

Chapter Two

OUTLAWING ALCOHOL



“Whenever I passed a saloon I sent up a prayer, ‘O, God, stop this!’ At length God plainly said to me, ‘You know how to do it; go and help answer your own prayers.’”

—Rev. Howard Hyde Russell, founder
of the Anti-Saloon League

In 1893, in the town of Oberlin, Ohio, a new temperance organization was formed. The Anti-Saloon League of Ohio was the idea of Rev. Howard Hyde Russell, a graduate of Oberlin College and a veteran activist in the fight against alcohol. Russell’s plan was to form a group that would remain independent of the existing political parties and would not become a political party in its own right, as was the case with the Prohibition Party. Instead, it would offer its support to any political candidate that would agree to oppose alcohol, and its focus would be strictly limited to the issue of temperance. Activists in other states latched onto Russell’s idea, forming their own chapters. In 1895 the various state groups joined together to establish the Anti-Saloon League of America, with Russell as its first acting director. This was the group that would eventually turn the political tide in favor of Prohibition.

The Anti-Saloon League (ASL) was dedicated to stamping out all forms of alcohol, and it would eventually lobby for national Prohibition. But in choosing its name, the group’s leaders showed the shrewd political judgement that they would display repeatedly in the years to come. They knew they could attract more people to their cause if they first championed a cause that enjoyed wide public support—opposing the saloon and its perceived negative impact on communities—rather than the more radical goal of making alcohol illegal.

From the beginning, the ASL had a strong association with religious groups. It even adopted the slogan “the church in action against the saloon.” Many of its staff members were drawn from the clergy, and local churches were used to communicate its message and raise money. Though it was open to religions of all types, core support came from Protestants, with the Methodist churches being the strongest group, followed by Baptists and Presbyterians. Members of these churches had been promoting temperance for decades, but the ASL was able to organize their efforts and direct them more forcefully toward a political solution to the alcohol problem.

Playing Politics

That process took time. It was not until the first decade of the 1900s that the ASL really began to make its presence felt in the political arena. By that time, Russell had stepped down, and Rev. Purley A. Baker became the group’s general superintendent. It was another ASL official who proved the most powerful figure in the fight for Prohibition, however. Wayne B. Wheeler had joined the Ohio chapter of the group in 1894 (see biography on Wheeler, p. 138). He then became an early and skilled practitioner of the sort of hard-nosed political tactics that the league would later employ nationwide.

The ASL strategy utilized by Wheeler and his cohorts developed as follows: In elections for local, state, and national office, the ASL asked Democratic and Republican candidates for their views on alcohol. If both supported the dry cause, the ASL would take no further action in the race. If one was dry and the other wet, the ASL put its full support behind the anti-alcohol candidate. In cases where both major-party candidates were wet, the league would sponsor an independent candidate who supported temperance. The ASL considered the politician’s stance on alcohol to be the only relevant issue. Other policies were ignored, and personal conduct was unimportant. It was not unusual for the ASL to back a known drinker so long as the candidate proclaimed himself in favor of the dry positions. In one Ohio election, the ASL even endorsed a saloon owner who promised to vote in line with their desires.

The support the league gave to the candidates they chose could be considerable. ASL members would blanket a district to assist in the campaign, distributing vast amounts of literature promoting the candidate and the dry cause in general. The ASL placed great stock in the written word—the mass

media of the day. The organization established its own publishing company to churn out pamphlets and periodicals in huge numbers. In addition to millions of pages of election-related flyers, the ASL published a daily newspaper, two weekly papers, two monthly papers, and a quarterly journal—all of them distributed nationwide. The ASL also specialized in spreading negative information about opposing candidates, some of which was exaggerated or simply untrue. Speaking of his political activities, William E. “Pussyfoot” Johnson, a famed ASL operative, confessed that “I have told enough lies for the cause to make Ananias [a notorious liar in the New Testament] ashamed of himself. The lies that I have told would fill a big book.”



Wayne Wheeler emerged as an influential power-broker for the Anti-Saloon League in the early twentieth century.

When lobbying and mudslinging failed, money sometimes succeeded. According to Wheeler, the ASL spent \$35 million between 1893 and 1926 to promote their cause, a huge sum in that era. The league’s funds came from both the wealthy and the humble. Small-change contributions solicited in church visits totaled as much as \$2 million annually. These contributions were enhanced by large gifts from wealthy industrialists such as Henry Ford, Pierre Du Pont, John D. Rockefeller Sr., and his son, John Jr. The Rockefellers alone contributed \$350,000 to the league between 1900 and 1926. While some of these men were inspired by religious ideals, they shared the belief that industrial productivity—and hence their personal fortunes—would increase if alcohol became less available to workers.

While some of these funds were used for legitimate purposes, most historians believe that the ASL used its money illegally at times—most commonly by “buying” politicians so they would support the league’s policies. Such activities were not unusual in turn-of-the-twentieth-century American politics. While it is difficult to judge how widespread these practices were, the ASL seemed to manage the process skillfully: No proof of corrupt practices was ever brought forth against them. In many cases, however, payoffs of this

kind were unnecessary. The ASL had built its supporters into a powerful voting bloc that struck fear in the hearts of many politicians at election time.

Drying up the States

The ASL's activities showed impressive results. After electing a sizable number of dry candidates in local elections, it focused on passing "local option" laws, which prohibited alcohol within a specific town or county. Large patches of the country went dry in this fashion in the early 1900s. Then the league moved its efforts to the state level. The ASL scored its first major victories in 1907, when Georgia and Oklahoma went dry. It was the beginning of a trend. Over the next twelve years, twenty-eight more states restricted alcohol in some fashion. Some states passed strict or "bone-dry" measures, while others were more lenient—prohibiting the sale of alcohol, for instance, but not its importation or manufacture.

Most states that opted for their own form of Prohibition had something in common: they were largely rural, non-industrial states in the South, the West, and the Midwest. This was further proof of the city/country division over alcohol. Small-town America provided the strongest backing for Prohibition, while the nation's biggest cities were generally opposed to it. Had the dries kept their focus on state and local campaigns, it is doubtful that areas with large urban populations would have ever opted to become dry. Not surprisingly, the big cities would prove very hostile to national Prohibition once it was forced upon them.

American brewers and distillers gradually came to realize that the ASL posed a dangerous threat to their livelihoods. In 1907 an industry publication described the league as "a strongly centralized organization, officered by men with unusual ability, financed by capitalists with very long purses, subscribed to by hundreds of thousands of men, women, and children who are solicited by their various churches." Alcohol manufacturers did not sit idle while the fight for Prohibition was waged; they simply got beat. The actions they took were ineffective, and in some cases they hurt their cause more than they helped it.

Like the ASL, the brewers and distillers spent a lot of money attempting to control elections. Beer kingpins such as Adolphus Busch (of Anheuser-Busch) targeted money directly at crucial campaigns around the country.

Using Prejudice to Fight Alcohol

Dry forces played upon racial and ethnic fears to further their cause. This was especially true in the South. There was a widespread belief among southern whites that black men were a dangerous threat to white women, and that the danger increased when blacks had been drinking. The dries used this idea to promote their cause. Richmond Pearson Hobson, an Alabama congressman and ASL fundraiser, stated that “liquor will actually make a brute out of a negro, causing him to commit unnatural crimes. The effect is the same on the white man, though the white man being further evolved, it takes longer to reduce him to the same level.” On another occasion, Hobson, who co-sponsored the first Prohibition resolution in 1913, stated that “in America we are making the last stand of the great white race, and substantially of the human race. If this destroyer [alcohol] can not be conquered in young America, it can not in any of the old and more degenerate nations.”

By “degenerate nations,” Hobson meant the countries of Europe. The European immigrants that came to the United States were frequently targeted by the dries—partly because most immigrants opposed Prohibition. Often these attacks played upon fears that the newcomers would pollute the “real” America and lead to foreign domination. Alphonso Alva Hopkins, a prominent dry advocate, complained in *Profit and Loss in Man* that “besodden Europe ... sends here her drink-makers, her drunkard-makers, and her drunkards, or her more temperate but habitual drinkers, with all their un-American and anti-American ideas of morality and government.... Foreign control or conquest could gain little more, though secured by foreign armies and fleets.” The ASL’s Ernest Cherrington employed similar ideas, dismissing German-Americans as “a lot of swill-fattened, blowsy half-foreigners getting together and between hiccoughs laying down definitions to Americans regarding the motive of our constitution and laws.”

Such rhetoric was more common in the late 1800s and early 1900s than it is today, but it seems to have been especially common in the Prohibition debate. The topic of alcohol had a knack for touching on the era’s other sensitive issues.

Unlike the ASL, however, the alcohol lobby was clumsy when it came to illegal activity, and on several occasions its underhanded activities were exposed. For example, a group of breweries in Texas pleaded guilty to illegal election practices in 1916. The United States Brewers' Association was indicted for similar shenanigans in Pennsylvania in 1918, with the guilty parties paying heavy fines. The ASL, of course, made sure that these corruption charges were widely publicized.

The brewers' biggest misstep was their failure to reform the saloon trade on their own. The crime and corruption associated with the saloons convinced many people to support the dry cause even though they did not favor an outright ban on alcohol. The brewers certainly had the ability to make changes had they wished to. In the early 1900s they controlled an estimated 75 percent of the country's drinking establishments, either directly or indirectly (by holding mortgages on saloon property, for example). Had the brewers made a concentrated effort to clean up the drinking houses in the first decade of the 1900s, they might have been able to slow or stop the anti-alcohol bandwagon. Charles Merz, one of the first historians to look at Prohibition, makes this point in his book *The Dry Decade*. "They might have attempted to protect their business by putting it in order," Merz wrote of the brewers. "They preferred to argue that there was nothing in their business which needed to be put in order and to spend their time and effort creating an elaborate system of protection which toppled to the ground."

In 1916, the alcohol industry realized its error and tried to change course. The United States Brewer's Association took out newspaper ads claiming that they would help reform the saloons and promote "real temperance, which means sobriety and moderation; not prohibition." The National Retail Liquor Dealers' Association took a more feeble approach, vowing to fight against the use of profanity in the saloons. These efforts proved too little and too late. By that point the ASL's push for national Prohibition was hitting high gear.

Amending the Constitution

"The first shot in the battle for the Eighteenth Amendment," as Wayne Wheeler described it, was actually fired in 1913. That year, at the ASL Jubilee Convention in Columbus, Ohio, a resolution was put forth calling for an amendment to the United States Constitution that would prohibit

alcohol throughout the nation. This was a large step for the league, but its success in passing anti-alcohol measures in various states had generated a widespread consensus that it was time to take the fight to the next level. In December of that year, resolutions for the amendment were introduced in both houses of Congress.

One of the primary rationales for pursuing nationwide Prohibition was that localized bans on alcohol were only partially effective. Determined drinkers and suppliers found ways to get past the laws. Until 1913, it was legal to ship alcohol from wet areas to dry areas, so long as it was for personal consumption. A large mail-order alcohol business met this demand. Of course, some of the mail-order alcohol was not used for personal consumption at all. Instead, it was resold by bootleggers or served in illegal drinking establishments.

The mail-order trade was outlawed with the 1913 passage of the Webb-Kenyon Law, which expressly prohibited the shipment of alcohol into dry states. But dry states and communities still experienced great difficulty defending their borders. Areas that outlawed alcohol were often close to places where liquor was still legal. It was a relatively simple matter for people to travel to the wet areas to buy alcohol or for bootleggers to ship it into the dry areas in large amounts. The ASL and its allies argued that if the entire nation went dry, the ban could be effectively enforced. Senator William Edgar Borah, quoted in the *New York Times*, complained that state laws banning alcohol were “broken down and trampled under foot by powers outside the state” and contended that “it would be utterly impossible for the state to protect itself unless the national government ... also declared that policy.” This theory ignored the fact that, even with national Prohibition, huge amounts of alcohol could be smuggled into the United States from foreign countries.

“During the final stages of the battle, there were approximately 50,000 trained speakers, volunteers, and regulars, directing their fire upon wets in every village, town, city, county, and state.”

Amending the United States Constitution is not a simple process, which is why it has only happened twenty-seven times in the nation’s history. A resolution such as the one presented in 1913 first needs to be passed by a two-thirds majority in both houses of Congress (rather than by a simple majority, as is the case with regular laws). It then must be ratified by three-fourths of

the states (either passed by a statewide convention or approved by a majority of the states' legislators).

The dries needed a lot of votes in Congress to get past the first of these hurdles, and at the outset they did not have the necessary support. When the constitutional resolution was first brought before the House of Representatives in 1914, it received more yes votes than no votes, but it fell far short of the necessary two-thirds majority needed for passage. After this initial failure, the ASL set the resolution aside and buckled down to the task of electing more Prohibition-friendly politicians to Congress.

The congressional elections of 1914 and 1916 proved to be crucial in the adoption of Prohibition. In his recollections of this period, Wayne Wheeler portrayed the ASL as an army at war. "During the final stages of the battle," he wrote of the 1914 election, "there were approximately 50,000 trained speakers, volunteers, and regulars, directing their fire upon the wets in every village, town, city, county, and state." In the 1916 campaign, he recalled, the league "laid down such a barrage as candidates for Congress had never seen before." The Prohibition offensive was a success: In 1914, dries picked up valuable seats in both the House and the Senate. In 1916, twice as many dry candidates were elected to Congress as wets. This congressional turnover provided the ASL with the votes necessary to put the Prohibition amendment before the states. As 1917 dawned, the ASL was winning the political war, and it was about to get a huge boost from a war of a different kind.

Prohibition Effort Aided by World War I

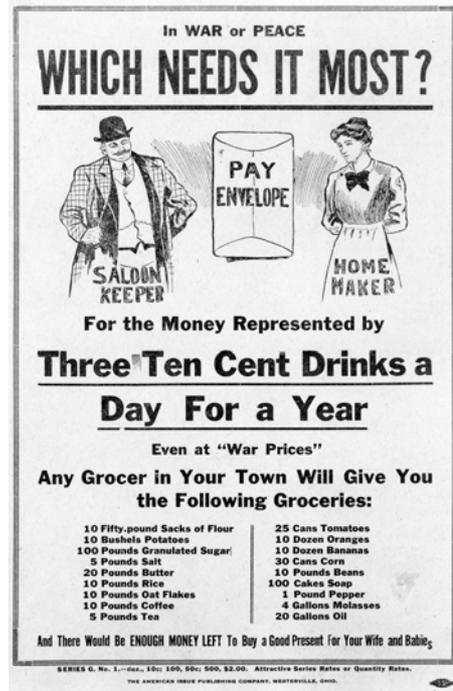
In August 1914, simmering tensions between the powerful nations of Europe reached the crisis point, and the First World War commenced. On one side were the Allies: Great Britain, France, Russia, and—later—Italy. On the other side were the Central Powers: Germany, Austria-Hungary, and Turkey. (Less powerful countries were involved in the war on both sides.) Eventually, the United States would join the fray, but not until 1917, when it joined the Allies. For the first two and a half years of the war, America remained officially neutral.

U.S. neutrality, however, did not prevent the American public from taking sides over the conflict. Given the historic ties between the United States

and Great Britain, many Americans sided with the Allies, especially those who were descended from British ancestors. German-Americans, however, had an understandable attachment to the country their ancestors had come from, so many of them supported the German war effort. These antagonisms would have had little to do with the issue of Prohibition except for one important fact: the majority of America's brewery owners were German-Americans.

In April 1917, the U.S. abandoned its neutrality and declared war on Germany and the rest of the Central Powers. Anti-German sentiment grew strong throughout the country, and Americans with ties to Germany came under suspicion of being disloyal to the United States. The dregs capitalized on this situation. They did their best to cast suspicion upon brewery owners, most of whom were longtime supporters of the National German-American Alliance, a group that promoted German culture, criticized the British war effort, and opposed U.S. involvement in the war. Wayne Wheeler convinced members of Congress to launch an investigation of the alliance, and the negative publicity that resulted forced the group to disband. Wheeler also urged the federal government to investigate brewers directly. "It is reported to me that the Anheuser-Busch Company and some of the Milwaukee companies are largely controlled by alien Germans," he reported to A. Mitchell Palmer, who served as the Custodian of Alien Property during the war. These sorts of accusations led to further public ridicule for the brewers, though they were never implicated in treasonous activity.

The ASI's intention was to link alcohol with anti-Americanism and frame Prohibition as a patriotic cause. In one of his many statements on the subject, Wheeler proclaimed that "the liquor traffic aids those forces in our country whose loyalty is called into question at this hour." In another instance, he raised the specter of German leader Kaiser Wilhelm II: "Kaiserism abroad and



This Prohibition poster shows a list of groceries that could be purchased with money used for alcoholic drinks.

What Did Prohibition Prohibit?

To say that alcohol was simply forbidden after passage of the Eighteenth Amendment is misleading. The amendment, combined with the legal statutes in the National Prohibition Enforcement Act (better known as the Volstead Act), outlawed certain actions related to alcohol, but did not outlaw alcohol entirely.

The general provisions of the amendment declared that it was illegal to manufacture, sell, transport, import, or export “intoxicating liquors” for “beverage purposes.” Thus, selling alcohol was illegal, but buying it was not. The Volstead Act defined “intoxicating liquors” as any beverage with more than 0.5 percent alcohol content, which allowed low-alcohol “near beer” to be sold legally. Also, industrial alcohol that was not intended for “beverage purposes” was legal, though permits were required to manufacture it.

The Volstead Act also allowed high-percentage beverage alcohol under certain conditions. Sacramental wines, such as those used by devout Jews, were permissible, but regulations were put in place to control their sale. Alcohol could also be acquired with a doctor’s prescription, with certain time and volume limitations.

Neither the amendment nor the law specifically prohibited the drinking of alcohol. This had ramifications in regard to personal consumption:

booze at home must go,” Wheeler demanded. “Liquor is a menace to patriotism because it puts beer before country.”

The Eighteenth Amendment

Having elected additional dry congressmen to office in 1916, and with anti-German sentiments working to its advantage, the ASL was nearing the peak of its power. When President Woodrow Wilson’s wartime measures came before Congress in the summer of 1917, the dregs tacked on a provision to the Food Control Bill. It prohibited the use of foodstuffs for the manufacture of distilled spirits, which brought liquor manufacturing to a halt. They

- A person could possess and drink alcohol in his or her home. Those who stockpiled booze at their residence before Prohibition took effect and only consumed it there violated no laws.
- It was illegal to store alcohol in some place other than a residence, however. (This point was clarified just days before Prohibition took effect. A mad scramble ensued as people had to move large stockpiles from storage buildings to their homes.)
- It was against the law to make beverages that had more than 0.5 percent alcohol, even for personal use. Home manufacturing became very popular, but it was illegal—with one notable exception:
- The Volstead Act allowed the manufacture of cider and fruit juices for personal consumption. Both will ferment into alcoholic beverages of their own accord, though this was not discussed in the act. Thus, homemade wine and hard cider were legal. This provision was included mostly to appease farmers, who had a long tradition of making hard cider. It was viewed as more proof that dries targeted drinking in the cities while ignoring alcohol use in the country. In practice, plenty of city dwellers made use of the exemption, especially immigrants who had previous experience with winemaking.

then turned their attention to the constitutional amendment that had been languishing for three years.

The attitude of Congress toward Prohibition had changed significantly since the amendment had first been voted on. There were more dry legislators, and some of those who had voted against Prohibition in 1914 had changed their minds on the issue because of the war. The dries felt they had the votes to pass the amendment, but they had to do a little horse trading to overcome procedural obstacles in the Senate. Wets refused to let the bill come up for a vote until a time limit was included: the states would have just six years to ratify the amendment. If three-quarters—thirty-six of forty-eight states—failed to do so by that time, the amendment would fail. This was a very tight schedule for

the amendment process. Most amendments have no expiration date: the Twenty-Seventh Amendment, which governs Congressional salary hikes, was originally proposed on September 25, 1789, but it was not ratified for 203 years, until May 7, 1992.

Senator Morris Sheppard of Texas, a co-sponsor of the original resolution, was unsure whether to accept the time constraints on the Eighteenth Amendment. “Half a dozen years seemed an awfully short time to me,” he later admitted. “But I had to take a chance. It was the first time in American history we had ever had a chance to get a dry amendment onto the floor for a vote.”

The deal was made, and the Senate vote took place on August 1, 1917. The measure passed 65 to 20, comfortably above the two-thirds majority needed. Four months later, after a congressional recess, it came before the House of Representatives, though some changes had been made to the amendment in the meantime. A compromise between the opposing sides had resulted in a seven-year time limit, rather than six, for ratification. In return, the wets won the concession that if the amendment were added to the Constitution, there would be a one-year grace period between its ratification and implementation.

Some changes were also made to the technical wording of the measure—all of them authored by Wayne Wheeler. Though little attention was paid to these alterations at the time, they later had a profound effect on enforcement efforts. The House approved the altered form of the amendment by a resounding 282 to 128 count. At that point, the only hope for the wets was that the seven-year limit would expire before 36 states formally ratified the Prohibition amendment.

While some dries were anxious about the time limit, others were not. The ASL had proven itself the master of state politics long before it had turned its attention to Washington. Bishop James Cannon Jr., a member of the league’s executive committee, confidently predicted that “the amendment will be ratified within two years” (see Cannon biography, p. 103). He was correct. Mississippi became the first state to ratify the Eighteenth Amendment on January 8, 1918, and within thirteen months, thirty-five other states had formally approved the amendment. The last of these states was Nebraska, which approved the measure on January 14, 1919. The stage was thus set for the Eighteenth Amendment to become a part of the U.S. Constitution on January 17, 1920.

To view this image,
please refer to the print version of this book.

More than 30,000 gallons of wine from this Los Angeles winery are flushed into the gutter as national Prohibition goes into effect.

A New Era Dawning

Some Americans began stockpiling alcohol in preparation for the drought, but the price of liquor had skyrocketed with the passage of the amendment. Only those with a lot of expendable income could afford to lay in a large supply before Prohibition began. As the deadline approached, it was expected that January 16—the last day for legal alcohol—would be marked by wild parties, especially in New York City, the country’s nightlife capital. Instead, as the *New York Evening Post* reported, “the big farewell failed to materialize.” The public seemed to be waiting quietly to see what the age of Prohibition would bring.

What Prohibition brought on its first day were large celebrations by drys all over the country. One of the grandest was presented by evangelist Billy

Sunday, a longtime foe of alcohol and a first-rate showman (see biography on Sunday, p. 134). Sunday presided over a funeral for John Barleycorn (a symbolic figure for alcohol), who was laid to rest in a twenty-foot-long casket. The evangelist then proceeded to describe the glorious new era that was at hand. “The reign of tears is over,” he said. “The slums will soon be only a memory. We will turn our prisons into factories and our jails into storehouses and corncribs. Men will walk upright now, women will smile, and the children will laugh. Hell will be forever for rent.”

Even as these words were spoken, however, there were indications that prisons might need to fulfill their old function for some time to come. Before Prohibition was twenty-four hours old, trucks transporting bootleg liquor had been seized in two U.S. cities, and illegal stills were discovered in two others. In addition, gangs had robbed large amounts of alcohol from a train car and a government storage facility. One of the most crime-ridden eras in American history had begun.