

PROHIBITION

THE
"NOBLE EXPERIMENT"

The Jacksonian era produced the greatest number of worthwhile reform efforts in United States history, not the least of which was the determined temperance movement. Alcohol consumption, always an American tradition, had soared after the Revolutionary War. In the opinion of many, American society was paying a high price for its fondness for liquor in a host of ways—broken families, abused and neglected wives and children, sickness and disability, decreased productivity in the workplace, urban poverty and crime. Eliminate drinking, and the United States would no doubt become a better place. At first, the movement targeted drunkenness; moderate drinking went unaddressed. But soon after the American Temperance Society was founded in 1826, the goal shifted to national abstinence. As the crusade gained momentum, the annual per capita consumption of alcohol dropped sharply. Indeed, by 1845, the average American consumed less than half of the 1830 liquor amount.

The movement spilled across all apparent demographic lines—plenty of backing existed among both urban and rural, both blue-collar and white-collar, both young and old, both male and female Americans. So widespread was the support that Prohibition was one of the few significant reforms to find favor in the South, not historically known as a particularly reform-minded region. The first state to enact legislation aimed at limiting alcohol consumption was Maine. By 1855, a dozen other states had followed suit. Was the United States headed toward federally mandated Prohibition?

Whereas Prohibition advocates were in chorus, those opposed were hardly organized at all. Additional anti-liquor organizations formed—the Women’s Christian Temperance Union in 1873, and 20 years after that, the American Anti-Saloon League. The latter supplanted the pioneering American Temperance Society as the most powerful organization extolling the virtues of a dry society. Sheer chance timing helped the temperance forces. With United States entrance into World War I in April of 1917, Prohibition automatically became a patriotic act as a way to “ration” grain consumption. The American public turned against everything linked to Germany—books by German authors were pulled from library shelves, orchestras refused to play music by Bach and Beethoven and Mozart and Wagner, German measles became known as “liberty measles” and sauerkraut was called “liberty cabbage”—including boycott of German brewers and distillers. Idealistic Americans focused on efficiency, production, and health to win the war; drunkenness did not fit the victory formula in any way. The war had already begun to acclimate Americans to drastic government measures, so Prohibition, as extreme as it was, would nevertheless fit the mold.

In January of 1920, the Eighteenth Amendment, culminating nearly a century of effort, went into effect. It forbade the “manufacture, sale, or transportation of intoxicating liquors within . . . the United States.” National Prohibition had won support largely through the concentrated efforts of the middle class throughout the West and South; holdovers from the turn-of-the-century Progressive Era; various temperance organizations; and nativists who saw it as a way of limiting wine-sipping Italians, beer-guzzling Germans, and other undesired immigrants. By the time of the Prohibition Amendment’s ratification, 26 states had already passed their own laws aimed at limiting consumption. Eventually all but two states—Connecticut and Rhode Island—would cast votes to become officially dry. Evangelist Billy Sunday decried: “Whiskey and beer are all right in their right place, but their place is hell.” Apparently much of America agreed with the reverend’s damnation of “demon rum.”

To enforce Prohibition, Congress passed the Volstead Act. Within a very short time, it became quite clear that the “noble experiment,” as Prohibition came to be called, was not working well. Though the period did substantially reduce drinking in most parts of the country, it also produced countless law offenders. Suddenly, any person who manufactured, sold, bartered, transported, imported, exported, delivered, furnished, or possessed alcoholic beverages was a common criminal! The measure transformed many otherwise law-abiding citizens and dedicated lawmen into criminals and, to a certain degree, some real criminals into folk heroes. No measure in American history, before or after the 1920s, was more unpopular—or more violated—than Prohibition.

The enforcement of Prohibition was compromised from the very start. The job of curbing the alcohol business was underfunded and undermanned. Initially, Congress appropriated only \$5 million annually; the federal government staffed its Prohibition Bureau with a measly 1,520 agents. That number translates to one man per every 12 miles of smuggler-friendly ocean beach, international river, lake shoreline, and land border which needed to be patrolled (leaving, then, no agents to tackle any of the other countless tasks necessary to enforce Prohibition). By the government’s own estimation, halfway through the 1920s its agents had succeeded in intercepting less than ten percent of all liquor smuggled into the country. According to one person’s recollection: “I was sitting down by the water one night, and I saw [this boat] coming in, and it had a little engine on it, going chum, chum, chum. This boat also had three great big [powerful] engines on it. Then across the way, I see this searchlight and suddenly a Coast Guard vessel shoots out to intercept. Now, they’re not supposed to do that because they’re being paid off, but somebody must have forgotten to make the payoff that night. Well, [the boat] stopped, and the chum, chum, chum stopped, too. Then, all of a sudden, Zoom! Zoom! Zoom! the three big engines got going and wham, that boat took off. Eventually the Coast Guard ran it down, but . . . the bootleggers replaced it with another boat that was even faster. It was all a great game.”

In many places, federal authorities received little or no help from local law officials. Neighborhood policeman, either because of bribes or the fact they were reluctant about arresting otherwise law-abiding citizens, simply looked the other way. Raids were often foiled because of an inside tip. A good number of Prohibition Bureau agents were themselves corrupt or inefficient.

To make matters worse, many high-ranking city, state, and federal officials refused to abide by the law. Congressman Fiorello LaGuardia, who would later become New York City’s mayor, mocked Prohibitionists by posing with a mug full of alcoholic beverage. “Dee-licious!” he proclaimed. The mayor of Chicago, William Hale “Big Bill the Builder” Thompson, announced with a smile that he was “as wet as the middle of the Atlantic Ocean.” Even the Speaker of the House was known to have a private still; the President, it was said, served occasional drinks to White House guests!

In the larger cities especially, strict enforcement of the Volstead Act became virtually impossible. The metropolitan ethnic neighborhoods had overwhelmingly opposed the liquor sanctions. Immediately, city folks began to brew bathtub gin and moonshine. Time and other magazines explained how to distill liquor from apples and watermelons and even potatoes. Inexpensive kits for homemade stills could be purchased at hardware stores. Local groceries supplied the necessary ingredients while restaurants, cafeterias, and ice cream and soft drink parlors served as distribution outlets. Despite the fact that legitimate uses of corn sugar were few, for some inexplicable reason, the commodity increased six-fold during the 1920s!

Surreptitious barrooms, known as “speakeasies,” filled the void created by all the taverns forced to shut their doors owing to Prohibition. (By the late 1920s, there were nearly 32,000 speakeasies in New York City, twice as many as the closed-down bars they replaced.) A former big city speakeasy operator recounted: “Our speakeasy was just like a regular bar you’d see today except for the door with a peephole in it. Some of the best customers we had were cops. Sometimes they’d pay for their drinks but mostly we’d take care of them. If the Prohibition agents were going to raid us, we would usually get a call from the police captain . . . ahead of time. Everyone was on the take back then, all the way up to the mayor.”

Average citizens carried hip flasks full of home brew. Since alcohol was permitted for medicinal purposes and religious services, prescriptions for liquor and sales of sacramental wine soared. A great share of industrial alcohol (some diluted, some not) wound up in drinking glasses instead of cleaning buckets. A concoction known as “near-beer” was still within the law—it actually contained trace levels of alcohol. The only way to manufacture near-beer was to brew real beer and then remove the alcohol. It was simple to abbreviate the process just enough to leave a slightly higher alcohol content. As the decade wore on, such conspicuous violations of Prohibition became more and more prevalent. In many places, particularly in the Northeast, liquor was boldly sold in plain sight of police. Before long, it was nearly as easy to acquire Prohibition hooch as it had once been to buy legal alcohol!

Because an enormously profitable industry was now barred to legitimate businessmen, organized crime figures assumed leadership. Crime statistics skyrocketed as mobsters hijacked one another’s liquor shipments, fought bloody skirmishes for control of territory, extorted protection money, and brutalized uncooperative retailers. Gangsters gunned down their enemies in broad daylight and bombed rival distilleries and warehouses without regard for innocent passersby. The Eighteenth Amendment and the Volstead Act became relatively minor obstacles for crime bosses, who placed countless policemen and elected officials on their payrolls.

The most notorious crime syndicate warlord was Chicago’s Alphonse “Scarface” Capone, a one-time Brooklyn street thug. At his peak of success, Capone controlled a network of some 10,000 bars and their sources of supply as far as Canada and Florida; his gangland army numbered over a thousand hoodlums and gunmen (organized crime appealed to many ghetto youths as the quickest route to wealth and prominence). So lucrative was his business that in 1927 Capone’s income reached a staggering \$105 million, an all-time high for an American citizen of any profession. Capone became almost legendary; tourists to Chicago kept their necks craned and their eyes peeled, hoping for a glimpse of the mob kingpin patrolling his territory in his \$30,000 armor-plated Cadillac equipped with bulletproof glass and a special cache behind the seat for firearms.

In spite of the many enforcement shortcomings, Prohibition remained heavily supported throughout the 1920s by Protestant fundamentalists, largely rural, as a traditional symbol of the older and purer America over the increasing dominance of the modern city with all its decadent culture. Indeed, in simple terms, the Prohibition issue represented conflict between the countryside and the city, between provincial past and

modern present, between moral decay and wholesome living. On the other hand, many Americans viewed Prohibition as an infringement of their right to determine personal lifestyles. One of the glaring obstacles to logic was the fact that Prohibition made immediate criminals out of otherwise law-abiding citizens. The hard-working American laborer who looked forward to Saturday afternoons when he might, in the confines of his home, take time to relax and sip an Iron City beer while listening to broadcasts of Pittsburgh Pirates baseball games on the local KDKA radio station was suddenly a law-breaker! Bothersome to plenty of people, as well, was the tax increase necessary to enforce Prohibition.

As the Great War ended, America's enthusiasm for various idealistic standards began to dwindle. Steadily, Prohibition opponents made gains enough during the 1920s that in 1933 they finally won repeal of the Eighteenth Amendment. Seven states chose to continue Prohibition on a local basis; Mississippi was the last state, in 1966, to officially go wet.

The Volstead Act was a collaborated effort between the Anti-Saloon League's Wayne Wheeler and Republican Congressman Andrew Volstead of Minnesota, Chairman of the House Judiciary Committee. Congress passed the National Prohibition Act, as it was officially known, over President Woodrow Wilson's veto. Naturally, the measure superseded all existing state-level Prohibition legislation. The law defined intoxicating liquor as any beverage containing more than 0.5% alcohol by volume.



The two Prohibition Bureau agents extraordinaire were Izzy Einstein and Moe Smith. The ratification in 1919 of the Prohibition Amendment required federal and local police forces to add staffing. With no background in law enforcement, Einstein enlisted as Prohibition Agent No. 1 and in short time invited his friend to join him. (Actually, both men were personally indifferent toward temperance.) Acting as a team, they achieved the largest number of arrests and convictions during the first years of the alcohol Prohibition era (1920–1925). Using creative disguises, they made nearly 5,000 arrests of bartenders, bootleggers, speakeasy owners, and beer-guzzling customers, of which 95% gained convictions, confiscating an estimated five million gallons of illegal liquor, worth an estimated \$15 million, in the process.

Einstein and Smith were both rather rotund and hardly presented an alarming appearance at first, which aided their success. The dynamic Prohibition duo claimed to have used more than a hundred disguises, including “streetcar conductor, gravedigger, fisherman, iceman, and opera singer” to gain entrance into drinking establishments and routinely making arrests while unarmed. According to Einstein and Smith, not once were they detected. They even posed as Kentucky delegates to the 1924 Democratic National

Convention held in New York (only soda was served). On one occasion, Einstein and Smith went to a bar and identified themselves outright as Prohibition agents. The doorman, thinking they were joking, simply laughed and let them in, where they proceeded to arrest him and all the customers there!

In late 1925, the partners were among several agents laid off from the New York office as a result of reorganization announced by the National Bureau of Enforcement. A report in *TIME* magazine suggested that Einstein and Smith had attracted more attention (the press and public loved them) than wanted by the new political appointee (Lincoln C. Andrews) heading the Bureau. He and other Washington officials appeared to resent the favorable coverage garnered by Einstein and Smith, some of which was apparently orchestrated—often, the two agents would schedule their raids to suit the convenience of news reporters and photographers. Sunday became the favorite day of the week for action because there seemed to be more space in the papers on Mondays than other days. During one furious Sunday span lasting slightly over 12 hours, Einstein and Smith—escorted by a swarm of reporters—somehow managed to conduct 71 raids!

By 1930, both men were working as insurance salesmen. Smith later operated a cigar store; Einstein worked as a postal clerk. At their deaths, *TIME* featured each man in an obituary noting their joint achievements during Prohibition as the “funniest and most effective team” of federal agents.



Appropriately, the most famous Prohibition era gangland shootout was instigated by the most famous Prohibition era gangster. On February 14, 1929, seven mobsters were lined up against an inside wall of a garage on North Clark Street in Chicago, then gunned down by a handful of executioners. Some of the shooters were dressed in police officers’ uniforms, while others wore suits, ties, overcoats, and hats. The incident highlighted the rivalry between Chicago’s two most powerful mobs—the North Side forces of George “Bugs” Moran versus Al “Scarface” Capone’s South Side element—for complete control of the lucrative Chicago bootlegging business. Moran himself was supposed to have been the prime target of the St. Valentine’s Day Massacre, as the bloody incident came to be named. But fortunately for Moran, his late arrival on the scene (he spotted the Capone police car and, thinking it was the real thing, immediately sped away) coupled with mistaken identity by Capone’s crew (Moran was thought to be among the seven men already inside) allowed Moran to unwittingly avoid the murderous trap.

The fake police officers, carrying shotguns, entered the garage from a rear door to surprise the Moran crew and make an “arrest.” (Moran and his men had been lured there under the pretense that a huge shipment of whiskey hijacked from Canada was available at a bargain-basement price. Thus, they were not overly alarmed when “police” raided their treasure hunt; they would be routinely arrested and booked, but out of jail before they knew it, or so they thought.) Once the men were disarmed, they were ordered to line up against the wall. Capone’s murder squad opened fire with Thompson sub-machine guns, so thoroughly spraying their targets that shooting continued after all seven had collapsed to the floor. The slaughter was punctuated by shotgun blasts to the faces of two victims.

Once the executions were committed, the plain-clothed shooters emerged from the building with their hands up, prodded at gunpoint by the men disguised as policemen, hence creating the charade for citizen onlookers that although shootings had occurred, cops had somehow intervened and apprehended the

gunmen, who were now being marched out, presumably under arrest. (Inside the garage, one of the victims, despite some 15 bullet wounds, was still conscious. He perished a couple hours later after being transported to a nearby hospital.) Tethered outside was a German shepherd belonging to one of the slain mobsters. As the dog howled and barked, the Capone men matter-of-factly loaded into a car and drove away, mission completed. No one was ever tried or convicted for the murders of the St. Valentine's Day Massacre.



Hollywood has produced as many 1920s gangster movies (Capone is the favorite portrayal) as it has films of any other genre, or so it seems. None, however, present a reasonable historical account. One of the *New York Times* "Ten Best Films" in 1987 was *The Untouchables*. It features Robert De Niro as Capone, Kevin Costner as federal agent Eliot Ness, and Sean Connery as seasoned cop and Ness mentor Jim Malone. This movie, as well, takes wide latitude with historical reality. Listed as sources of authenticity are Oscar Fraley (a veteran New York sportswriter who wrote an embellished biography of Ness using information provided by Ness himself) and Paul Robsky (one of the real Untouchables). Why the movie producers would provide a statement implying a credible degree of attention to actual history when *The Untouchables* is so factually off-kilter is a head-scratcher. Ironically, twisting the Ness-Capone saga wasn't necessary; had *The Untouchables* traced the true course of events detail-by-detail, the finished product would not only have been historically faithful, but every bit as startling and brutal—and appealing to the general viewer—as the fabricated version!