

Physiological Effect

INTOXICATING --- IN FACT

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TO THE average person, "intoxication" means a state of staggering, sometimes maudlin, drunkenness when the reasoning powers of the intoxicated individual are out of order and the drinker has become an object of pity or ridicule, or fear.

But modern study of the effects of alcohol shows that such drunkenness is only a late stage of intoxication by alcohol, that intoxication includes much more than drunkenness.

This highly important truth should be widely understood, for as far as the anti-prohibition propaganda has anything possible to offer in place of entire prohibition, it always contains the implication that only those liquors or amounts of liquor that cause drunkenness are intoxicating.

Hence we have the repeated proposals to modify the present prohibition requirements by defining "intoxicating liquors" as liquors which are "intoxicating in fact." At the Senate Judiciary Committee hearings in 1926, one speaker against the present prohibition law seriously argued that under the Eighteenth Amendment the Congress could constitutionally legalize the sale of alcoholic liquors containing as much as 11 per cent of alcohol because one court had decided that in a given instance liquors of this alcoholic strength were not intoxicating.

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WOULD NOT CLEAR THE SITUATION

To substitute the definition "intoxicating in fact" for the present definition of "one-half of one per cent," would seriously complicate administration of the law, instead of making it more effective.

The question of definition would still rise to plague us. Immediately it would become necessary to answer the question, What is intoxication? This term would then have to be defined by the Congress or be left to decision by every court before which a case of selling an alleged intoxicating liquor might come.

Suppose the Congress defines intoxication as drunkenness? What shall be the signs of it? Some individuals are affected in one way, some in another. Some seem able to "carry" quantities of alcohol that would quickly make others obviously or offensively drunken. The intoxicating effect produced depends also on the quantity of liquor drunk, the time of drinking in relation to a meal, and other varying conditions. Shall the liquor be deemed intoxicating only if the alcohol makes the victim disorderly or if it merely causes a little staggering and loquacity? What is intoxication, or drunkenness would be the question that Congress must define before any beginning of law enforcement could be made.

DRUNKENNESS NOT THE TEST

But there is further difficulty. Drunkenness is not the whole of alcoholic intoxication. It is merely a late stage of it. Modern medical authorities point out that in earlier stages of intoxication, the effect of alcohol on brain and nerves,

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disorders normal mental or physical operations.

During the early stages, the alcohol may dull ability to judge oneself and one's own performances. This may result in impairing normal caution and self-restraint; or in failure to observe conventionalities usually followed; in ill-restrained talkativeness with violation of confidence; or in an argumentative frame of mind.

Such effects of alcohol may appear even when the amount taken is not enough to impair operations requiring skill or expertness.

In other stages of intoxication, working ability is seriously impaired, as shown by hundreds of scientific tests, before the drinker reaches the profounder degree of intoxication which we recognize as drunkenness.

WHAT HAPPENS IN EARLY INTOXICATION STAGES

The British Alcohol Investigation Committee points out that in the earlier stages of the intoxication process, "those in contact with the person so affected (by alcohol) have to do for the time being with an individual whose mind lacks temporarily its normal factor of judgment and important element of self-control." Such mental alterations are "likely to be fraught with serious consequences for the due discharge of responsibilities in all the walks of life. Accuracy, avoidance of accidents, reticence in matters of confidence are all obviously jeopardized."

The Rhode Island Motor Vehicle Department tells automobile drivers that

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out of 432 arrests for erratic driving or accidents where alcoholic drivers were concerned, "very few cases were found where operators were actually 'drunk' in the accepted sense of the word."

Now, suppose the impracticable "prohibition" law prohibited only liquors "intoxicating in fact," the Congress and enforcement officials would be faced with a perfectly impracticable proposition.

If intoxication is defined as the third or fourth late stage which we recognize as obvious drunkenness, then the way would be left open for the unrestrained sale of liquor causing these earlier stages of alcoholic intoxication often serious in their effects.

It is these early stages of intoxication that "obviously jeopardize," the British Committee says, "many vitally important human acts and relations." But the law would leave the way open for them.

On the other hand, if the earlier stages of intoxication are to be included in the definition of intoxication, every court would have to have access to an experimental laboratory under the direction of highly trained scientists to determine whether the liquor sold in any particular instance was in fact, capable of causing any of the effects accompanying these earlier intoxication stages. Several persons would have to be tested, and the same person several times, because of the varying conditions of susceptibility.

The difficulties of administration of such a law would be insuperable.