz, and Julesburg all with the desire to try the new beer.⁶⁹ Sidney merchants sprang into action, for with the town "almost deserted" they

⁶⁸Omaha World-Herald, 15 April 1933, p. 2.

⁶⁹Sidney Telegraph, 11 April 1933, p. 1.

began to circulate a petition, asking the legislature to act quickly on the pending beer legislation.⁷⁰

One Sidneyite wrote the "Public Pulse" of the Omaha World-Herald berating area representatives. He declared that Sidney's business lost to Sterling was proof that the state would vote four to one against prohibition. The writer did not mince words when asking the rhetorical question: "'how those four men at Lincoln from western Nebraska thought they got in office[?] . . . It was Mr. Roosevelt and his beer platform that got them elected.'"⁷¹ Similar declarations and petitions were evident not only in western Nebraska but throughout the state.

The legislature received petitions and telegrams throughout the session expressing opinions on all three liquor questions. Kearney businessmen sent more than one hundred telegrams to the legislature urging the passage of the beer bill.⁷² In Ogallala citizens and businessmen organized a petition drive which stated that legal beer in Colorado harmed local business. Not only local customers,

⁷⁰Lincoln Star, 9 April 1933, p. 1; Omaha World-Herald, 9 April 1933, p. 1.

⁷¹Sidney Telegraph, 18 April 1933, p. 6. The four representatives the writer spoke of could have been E. P. Cromer of Gering, W. M. Iodence of Hemingford, W. H. Meyers of McCook, and J. H. Steuteville of Bridgeport. These four western members voted to kill H.R. 585 before final reading.

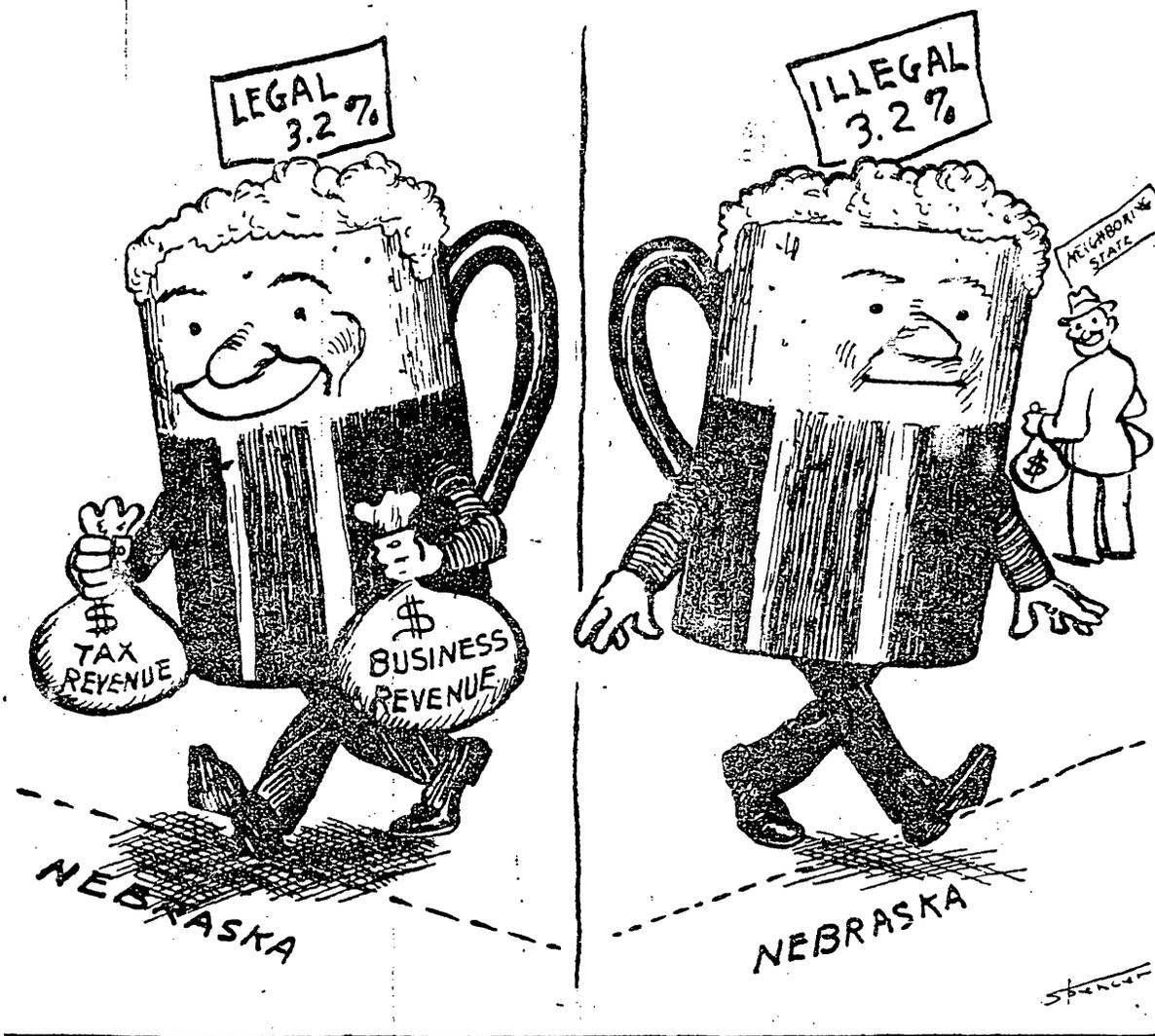
⁷²Kearney Daily Hub, 31 March 1933, p. 1.

but a noticeable number of travelers along Highway 30 were now driving through Ogallala and stopping instead in Colorado. The petition had the backing of many non-drinkers, who saw large amounts of beer coming into the community without seeing any of the financial benefits.⁷³

McCook businessmen undertook a vigorous petition drive led by E. C. Chitwood and R. G. Stevens during the second week of the House debate on the beer bill. On Monday morning, April 17, 1933, twenty-five petitions flooded the city, calling for immediate action on the bill. The petitions contained arguments similar to those of border towns but also brought out the possibility of jobs in the beer industry and stated the belief that beer would generate a boom in the economy. Singled out in the petition was Representative R. H. Meyers who previously voted against resubmission, and on test votes had voted against H.R. 585. That evening, the petitions were taken to his office in Lincoln by four sponsors of the drive. Backers hoped Meyers would switch his dry stand and help get the bill passed with the emergency clause.⁷⁴ While the petition had no outward

⁷³Keith County News (Ogallala), 13 April 1933, p. 1.

⁷⁴McCook Tribune, 17 April 1933, p. 1. There is little evidence that this pressure had any effect on Meyers, for he voted against H.R. 585 with the emergency clause and chose not to vote on the final reading.



Unfortunately It Is Not a Question of WHETHER He Will Come, but WILL HE COME WITH OR WITHOUT?

Omaha World-Herald, 26 April 1933, p. 1.

effect on Representative Meyers, the efforts of businessmen in western Nebraska were beginning to succeed.

Until the legalization of beer in Colorado the western delegation was considered to be solidly dry. Representative H. C. Challburg of Potter who also represented Sidney was the first to waver. At the beginning of the session Challburg received telegrams and letters asking him to work against the passage of H.R. 585. But with the changing conditions, communications from constituents had turned decidedly pro-beer. He had abstained from voting on any measure to defeat or advance the bill, but on the motion to kill H.R. 585 he stated, "' . . . I don't believe any Democrat needs to apologize for going with Franklin Roosevelt on the proposition.'" He still considered himself to be a dry, for had it not been for the actions of neighboring states he never would have supported the measure. His vote against killing the bill was his first in support of the beer bill.⁷⁵

Other senators and representatives voiced the growing support that beer was receiving in the state. John Havekost of Hooper who chaired the Judiciary Committee where the bill was first debated mentioned that no legislator from his area could dare go home following a negative vote on

⁷⁵Sidney Telegraph, 14 April 1933, p. 1; 18 April 1933, p. 6.

beer. Senator J. P. O'Furey of Hartington, who traveled his district extensively the weekend of April 15-16, met no one who opposed beer, and his constituents asked him to continue to support beer legislation. The changing sentiment of some legislators was expressed by one moderate dry:

I don't believe in legalizing beer,
but if it is a good thing next August
it would surely be a good thing now.
I am afraid that if we defeat the
emergency clause and if the fanatic
drys use the referendum to suspend
operation of the bill we will only
be assuring the repeal of prohibition
. . . the reaction might be violent.
If the people want beer, I say give it
to them without any tricks. Otherwise
we will defeat prohibition.

It was in this atmosphere that H.R. 585 went to its third and final reading.

The final vote was taken in the House on April 18. The main question was not passage but if the friends of beer could produce the sixty-seven votes needed for the emergency clause. Beer advocates led by Charles Jackman of Grand Island said that if sixty votes could be obtained, a bandwagon of moderate drys would jump sides. Making matters more urgent was the fact that beer became legal in Iowa on the same day as the vote, and the flood of Omaha customers into Iowa was now a concern.⁷⁶

⁷⁶Omaha World-Herald, 19 April 1933, p. 1 and p. 6.

The first vote on passage with an emergency clause failed fifty-nine to thirty-nine. As with other votes the drys had been able to keep their block of thirty-eight members. On the second vote the bill passed fifty-eight to thirty-eight as eight representatives chose not to vote.⁷⁷

Neither drys or beer advocates conceded defeat. Legalized beer could still be delayed by referendum or contested in the courts as unconstitutional. Meanwhile wets hoped the Senate would pass H.R. 585 with the emergency clause. Such action would send the bill back to the House for further consideration. Jackman was confident that they could get the needed votes on a second attempt, telling the Omaha World-Herald "the vote doesn't show our full strength, [for] after it was taken six members came to me voluntarily and said 'well if, you get up to sixty-six I would have given you the sixty-seventh.' Next time we are going to get sixty-six."⁷⁸ H.R. 585 was then sent to the Senate for further debate.

Earlier in the legislative session Senator Halpine had secured the passage of S.F. 115, the state resubmission bill, in the Senate. This gave rise to the common belief that the Senate was more amenable to alcohol legislation than the House. Hence, when H.R. 585 passed the House it

⁷⁷ Ibid., 18 April 1933, p. 6.

⁷⁸ Ibid., 19 April 1933, p. 1 and p. 6.

was expected to sail through the Senate.⁷⁹ Yet a canvass of the Senate by Senator W. C. Bullard of McCook, a supporter of the bill, found only fifteen votes in favor and seventeen against.⁸⁰ Bullard's poll was taken before passage in the House. Later canvasses following the House final vote found the Senate split sixteen-sixteen with Senator Arthur A. Neumann of Oakland unavailable because of illness.⁸¹

When the senators began debate on Thursday, April 27, they made a conscientious effort to avoid the circus atmosphere created in the House over the beer bill. Early in the proceeding the senators refused to let a local radio station broadcast the session. E. M. Neubauer of Orleans proclaimed "'the House debate on beer made the legislature the laughing stock of this part of the country.'"⁸²

On the first day of debate H.R. 585 survived a series of amendments to change or weaken the bill. Beer proponents held firm, with some amendments failing by as much as twenty to seven. Irony was the order of the day when dry members attacked passage. They attempted an amendment to allow open sale of beer by reducing license fees to one dollar. Senator Cloyd Stewart of Clay Center explained

⁷⁹House Journal, 18 April 1933, pp. 1384-89.

⁸⁰Omaha World-Herald, 19 April 1933, p. 3.

⁸¹Omaha Bee-News, 17 April 1933, p. 1.

⁸²Sidney Telegraph, 21 April 1933, p. 6.

that he intended to make the bill unprofitable for state and municipalities, "'then we will see if [we] really want beer.'" Stewart's amendment was voted down seventeen to twelve.⁸³ Fred Hawxby, another dry, asserted that if 3.2 beer was non-intoxicating no restrictions should be placed on its sale, and minors should be allowed to buy it. Hawxby called the belief that 3.2 was non-intoxicating a "'badge of fraud.'"⁸⁴

After a morning of debate, the Senate voted seventeen to fifteen to advance H.R. 585 and fifteen to twelve to retain the emergency clause. A twist in voting occurred when president pro-tem of the Senate Frank McCarter of Bayard, believed to be a dry, voted to advanced the bill. Explaining his vote McCarter stated, "'I believe it will help defeat the repeal of the Eighteenth Amendment. When a good general sees a hard battle coming he drops back to his strongest line of defense and digs in there.'"⁸⁵ Whether or not McCarter truly believed that beer would save the Eighteenth Amendment, it may be noteworthy that his thirty-third district included the counties of Scotts Bluff, Banner

⁸³Fillmore County Chronicle (Geneva), 27 April 1933, p. 5; Lincoln Star, 18 April 1933, p. 1.

⁸⁴Omaha World-Herald, 28 April 1933, p. 10.

⁸⁵North Platte Evening Telegraph, 27 April 1933, pp. 1-2.

and Morrill, an area that was being hurt economically by legalized beer sales in Colorado and Wyoming.

With votes of eighteen to thirteen, the Senate passed H.R. 585 and rejected the emergency clause. The beer supporters had failed by four votes to get the emergency clause approved, and unless a conference committee between the two bodies revived it, legalized beer would not come to Nebraska until ninety days after the legislature adjourned. The defection of western senators never materialized, for only Bullard from the most southwestern district which included McCook joined McCarter in support of beer. Beer support came from a solid Omaha delegation and from northeastern senators. Opposition was largely from senators representing southern and central counties. Among them were the Republican senators from Lancaster County who like their House counterparts, voted against any weakening of Nebraska's prohibition laws. Despite pressure, Senators Charles Green of Sidney and Fred Neeland of Chadron held their convictions and voted against H.R. 585.⁸⁶

Any hope of getting beer to Nebraska before August was quickly dashed when House leaders decided to accept the Senate revised bill without amendments. These revisions were mostly in wording but one prevented the brewing industry from any involvement in the saloon business. This

⁸⁶Lincoln State Journal, 28 April 1933, p. 2.

meant abandoning any hope of enacting an emergency clause through conference committee. It also opened the door for opponents to stop the bill through referendum.⁸⁷ Steered through the House once again, the revised Senate version passed sixty-nine to twelve, with a large number not voting during the Saturday session.⁸⁸

The legislators had tackled tough political issues in regard to liquor legislation, many times voting against their own personal beliefs. One would be hard pressed to find anyone who truly felt 3.2 percent alcohol was non-intoxicating. Of 3.2 beer Representative Graff said, "Anybody knows . . . [the] brew would make a jackrabbit spit in a dog's face."⁸⁹ On the final day of the session Senator McCarter tried a last-ditch effort to get the new beverage declared non-intoxicating, with the hopes that it would allow for its immediate sale in western Nebraska. The resolution could find only three other supporters, among them Paul Halpine.⁹⁰

With H.R. 585 passed, along with bills calling for federal and state resubmission, the drys faced an uncertain

⁸⁷Omaha World-Herald, 28 April 1933, p. 1; Lincoln State Journal, 28 April 1933, p. 2.

⁸⁸Senate Journal, 28 April 1933, pp. 1259-60.

⁸⁹Omaha Bee-News, 29 April 1933, p. 1.

⁹⁰House Journal, 29 April 1933, pp. 1586-87.

future. Given the quick ratification of the Twenty-first Amendment there would be only the state prohibition measure on the ballot in 1934. But on the beer question they faced several options: contest the bill in the court system; try to delay its implementation through petition; or hope Governor Bryan would veto the beer bill. Bryan, who had remained quiet throughout the session, now had the measure in his hands. The dries were a political group who had been in retreat and their last hope lay with a politician with a history of prohibition support.

Chapter III

Dry Politics

In November 1932, three days before the Democrats had won overwhelming majorities in both houses of the Nebraska Legislature, Lincoln witnessed a strong show of support for prohibition. A parade, sponsored by the Anti-Saloon League, WCTU, Lincoln's Woman's Club, the Salvation Army and a number of churches and schools, wound its way from the University Mall through downtown. Motorcycled police officers and four trumpeters led the parade of placarded cars and floats. All the symbols of patriotism were included. The likenesses of Miss America and Uncle Sam stood on a float sponsored by organizations of University Place. According to Mrs. Frank A. Roby its purpose was "to show that everyone has not turned wet . . . there are people who are against liquor."¹ Mrs. Roby's comment gave no hint that six months later Nebraska drys would be in disarray.

Going into the forty-ninth legislative session, dry leaders were well aware that the newly-elected Democratic

¹Lincoln Star, 6 November 1932, p. 1.

majority would push for legal liquor. The WCTU and Anti-Saloon League carried out early opposition efforts by lobbying legislators and speaking at public hearings. It was during a hearing on Senator Halpine's S.F. 115-resubmission bill in January that Mrs. Iva Innis created such a stir.²

A month later many of these same dry leaders met in Lincoln and formed the "Allied Drys of Nebraska." Headed by the Reverend Benjamin Wyland of the First Plymouth Congregational Church in Lincoln the Allied Drys hoped to bring in the support of about seventeen like-minded societies.³ Church groups provided the largest support to the Allied Drys, for the National Christian Defense League, the Federation of Men's Bible Classes, the Omaha Ministerial Union, and the Omaha Council of Churches were all members. Other groups, such as Allied Youth, Allied Women and Allied Citizens, helped round out the organization.⁴

Under Wyland's leadership a structure of several vice-presidents formed the nucleus of an organization which reached as far west as McCook. Its purpose would be to fight resubmission of prohibition by lobbying the

²Omaha World-Herald, 25 January 1933, p. 2. See footnotes #3 and #4, Chapter II.

³Lincoln Star, 25 February 1933, p. 1.

⁴Omaha Bee-News, 29 March 1933, p. 2.

legislature to drop the state issue until the status of federal prohibition could be determined. If successful, this delaying tactic possibly could forestall a vote on prohibition until 1936. They hoped the delay would allow the people to vote on the issue when they had "returned to a normal state of mind."⁵

In the spring of 1933 groups throughout the state rallied in support of Nebraska liquor laws. The Platte Valley Ministerial Association, comprised of clergymen from Morrill, Scottsbluff and Gering, sent a resolution to the legislators asking them to oppose any measure which would legalize liquor.⁶ In Chambers, located in central Nebraska, local churches formed the Chambers Society for the Support of Prohibition. It represented most local churches including the Baptist, Methodist and Presbyterian denominations.⁷

Ministerial associations took the lead in opposing liquor reform. During the federal resubmission debate the Lincoln Ministerial Association attempted to apply pressure on Governor Bryan through an intense mailing campaign. In March the ministers sent a letter to 1,000 of their colleagues across the state. The letter, which was in the form of a resolution to the Governor, outlined several reasons why

⁵Lincoln Star, 25 February 1933, p. 1.

⁶Scottsbluff Star Herald, 4 April 1933, p. 1.

⁷Grand Island Independent, 1 May 1933, p. 2.

the state should not act upon the Twenty-first Amendment.

Among the strongest was a belief:

that the sentiment of the state of Nebraska is overwhelmingly in favor of prohibition. The ratification of the Eighteenth Amendment, the writing of the amendment to the state constitution . . . were not the result of war hysteria, but of convictions deliberately reached after a long period of education and experimentation with local option. Nebraska citizens have waged many a heroic battle in their efforts to control the liquor traffic.⁸

The statement reflected not only the fervent desire of the drys to maintain prohibition but an honest belief that people in the state still supported the status quo concerning liquor laws.

Reverend Wyland, the president of the Allied Drys, was an outspoken supporter of prohibition and one of four ministers who signed the resolution. On a Sunday morning in March from his pulpit Wyland argued that the \$200,000 needed for a vote on resubmission could be better spent on Nebraska's university system. He derided the legislature for its lack of leadership in matters of state economics. "Why should we vote beer to our students in preference to properly financed higher education? Why open a saloon and close a classroom? Why give employment to bartenders and create unemployment for professors and instructors?" He

⁸Lincoln Star, 13 March 1933, p. 7.

questioned the logic of indebted farmers paying 25 cents for beer, while the legislature could not ask that same farmer for "34 cents a year out of each \$100.00 paid in taxes" for the university.⁹

Besides church groups, women's organizations provided more dry support. The Woman's Club, P.E.O. and WCTU of Kearney protested the sending of telegrams by Kearney businessmen to the legislature in support of beer legislation. Mrs. M. Hyatt, secretary of the local WCTU, spoke for the three groups and reiterated a dry claim that the majority of citizens in her area were not in favor of changing the beverage laws. The new beer, Mrs. Hyatt stated, would not find a demand in Kearney. "'The majority of the adults, and certainly the solid and respectable class of citizens would provide no market at all for the product.'"¹⁰ Dry petitions came to the legislature in large numbers from women's club organizations from four of Nebraska's five congressional districts. The WCTU also lobbied legislators by placing anti-beer leaflets on the

⁹Lincoln State Journal, 27 March 1933, p. 6.

¹⁰Kearney Daily Hub, 31 March 1933, p. 1. See footnote #72, Chapter II.

desks of legislative members.¹¹ In Fairbury the local WCTU threatened to boycott any store that sold beer.¹²

Despite the work of the Allied Drys and other groups, no organized anti-liquor lobby appeared to be functioning in the legislature. Said one legislator:

two years ago there was a bill in the legislature to permit use of hard liquor in mince meat. There was another permitting breweries to make real beer and dealcoholize it, thereby producing a better near-beer. There was 10 times more activity against those bills than there is against the beer bill.¹³

Dry efforts were reduced to petition drives and public statements attacking the liquor lobby. One such statement co-authored by the Anti-Saloon League, Lincoln Ministerial Association and WCTU warned:

That [in] the state capitol a vicious liquor lobby reminiscent of the old saloon days [is operating]. Legislators are being cajoled, intimidated and threatened in the effort to force a beer bill through the legislature Four lobbyists are here from New York city for the Association Against Prohibition. The sovereignty of this state is being assailed by a foreign liquor racket. If the people back home are to keep from our highways the drunken driver and protect their

¹¹Lincoln Star, 31 March 1933, p. 1.

¹²Fairbury News, 20 July 1933, p. 1.

¹³Omaha World-Herald, 16 April 1933, p. 2a.

homes, their churches, their schools, their children, [and] their womanhood from a flood of beer they must make their voices heard at once above the liquor lobbyist.

In closing the statement they urged dry advocates to write and wire legislators to make their opposition known.¹⁴

In late March dry efforts were slowed by the resignation of the Reverend F. A. High as president of the Nebraska Anti-Saloon League to take a similar position in Rhode Island. Since 1913 High had worked for the League in various capacities, becoming superintendent in 1920. Reports indicated High had been offered similar posts in two other states, but chose Rhode Island because of family ties. The Nebraska League's new superintendent would be Robert Hutton, a native Nebraskan. Oddly enough, he came to the state following nine years of heading the Rhode Island League, the same position High was now assuming.¹⁵

It is unclear what prompted the trading of jobs. High's having been offered the position suggests he was not forced out. But he left at a time when the liquor debate in Nebraska intensified. Rhode Island at this time was preparing to ratify the Twenty-first Amendment, approving it on May 1, 1933. A full year before federal laws approved 3.2 percent alcohol Rhode Island made possession of such

¹⁴Lincoln Star, 14 April 1933, p. 1.

¹⁵Ibid., 27 March 1933, p. 5.

beverages non-criminal.¹⁶ High's age could have been a factor. A veteran of the prohibition wars, this last fight may have come when High was past his prime.¹⁷ Any benefits of changing the guard in the spring of 1933 for whatever the reasons could be questioned. At several hearings the League had no representative and opposition fell into the hands of ministers like Reverend Wyland of the Allied Drys.

Reverend Wyland who was an eloquent spokesman for the drys still was not a full-time lobbyist. For all their efforts the drys could not organize an effective defense against beer. While the wets seemed to hold unlimited resources, drys were often short of both money and supporting arguments, as the economics of alcohol became more evident. Wyland and his fellow ministers had their own churches to think about and at times carried on a crusade which many churchmen probably felt was a lost cause.¹⁸ Yet Wyland and others still implored legislators to maintain Nebraska liquor laws.

During a hearing before the Senate Judiciary Committee on the beer bill, H.R. 585, Wyland and fellow Lincoln minister Ray Hunt held their ground while debating

¹⁶ASL Yearbook 1932-33, p. 16 and p. 32.

¹⁷Interview with Judge Robert Van Pelt, former secretary, Nebraska Allied Drys, Lincoln, Nebraska, 10 March 1986. Hereafter cited as Van Pelt Interview.

¹⁸Ibid.

with pro-beer senators. When asked if he preferred legal beer to bootleg beer Wyland replied that neither would be necessary if law enforcement were effective. Senator W. C. Bullard of McCook declared the lack of legal beer would take two million dollars out of the state. "'That is the argument we'll use against repeal of the Eighteenth Amendment,'" retorted the minister. Bullard angrily responded "'the only reason you think it has worked is because you haven't opened your eyes to conditions.'"¹⁹

Wyland and Hunt continued their defense of prohibition with threats and charges of improprieties by their opposition. As representatives in the House had done earlier, the ministers reiterated that if H.R. 585 were passed, it would be stopped by a referendum. Reverend Hunt mentioned their fear of outside interests, primarily the brewers, in influencing public opinion.²⁰ Indeed, the intervention of brewers in this debate aroused some antagonism, for during the House debate on H.R. 585 Representative Elmer Neil of Cozad read a letter from a hotel keeper in central Nebraska which denounced such involvement. As the writer said,

¹⁹Omaha Bee-News, 20 April 1933, p. 1; Omaha World-Herald, 20 April 1933, p. 12.

²⁰Omaha World-Herald, 20 April 1933, p. 12.

I have circulated petitions and only a day or so ago allowed my name to be used to send you a telegram (paid for by the brewery interests) to influence your vote on the beer matter. I want to tell you that I am disgusted with the whole business and many other people are expressing themselves on this matter and a reaction is bound to come about.

Neil also presented to the House a form letter circulated by wet interests. The constituent sending the letter "wrote on the back 'I'm supposed to sign this. Barley is good hog feed and that's what it should be used for.'"²¹

Reverend Wyland charged that the liquor lobby threatened legislators with the loss of federal jobs if they did not fall in line on the pro-beer side. Asked by Senator Bullard to present evidence of this, Wyland stated that he could show proof of his charges if the senators called a special investigation into the matter. Senator Fred Hawxby of Auburn repeated those charges following the hearing. Hawxby told of a conversation he had with John Mullen, a brother of Arthur Mullen, a confidant of President Roosevelt. In that conversation Mullen informed the Senator that the large number of new federal jobs would not be coming to his district. Quoting Mullen as saying "'we are going to put the heat on you right now, and if you vote

²¹Lincoln Star, 15 April 1933, p. 10.

against the bill your political fate is sealed from now on.'"²² The hearing adjourned before a decision on a special investigation could be determined.

Afterwards, Reverend Hunt voiced his concern to Senator Bullard about the activities of James Hanley of Omaha. Hanley had recently been appointed to the Federal Radio Commission while still continuing his lobbying efforts in Lincoln for the Crusaders.²³ Throughout the session Hanley had been a source of aggravation to dry supporters. In a twist of fate Hanley's first federal appointment had come when President Wilson named him the Omaha area prohibition director. He served in this post for two years before making an unsuccessful run for the Second District Democratic nomination for Congress. At the 1932 Democratic Convention Hanley and Arthur Mullen were part of the small group that met privately with Governor Roosevelt before his acceptance speech.²⁴ The appointment to the Federal Radio Commission obviously came as a reward for Hanley's political work.

²²Lincoln State Journal, 20 April 1933, p. 2. Omaha Bee-News, 20 April 1933, p. 1.

²³Lincoln State Journal, 4 April 1933, p. 4.

²⁴Unpublished Biography of James C. Hanley, by Thomas A. Hanley. Located in Creighton University Archives, Alumni Memorial Library, Omaha, Nebraska.

As a member of the Democratic state committee, Hanley proposed amendments to beer legislation so it would conform to Roosevelt's own federal beer bill.²⁵ Complaints of his lobbying efforts in Lincoln and of the brewers' financing various wet campaigns probably had some merit. Along with his job as legal counsel to the Crusaders he found time to work as a lobbyist-lawyer for the Storz Brewing Company.²⁶ Hanley was a solid link between the Nebraska New Deal Democrats and brewery interests.

An official call for an investigation, not on the liquor lobby specifically but on all lobbying efforts, came the day after Wyland's charges. A resolution calling for a review of lobbying practices was introduced in the House by five dry leaders. Included were Sarah Muir, E. E. Binfield, and W. M. Iodence, all long-time supporters of prohibition. Not specifically mentioning the liquor industry the resolution began:

Whereas, much concern has been expressed and many wild statements thrown throughout the state because of reports that undue pressure has been exerted upon members of this legislature by lobbyists for various interests and.

Whereas the good name of the members of the Nebraska legislature as well

²⁵Lincoln State Journal, 15 March 1933, p. 2.

²⁶Interview with John Hanley, son of James C. Hanley, Omaha, Nebraska, 26 February 1986.

as of reputable members of the lobby has been damaged by such accusations and.

Whereas the people of the state have demanded through the press, the pulpit and by letter to members, that an investigation be made.

On a roll call vote of nine to fifty-seven the resolution survived a table motion, keeping the proposal alive. Of the nine opponents, four came from Omaha and all nine had previously voted for the beer bill.²⁷

The resolution gave Speaker O'Malley the authority to name a special committee, with powers to interview lobbyists and House members concerning lobbying efforts. O'Malley named Emil Anderson of Minden, John Havekost of Hooper, and Fred Mueller of Kearney. Under the proposal the committee would have the assistance of the Attorney General to subpoena witnesses and take testimony under oath. Of the committee members only Anderson did not support beer legislation.²⁸

The committee's investigation scope was broad and could have included anything involving lobbyists and House members. The Grand Island Independent called for a complete investigation of not only the liquor industry but all special interest groups. In effect the paper said that any investigation into political lobbying would probably leave

²⁷Lincoln Star, 21 April 1933, p. 1.

²⁸Grand Island Independent, 28 April 1933, p. 6.

no legislator or lobbyist unscathed. The paper, an advocate of liberalizing Nebraska's beverage laws, mocked the ministers who called for the investigation. "Attaboy! or more properly, them's the boys! Go to it gentlemen of the First Estate Make a complete list of the lobbyists. Let the public know too, what interests they represent."²⁹

When it became apparent that the whole political process would be involved, drys delayed implementing the committee, fearing it would involve itself with larger legislative issues. Representative Emil Anderson said that despite the delay the committee planned to move ahead with the investigation, but the chances of a legislative probe quickly diminished.³⁰ On April 26, Anderson announced "'it would be impossible to get witnesses before the committee unless some money is available to pay expenses.'"³¹

The last hope of dry legislators for an investigation died on the same day the Senate approved the controversial beer bill. On Friday, April 28, in a vote of forty-two to forty, the House failed to accept the committee's first report. The report informed fellow representatives that the committee lacked "'authority to subpoena witnesses, grant waivers of immunity, punish persons for false

²⁹Ibid., 26 April 1933, p. 6.

³⁰Lincoln Star, 24 April 1933, p. 1.

³¹Ibid., 26 April 1933, p. 1.

testimony and exercise the other prerogatives of full-fledged investigators.'" More importantly, the committee requested \$10,000 to finance the investigation. During a tight fiscal year the House did not wish to dole out money. Following the decision the five dry leaders made no effort to revive the investigation.³²

After the killing of the legislative investigation and passage in the Senate of H.R. 585 Governor Bryan became the focus of the liquor issue. Bryan had supported prohibition throughout his career. As mayor of Lincoln he had addressed the Nebraska Constitutional Dry Convention in 1915. When the convention voted to become a permanent organization it had named Bryan its lifelong chairman.³³ Now, almost two decades later, Bryan faced a tough political decision in which he had three options: sign the bill; veto the bill; or allow it to become law without his signature. Disappointed by his silence throughout the beer debate, the prohibitionists' last hope was that Bryan would veto H.R. 585.

Previously Bryan signed H.R. 602 calling for a state convention on the Twenty-first Amendment, but only after it had passed both houses in the same form as he had submitted

³²Ibid.

³³Watson, "Evolution of Temperance Movement in Nebraska," p. 58.

it. The state resubmission bill still pending in the House would not require his signature. Clearly the beer bill created the same political problems for the governor as it had earlier for some legislators. One senator repeated a statement made at the Democratic Convention a year before: That modification of Nebraska bone-dryness would "'cost Bryan forty-thousand votes . . . and it will cost me one-thousand.'"³⁴ In 1933 most politicians could see that the return of legal beer had the support of the majority of Nebraskans. Despite past support from the Anti-Saloon League and WCTU, Bryan would be hard-pressed to veto such a popular measure. With the death of Senator R. B. Howell and Bryan's appointment of elderly W. T. Thompson, a long-time political ally of Bryan, it was widely speculated the Governor would run for the U.S. Senate in 1934.³⁵ A veto could create an insurmountable backlash.

Bryan was involved in a power struggle within his party. Beer legislation was just one conflict he had with the new presidential administration. A believer in states rights, Bryan found the New Deal and its emphasis on the

³⁴Omaha World-Herald, 28 April 1933, p. 1.

³⁵Osnes, "Charles W. Bryan," p. 381. See also the following works: Arthur F. Mullen, Western Democrat (New York: Wilfred Funk, Inc., 1940), p. 322; James F. Pedersen and Kenneth D. Wald, Shall the People Rule? A History of the Democratic Party in Nebraska Politics 1854-1972 (Lincoln: Jacob North, Inc., 1972), pp. 276-80. Hereafter cited as Pedersen and Wald, Shall the People Rule?

federal government ran against his own beliefs about state and local control. This fundamental ideological conflict further caused Roosevelt to bypass Bryan in favor of his political crony, Arthur Mullen, when handing out the now numerous federal jobs. It was Mullen, not Bryan, who came "in complete charge of the growing patronage plum."³⁶

A veto could only expand the division in his own party.

Political observers predicted Bryan would stay clear of the beer issue.³⁷ During the last session the Governor had vetoed fourteen bills but in 1933 had yet to use his veto power. At the same time he allowed two bills to become law without his signature.³⁸ On a stop-over in Lincoln, Will Rogers inquired about the governor's health and asked reporters when the state was to get beer. After reporters told Rogers that the Senate passed a beer bill, he mused that his old "'chum . . . wouldn't sign it anyway."³⁹

Rogers' prediction proved correct as Bryan waited until the

³⁶Osnes, "Charles W. Bryan," p. 272. For further discussion of this conflict see: James T. Patterson, The New Deal and the States: Federalism in Transition (Princeton: Princeton University Press, 1969), p. 60; Pedersen and Wald, Shall the People Rule?, p. 281.

³⁷Holdrege Citizen, 8 May 1933, p. 1; Fillmore County Chronicle (Geneva), 27 April 1933, p. 5; Grand Island Independent, 9 May 1933, p. 6.

³⁸Lincoln State Journal, 29 April 1933, p. 1.

³⁹Grand Island Independent, 1 May 1933, p. 3.

last day and then announced that he would allow the bill to become law without his signature.

In Bryan's long announcement he stated he did not believe in the arguments of the pro-beer forces. Wets had long contended that legal beer would increase farm prices and increase public morals by disassociating drinking with other vices. Nor did he believe putting beer on sale in Nebraska would reduce the amount of liquor consumed in the state. Instead he justified his refusal to use the veto on the "Jefferson Principle" of majority rule. Bryan sensing a political shift in the nation and state continued:

A great change has taken place in the nation since the present members of the legislature and the present state officials were elected. The federal government at Washington has authorized the sale of beer and has declared it non-intoxicating. States on several sides of us have authorized the sale of beer by state law

Concluding his statement he reminded opponents of the local option clause in H.R. 585 and the potential use of the referendum to stop the bill from going into effect.⁴⁰

Still Bryan's action did not endear him to dry advocates. Reached at home in Lincoln WCTU president Mrs. Iva Innis expressed disappointment but not surprise in his decision, stating she "'always felt the governor to be a

⁴⁰Lincoln State Journal, 7 May 1933, p. 1; Omaha World-Herald, 7 May 1933, p. 10a.

friend of prohibition [yet] he let slip the opportunity of his life to keep Nebraska legally dry."⁴¹ Some dry editorials were considerably less kind to Bryan. The Central City Nonpareil in an editorial explained

"Charley's" actions:

Analyze Charley's official acts from the vote getting angle and you usually can understand them easier. He always wants to run for something, and votes come in handy. This time the pendulum due to cash-hungry newspapers and magazines seems to be swinging toward booze. So Charley compromises with his admitted personal views and keeps still while 3.2 becomes legalized. He reasons, and correctly that the good church people who oppose beer will not be vindictive. They will forget by next election. But this booze crowd has been riled during 14 years of legal dryness, and they would [have] surely gotten nasty and defeated him.

The Holdrege Citizen shared a similar view, but expressed it minus some of the Nonpareil's venom.⁴²

In Bryan's defense he walked a political tightrope. If he had vetoed H.R. 585, the three-fifths majority needed in each house probably could have been attained. Only one more vote in the House and two more in the Senate over those already obtained during passage would have been needed for

⁴¹Lincoln State Journal, 7 May 1933, p. 1.

⁴²Central City Nonpareil, 11 May 1933, p. 4; Holdrege Citizen, 8 May 1933, p. 1.

an override.⁴³ An override could have prompted the legislature to pass the bill with the emergency clause. Passed in this form a referendum could not stop its implementation.

As noted earlier, opponents constantly threatened to use the referendum as a means to stop the implementation of the bill until after the general election in 1934. To get the issue on the ballot required a "petition signed by 10 percent of the voters at the last [state-wide] election, including at least 10 percent of the voters of two-fifths of the counties." In this case only 25,000 signatures would have been needed to stop beer sales in Nebraska for a year and a half.⁴⁴

Drys were divided on whether to fight beer or do as Senator McCarter had suggested and retreat to their strongest defense, the preservation of the Eighteenth Amendment.⁴⁵ A private conference of six dry organizations in May issued a statement calling H.R. 585 "alien" and concluded that they would fight the bill by every legal means. A committee of five which included R. P. Hutton, Reverend Wyland and Mrs. Innis was to select lawyers to

⁴³Nebraska Constitution, Sec. 15, as cited in Nebraska Blue Book 1934, p. 121.

⁴⁴Omaha World-Herald, 7 May 1933, p. 1.

⁴⁵Lincoln State Journal, 28 April 1933, p. 2; Omaha World-Herald, 28 April 1933, p. 1.

direct the legal battle. Some interpreted the emphasis on the court battle as a move away from the referendum.⁴⁶

Weeks later, R. P. Hutton announced that unless \$2,500.00 could be raised, drys would not begin a petition drive. Some drys felt that allowing beer to flow would cause people to become dissatisfied with legal beer and its problems by election time in 1934. With federal and state resubmission already on the ballot for 1934, drys feared that beer, the more popular issue, would carry the other two on its coattails. To this end the Allied Drys disbanded and opposition leadership returned to the Nebraska WCTU and Anti-Saloon League.⁴⁷

Drys tried one last attempt at stopping the flow of legal beer. Lincoln clergymen in August petitioned Attorney General Paul Good to file suit to declare 3.2 percent beer and wine unconstitutional, but Good, citing the federal precedent of legal 3.2, denied the request.⁴⁸ It was a position that he had stated in late June.⁴⁹ Beer would

⁴⁶Omaha World-Herald, 19 May 1933, p. 1; Pawnee Republican (Pawnee City), 11 May 1933, p. 1.

⁴⁷Omaha World-Herald, 4 June 1933, p. 1.

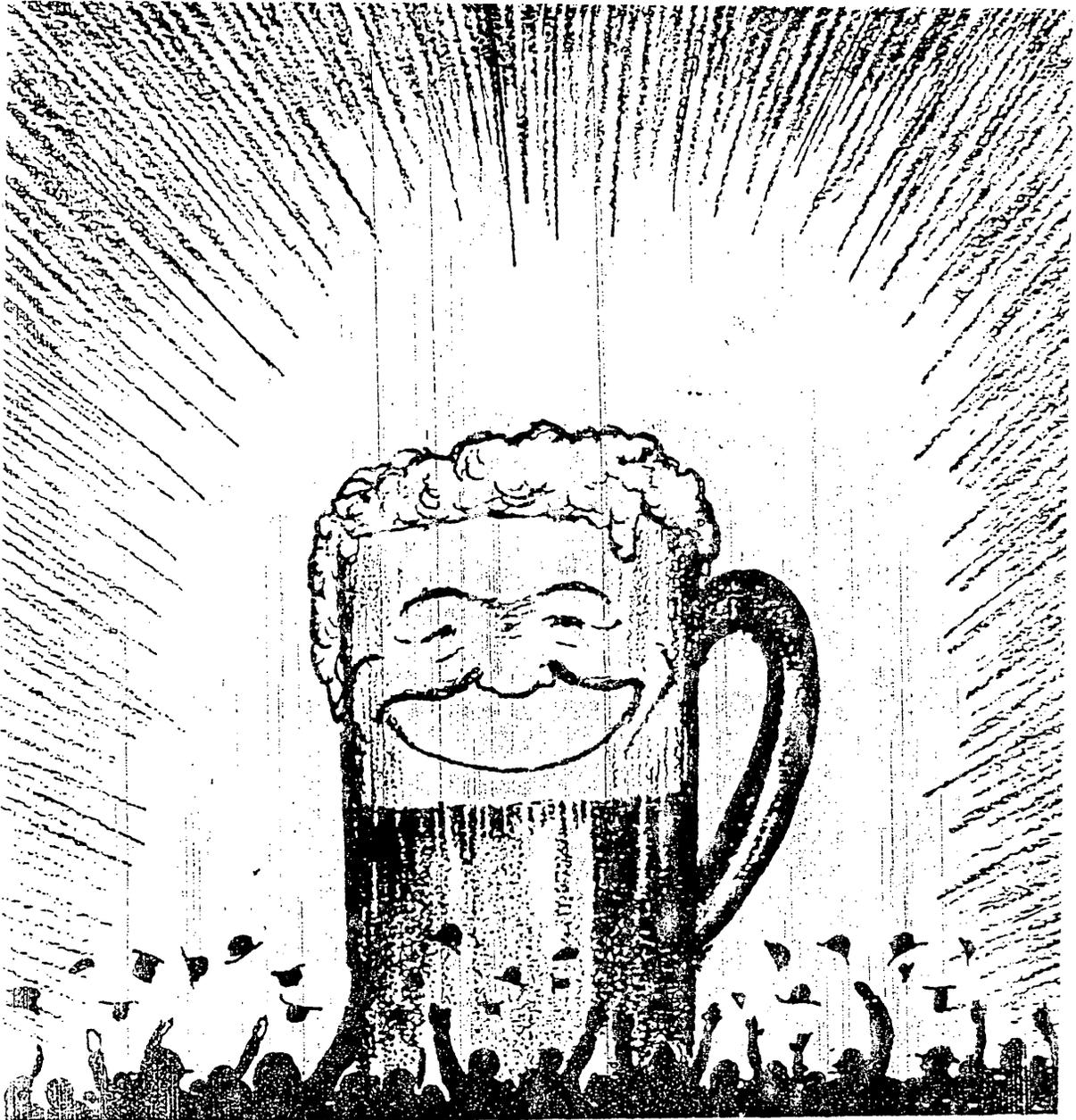
⁴⁸Grand Island Independent, 19 August 1933, p. 6.

⁴⁹Lincoln Star, 22 June 1933, p. 1.

still be an issue in the state but the battleground changed. The next fight would not be in legislative halls, but in city halls across the state.

Chapter IV

"Sunrise Somewhere!"



Sunrise—Somewhere!

Omaha World-Herald, 7 April 1933, p. 1.

The debate on beer went further than the Forty-ninth Legislature. Nebraska cities, in accordance with state prohibition, passed their own liquor regulations, which in turn had to be repealed or in some cases were left standing. The majority of Nebraska towns repealed their ordinances by vote of their city councils. In the process several localities saw beer discussions become just as heated as the previous legislative session. Whatever the legality of beer in Nebraska towns, it would be safe to say that until October 1932 the legalization of beer was seldom the topic of cafe conversation.

Under President Hoover's administration changes in the Volstead Act received scant attention. The much talked about Wickersham Commission conducted under the recommendation of President Hoover offered changes in the enforcement of the act but Hoover balked at any changes in the nation's dry status, submitting the report to Congress without comment. It would take the continuing depression and the support of another leading politician, presidential candidate Franklin Roosevelt, to bring those changes to a head.¹

Speaking before an enthusiastic crowd in Chicago on October 1, 1932, Roosevelt stated that his administration

¹Sinclair, Era of Excess, p. 365; Norman H. Clark, Deliver Us From Evil: An Interpretation of American Prohibition (New York, N.Y.: Norton & Company Publishers, 1976), p. 202. Hereafter cited as Clark, Deliver Us From Evil.

would advocate the modification of the Volstead Act to allow the manufacture and sale of light wines and beers.

Roosevelt's opposition to the Eighteenth Amendment was widely known prior to his Chicago speech, but this was the first time in the campaign either candidate came out in support of light beers and wines. In a city notorious for liquor violations, Roosevelt had gone further than his own party's platform in making beer part of the campaign.²

Following his election and subsequent inauguration Roosevelt sent to the Seventy-third Congress a message which recommended that the Congress immediately pass legislation modifying the Volstead Act. These new 3.2 percent beverages according to Roosevelt would provide "substantial taxes, a proper and much-needed revenue for the Government" and would be permissible under the Eighteenth Amendment. Roosevelt deemed the bill "to be of the highest importance." The next day the House abided by the President's wishes passing H.R. 3341 by an overwhelming 316 to 97 margin.³

Of the Nebraska Congressmen only John R. Morehead voted against the measure. Edward R. Burke of Omaha, for reasons not known, did not vote but later in the session he, along with two other representatives, sent a telegram to the

²New York Times, 2 October 1932, p. 1.

³Congressional Record, House, 73rd Congress, 13 March 1933, p. 243, and 14 March 1933, pp. 401-02.

Nebraska Legislature calling for prompt action on beer legislation.⁴ On March 16, the Senate passed H.R. 3341 by a vote of 43 to 21. Senator George Norris, Nebraska's only senator after the death of R. B. Howell, originally supported the measure. But when the alcoholic content was raised from 3.05 to 3.2 percent, Norris withdrew his support.⁵ With the passage of H.R. 3341, beer legislation after April 7, 1933 would be in the hands of the states.

As mentioned in the second chapter, while Nebraska's Legislature haggled over H.R. 585 its neighbors prepared for the return of the legal beverage. Colorado repealed its state beer code in November 1932, leaving any regulation of beer to federal officials. Missouri and Iowa provided for its sale in April and Wyoming allowed its sale on May 18.⁶ When beer became legal in these states large numbers of Nebraskans made treks across the borders to sample the new brew.

In St. Joseph, Missouri people crowded the streets in celebration, while hotels reportedly were full of Omaha residents. Missouri State Truck Inspector Cain Combs saw not only cars but a large number of Nebraska cattle trucks,

⁴Ibid., 14 March 1933, pp. 401-02. See note #45, Chapter II on the telegram and its relationship to the Nebraska Legislature.

⁵Ibid.

⁶ASL Yearbook, 1932-33, pp. 31-32.

telling an Omaha World-Herald reporter, "[they are] mostly stock truckers they bring down a load of stock and take back a load of beer.'" Combs saw at least fifteen Omaha trucks in the city.⁷ When beer became legal in Iowa on April 18, many Nebraskans crossed the river to quench their thirst.

Council Bluffs' entry into the beer market produced large sales to Omaha residents. Some outlets reported selling out of beer as early as 9:00 p.m. Only the barkeepers who admitted smuggling beer in from Missouri were able to meet the demand. City officials quickly noted that of the cars parked on Eighth Street an estimated one in three came from Douglas County. This rush, however, was short-lived once the curiosity factor ebbed and Omahans discovered that for the price of the toll bridge they could purchase another bottle of beer in Carter Lake, Iowa, a community which by a quirk of nature was located on the Nebraska side of the river.⁸

The Carter Lake city council swiftly made plans for the village to become Omaha's oasis. On April 19, it issued sixteen liquor permits. The council's laissez-faire attitude permitted licensed people to sell beer from their cars, but refused permits to family residences, explaining they did not want beer sold where children lived.

⁷Omaha World-Herald, 8 April 1933, p. 3.

⁸Ibid., 19 April 1933, p. 1 and p. 4.

Carter Lake Mayor Luke Heeney headed the list of people planning to enter the beer business. He intended to transform the skating rink at Lakeview Park into a large dance hall and restaurant with an adjoining beer garden, where an estimated seven to eight hundred cases of beer would be sold daily. His plans brought only one charge of conflict of interest which failed to receive any other support.⁹

The large number of permits helped coin the phrase "quickie," a place set up to make quick profits off the market only to disappear quickly. These places lasted only until Omaha businesses and consumers adjusted to the changing conditions. By the first week in May Omaha's beer rush to Carter Lake and Council Bluffs had subsided. Local retailers now obtained beer at warehouses right in the city. The federal government under the auspices of Roosevelt's beer bill complicated the situation by issuing some eighty beer permits to proprietors who were prepared to challenge local and state officials but not the "federals."¹⁰

Just as some politicians had earlier predicted, beer could be found throughout the state in the summer of 1933, despite the fact that the beverage could not be sold legally

⁹Ibid., 20 April 1933, pp. 1-2.

¹⁰Ibid., 7 May 1933, p. 6.

until August 10.¹¹ When a federal judge ruled that Nebraska could not stop the transportation of beer across the state for sale in wet states, all chances for keeping Nebraska dry vanished.¹² Local officials simply began to look the other way during this period of transition.¹³

Most believed that even if arrests were made, judicial delays could postpone the trial dates until after August. By then legal beer in the state would make a conviction nearly impossible. Douglas County Attorney Howard Beal felt that only in an extreme case, such as sales to minors, could a conviction be obtained. Beal's advice to local restaurateurs who complained that they were losing business to wet competitors was to "use your own judgement."

John Pszanowski, Omaha's Chief of Police, either played coy or was ignorant of the situation during this exchange with an Omaha reporter concerning beer in the city and state liquor laws:

Chief: As long as the law is on the statute books we will have to enforce it. We can't close our eyes.

Reporter: Do you actually expect to make any arrests?

Chief: Oh yes, if we have evidence we will have to make arrests.

¹¹Greeley Citizen, 6 April 1933, p. 2.

¹²Grand Island Independent, 8 April 1933, p. 4.

¹³Omaha World-Herald, 10 August 1933, p. 10.



Well, It IS a Rather Large Contract.

Omaha World-Herald, 11 May 1933, p. 1.

Reporter: But its being sold . . .
every place in town!

Chief: Well I didn't know about that.

During the conversation Chief Pszanowski's demeanor was described as "solemn."¹⁴

Paradoxically restaurateurs who refrained from selling beer and the local speakeasies were hurt. Beer prices fell from a low price range of 35 to 50 cents to 15 and 35 cents. Only the profits from the sale of hard liquor kept many speakeasies in business.¹⁵ Forced to compete with some one to three thousand outlets in Omaha, speakeasy operators found themselves hoping alongside the drys that 3.2 percent beverages would be declared unconstitutional. Beer, like politics, had made strange bedfellows.¹⁶

The open flaunting in Omaha of Nebraska liquor laws contrasted with the situation in the western part of the state. While officials in Omaha appeared indifferent, out west they were preparing to challenge Lincoln's authority. Continuing loss of business to Colorado, coupled with

¹⁴Ibid., 10 May 1933, p. 3.

¹⁵York Daily News, 10 April 1933, p. 2.

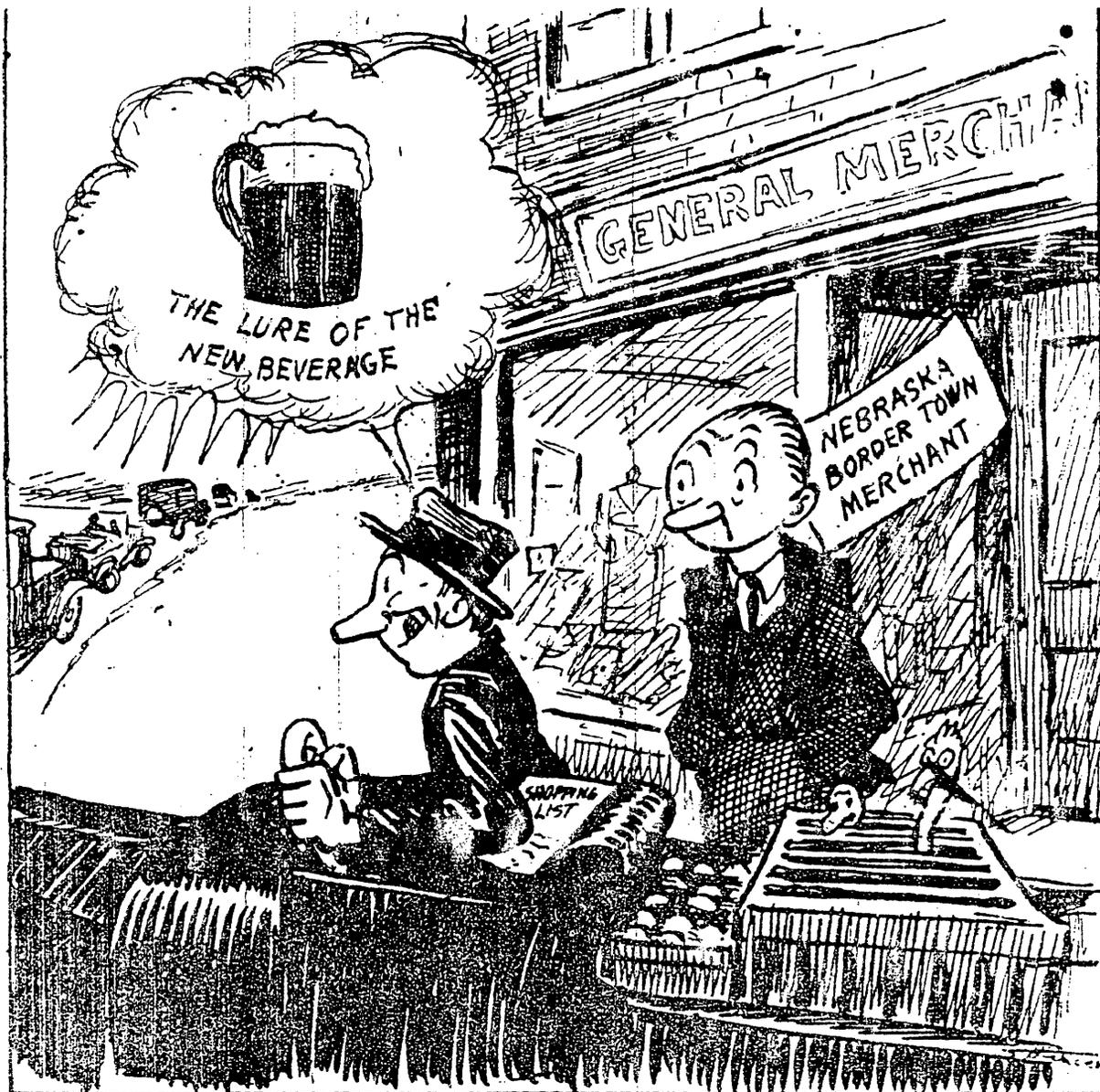
¹⁶Omaha World-Herald, 7 May 1933, p. 6. There is no evidence or reports that either group ever gave support to the other. Of note is a comment in the Fall City Journal following the November 1934 repeal vote that stated the paper had reason to believe bootleggers were responsible for Richardson County's light wet vote. 7 November 1934, p. 2.

Wyoming's legalization of beer in mid-May, prompted the Scottsbluff City Council to act.

Mayor A. T. Howard presented to the council a proposal on May 6, that would allow the city to issue permits for the sole purpose of selling beer within the city limits in open defiance of Nebraska statutes. Fees of \$50.00 for on sale and \$25.00 for package sale would go into a general improvement fund to repair streets and provide employment for the growing number of unemployed men in the city. Around forty license requests were anticipated by May 18, the same day beer would go on sale in Wyoming. By allowing beer sales, Mayor Howard hoped to stem the flood of business lost to the west. At the same time beer reportedly was coming into the area by the truckloads without any attempt by local, state or federal authorities to stop it.¹⁷

Mayor Howard's proposal was quickly adopted by the city council by a unanimous vote. The motives behind Howard's action appear two-fold. It was this ordinance that caused Scottsbluff Senator McCarter to propose that 3.2 beverages be declared non-intoxicating and provide for their immediate sale. McCarter's proposal had little support and

¹⁷Scottsbluff Star Herald, 11 May 1933, p. 1.



Just Watching the Parade Go By.

mustered only a handful of votes.¹⁸ Another goal of the ordinance was to show the plight of western Nebraska businesses, as eastern cities openly enjoyed beer. Whatever the intent, Scottsbluff city officials received statewide attention. Rumors abounded that other panhandle cities would soon follow Scottsbluff in passing beer ordinances. With western Nebraska seeming to be near open revolt in regard to liquor legislation, Governor Bryan took swift action.

In telegrams sent to the mayors of Scottsbluff, Ogallala, and Chadron, Bryan said that:

The arguments contained in [the] resolution appeal to my sympathy, insofar as they relate to . . . any possible financial loss to Nebraska. The possibility of such loss, however, cannot be permitted to overshadow all other considerations.

Under our constitution no individual, nor group, nor city council can legislate contrary to the laws of our state and upon the governor devolve the duty to see that law enforcement officers in all subdivisions of the state perform their full duty in upholding the law.

I expect to do this as in every other instance where defiance of the law is threatened. I will expect you as mayor and the sheriff of your county to see that no violation to the laws of Nebraska is permitted.

¹⁸Chadron Journal, 12 May 1933, p. 1. See also note #95, Chapter II on McCarter's efforts.

If you find yourself unable to discharge your official duty, kindly advise me so that steps may be taken to uphold the majesty of the law and to prevent the high character of your citizens from being placed in false light before the eyes of the state and nation.

Bryan also sent telegrams to the sheriffs of Keith and Scotts Bluff Counties reminding them of their duties, and directed Deputy State Sheriff E. E. Clark to help enforce current liquor laws.¹⁹

At its next meeting the Scottsbluff Council heeded Bryan's warning, rescinding the ordinance passed the week before. In a six-paragraph resolution the council reiterated its reasons and motives in the matter but decided to abide with the Governor's request and the state laws in "the interest of good citizenship."²⁰

The incident again drew out the sectional conflict that liquor so often reflected. The Scottsbluff Star Herald, commenting on the conflict between the council and governor, saw no reason to criticize Bryan; in fact, it felt Bryan had no other choice in the matter. But it did ask why the Governor would go to such lengths to stop the city council while turning his back on the federal officials selling beer

¹⁹North Platte Evening Telegraph, 12 May 1933, p. 1.

²⁰Scottsbluff Star Herald, 13 May 1933, p. 1.

licenses in a dry state, a scene it described as "repulsive and sickening."²¹

Alcohol regulation involved more than local versus state authority but also juxtaposed federal and state control. The federal government selling beer permits was a practice which ran counter to the stated belief that states had the right to remain dry if they so wished. If the federal government violated state laws in the eastern part of the state, why should city governments be compelled to obey those same state statutes in the west?

The Grand Island Independent satirized the situation in which liquor laws were beset by double standards and politicians continued to "play political football" with the issue:

During the past 25 years especially, our governments federal and state have taken on a strongly paternal bent. At the moment we have a striking illustration of the rather ludicrous conflict between the paters.

The citizens of Scottsbluff had decided that as soon as their Colorado neighbors follow the privilege given to them by Pa Roosevelt merely representing federal paternalism to drink three-point-two, they were going to do so. Pa Roosevelt, namely, had told Willie Scottsbluff that three-point-two was not intoxicating an [sic] that if Willie had a yen in that direction, it was okay.

²¹Ibid., 14 May 1933, p. 2.

Willy Scottsbluff had ascertained, moreover, that his brother Tommy Omaha was selling it in every hotel and restaurant. In fact the Omaha newspapers rather boasted about it. And so Willy Scottsbluff becomes a bit cocky, stamps his feet, and sets up a third, nearby Pater--a new city ordinance by heck!

No sooner, however, does Papa Bryan merely representing state paternalism hear about it that he sends a message to Willy Scottsbluff that not Pa Roosevelt but Pa Bryan is the head of the house and that if Pa Bryan's 'no' was not obeyed, instead of Pa Roosevelt's 'yes' he, Pa Bryan even though it would hurt him much more than it would hurt Willy would have to apply the slipper! While this is being written Willy is calling his Scottsbluff brothers in council.

And one can easily envisage them as looking at one another and exclaiming 'How now'?

For Pa Bryan has just frowningly informed them that no city can proclaim a rule for personal conduct that's in conflict with his higher paternal authority, while, at exactly the same moment, after a manner of speaking Pa Bryan is usurping the authority of Pa Roosevelt, and is promulgating a command in conflict with that of presumably bigger and better Papa!²²

The editorial illustrated how liquor had become a political issue from Washington D.C. down to the smallest governmental jurisdiction as Nebraskans awaited beer's legal return.

Beer officially became legal in Nebraska at 12:01 a.m. August 10, 1933. Its arrival was largely

²²Grand Island Independent, 13 May 1933, p. 6.

anti-climactic, although several towns held "Brew Year's Eve" parties. As might be expected Omaha witnessed the largest organized celebrations. Several ethnic groups welcomed beer back to the state in a festival atmosphere. The Omaha Musik Verein, the German-American League, the South Omaha Turners, and Bohemians all sponsored functions. Omaha's Peony Park honored pro-beer legislators by making them guests of honor in a gala festival.²³

Not all towns cheered beer's return in the state. Repeal of anti-liquor city ordinances in many towns met with opposition from a still active dry minority. Minden, Broken Bow, Seward, and Kearney rejected dry petitions pressuring local councils to refuse the sale of 3.2 alcohol altogether or to allow citizens to vote on the matter.²⁴ Drys won elections to reject beer sales in the small towns of Waverly in Lancaster County and in the southeastern community of Pawnee City.²⁵ Five towns--Holdrege, Central City, York, Fairbury, and Lincoln experienced beer debates that sometimes rivaled those in the legislature months before. Notable for being county seats, these communities either

²³Omaha World-Herald, 10 August 1933, p. 12.

²⁴Seward Independent, 10 August 1933, p. 1; Minden Courier, 17 August 1933; Kearney Daily Hub, 1 August 1933, p. 6; Custer County Chief (Broken Bow), 10 August 1933, p. 1.

²⁵Pawnee Republican, 24 August 1933, p. 1; Lincoln Star, 28 July 1933, p. 1.

placed the issue on the ballot or else drys fought drawn-out battles with their respective city councils to keep beer out of their communities.

Holdrege, a town with a history of dry support in southwest Nebraska, allowed beer only after approval in a special election. Here local cafe operators and businessmen took the initiative by presenting the City Council with a petition signed by some eighty residents asking that the council amend its present liquor ordinance to allow the sale of 3.2 beer. This the council did, but only after making provisions for Holdrege voters to approve such an ordinance at an election held August 14. With no obvious pressure from local drys the council planned on passing the matter to Holdrege voters.²⁶

The council was criticized for being "'jelly fish'" on the issue, but the local newspaper commended its members for allowing majority rule. The paper asserted that it was "always an advocate of the dry law, still opposed to the repeal of the Eighteenth Amendment, but still a believer in majority rule, 'let 'em vote on beer.'"²⁷ This they did one month later. In an election called "light and quiet" the Holdrege citizens approved the new ordinance by 169 votes out of 1,334 cast. Beer won in both of the town's two wards.

²⁶Holdrege Citizen, 12 July 1933, p. 1.

²⁷Ibid., 17 July 1933, p. 1.

In a town with much WCTU activity the contest seemed void of the division beer brought into other cities in the state.²⁸

Led by local ministers, drys in Central City organized a petition drive to prevent the city council from implementing a beer ordinance. Nearly 400 signatures were presented to the council, well over the 272 needed to stop the sale of beer.²⁹ When Nebraska went wet in August 1933, Central City was still dry. Business people who saw the financial benefits of beer sold in the city countered with their own petition drive, beginning shortly after August 10. The wet forces gave to the same council a petition to call for a special election on the subject. With 401 signers the wet document had considerable support. In late August the council approved an election to be held October 3, 1934.³⁰

In a campaign which the local paper stated showed "no [sign] of agitation on either side," Central Citians quietly approved beer by a five to three margin. Beer carried all three wards and the outcome was reported with only a one-paragraph article in the Central City Nonpareil.³¹

Interest in city beer ordinances surprisingly tended to invoke more spirited debate in towns east of Holdrege and

²⁸Ibid., 16 August 1933, p. 1.

²⁹Central City Nonpareil, 27 July 1933, p. 1.

³⁰Ibid., 31 August 1933, p. 4.

³¹Ibid., 5 October 1933, p. 1.

Central City. In late July the York City Council received a petition signed by 1,250 voters asking that the sale of beer remain prohibited. The petitions in effect called on the council to reject all beer permits. During a two and one-half hour session the petition request was debated with vigor. Local attorney Fred France brought hisses and boos from the audience when he stated that an opponent of beer was a "'laggard to the progress of America' and that such laggards should be in Russia." France's argument caused both supporters and opponents to "shuffle nervously in their chairs." Following the long and heated session the council accepted the petition and agreed no beer would be sold in the city until a petition calling for a special election had been submitted.³²

The next week beer forces led by France obtained a similar number of signatures to call for that election. This petition called on the council to place the issue on the ballot during an already scheduled sewer bond election. The petition was referred to the City Clerk who eleven days later placed the matter on the September ballot.³³

The York election paralleled the country's mood as York voters rejected dry arguments and approved legal beer by almost 500 votes. On a cold and cloudy day the election

³²York Daily News, 26 July 1933, pp. 1-2.

³³Ibid., 12 August 1933, p. 1.

brought 2,620 voters to the polls, only 164 fewer than had voted ten months before in the presidential elections. Of York's four wards only the first rejected beer.³⁴ Shortly after the election the council began to approve beer licenses and went so far as to allow sales on Sunday.³⁵

Judging from newspaper accounts the three towns that held elections avoided the conflicts that took place in the cities of Fairbury and Lincoln. In these towns decisions by the city councils brought strong denunciations from well organized dry forces.

Fairbury's WCTU took an active role in campaigning against beer. In late July, the WCTU issued a statement proclaiming that it would support only "business firms who remain[ed] true to and support[ed] the Eighteenth Amendment." The statement went on to support Mayor F. L. Parks' stand on conservative beer sales. Parks maintained that no beer should be allowed until after a special election, and said he would refuse to sign any licenses unless ordered to do so by the state Supreme Court.

Petitions presented to the council by the WCTU and the Fairbury Ministerial Association asked that no beer be sold until the issue was voted upon during the regularly scheduled spring election. With signatures from only

³⁴Ibid., 15 September 1933, p. 1.

³⁵Ibid., 23 September 1933, p. 3.

fifteen percent of the voters of the last election instead of the fifty percent mandated by state law in order to block a measure they could only hope to pressure the council into prohibiting beer sales.

Responding to the petitions the council did call for such an election, not the following spring but on September 12. The council also denied their request to suspend beer licenses until that election. In that same council meeting ten licenses were approved, all by the vote of five to one with Councilman W. S. Hamilton in the minority.

Councilman Hamilton continually supported Mayor Parks, as Parks vetoed all beer licenses which the council in turn quickly overrode. The key to the debate among several lawyers present was the percentage of voters on the dry petitions. With only fifteen percent of the voters on the petition most lawyers present agreed with an Attorney General's opinion that the council was well within its authority to begin issuing beer licenses.³⁶

This partial victory proved to be a defeat for the WCTU and its supporters. With the rejection of both the spring election and postponement of beer sales, drys decided two weeks later to boycott the election altogether. Mrs.

³⁶Fairbury News, 20 July 1933, p. 1; 10 August 1933, pp. 1-2.

Leota Ackley, president of the local WCTU, told reporters that her organization along with the Fairbury Ministerial Association would "'refuse to be party in such [a] wicked waste [of taxpayers' money] in these times of woeful want.'" She continued that it was the wish of these groups that the council stop the sale "'of 3.2 beer until the taxpayers wish and will . . . could be determined at the regular election next spring.'" With the pressure of the dry forces gone the council called off the election in a unanimous vote with no debate.³⁷

A more complicated process took place in Lincoln as the local council found itself also rescinding an election call. On June 21, 1933, Lincoln City Council members, like politicians before them, tried to wash their hands of the matter by calling for a special election. Unlike the situation in other cities in the state, this call brought protest from all interested parties who saw no need for such a vote.³⁸

At an informal meeting the council heard speakers from both sides of the debate. Wets said that \$4000.00 of taxpayers' money would be squandered on an election in which beer sales would be rejected overwhelmingly. Probably the most influential spokesman was the Reverend Benjamin Wyland,

³⁷Ibid., 7 September 1933, p. 1.

³⁸Lincoln Star, 22 June 1933, p. 1.

a stalwart of the dry forces. He believed that an election would only divide the city on an issue that eventually would be settled by the courts. Evidently dries were prepared to retreat on beer in the city in order to plan a concentrated effort in stopping the repeal of prohibition in the 1934 election. It was a similar strategy employed when dries attempted to contest the constitutionality of H.R. 585 rather than fighting the statute through the use of a referendum.³⁹

A week later the council unanimously rescinded its election call. During that same session it split two to two to modify its liquor ordinance and begin issuing beer licenses. Mayor Fenton B. Fleming cast the deciding vote. Declaring he was "'not going to be pussy-footing on this matter any longer,'" Fleming voted pro-beer.⁴⁰

On July 25, the council quietly passed a repeal ordinance to allow the sale of 3.2 beer. Only longtime Lincolnite Henry Carter protested. Carter warned the council that "'the devil is in the saloon . . . where there are saloons, churches are set back. The saloon is the work of satan. If you pass this law you are putting the devil in business against civilization.'" In a previously arranged vote the council rejected Carter's plea and passed

³⁹Ibid., 29 June 1933, p. 1.

⁴⁰Ibid., 5 July 1933, p. 1.

the ordinance unanimously, with some members believing the state courts would have the final say.⁴¹

Yet the matter would not die. A remonstrance committee made up of splinter dry forces was determined to keep the sale of beer out of Lincoln through a petition campaign. Not to be outdone, the Lancaster County Beverage Dealers Association began a counter drive. Both groups boasted that they had over 100 circulators working the city.

The remonstrance committee was not without its detractors. Reverend Wyland, in a letter to the committee's leaders, mentioned that an implied agreement had already been reached with the council and that he feared the petition would create a backlash in the 1934 election. To the committee Wyland wrote that it was agreed they would appeal to the Nebraska courts and not the electorate in stopping the sale of beer. This method, he continued, "'would prevent a bitter fight in this community and [the] inevitable recourse to a boycott.'" The larger issue confronting drys in Nebraska was not beer in Lincoln but preserving state prohibition. Wyland's appeal fell upon deaf ears as the committee headed by the Reverend Ira W. Kingley continued its efforts.⁴²

⁴¹Ibid., 25 July 1933, p. 4.

⁴²Ibid., 2 August 1933, p. 1 and p. 4.

Needing 9,140 signatures, Kingley acknowledged on August 8 that the campaign could fall short by a narrow margin. If it indeed failed it would be because of lack of time, not lack of effort. Working for only two weeks the petition drive proved to Kingley that "'the heart [of] Lincoln is still on the right side of this question.'"⁴³

The petitioners filed 9,188 signatures with the city clerk, but in quick order the clerk's full staff including Mayor Fleming, began to disqualify large numbers of signers. As many as 3,000 were dismissed because of using only initials or for lack of a full address, which brought a storm of protest from Kingley's following. Shortly after the petitions were disallowed, Fleming directed the clerk's office to begin issuing licenses under the provisions of H.R. 585 and the newly-approved city ordinance. The announcement brought "one of the wildest scrambles ever seen in city hall."⁴⁴ Lincoln, unlike other towns in Nebraska, did not jump the gun with beer sales; all attempts to sell beer in the city prior to August 10 were quickly aborted. Now the home of William Jennings Bryan no longer enjoyed its reputation as one of the driest cities in the nation.

The manner in which beer entered Nebraska communities showed trends that were established early during the

⁴³Ibid., 9 August 1933, p. 4.

⁴⁴Ibid., 10 August 1933, p. 17.

Forty-ninth Legislative session. In most cases local politicians tried to distance themselves from this "no win" issue. It was vocal, well organized dry forces who brought the matter to the forefront. Countering the drys was the business community who, while not necessarily wet, saw the economic ramifications of beer being sold elsewhere. In almost every case, the economics of 3.2 beverages won over any morality argument.

Defeated in the state legislature, in several cities and rebuffed by the Attorney General, the drys prepared for the next battle over alcoholic beverages which would be decided the following year. On November 6, 1934, the final chapter in the state's long liquor debate would be written as Nebraska voters determined the fate of state prohibition.

Chapter V
Nebraska Goes Wet

While the prohibition elections in 1890 and 1916 were divisive and hard-fought, the November election in 1934, which saw Nebraska reject statewide prohibition was mild by comparison. Several circumstances contributed to the differences between how prohibition entered the state and how it left. The economy continued to plague dry efforts, for depression gave the wets one of their more effective arguments, and drained the drys of needed funds to continue the fight.¹ Still state and local dry organizations made a significant effort to keep Nebraska dry.

The two major political parties again differed on how to deal with the proposed repeal amendment. The Republicans refused to endorse or disapprove any of the three proposed amendments, deferring that decision to the electorate. The Democrats gave a short one-sentence endorsement of the repeal amendment, following another intense intra-party struggle that began during the primary

¹Van Pelt Interview, 10 March 1986.

elections. On the other two amendments the Democrats, like their Republican counterparts, avoided the debate.²

Within the Democratic party the opposing Mullen and Bryan factions wrestled over the liquor issue. A compromise between the two groups gave support to both repeal and the outgoing Bryan administration. Earlier in 1934 Bryan had been defeated by Edward R. Burke, a Mullen-backed congressman, for the Democratic nomination for the vacated U.S. Senate seat.³

The Governor lost this election by 65,000 votes after a campaign which one historian described as the most bitter political battle of Bryan's life.⁴ Bryan's post-primary statement to the press mentioned several reasons for his humiliating defeat. Listed second behind "'money and the press'" was the "'beer and liquor issue.'"⁵ This early defeat of a well known prohibitionist gave notice that the drys would face an uphill battle in November.

Nebraska held historical significance to the dry movement, for as the thirty-sixth state to ratify the Eighteenth Amendment it had given prohibition constitutional

²Nebraska Political Platforms, p. 471 and p. 475.

³Lincoln Journal, 7 September 1934, p. 1.

⁴Osnes, "Charles W. Bryan," p. 384.

⁵Lincoln Star, 17 August 1934, p. 4; Omaha World-Herald, 18 August 1934, p. 5.

status. The state was also the home of William Jennings Bryan, called the "Moses who led the prohibition exodus." Speaking in Ohio one of the founders of the Anti-Saloon League declared confidently that Nebraska would "hold the line firmly in the second dry war."⁶ To hold this line the Anti-Saloon League brought several speakers to campaign across the state.

Along with the numerous speakers, Anti-Saloon League Superintendent R. P. Hutton toured the state for the dry cause. Hutton was said to have spoken to at least 4,000 citizens in thirty-nine separate meetings by the middle of October.⁷ He considered himself a "'traveling salesman . . . representing the firm of Lord & Church with a full line of dry goods.'"⁸ Responding to a comment that the normally militant dry church groups had been relatively inactive, he replied that it was the "strategem of repeal forces [to be] 'deliberately delaying the launching of their campaign until the last moment.'" Evidently money was playing a part as he complained that the repealers enjoyed large bankrolls from the distilling interests.⁹

⁶Lexington Clipper, 6 September 1934, p. 4; Fillmore Chronicle (Geneva), 6 September 1934, p. 5.

⁷York Daily News, 15 October 1934, p. 1.

⁸Scottsbluff Star Herald, 9 September 1934, p. 1.

⁹York Daily News, 15 October 1934, p. 1.

In the final weeks Hutton's political vehicle was a play or skit called "Guilty Fingerprints." Playing the lead, he placed local residents in supporting roles. Hutton gave the play in several towns throughout the state. "Guilty Fingerprints" told the story of Ralph Jones who, in a drunken rage killed his wife. During the trial the defendant told of a life of drink, which only subsided during the days of prohibition. When beer became legal again, Jones returned to a life of alcohol which led to his wife's death. The jury returned a verdict of guilty and Ralph was sentenced to death. In the play Hutton gave all the dry arguments and a thorough denunciation of repeal. Other dry efforts were less dramatic.¹⁰

At the WCTU convention held in early October 1934 its President, the Reverend Iva M. Innis, pledged her organization "[would] not quit until liquor quits."¹¹ The Union resolved to fight by all means possible to keep state prohibition.¹² With no outline for the election campaign presented at the convention the WCTU fell in with loosely connected dry groups in forming the United Temperance Campaign Committee.

¹⁰Scottsbluff Star Herald, 9 September 1934, p. 1.

¹¹Fremont Tribune, 3 October 1934, p. 1.

¹²Ibid., 4 October 1934, p. 7.

The United Temperance Campaign Committee was headed by H. F. Martin, a Midland College professor. This group mailed leaflets and sponsored a state tour of speakers who, like Hutton's play, appeared mainly in Protestant churches. Martin was optimistic about the repeal contest, believing that 3.2 supporters would back prohibition in order to keep hard liquors and bars out of the state, a position that ran counter to some dries and that of leading wet advocate Senator Charles Jackman of Grand Island.

Jackman headed the repeal forces in a group known as the Repeal League. Jackman's main contention was the same one Reverend Wyland had used months before in attempting to keep Lincoln dry. In announcing the formation of the group, Jackman mentioned that he was:

revealing no secret when I say that the law enacted by the last legislature legalizing the sale of beer is unconstitutional. Bone dry advocates know the law cannot stand up in [state] court and in the event repeal is defeated the law legalizing the sale of beer will be killed.¹³

Oddly enough, both groups billed themselves as "the true friends of temperance" while having different opinions on how temperance should be achieved.

Repeal advocates were bolstered by the announcement of Democratic gubernatorial candidate Roy L. Cochran who

¹³North Platte Evening Telegraph, 12 October 1934, p. 1.

told an Omaha audience that the only issue facing voters in November was to support or reject President Roosevelt's New Deal program. In accordance with New Deal legislation Nebraska should repeal its prohibition amendment. Cochran further challenged his Republican counterpart, Dwight Griswold, to make known his stance on prohibition.¹⁴ Five days later Griswold reiterated the Republican platform and his belief that all amendments were a nonpartisan issue to be decided by the voters, commenting that "'as a private citizen and legislator, I supported prohibition.'"¹⁵

Cochran's move may have been to distance himself from outgoing Governor Bryan, under whom he served as state engineer. By coming out for repeal he put himself firmly in the Mullen camp.¹⁶ Only in the Governor's race did the liquor issue become part of any statewide contest.

With no prominent spokesman outside of the Anti-Saloon League, the drys had a difficult task in trying to stop the flow of wet support. In the final days of the campaign, Hutton's prediction that the militant drys would raise their voice came true. The wets countered, not through the repeal committee but from their base of support

¹⁴Omaha World-Herald, 16 October 1934, p. 1 and p. 3.

¹⁵Kearney Daily Hub, 22 October 1934, p. 1.

¹⁶New York Times, 21 October 1934, p. 1.

which had been the Omaha or Mullen faction of the Democratic Party.

In late October the Lincoln Ministerial Association headed by Reverend Wyland began a campaign from the pulpit. A large number of Lincoln ministers from Methodist, Baptist, Congregationalist, Christian, and Presbyterian churches on Sunday, October 28, gave sermons on the evils of repeal and pari-mutuel betting.¹⁷ The next week Wyland took his campaign statewide in a letter to ministers calling on them to preach on the two subjects on Sunday. Wyland's campaigning brought an assertion from Democratic Attorney General Paul Good that the minister had violated the principle of separation of church and state.

This was not the first time the Attorney General and Wyland had clashed; it was Good who had refused to challenge H.R. 585 in the state's courts, effectively bringing an end to the dry challenge to legal beer in the state. Now the Attorney General accused Wyland of "'attempt[ing] to make the Protestant churches of Nebraska into a political department of the Republican party,'" comparing the minister to Reverend S. D. Burchard who fifty years before had made the phrase "rum, Romanism, and rebellion" part of American

¹⁷Lincoln Star Journal, 29 October 1934, pp. 1-2.

history textbooks.¹⁸ It was an accusation that Wyland could not let pass.

The day before the 1934 vote, Wyland countered that Good was trying to "'silence the ministers of Nebraska upon the moral issues of [the] campaign . . . it is Hitlerism brought to Nebraska.'" Wyland mentioned a fear that many outstate Nebraska newspapers were expressing about the growing strength of the Mullen faction of the Democratic Party.¹⁹ Speaking to the Attorney General through the newspapers Wyland said:

. . . you Mr. Good, say I was the servant of the Republican party when I appealed to Nebraska ministers to stop a political boss and a minority of his party from making Nebraska another little Mexico. That is manifestly untrue. My authority springs from the moral convictions of Lincoln ministers not from a political headquarters.²⁰

The Good-Wyland confrontation proved to be the last volley in the prohibition fight. On that same day one other prominent politician also spoke on the coming election.

Governor Bryan again was put in a no-win situation concerning alcoholic beverages. Any comment by Bryan favoring prohibition would surely help Republican candidates.

¹⁸Lincoln Star, 3 November 1934, pp. 1-2.

¹⁹Ibid., 6 November 1934, p. 1; anti-Mullen sentiments were also expressed in the Kearney Daily Hub, 25 October 1934, p. 1; Pawnee Republican, 1 November 1934, p. 4.

²⁰Lincoln State Journal, 6 November 1934, p. 10.

Still the Governor could not in good conscience support repeal. In a scene reminiscent of his silence during the Forty-ninth Legislature, Bryan allowed his feeling to be known only at the last moment. His press release stressed his belief that the promises of repeal supporters to reduce taxes, unemployment, and liquor consumption never were fulfilled. Bryan appealed to the rationalism of Nebraskans and not emotion when he stated:

I will not discuss the moral side of the question, but from the standpoint of safety on our highways I desire to warn the people of the increased hazards to which they will be exposed through the operation of cars on the highways by drunken drivers There is no way for a sober motorist to protect themselves. If protection is not afforded . . . alcoholic beverages will become so strong that the public will again demand the restoration of rigid prohibition of all liquors.²¹

Bryan's comments, like the dry campaign, were far too little to stop the wet momentum.

Despite the efforts of wets and drys alike, the outcome of the prohibition vote could have been determined long before the fall of 1934. In terms of economics, the panhandle region turned decidedly pro-repeal in contrast to its solidly dry position in 1916. In areas not bordering a neighboring wet state, the answer could be found in the ethnic or religious background of the region. Robert W.

²¹Ibid.

Cherny in an earlier mentioned work explained that those religions of a ritualistic nature such as Roman Catholics and Lutherans opposed prohibition. Opposite them were the "pietistic" or fundamental Protestant denominations who favored the temperance measure. These Protestants tended to be native stock or Nordic immigrants while the Roman Catholics and Lutherans were more likely to be of German, Czech or Irish descent. Yet there were Swedish, Norwegian, and Danish Lutherans who tended to share what Cherny called "pietistic" views on social norms with the more "evangelical" Protestant religions. These persons were found in the United Danish or Augustana Synod of the Lutheran Church.²²

Speaking on the religious background of prohibitionists Andrew Sinclair wrote: "the main supporters of prohibition were the Methodist, the Baptist, the Presbyterian, and Congregational churches, aided by the smaller Disciples of Christ, Christian Science, and Mormon religious groups." Of the seven the Methodists were the most active in support.²³

The conduct of the Forty-ninth Legislature supports Sinclair's statement and the ethnic voting patterns evident in 1934. The legislature took several votes pertaining to beer and resubmission in 1933. Outstanding among these was

²²Cherny, Nebraska Politics 1885-1918, pp. 15-16.

²³Sinclair, Era of Excess, pp. 64-65.

the final House vote on H.R. 585, the "beer bill," before it was sent to the Senate. Taken on April 14, 1933, it came after two days of some of the most controversial debates of the session.

The eight House members who listed their religion as Roman Catholic all voted for beer's approval. Joining the Roman Catholic members were ten of the fifteen Lutheran members. Of the Lutherans who opposed beer, one was a Republican and two had Swedish backgrounds. Three Swedish-Lutherans favored H.R. 585, Nels Bostrom of Concord, Henry L. Challburg of Potter and Walter Johnson of Omaha all represented areas that voted wet in 1934. Of the legislature's forty-two opposition votes, fifteen came from the eighteen Methodists in the House. Only one Methodist, Ervin Rohlff, a German-American from Omaha, voted for beer, while two other Methodists declined to vote. The beer bill received support from a cross-section of Protestant legislators, whereas opposition to the measure came from six Presbyterians and members of five different Protestant churches.²⁴

In the Senate's final vote on H.R. 585, this polarization was even more pronounced. All opposition to the bill came from Protestant legislators, with only one Lutheran with Danish heritage voting against beer. By contrast, all

²⁴House Journal, 14 April 1933, pp. 1350-51, and Nebraska Blue Book 1935, pp. 278-291.

six Roman Catholic senators supported beer. They were joined by two Methodist senators, including Frank McCarter, the senator from Scottsbluff who led the previously-mentioned economic wets.²⁵ Of the thirteen anti-beer Senators only one was German and one was Irish, both members of Protestant denominations. The other opponents all were either native-born or listed Scandinavian countries as their ethnic background.²⁶ Almost a year and a half later Nebraskans voted similarly.

On Tuesday, November 6, 1934, Nebraskans approved three amendments to their constitution: prohibition repeal, a Unicameral Legislature supported by George Norris, and pari-mutuel betting. Repeal received the largest majority, out-polling all the amendments and political candidates, winning 328,074 to 218,107. Sixty percent of the voters supported repeal, a level five percentage points higher than the vote in favor of prohibition in 1916.

Prohibition forces carried twenty-eight largely rural counties in central and southern Nebraska. In only seven of the these counties were over 5,000 votes cast. Included were Lancaster County with a 4,000 vote majority out of 37,246 cast, and York County with a 900 vote majority out of 7,871 cast. The greatest stronghold of prohibition

²⁵Senate Journal, 28 April 1933, pp. 1259-60.

²⁶Nebraska Blue Book 1935, pp. 274-78.

was in those counties on or near the Kansas border in south central Nebraska.

The dry stronghold started in Clay and Nuckolls Counties in south central Nebraska. It went two counties north from the Kansas border and westward to the Colorado border. In this area repeal was rejected by a 29,329 to 36,500 vote as 55 percent of the voters supported the retention of prohibition. Only Gosper, Adams, and Red Willow Counties voted for repeal by slim margins.

Of all the counties that voted dry, it was the neighboring counties of Phelps with 70 percent and Kearney with 62 percent of the ballots cast in opposition to repeal that gave the greatest support to prohibition.²⁷ The 1930 census of foreign-born population and native white of foreign parentage shows a high percentage of Swedish immigrants in both counties. Phelps, by far the driest of all counties, was a long-time center for Swedish immigration. By 1930 Swedes numbered 81 percent of all immigrants and 71 percent of the people of foreign-born parents. In Kearney County, Danish and Swedish immigrants constituted

²⁷The Nebraska State Canvassing Board, Official Report on [the] General Election Held November 6, 1934, compiled and issued by Harry R. Swanson, Secretary of State, p. 11. Hereafter cited as Election Report 1934.

78 percent of all immigrants, and 62 percent of the people of foreign-born parents.²⁸

When looking at the voting patterns of Nebraska counties and the make-up of the foreign-born white population and their children in those counties, several factors need to be considered. In terms of total population immigrants and their second generation in 1934 often constituted relatively small percentages. The 1930 census tallies all inhabitants whether of voting age or not. By 1934 the majority of foreign born and their children were probably of voting age. It can also be assumed that these two generations made a significant cultural contribution to third and fourth generation in regard to political and religious beliefs and other customs.²⁹

Religion also appears to have played a part in both counties. Large numbers of Lutherans belonging to the Augustana Synod of America represented 39 percent of church

²⁸United States Department of Commerce, Bureau of the Census, Fifteenth Census of the United States: 1930 Population Vol. III Part 2, pp. 98-99. Hereafter cited as Census 1930.

²⁹Wayne Wheeler, An Almanac of Nebraska Nationality, Ethnic, and Racial Groups, 1st ed. (Omaha, Park Brownwell Press, 1975), p. 8. Hereafter cited as Wheeler, Almanac. Wheeler's work looks at Nebraska's foreign-born population during the years 1870 to 1950. See also Miguel A. Carranza, David R. Johnson, and J. Allen Williams, Jr., "Ethnic Assimilation and Pluralism in Nebraska," in Ethnicity on the Great Plains, Frederick C. Luebke, ed. (Lincoln: University of Nebraska Press, 1980), pp. 212-17.

membership in Phelps County and 22 percent in Kearney County. Methodists who often supplied the leadership for temperance organizations had significant percentages in both counties.³⁰

Local newspapers had a decidedly prohibition bent. The Holdrege Daily Citizen throughout the wet-dry debate in 1933-34 had been anti-liquor. In late September, the largest newspaper in Kearney County, the Minden Courier, stated "we think of prohibition as an experiment which worked pretty well on the whole, in the states which tried it . . . but which failed utterly when it became a national experiment."³¹ The paper argued that problems should be handled within the individual states, a belief which became more apparent after the popularity of the New Deal waned in the state following the 1936 election.³²

Holdrege's Mayor Frank A. Anderson gave talks to mostly church-related groups in defense of prohibition and against the pari-mutuel betting amendment.³³ In 1933 when the city allowed 3.2 beer sales by a special election there

³⁰United States Department of Commerce, Bureau of the Census, Religious Bodies: 1936 Vol. I, Summary and Detailed Tables, pp. 783-87. Hereafter cited as Religious Census 1936.

³¹Minden Courier, 20 September 1934, p. 2.

³²Olson, History of Nebraska, p. 304.

³³Kearney Hub, 29 October 1934, p. 3.

is no record of his views, but on a matter of statewide importance he apparently did not feel the political pressure that 3.2 beverages brought to his community.

In the far southwestern Nebraska counties of Chase, Hayes, Frontier, Dundy and Hitchcock, the electorate voted 56 percent dry. The Methodists comprised 40 percent of all church members and other Protestant religions generally associated with being dry added 12 percent to the total. This compares to 47 percent of the same religious groups in Gosper, Red Willow and Adam Counties which had large numbers of Lutherans and Roman Catholics.³⁴ Unlike other counties in this region these three counties had large percentages of foreign-born from central Europe and voted for repeal by narrow margins. By contrast, in the far southwestern counties the foreign-born were not numerous enough to affect the voting pattern.

Besides the fact that Adams and Red Willow contained the cities of Hastings and McCook, each with populations of over 6,000 residents, Gosper had many German immigrants. Persons born in Germany comprised 78 percent of Gosper County's 230 foreign-born whites while 70 percent of the county's 1,165 native whites of foreign parentage in the 1930 Census had German roots. These two groups totalled

³⁴Religious Census 1936, pp. 783-87.

33 percent of Gosper County's population.³⁵ In the religious census of 1936, Gosper County had 1,729 church members, with 755 Lutherans and 111 Roman Catholics. These two groups constituted 59 percent of church membership in a county that voted 51 percent on the wet side.³⁶

Adams and Red Willow had high percentages of Russian and German immigrants. Russian immigrants in Nebraska were primarily of German culture having immigrated first to Russia and then to the United States.³⁷ In Red Willow persons of Russian birth constituted 38 percent of the total foreign-born while 22 percent of the children of foreign-born were of Russian background. Germans totalled 25 percent and 36 percent in the same tables. People with Russian and German backgrounds comprised 20 percent of the total population. In Adams County the percentage was an identical 20 percent of the 26,275 population. Germans totalled 35 percent of the foreign-born and 49 percent of the children of foreign-born. This, coupled with a Russian percentage of

³⁵Census 1930, pp. 98-100.

³⁶Religious Census 1936, pp. 783-87.

³⁷Cherny, Nebraska Politics, 1885-1915, p. 23. See also the following works: Bradley H. Baltensperger, Nebraska: A Geography (Boulder and London: Westview Press, 1985), p. 76. Hereafter cited as Baltensperger, Nebraska Geography; and Frederick C. Luebke, "Ethnic Group Settlement on the Great Plains," The Western Historical Quarterly, Vol. VIII, no. 4 (October 1977), p. 413. Hereafter cited as Luebke, "Ethnic Group Settlement."

27 percent native-born with one or both parents foreign-born, probably helped put Adams County in the wet column with 52 percent of the voters backing repeal.³⁸

Two other dry sections were found in the state in 1934. These were in east central Nebraska and in central Nebraska around Custer County. The central Nebraska counties of Polk, Merrick, Hamilton, and York voted 55 percent against repeal. The area stands out in that it is surrounded by counties that voted heavily wet.³⁹

Polk and Hamilton had large numbers of Scandinavian immigrants and high percentages of Methodist and United Brethren church members. Of Polk County's 10,092 people, 1,073 were foreign-born, and of these 68 percent were Swedish. No other European country exceeded 4 percent of Polk's foreign-born.⁴⁰ Twenty-seven percent of the church members of Polk County were Methodists and the dry-oriented Lutherans of the Augustana Synod comprised 21 percent. Northern Baptists had 12 percent of the total church membership.⁴¹ Hamilton (population 12,159) had 59 percent of its foreign-born population of 914 from Sweden and Denmark, and 39 percent of 3,284 children from foreign-born parents had

³⁸Census 1930, pp. 98-100.

³⁹Election Report 1934, p. 11.

⁴⁰Census 1930, pp. 98-100.

⁴¹Religious Census 1936, pp. 783-87.

at least one parent from one of these nations.⁴² Perhaps offsetting any Scandinavian element was the German-dominated Missouri Synod Lutheran denomination which with 1,075 members was the largest religious group in Hamilton County.⁴³ Although repeal was generally considered popular in towns it failed to carry any precinct in Aurora, the Hamilton County seat.⁴⁴ Repeal was also rejected in Merrick and York Counties, areas with German-Lutheran figures comparable to those of Hamilton.

Both Merrick and York Counties had high percentages of foreign-born and natives of foreign parentage from Germany. In Merrick County, 47 percent of the foreign-born were from Germany and forty-eight percent of the first generation born in the United States had at least one German parent. These Germans made up 30 percent of the county's 10,619 inhabitants.⁴⁵ Lutherans and Roman Catholics represented 44 percent of church membership. If there are any clues to Merrick's voting dry in a heavily wet area it may be found in the fact that religions associated with the dry movement made up 51 percent of church membership.⁴⁶ Similarly, York

⁴²Census 1930, pp. 98-100.

⁴³Religious Census 1936, pp. 783-87.

⁴⁴Aurora Republican Register, 9 November 1934, p. 2.

⁴⁵Census 1930, pp. 98-100.

⁴⁶Religious Census 1936, pp. 783-87.

County, the second largest dry county with a population of 17,329, recorded percentages of 57 percent of the foreign-born as Germans and Russians while 60 percent of the children of foreign-born were of these origins.⁴⁷ Nevertheless, York County voted 56 percent against repeal.⁴⁸

Factors not shown in either the 1930 Census or 1936 Religious Census may have had some bearing. Both York and Merrick were the home of well-organized dry groups. Just as they had done in the summer of 1933, dry forces led by local ministers organized themselves in the county seats of Central City and York. Protestant ministers and laymen in Central City went so far as to hire a full-time campaigner.⁴⁹ The Central City Nonpareil throughout the campaign ran several prohibition editorials.⁵⁰ The York Daily News also came out in support of retaining prohibition and reported after the election that the dry vote "was a much smaller majority than even the most ardent wet had dared to forecast."⁵¹

⁴⁷Census 1930, pp. 98-100.

⁴⁸Election Report 1934, p. 11.

⁴⁹Central City Nonpareil, 4 October 1934, p. 1.

⁵⁰Ibid., 4 October 1934, p. 1; 11 October 1934, p. 2; 25 October 1934, p. 2; 1 November 1934, p. 2.

⁵¹York Daily News, 9 November 1934, p. 4.

Besides the work of the dries, the strength of the Republican Party could have had some bearing on the vote. In the only partisan election in which repeal was an issue and in the closest of all the statewide races, the Republican Dwight Griswold polled majorities in twenty-five of the twenty-eight dry counties. These included York where he won 56 percent of the votes, Merrick, at 57 percent, Hamilton, 56 percent, and Polk, 53 percent. In winning 55 percent of the ballots in these four counties, Griswold's share of the votes cast was identical to the percentage cast in support of retaining prohibition.⁵² The cross section of votes showed that Franklin Roosevelt's coattails may have been losing their pull by 1934, as Republican politicians showed large pockets of strength despite Democratic strength on the statewide ticket.⁵³

Griswold also received a majority of votes in the third area of dry support found in 1934, central and west central Nebraska including the counties of Custer, Dawson, Garfield, Loup, Logan, McPherson, and Arthur. Aside from Dawson County this area is in the sparsely populated sand-hills region which also had low numbers of foreign-born or recent extraction. These counties cast 56 percent of their

⁵²Election Report 1934, pp. 7-11.

⁵³Aurora Republican Register, 9 November 1934, p. 2; York Daily News, 7 November 1934, p. 1; Custer County Chief (Broken Bow), 8 November 1934, p. 1.

votes for the retention of prohibition. Unfortunately for Griswold and prohibition advocates, ballots from this region totalled less than 4 percent of the votes cast.⁵⁴

The people in this area were predominantly Protestant and the Methodists and Northern Baptists had some of their highest percentages in the state. Arthur County had only one church, a Northern Baptist congregation with 194 members. McPherson County listed 47 Methodist Church members out of a total of 117. The remaining 70 were in the "other" category of religions. In Logan County, Methodists and Presbyterians made up 55 percent of church membership. Loup County had no churches other than Christian and Evangelical, which may help explain why its people voted dry by one of the largest margins in the state. In Garfield County, Christian, Disciples of Christ and Methodists made up 55 percent of church membership.⁵⁵ Custer and Dawson, the only two counties in the region with populations over 10,000, voted 56 percent dry.⁵⁶ In both counties, Protestant denominations not including the Lutheran Church made up 56 percent of church members, a percentage identical to the dry vote in

⁵⁴Religious Census 1936, pp. 783-87; Election Report 1934, p. 11.

⁵⁵Religious Census 1936, pp. 783-87.

⁵⁶Census 1930, pp. 98-100; Election Report 1934, p. 11.

the two counties.⁵⁷ These counties all repeated their 1916 vote but by considerably lower percentages, a feat that was not copied farther west.

The panhandle saw the largest shift in voting from the 1916 vote. Because of the nearness of Colorado and Wyoming, political pundits predicted that the Scottsbluff area would vote "empathically" for repeal.⁵⁸ Nevertheless, dry groups both state and local worked to keep the traditional dry counties dry. The Scottsbluff Star Herald supported their efforts by calling on all voters to reject all three amendments and in the meantime support Republican candidates for Governor and the Senate.⁵⁹

As had been the norm in 1933-34 when economic arguments met with morality, economics won. In Scotts Bluff County 53 percent of the votes were cast for repeal. Although this figure is low in comparison to percentages cast for repeal in the eastern part of the state, it represented a twenty-one point swing from Scotts Bluff's 1916 vote. The panhandle averaged a shift of 23 percentage points per county from the 1916 vote on prohibition.⁶⁰ Only

⁵⁷Religious Census 1936, pp. 783-87.

⁵⁸Lexington Clipper, 6 September 1934, p. 4.

⁵⁹Scottsbluff Star Herald, 6 November 1934, p. 2.

⁶⁰The Nebraska State Canvassing Board, Official Report on [the] General Election Held November 7, 1916.

Banner County with 106 Methodists out of 163 church members voted for retention and this vote was 18 points less than in 1916.

One region that repeated its 1916 vote was north-eastern Nebraska, centered in the counties of Platte, Stanton, Cuming and Colfax. These counties as they did in 1916 voted overwhelmingly against prohibition. The strength of the ritualistic Roman Catholic and Lutheran religions was again clearly evident. Roman Catholics and Lutherans combined averaged over 75 percent of denominational affiliation out of 30,575 church members. In Stanton and Cuming Counties, where Catholics totalled less than 50 percent of church members, the various Lutheran synods totalled 40 and 51 percent of church membership.⁶¹

Many Czechs and Germans had settled in these north-eastern counties. Colfax, the county with the highest repeal vote at 85 percent, had 73 percent of its 1,619 foreign-born from Czechoslovakia. As late as 1930 foreign-born and their offspring of Czechoslovakian and German

Compiled by Charles W. Paul, Secretary of State, p. 3. Hereafter cited as Election Report 1916; Election Report 1934, p. 11.

⁶¹Religious Census 1936, pp. 783-87.

descent totalled nearly 50 percent of the county's 11,433 residents.⁶² Repeal carried all 15 precincts in Colfax County, winning by a total of 592 to 58 in Adams precinct. Colfax County voters also supported Democrats by a 19 to 2 margin in state and local elections.⁶³ In Cuming County (population 14,327) 64 percent of the 1,552 persons of foreign birth were of German background.⁶⁴ German ethnic roots ran deep in the county's history, for in 1885, over 75 percent of the adult males of Bismarck and Elkhorn precincts were from Germany. Not surprisingly, 80 percent of the Cuming County voters in November 1934 cast their ballots for repeal.⁶⁵

The contrast of the northeast with other portions of the state showed Nebraska's ethnic and religious diversity and this diversity helped bring the sectional division on alcohol. Nowhere is this division more illustrated than by looking at Nebraska's two largest cities. Lincoln with its universities and church leaders was considered the home of the dry movement. Omaha with its breweries and large ethnic

⁶²Election Report 1934, p. 11; Census 1930, pp. 98-100.

⁶³Colfax County Call (Schuyler), 15 November 1934, p. 5.

⁶⁴Election Report 1934, p. 11; Census 1930, pp. 98-100.

⁶⁵Baltensperger, Nebraska Geography, p. 75.

population was equally seen as the home of the repeal drive. Politically both were far apart as Lincoln traditionally voted Republican while Omaha voted Democratic. Even within the Democratic Party separate factions functioned in the two cities. Lincoln had the Bryan brothers and at one time was considered one of the driest cities in the country. Omaha was the home to "Mullenism" and the New Deal Democrats. Beer legislation was disregarded in Omaha, but in Lincoln strictly enforced. When beer finally became legal in the state, it was met with festivals in Omaha and with opposition in Lincoln. Throughout 1933 and 1934 the Omaha World-Herald and Lincoln State Journal voiced differing views on the alcohol situation, sometimes confronting each other directly on the editorial page.⁶⁶

Not only newspaper items but other writings of the time period contrasted the two cities. Arthur Mullen in his autobiography, Western Democrat, called Lincoln "the home of the snob and bigot. It has more residents who can see through a keyhole with both eyes at the same time than any other city of twice its size in the United States."⁶⁷ A 1934 article titled "The Best Known of All the Lincolns in the World" by Lowry Charles Wimberly published in The American Mercury, described the greatness of Nebraska's

⁶⁶Omaha World-Herald, 31 March 1933, p. 22.

⁶⁷Mullen, Western Democrat, pp. 136-37.

capital city and attributed that greatness to Methodism and Republicanism. That same article referred to its larger neighbor to the east as "something of a hell-hole, [which] casts a heavy Democratic vote, and disapproves pretty strongly of [Lincoln's] Methodist morality."⁶⁸

The newspapers and other writings reflected the strength of Omaha's cultural diversity and Lincoln's Protestant congregations. Omaha's foreign-born and children of foreign-born totalled 59,450 or 43 percent of the total population. Germans and Czechoslovakians had the highest numbers of these groups.⁶⁹ Mirroring these immigrant patterns, communicants of the Roman Catholic Church numbered 44,180 or 42 percent of all church membership in Omaha. Presbyterians and Methodists had sizeable congregations totalling 13 percent of all church members, but in an urban setting where the breweries were providing jobs they had little hope of influencing the vote.⁷⁰ Prohibition was defeated in all twelve of Omaha's wards. Indeed, citizens in the fifth ward voted 5,227 to 404, for repeal.⁷¹

⁶⁸Lowry Charles Wimberly, "The Best of All the Lincolns in the World," in American Mercury, July 1934, as cited in Roundup: A Nebraska Reader, edited by Virginia Faulkner (Lincoln: University of Nebraska Press, 1957), p. 253.

⁶⁹Census 1930, pp. 98-100.

⁷⁰Religious Census 1936, pp. 783-87.

⁷¹Omaha Bee-News, 8 November 1934, p. 2.

Lancaster County, with a population of 100,324 was by far the largest of the dry counties. Several factors contributed to the county voting 55 percent dry.⁷² Long the home of prohibition support, it had several church-affiliated colleges whose denominations advocated prohibition. Throughout 1933-34 the Lincoln Ministerial Association led opposition to liquor. Predominant in the Association were the ministers of the Methodist and Presbyterian churches which in Lincoln represented 20 and 10 percent of the 34,807 church members respectively.⁷³

Lincoln, however, was not devoid of an immigrant population or of controversy concerning alcohol. The largest group of Russian-Germans in the state were found in the city, totalling 3,026 of the total 6,525 foreign-born in Lincoln.⁷⁴ Liquor in the capital city had been an issue for decades. In 1909 the city voted in prohibition only to reverse itself two years later after the liquor industry threatened to support a movement to remove the capitol from the city.⁷⁵ The antagonism and conflicting motives between

⁷²Election Report 1934, p. 11. Unfortunately a check of both state and city archives along with Lincoln's two daily newspapers could not produce a precinct vote on prohibition within the city of Lincoln.

⁷³Religious Census 1936, pp. 783-87.

⁷⁴Census 1930, pp. 98-100; Luebke, "Ethnic Group Settlement," p. 414.

⁷⁵Sheldon, History of Nebraska, pp. 853-54.

church leaders and the liquor industry surely fueled Lincoln dries to maintain state prohibition. However, well-organized temperance leaders could not muster the same support for prohibition as in 1916 when the county had voted 66 per cent dry.⁷⁶

The issue of prohibition in 1934 was too complicated politically and economically to be explained solely on the basis of religion or ethnic background. The magnitude of economics in both state and nation cannot be overstated. The question of whether prohibition helped alleviate conditions during the Great Depression or was merely a panacea is beyond the present study. But the complete turnaround of numerous counties from 1916 to 1934 illustrates that the economic argument was a powerful weapon for the wets. What now remained was the question often asked by prohibitionists in 1933 and 1934--"after prohibition then what?"⁷⁷

⁷⁶Election Report 1916, p. 3.

⁷⁷Grand Island Independent, 2 August 1933, p. 6.

Chapter VI

". . . one of the strangest and most surprising shifts . . ."

On January 3, 1935 the outgoing and incoming Governors of Nebraska gave their first and last speeches to the newly-inaugurated Fiftieth Legislature. In both speeches the politicians addressed the problems facing the state. Foremost on the list were the guidelines and provisions needed to fill the vacuum created by the November vote on the three constitutional amendments. As in 1934 the new and the old factions of Nebraska's Democratic Party had little in common.

Bryan, who through 1933-34 had been relatively silent on liquor, had some definite ideas on how liquor regulation should be handled. He recommended that the legislators use the old "Slocumb Law" as the yardstick to guide them. He proposed including such standards as allowing for only "off sale" sales, making manufacturers and distributors liable for any damage caused by the consumption of alcohol, and most importantly, "self determination in townships, municipalities and counties . . . in deciding whether liquors should be

sold."¹ In his last address Bryan had spoken more on the liquor situation than he had in the last two years. His views were unlike those of the incoming Governor who had made repeal a campaign issue.

Governor Roy L. Cochran predicted that a "perfect law" could not be drawn. Using a study commissioned by the Attorney General-elect, Cochran proposed that distribution be in private hands and taxes kept low to render bootlegging unprofitable. Both Bryan and Cochran believed in some form of state liquor agency and local option.² The politicians' comments showed that while beer legislation and repeal had often caused officials to go mum, when it came to regulating liquor it seemed everyone had an opinion.

After seventeen years of state prohibition, the voters in 1934 left a large legal void that had to be filled. Prohibition may have been repealed but the debate over liquor was far from over. The House in the first months of the session introduced fourteen separate bills concerning liquor. At the Governor's suggestion, the House created a special liquor committee to handle the influx of liquor bills, out of which came H.R. 128.³

¹Messages and Proclamations of the Governors of Nebraska 1854-1941, Vol. IV (Special Publication, Nebraska State Historical Society, Lincoln, 1942), p. 222.

²Ibid., pp. 320-21.

³House Journal, 5 February 1935, p. 661.

After more than three weeks of discussion H.R. 128 passed the House by a seventy-eight to thirteen vote. The bill was passed not so much on its merits, but in part because the House was simply tired of the matter. The majority of legislators let it be known that while voting for the bill they hoped the Senate would improve upon it. Among the remarks recorded in the House Journal included, "'I vote yes. It's a real liquor bill. It's so cockeyed, you could get drunk on it'" and "'I am willing to surrender this baby to the Senate to be doctored and dressed, and hope that when it is returned we may be able to accept it without a change of clothes.'"⁴ Lacking any real support H.R. 128 was sent to Senator George T. Sullivan's Liquor Committee.

Sullivan, a Democrat from Omaha, did more than give it a "change of clothes." His Senate committee, feeling that it would be simpler to scrap the whole bill than to correct it, substituted Sullivan's own liquor bill while retaining only the House bill number.⁵ Following three days of debate the Senate passed Sullivan's bill twenty-one to five, but only after the Senate had added some thirty amendments.⁶ Members of the House who had put faith in the

⁴Ibid., 12 April 1935, p. 1363.

⁵Omaha World-Herald, 16 April 1935, p. 1.

⁶Ibid., 24 April 1935, p. 1.

Senate were certainly disappointed as the lower body quickly defeated the Senate version seventy-four to thirteen. So far apart were the two Houses that a separate conference committee was convened.⁷

Between 30 April 1935 and 22 May 1935 a total of three separate conference committees were formed in the hopes of creating a liquor bill acceptable to both houses. The range of debates concerning H.R. 128 centered on local option, licensing fees and how the beverages themselves should be distributed. After the failure of the first two committees the third on May 22 sat down to give Nebraska citizens a framework for dispensing liquor. Pressured by the threat of a special session the committee in twenty-four hours came out with a bill that could not be achieved in months of legislative debate.⁸

Two days before the Legislature adjourned both houses approved the third conference committee's bill. By votes of seventy-four to twenty-one in the House and twenty-five to three in the Senate H.R. 128 passed by large enough margins to have the emergency clause attached, making it law upon Governor Cochran's signature. The third conferees frankly admitted that the final version of H.R. 128 was drafted in order to fill the requirements of the new

⁷House Journal, 29 April 1935, p. 1.

⁸Omaha World-Herald, 22 May 1935, p. 1.

Governor. After six weeks of debate the legislators decided to follow the Governor's lead rather than risk a special session.

The new bill had several compromise features, many of which are still a part of Nebraska law today. These included:

1. Statewide legalization of package liquor without local option until April 30, 1937.
2. No sale by the drink [of spirits] in any city until after a special election [within that city].
3. No sale of beer and liquor in the same establishment.
4. No sale of liquor outside of the incorporated limits of cities and villages except in incorporated villages of five sandhills counties.
5. A state commission of three members appointed by the governor.
6. All package liquor retailing licenses granted directly by the commission.
7. Sale by drink licenses granted by city council subject to appeal to the commission.
8. Beer licenses in cities granted by city councils.

Other provisions outlined licensing fees, closing times, prohibited sales on Sunday, election days, and forbade sales to those who were intoxicated, incompetent or minors.⁹

⁹Ibid., 23 May 1935, pp. 1 and 7.

Most legislators would agree as Governor Cochran predicted that H.R. 128 was far from perfect. Drys, although defeated in 1934, continued to pressure the legislature to prevent total laissez-faire in alcohol distribution. Concerns of the former dry element were such things as local option for cities and counties along with tougher laws on drunk driving which they predicted would now increase. In the years 1937 to 1939 over thirty bills would be introduced on liquor, and temperance groups would still be actively influencing the wording of those bills.¹⁰ Indeed in 1944 they made one last effort to achieve prohibition.

Led by Anti-Saloon League President Harold Wilson prohibitionists were able by petition to get prohibition on the 1944 ballot. Nebraska was part of a "grass-roots" campaign carried on by the National Anti-Saloon League, which during the war years changed its focus from the national level to winning local and state prohibition measures. Both sides agreed the state would be "an indicator in the trend of wet and dry sentiment in the nation for a decade to come."¹¹ However, the foes of alcohol experienced divisiveness within their own ranks in 1944.

¹⁰House and Senate Journals, 1937-1939.

¹¹New York Times, 13 August 1944, Section IV, p. 10. In comparison to 1916 and 1934 the prohibition vote in 1944 received only scant attention from Lincoln and Omaha newspapers.

When WCTU President Ida M. Thurber failed to support the proposal, the membership forced her resignation. Thurber in turn then formed an opposing organization called Temperance and Tolerance.¹² Unable to garner support outside the Anti-Saloon League and WCTU, prohibition in 1944 suffered a tremendous defeat. The initiative amendment received only one-third of the votes cast and was defeated 130,947 to 397,190. Of Nebraska's ninety-three counties only Phelps County voted dry and only by a 100 vote majority out of 3,666 votes cast.¹³ Absent from 1944 was the relationship between the Democratic Party and the liquor issue. In the last statewide election on prohibition the proposal was easily defeated, while Republicans were swept into every major state office.

Laws which regulate morality or "vices" such as liquor will continue to come before review and revision. The regulation of alcohol in such areas as local option, distribution, taxes and drinking age has been debated in every legislative session since Nebraska won statehood. Yet, it is hard to imagine that liquor will ever consume so much of the state's energy as it did in 1933-34. In those years the debates on liquor revealed more than just the issue itself.

¹²Ibid., 12 October 1944, p. 18.

¹³Nebraska Blue Book, 1944, pp. 386-87.

Politically it showed the changing of the guard in Nebraska's Democratic Party. Charles Bryan leading the old progressive coalition built by his brother lost control of the party to the Franklin Roosevelt faction led by Arthur Mullen. It was Progressivism versus The New Deal and the defeat of prohibition, a progressive reform, demonstrated that the New Deal Democrats were firmly in control. Charles Bryan, who had presidential aspirations in 1932 and who reportedly maintained those aspirations as late as the spring of 1934, saw the liquor issue as one of his political downfalls.¹⁴

His fence-sitting during the liquor debate caused him to lose support from both dries and wets. After being a prohibitionist throughout his political career, his inaction gave the appearance of political ineptitude. Following his defeat in the Democratic primary of 1934, Bryan's state political career was over. Campaigns in later years for Governor and Congress ended in primary defeats. With the help of leading Lincoln ministers including Benjamin Wyland, Bryan was elected Mayor of Lincoln in 1935 but unlike many old politicians Bryan never achieved status as an elder

¹⁴New York Times, 25 March 1934, p. 7.

statesman. By the time of his death in 1945 his opinions were rarely solicited or newsworthy.¹⁵

Bryan's position, or lack of one, on liquor was not unique. A considerable group of legislators on key votes concerning liquor legislation avoided the measures altogether. H.R. 585, the 3.2 beer and wine bill, failed to pass with the emergency clause largely because numerous legislators failed to vote. Many legislators may have felt that if the bill passed without the emergency clause the dry lobby would have time to stop the bill through petition. Such a less-than-clear-cut scenario might allow legislators to minimize political backlash in their home districts.¹⁶

In similar fashion when beer came to traditionally dry towns local politicians found it easier to pass the measure on to the voters than handle the matter. The most embarrassing example of political buck-passing occurred in Lincoln where the City Council rescinded a previous vote. But councilmen in Central City and Holdrege also found themselves caught between local dries and businessmen who pressed for the new beverages. Both cities voted for the the sale of beer in their towns despite being the county

¹⁵Unpublished Autobiography of Dr. Benjamin Wyland, Benjamin Wyland Papers, Nebraska State Historical Society, Lincoln, Nebraska; Osnes, "Charles W. Bryan," p. 421.

¹⁶Chadron Journal, 21 April 1933, p. 2.

seats of dry-voting counties in 1916 and 1934. Lacking leading politicians to spearhead the fight, dries were forced to find leadership from outside the political arena.

Prohibition forces depended largely on the Anti-Saloon League, WCTU and various Protestant church groups for support, having their greatest impact in Lincoln and out-state rural communities. These groups were largely one-issue organizations unable to build effective political coalitions. Ministerial associations often provided solid arguments for maintaining state prohibition. But these ministers had their own congregations to think about and some church members took exception to the fact that their ministers were spending more time talking to legislators than parishioners during economically depressed times.

Hindsight at times projects the advocates of losing causes as persons ahead of their time or "as an aberration of the reform impulse."¹⁷ Unfortunately too often the latter image besets nineteenth and twentieth century prohibitionists. Reverend Wyland and other dry leaders held legitimate beliefs which just sixteen years before were held by fifty-five percent of Nebraska voters. They saw the problems which arose from alcoholic beverages and their efforts were sincere and honest attempts to keep the state dry.

¹⁷Robert A. Hohner, "The Prohibitionists: Who Were They?", The South Atlantic Quarterly, Vol. LXVIII (1969), p. 492. Hereafter cited as Hohner, "The Prohibitionists."

The advocates of repeal often portrayed the end of prohibition and the regulated sale of alcoholic beverages as an answer to the woes of economic depression. Whether or not repeal had this effect is uncertain, but it is a fact that in 1933-34 many people perceived it to be a valid economic relief measure. If the years of the early and mid-1930's had been a time of prosperity and not depression it is highly doubtful the sale of 3.2 beverages or repeal would have been achieved in this period. Most outside observers in 1933 felt that despite the problems with prohibition the state would be difficult to sway toward repeal.¹⁸ The Democrats led by Franklin Roosevelt and the desire for change put more focus on prohibition than the screaming voices that called prohibition a complete failure.

In Nebraska the attempt to delay the liquor debate until 1936 had some merit. If the drys could have stopped prohibition from being on the ballot in 1934, the result in 1936 after Roosevelt's popularity had peaked and the economy had stabilized may have been closer. Indeed, resubmission survived in the Senate by only two votes on April 27, 1933, after having been killed in committee. But in 1933-34 arguments against the sale of liquor fell upon deaf ears as voters throughout the state saw liquor as another weapon in the war against depression.

¹⁸Omaha World-Herald, 9 May 1933, p. 4.

Over fifty years later Nebraskans faced another economic crisis. Again many looked to new means of state revenue. The arguments of public interest versus economic factors sounded familiar, as the state debated a state lottery and help to a troubled horse racing industry. The fear of the state not benefiting from the money of its own citizens was as much a concern in the mid-1980's as 1933-34.

Economics has always been the one common thread that draws this state together. Money coming into the state by selling, licensing, and taxing of alcoholic beverages, plus the prevention of money leaving the state through sales in border states drew east and west together. The early sectional confrontations between outstate and eastern legislators on liquor during the forty-ninth session started to erode after the sale of these beverages began in neighboring states.

The most notable defection of all state senators was Frank McCarter who at the beginning of the session commented that western Nebraska cared little for the beer issue, but who attempted in the closing days of the legislature to get 3.2 beer and wine declared non-intoxicating and eligible for immediate sale. McCarter's district included the city of Scottsbluff where city officials openly tried to defy Lincoln's authority. This economic defection in western Nebraska continued with the 1934 repeal vote.

The panhandle's shift to repeal paralleled the legislature's change. The percentage difference between 1916 and 1934 statewide was fifteen, but in the panhandle region the differential was twenty-three percentage points. In this area only Banner County by a three percent margin repeated its prohibition vote. Statewide, prohibition in 1934 gained no new counties from 1916 and in fact lost a total of fifty-three. No county in 1934 voted dry by a higher percentage than in 1916. The closest repeat vote was in Loup County with votes of sixty-six percent dry in 1916 and sixty-four percent dry in 1934.

With the defection in the west dries were able to hold only those counties populated with Protestant and Scandinavian religious and ethnic groups characterized by Robert Cherny as holding a "pietistic" view on social norms. Cherny found a link in the prohibition issue and the make-up of Nebraska's diverse immigrant population, one that is again seen in 1934 but not to the same degree as in earlier votes.¹⁹ In Nebraska the majority of dry counties were buffered from wet states and felt no economic pressure on the alcoholic beverage issue. These strongholds were in

¹⁹Cherny, Nebraska Politics, 1885-1915, p. 23. Two articles, one with a national focus, the other written on neighboring Iowa, have similar conclusions: Robert A. Hohner, "The Prohibitionists," pp. 491-505; Thomas G. Ryan, "Supporters and Opponents of Prohibition: Iowa in 1917," The Annals of Iowa, Vol. 46, no. 7 (Winter 1983), pp. 510-22.

central Nebraska and those areas south of the Platte River which bordered on the dry state of Kansas but they lacked the population needed to make a major contribution to the dry cause in 1934.

The line that a society draws in allowing the distribution of a previously banned substance or act depends largely on the perception of economic benefits the public will receive in return. A contention made early in the Forty-ninth Legislature that if liquor were made legal prostitution and gambling might logically be lawful is a relevant argument even today. The beer votes in Nebraska towns in 1933, coupled with the 1934 votes on prohibition and pari-mutuel betting indicate that Nebraskans drew that line at a far different point than state dry leaders or the voters in 1916. Liquor by 1934 had crossed over from a morality issue into an economic issue.

The cultural struggle which had gone on in the state for some sixty-five years seems to have come to a close in the 1930's and 1940's. Immigrant attitudes, wrote Frederick C. Luebke, were "rooted in ethnic culture and religion, and variations distinguished the several groups and subgroups."²⁰ Within these groups existed political subcultures, which helped create seven separate political

²⁰Frederick C. Luebke, "Ethnic Group Settlement," p. 429.

parties in 1890. The majority of these parties advocated the reforms of the Progressive Era.²¹ From the 1890's until the start of World War I, however, these parties diminished. By 1934 only the Democrats and Republicans held substantial political power in the state.

The cultural and political assimilation of immigrants and their offspring helped move alcoholic beverages from an ethnic question to an acceptable part of the state's society that needed to be intelligently regulated. The prohibition vote in 1934 and its unmistakable confirmation in 1944 illustrated that in the future Nebraska's voting patterns would have to be judged on more than religious and cultural trends.

Although temperance was debated in the United States since the mid-nineteenth century and argued in Nebraska since its days as a territory, the final achievement of prohibition in the state and nation was part of that wave of reform known as the Progressive Movement. Two decades later it left on another wave of reform known as the New Deal. Since its adoption there were always persons who advocated reform and modification but it is doubtful if any

²¹Daniel J. Elazar, "Political Culture on the Plains," The Western Historical Quarterly, Vol. XI, no. 3 (July 1980), p. 276; Joe Fisher, "Liquor Question in Nebraska," pp. 103-04. See also Frederick C. Luebke, "Regionalism and the Great Plains: Problems of Concept and Method," The Western Historical Quarterly, Vol. XV, no. 1 (January 1980), pp. 19-38.

of them envisioned the quickness in which repeal came about. As the York Daily News commented in the summer of 1933:

A couple of years ago repeal of the 18th Amendment looked like a remote possibility The unanimity with which some sections of the country are endorsing repeal marks the culmination of one of the strangest and most surprising shifts of public sentiment in American History.²²

The repeal of Prohibition was an organized effort brought by rapidly changing political and economic conditions. Given these conditions, it is doubtful that anything in the state or nation would have prevented repeal.

²²York Daily News, 28 July 1933, p. 4.

BIBLIOGRAPHY

Archival Collections

- Lincoln, Nebraska. Nebraska State Historical Society.
Benjamin J. Wyland Papers.
- Lincoln, Nebraska. Nebraska State Historical Society.
Charles W. Bryan Papers.
- Lincoln, Nebraska. Nebraska State Historical Society.
Lincoln City Council Records 1874.
- Lincoln, Nebraska. Nebraska State Historical Society.
Woman's Christian Temperance Union Papers.
- Omaha, Nebraska. Creighton University Archives, Alumni
Memorial Library. James C. Hanley Papers.

Books

- Anderson, Inguar. A History of Sweden. Translated by
Carolyn Hannay. Stockholm: Natur Och Kultur, 1955.
- Aylsworth, L. E., and Lewis, John G. W. eds. Nebraska
Party Platforms 1858-1938. Work Projects Administra-
tion: University of Nebraska Press, 1940.
- Bader, Robert Smith. Prohibition in Kansas a History.
Lawrence: University Press of Kansas, 1986.
- Baltensperger, Bradley H. Nebraska: A Geography. Boulder
and London: Westview Press, 1985.

- Carranza, Miguel A.; Johnson, David R.; and Williams, J. Allen Jr. "Ethnic Assimilation and Pluralism in Nebraska" in Ethnicity on the Great Plains. pp. 210-229. Edited by Frederick C. Luebke. Lincoln: University of Nebraska Press, 1980.
- Cherny, Robert W. Populism, Progressivism, and the Transformation of Nebraska Politics, 1885-1915. Lincoln: University of Nebraska Press, 1981.
- Chrislock, Carl H. The Progressive Era in Minnesota 1899-1918. St. Paul: Minnesota Historical Society, 1971.
- Clark, Norman. Deliver Us From Evil: An Interpretation of American Prohibition. New York: W. W. Norton and Co., Inc., 1976.
- Cyclopedia London Funk and Wagnalls. New Haven: London Funk and Wagnalls, 1891.
- Jackman, Everett E. The Nebraska Methodist Story: Authorized Centennial History 1854-1954 of Nebraska Methodism. Published by: Nebraska Conference Methodist Historical Society, 1954.
- Johnson, Bruce, and Porter, Kirk H., compilers. National Party Platforms 1840-1972. Chicago: University of Illinois Press Urbana, 1972.
- Kobler, John. Ardent Spirits: The Rise and Fall of Prohibition. New York: G. P. Putnam's Sons, 1976.
- Kyvig, David E. Repealing National Prohibition. Chicago and London: University of Chicago Press, 1979.
- LaForte, Robert Sherman. Leaders of Reform: Progressive Republicans in Kansas 1900-1916. Lawrence: University Press of Kansas, 1974.
- Messages and Proclamations of the Governors of Nebraska 1854-1941. Vol. IV, 1929-41. Lincoln: Nebraska State Historical Society, 1942.
- Mullen, Arthur F. Western Democrat. New York: Wilfred Funk, Inc., 1940.
- Olson, James C. History of Nebraska. 2nd edition. Lincoln: University of Nebraska Press, 1966.
- Patterson, James T. The New Deal and the States: Federalism in Transition. Princeton: Princeton University Press, 1969.

- Pedersen, James F., and Wald, Kenneth D. Shall The People Rule? A History of the Democratic Party in Nebraska Politics 1854-1972. Lincoln: Jacob North, Inc., 1972.
- Reid, Paul G. "Elizabeth Preston Anderson and the Politics of Social Reform" in The North Dakota Political Tradition. pp. 183-202. Edited by Thomas W. Howard. Ames: Iowa State University Press, 1981.
- Sheldon, Addison Erwin, Ph.D. Nebraska: The Land and the People. Vol. I. Chicago and New York: Lewis Publishing Co., 1931.
- Sinclair, Andrew. Era of Excess: A Social History of the Prohibition Movement. New York: New York Harper and Row, 1962.
- Timberlake, James H. Prohibition and the Progressive Movement. Cambridge: Harvard University Press, 1963.
- Wheeler, Wayne. An Almanac of Nebraska Nationality, Ethnic, and Racial Groups. Omaha: Park Brownwell Press, 1975.
- Wheeler, Wayne B., LL.D. Federal and State Laws Relating to Intoxicating Liquor. 3rd edition. Westerville, Ohio: American Issue Publishing Company, 1921.
- Wimberly, Lowry Charles. "The Best of All the Lincolns in the World" in Roundup: A Nebraska Reader. pp. 248-53. Edited by Virginia Faulkner. Lincoln: University of Nebraska Press, 1957.

Government Publications

- Nebraska Blue Book 1934. Lincoln: Nebraska Legislative Reference Bureau. December 1934.
- Nebraska Blue Book 1944. Lincoln: Nebraska Legislative Reference Bureau. December 1944.
- Nebraska State Canvassing Board. Official Report on General Election Held November 7, 1916. Compiled by Charles W. Pool, Secretary of State.

Nebraska State Canvassing Board. Official Report on General Election Held November 6, 1934. Compiled by Harry R. Swanson, Secretary of State.

Nebraska House Journal 49th Session 1933. Lincoln: Burr Publishing Co., 1934.

Nebraska Senate Journal 49th Session 1933. Lincoln: Burr Publishing Co., 1934.

United States Congress. Proceeding and Debates of the First Session of the 73rd Congress, Vol. 77 - Part I. Congressional Record. March 1933.

United States Congress. Proceeding and Debates of the Second Session of the 72nd Congress, Vol. 76-Part 4. Congressional Record. February 1933.

United States Department of Commerce. Bureau of the Census. Fifteenth Census of the United States, 1930 Population. Vol. III.

United States Department of Commerce. Bureau of the Census. Religious Bodies 1936. Vol. I.

Interviews

Hanley, John. Son of James C. Hanley. Omaha, Nebraska. 26 February 1986.

Van Pelt, Judge Robert. Former Secretary, Nebraska Allied Drys. Lincoln, Nebraska. 10 March 1986.

Journal Articles

Elazar, Daniel J. "Political Culture on the Plains." The Western Historical Quarterly. Volume XI Number 3 (July 1980): 261-83.

- Hohner, Robert A. "The Prohibitionists: Who Were They?" The South Atlantic Quarterly Volume LXVIII (1969): 491-505.
- Johnson, Walter. "Politics in the Midwest." Nebraska History Volume XXXII Number 1 (March 1951): 1-17.
- Luebke, Frederick C. "Ethnic Group Settlement on the Great Plains." The Western Historical Quarterly Volume VIII Number 4 (October 1977): 405-30.
- _____. "Regionalism and the Great Plains: Problems of Concept and Method." The Western Historical Quarterly Volume XV Number 1 (January 1984): 19-38.
- Osnes, Larry G. "Charles W. Bryan: 'His Brother's Keeper.'" Nebraska History Volume 48 Number 1 (Spring 1967): 45-67.
- Rickard, Louise E. "The Politics of Reform in Omaha, 1918-1921." Nebraska History Volume 53 Number 4 (Winter 1972): 419-45.
- Ryan, Thomas G. "Supporters and Opponents of Prohibition: Iowa in 1917." The Annals of Iowa Volume 46 Number 7 (Winter 1983): 510-22.

Magazine Articles

- _____. "Special Polls Show Teachers Dry, Lawyers Wet." Literary Digest, May 3, 1930, pp. 5-8.
- _____. "The Huge Poll's Final Report: All Records Outdone." Literary Digest, May 24, 1930, pp. 7-9.

Newspapers

- Aurora Republican Register, January-August 1933; September-November 1934.

- Banner County News (Harrisburg), January-August 1933;
September-November 1934.
- Beatrice Daily Sun, January-August 1933; September-
November 1934.
- Benkelman Post and News-Chronicle, January-August 1933;
September-November 1934.
- Cedar County News (Hartington), January-August 1933; Septem-
ber-November 1934.
- Central City Nonpareil, January-September 1933; September-
November 1934.
- Chadron Journal, January-August 1933; September-
November 1934.
- Colfax County Call (Schuyler), January-August 1933; Septem-
ber-November 1934.
- Custer County Chief (Broken Bow), January-August 1933; Sep-
tember-November 1934.
- Fairbury News, January-August 1933; September-November 1934.
- Fall City Journal, January-August 1933; September-
November 1934.
- Fillmore County Chronicle (Geneva), January-August 1933;
September-November 1934.
- Grand Island Independent, January-August 1933; September-
November 1934.
- Greeley Citizen, January-August 1933; September-November 1934.
- Holdrege Citizen, January-August 1933; September-
November 1934.
- Kearney Daily Hub, January-August 1933; September-
November 1934.
- Keith County News (Ogallala), January-August 1933; September-
November 1934.
- Lexington Clipper, January-August 1933; September-
November 1934.
- Lincoln Star, November 1932-December 1934; August-
November 1944.

Lincoln State Journal, November 1932-December 1934; August-
November 1944.

McCook Tribune, January-August 1933; September-November 1934.

Minden Courier, January-August 1933; September-November 1934.

New York Times, March 1932; October 1932; October 1934;
August-October 1944.

Norfolk Daily News, January-August 1933; September-
November 1934.

North Platte Evening Telegraph, January-August 1933; Septem-
ber-November 1934.

Omaha Bee-News, November 1932-December 1934.

Omaha World-Herald, November 1916; November 1932-May 1935.

Pawnee Republican (Pawnee City), January-September 1933;
September-November 1934.

Seward Independent, January-September 1933; September-
November 1934.

Sidney Telegraph, January-September 1933; September-
November 1934.

Springview Herald, January-September 1933; September-
November 1934.

Valentine Democrat, January-September 1933; September-
November 1934.

West Point Republican, January-September 1933; September-
November 1934.

Unpublished Doctoral Dissertations and Master's Theses

Fisher, George Henry. "The Response of Nebraskans to
National Political Issues 1928-1932." MA Thesis,
University of Nebraska, 1958.

- Fisher, Joe. "The Liquor Question in Nebraska 1880-1890." MA Thesis, Municipal University of Omaha, 1952.
- Knibbs, Joseph Charles. "The Political Map of Nebraska, 1900-1934." MA Thesis, University of Nebraska, 1935.
- Osnes, Larry G. "Charles W. Bryan: Latter-Day Populist and Rural Progressive." Ph.D. Dissertation, University of Cincinnati, 1970.
- Scheele, Paul E. "State Convention and State Primary: A Presentation and Comparison of Methods of Selecting and Influencing Delegates from Nebraska to the Democratic National Convention, 1900 to 1960." MA Thesis, University of Nebraska, 1962.
- Watson, Julia Permalia. "The Evolution of the Temperance Movement in Nebraska." MA Thesis, University of Nebraska, 1925.

Yearbooks

- Cherrington, Ernest Hurst. ed. Anti-Saloon Yearbook 1909-1932/33. Westerville, Ohio: Anti-Saloon League.
- Woman's Christian Temperance Union Yearbook 1912-1932.
Lincoln: Claflin Publishing Co.