

Most important reason for the repeal of prohibition history essay



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Prohibition, otherwise known as the Great Noble Experiment, was introduced in America in 1920. Prohibition came about due to many people believing that banning alcohol would reduce or rid America of many social problems within society. It gained almost universal approval from rural areas as it protected their values and norms from the big alien cities with large immigrant populations.[1] American demographics were changing dramatically around this time; White Anglo Saxon Protestants (WASPs) were becoming a smaller percentage of the population as the United States became a nation of big cities filled with Catholics from Italy and Ireland. They were often excluded from Prohibition movements, such as the temperance movements, as the majority of members were exclusively WASP.

[2] Prohibition was thought to be easy to enforce which furthered its appeal. The first Prohibition Commissioner John F. Kramer proclaimed: " This law will be obeyed in cities large and small, and in villages, and where it is not obeyed it will be enforced".[3] It largely did work within the rural areas as drinking declined; there was a drop in alcoholism and fewer arrests for drunkenness. However, within the big cities the law was largely flouted and crime and corruption increased as did the enforcement costs of Prohibition.

The Anti-Saloon League (ASL) was a long standing champion of Prohibition and stated publicly that enforcement would cost little. Congress was of a similar view and initially only gave \$2, 200, 000 to enforce it. This quickly rose and by 1926 Congress had to allocate \$10, 000, 000 for enforcement. Senator James Wadsworth remarked of Prohibition in 1926: " This Prohibition thing is getting worse everyday. It cannot go on this way or the whole government will be disgraced".[4] It soon got worse, as in 1929 the

Prohibition Commissioner James Doran, told Congress that \$300, 000, 000 for enforcement was needed if he was going to properly enforce Prohibition. Congress gave him only \$2, 200, 000 more making the total \$12, 200, 000.

[5]The sharp rise in cost came about due to the fact that after Prohibition was in force for half a decade it was found that a significant proportion of all classes of the American population were disregarding the ban.

Prohibition was eventually seen as a failure as it encouraged criminality and fostered a culture of bribery, blackmail and corruption which reached to the highest levels. It was detrimental to public health as many working class people died through poisoning. The wealthy could easily obtain better quality alcohol which eventually led to class resentment. Prohibition also highlighted the brutality of those who tried to enforce it and those who profited from it through crime. It deprived the government of revenue which during the later years of Prohibition was needed to counter the effects of the Depression of the 1930s. Many saw the Noble Experiment as having totally failed. Even in cities where there was a large police presence and effective law enforcement the authorities became reluctant to enforce it. It was noticed by Assistant Attorney General of the United States, Mabel Willebrandt, in her book *The Inside of Prohibition* published in 1929, that New York was unwilling to enforce Prohibition as early as 1923, only three years after Prohibition had begun.[6]

The bootlegger became rich as a result of Prohibition and it gave rise to famous gangsters such as Charles " Lucky" Luciano and Al Capone, who could easily dominate cities with the amount of money they were making through bootlegging. They often corrupted cities by bribing politicians and

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the police. Through the money they made they could finance more criminal activity such as prostitution and loan sharking. Law officials were often powerless to stop them and some were not willing to do anything. This was particularly the case with the Director, J. Edgar Hoover, of the Bureau of Investigation (which became the FBI in 1935) as he did not believe that organised crime existed. Only the Internal Revenue Service (IRS) made a major arrest of a high level bootlegger during the period of Prohibition, which was Al Capone.[7]

It became to be realised that Repeal was necessary but this only gained widespread acceptance during the late 20s and early 30s. However, to determine what was the most important reason for the repeal of Prohibition it is necessary to examine the whole of the Prohibition period from when it was enacted into law to see in more detail why America was slowly turning against Prohibition and what brought about its dramatic end. The repeal of Prohibition mostly came about due to what happened within the cities in America, as in rural surroundings the population was more sympathetic to the aims of Prohibition.

Chapter 1 Lack of Law Enforcement:

One of the reasons that Prohibition did not succeed was the government's failure to enforce the law. Not just at the federal level but also at the state and local levels. The politicians in Washington greatly underestimated the enforcement cost of Prohibition which rocketed from \$2, 200, 000 to \$12, 200, 000. This was considerably in excess of the estimates. The government only recruited 1, 520 Prohibition agents initially and at its peak there were 2, 836 to police a population of 125, 000, 000. The Prohibition agents were <https://assignbuster.com/most-important-reason-for-the-repeal-of-prohibition-history-essay/>

often corrupt and could easily be bribed by gangsters to do their bidding, and most were accused of not doing their job properly. They were often seriously injured or killed. The Prohibition Bureau was heavily underfunded and there was a lack of cooperation with other departments within government. Norman Clark examines the tense relationship between the Treasury, Justice Department and the Prohibition Bureau which led to bitterness and mistrust between them, together with allegations of corruption. As Mrs Mabel Willebrandt, assistant attorney general, reports in her book ' it was not an uncommon thing for agents of the Intelligence Unit and for special assistants to the attorney general who had been sent to Seattle...to be " shadowed" by agents of the Prohibition Unit and their friends'.^[8]Federal prisons were also beginning to burst with the number of mainly petty criminals that the federal government was prosecuting under the Prohibition laws.^[9]The local police often failed when it came to enforcement of Prohibition laws as many wanted to know nothing of the organised crime that was encroaching on their precincts, and they failed to carry out their duties properly because of bribery. Judges themselves were often too corrupt to enforce the law properly. They received little help from federal officials, as in the state of Michigan where there were only three federal judges and two federal marshals to pursue bootleggers. Federal officials who were supposed to stop bootleggers in the states with inadequate resources had little help from the local authorities as they were also often corrupt. Sometimes the evidence would mysteriously go missing when judges tried to convict bootleggers. In a case in Chicago in the summer of 1923 the evidence, which consisted of a considerable quantity of alcohol, disappeared from police headquarters. " That's a poor place to bring liquor,"

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the judge said as he dismissed the case.[10]The U. S. Commissioners, who decided whether cases should go before a grand jury, were frequently ineffective as they were often corrupt, and some would pick anti-prohibitionist jurors who would dismiss cases against indicted bootleggers. The U. S. Commissioners themselves were sometimes paid by the bootleggers to free them.[11]

The Prohibition laws also gave rise to a number of problems. The Eighteenth Amendment which introduced Prohibition in 1920, along with the Volstead Act which enforced Prohibition, was full of loopholes. The major one being that although the “ manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States” was “ prohibited”, buying and drinking liquor was not. This left the states to decide whether the drinking of liquor within their territories should be a criminal offence. Having alcohol itself was not considered a criminal offence under the federal law and neither was making it yourself at home through the use of home stills. As a result it would be legal under federal law to make your own liquor in your own home and drink it yourself. This also applied to wine. Doctors were said to be making \$40 million a year from signing prescriptions for whiskey as the law allowed alcohol for medical reasons. Sales of sacramental wine also flourished during the Prohibition period.[12]

The lawmakers and mayors often themselves flouted the law. At the 1920 Democratic National Convention in San Francisco the Mayor provided the lawmakers with whisky. Mayor Jimmy Walker of New York led beer parades through New York openly flouting the law and encouraging others to do so.
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[13]Mayor John Smith of Detroit proclaimed Prohibition was “ a tragic joke” and he would not enforce any wet laws within his city. Some Presidents gave up on enforcement altogether. President William Taft in the last month of his presidency declared that Prohibition would be “ unenforceable” and said: “[It] would put on the shoulders of the government the duty of sweeping the doorsteps of every home in the land. If national Prohibition legislation is passed, local government would be destroyed.”[14]President Warren Harding was even known to have alcoholic drinks delivered to the White House.

Prohibition was already in this respect starting to seem like a failure. Even when there was evidence of the law being largely flouted Congress chose to ignore it. When Prohibition Commissioner James Doran suggested what he considered to be the appropriate funds needed for proper law enforcement he was rebuffed by Congress.[15]Enforcement was already seen as impossible. The Prohibition agents who were supposed to do this job were often corrupt. One judge remarking: “ I want to instruct the witness that a Prohibition agent is not the law and most of them whom I have seen are about as far away from it as could be imagined.”[16]They were widely unpopular as they used excessive force, such as shooting fleeing suspects and beating handcuffed prisoners, and they were often abused in the street for these tactics. Stories of Prohibition agents, such as William Thompson who slept with prostitutes and attacked a policeman in a drunken rage, only reinforced the idea that Prohibition agents were not doing their job properly. Agents involved in shoot outs with bootleggers sometimes shot innocent victims such as mothers and children. There were stories of Prohibition

agents even being bribed by those who they were meant to prosecute as the agents themselves received little pay.[17]William Ross, the United States Attorney for Brooklyn, remarked that “ many of the [Bureau’s] men were absolutely crooked, and a still larger number absolutely inefficient.”[18]Some agents were convicted criminals. Agent Stewart McMullin had already killed a man and been imprisoned for forging cheques and armed robbery, and when he was appointed he was still in prison in New York.[19]Stories about the agents were widely reported by the anti-prohibitionist movement which made the agents widely unpopular. People began to question whether the shooting of innocent people and the lack of will to enforce the law properly was making Prohibition a noble cause at all. The police were equally bad at enforcing the law. In Chicago there were 950 bootleggers released as they could not prosecute them. Many police officers were also vulnerable to being bribed by the bootleggers so that they could avoid prosecution. House of Representatives member, Fiorello La Guardia, commented that to enforce prohibition properly “ you will have to have 150, 000 agents to watch the first 150, 000” to make sure they were doing their job properly and adequately without the risk of corruption. He made a similar comment about the New York police force although the number of policemen became 250, 000.[20]Often those officers who did enforce the law were quickly removed because they offended corrupt higher officials. As some mayors were unwilling to enforce Prohibition, with some openly flouting it, the public gained the impression that they too could openly ignore the Prohibition laws.

Judges and district attorneys were no better at enforcing the law. They could also be subject to corruption and often took bribes. Judge Sylvain Lazarus of San Francisco ordered policemen to return confiscated liquor back to its owners. The district attorney of San Francisco openly supported anti-prohibition groups.[21]

Although the lack of law enforcement was used by anti-prohibitionist groups as an argument for repeal, it still remained to convince the politicians and public in general that this was an important enough reason in itself why Prohibition should be repealed. Politicians and the public were indifferent as to whether the law was being enforced, and so long as there was no public outcry politicians could turn a blind eye to the issue and need not repeal the Prohibition laws.

Chapter 2 Corruption:

Corruption was widespread in Prohibition America and affected all levels of society from Politicians to the local police. Bribery was a vital tool for Bootleggers to keep the speakeasies that they ran open and not shut down by the authorities. Just to stay open Mrs. Mabel Willebrandt, the assistant attorney general, deduced that the 32, 000 speakeasies operating in New York probably paid the police \$5 a day to stay open. In Manhattan this was a widely low estimate as the police would charge the bootleggers up to \$150 a week thus making huge profits. Some speakeasies banded together and created a bribery pot so they could support each other if the police demanded more money from them. Mrs. Willebrandt commented “ that if the police of New York City, and some of the politicians who control their

appointments, are not collecting at least \$160, 000 a day or \$60m a year
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from the speakeasies alone, they are either very honest or very stupid. Take your choice!"[22]Charlie " Lucky" Luciano claimed that he had bribed every New York police precinct.[23]In Baltimore the police were said to be famously corrupt with speakeasy operators making regular contributions to a disabled policemen fund. Reference may also be made to the US Supreme Court case of *Olmstead v. United States* that decided in 1928 that wiretapping by prohibition agents was lawful. Olmstead was a young lieutenant in the Seattle police force who was involved according to the New York Times in " one of the most gigantic rum running conspiracies in the country" for which he received four years imprisonment for conspiracy to contravene the National Prohibition Act.[24]During the course of his judgement in the Supreme Court, Chief Justice Taft stated that the evidence " showed the dealing by Olmstead, the chief conspirator, with members of the Seattle police, the messages to them which secured the release of arrested members of the conspiracy, and also direct promises to officers of payments as soon as opportunity offered".[25]

As we have seen Prohibition agents took bribes from bootleggers.[26]The mayors of certain major cities were also majorly corrupt with bootleggers supporting mayors who would favour wet laws. Such as the mayor of Chicago, William Thompson, who was estimated to have received campaign contributions from Al Capone totalling \$260, 000 and who declared that he was " wetter than the middle of the Atlantic Ocean".[27]Bootleggers supported by financial means mayoral and local political candidates who were sympathetic to their position on the wet laws so as to ensure that they were not harassed by law enforcement officers. Some even went further,

challenging enforcement by the federal government. Mayor Thompson proclaimed: " We'll throw every dam dry agent in jail... I will do all in my power...to save Chicago citizens from any more suffering at the hands of thugs and gunmen sent here by the Federal Government".[28]At the Federal level they supported dry candidates so that they could continue their profitable trade without any competition.

Top gangsters like Capone and Charlie Luciano had whole cities under their control and bribed everyone from the judges to the police. Charlie Luciano bribed the Police Commissioner of New York with \$20, 000 a month in used notes. Luciano bragged after being unable to bribe Senator La Guardia: " Let him keep City Hall, we got all the rest, the DA's, the cops, everything."[29]Gangster Johnny Torrio, who was Al Capone's mentor, taught him the theory of total control which involved bribing officials according to their rank.[30]To bribe law enforcement officers in this way had its benefits, albeit that it was expensive. By 1926 Al Capone was said to be turning over \$100 million in profit from bootlegging with \$30 million going towards bribing police, judges and politicians.[31]

Federal politicians too were also corrupt as evidenced by John Langley, a House Representative from Kentucky. Langley was on a salary of \$7, 500 but questions arose after he deposited \$115, 000 into his bank account. It was found he did this in exchange for releasing medical liquor to New York bootleggers. Although to the public this seemed to matter little as after entering prison his wife was elected twice in his place.[32]Politicians were open to corruption because they were poorly paid and the money on offer was often just too tempting. Bootleggers were even reported to be working <https://assignbuster.com/most-important-reason-for-the-repeal-of-prohibition-history-essay/>

within Congress often supplying Congress members with liquor. Senators and House members would often appear drunk on the congressional floor with apparently stocks of liquor kept in the House of Representatives and Senate cellars. No one made any attempt to remove them. Mrs. Mabel Willebrandt in her book states that, " The influence of liquor in politics begins down on the City wards and often in county districts, but it extends if it can up to the Cabinet and the White House in Washington". She instances an occasion when the bootlegger George Remus was convicted and bragged that he would not serve a day in prison. She writes that " a few days later, a phone call came from the White House, stating that a respite of 60 days would be granted to Remus if the Attorney General would send over the necessary papers. Prominent politicians ...had intervened with the President." [33]

The judicial system was also influenced by corruption. The bootlegger Al Capone had a direct phone line to certain judges and could dictate whether certain bootleggers should be convicted. If the bootleggers could not bribe the judges they could bribe the U. S. Commissioners as mentioned above. The Commissioners would, for a fee, tip off speakeasy operators about impending federal raids on their property. The Speakeasies gave some Commissioners monthly fees of between \$50 and \$75. [34]

Corruption was widespread throughout America and was affecting the major cities badly. Gangsters and police officers were often openly cooperating with each other. The bootleggers, the Genna brothers, had a warehouse full of alcohol in Chicago only a short distance from the police station. The

manager of the warehouse said of the property to investigators that:
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The warehouse was run openly and in full view of everybody, unmolested by the State authorities other than the occasional raid. But notification of 24 hours was always given to the Gennas. Sometimes the very letters sent out by the police ordering the raid were shown to them. There would be a clean up, then a raid, then a re-opening... During all the period that I worked there the entire Genna enterprise was done with the full knowledge, consent and approval of the Chicago police.[35]

This was almost seen as the norm within cities like Chicago and most of the public knew that the police and bootleggers cooperated with each other and that corruption was widespread. As Herbert Hoover said in his memoirs, "Chicago was in the hands of the gangsters...the police and magistrates were completely under their control...the governor of the state was futile"[36] Sometimes the police would even guard the liquor for the bootleggers whilst in their police uniforms. When proof appeared of corruption, and that they were protecting the liquor, they were often merely transferred to another station.

Since the bootleggers were supplying the public with what many wanted the public generally did not complain. As Daniel Okrent explains the bootleggers:

Had customers and not victims. Whoremongers brutalized the women who worked for them, and numbers racketeers and gambling house operators took an extortionate cut off the top, but except when they were pouring colored industrial alcohol into Haig & Haig bottles, the bootleggers gave their customers exactly what they wanted, at a price no one was forced to pay[37]

This is why the public did not condemn corruption within Prohibition America as bootleggers supplied liquor to the majority of U. S. citizens of all classes who still drank.

Corruption grew more widespread as each year of Prohibition passed. As the bootleggers were making colossal amounts of money they could afford to bribe everyone, practicing John Torrio's total control theory. The Association Against the Prohibition Amendment (AAPA) in the 32 reasons for repeal campaign document cites the extensive corruption as a reason for repeal.

[38]However, corruption of itself was not the most important reason as the public seemed to tolerate it in order to receive supplies of liquor. Bootlegger Jack Zuta was sent a letter by William Freeman, a police chief from the Chicago suburb of Evanston, requesting \$400.[39]When this was discovered by the Chicago papers, he resigned but suffered no penalties. This was because the public were indifferent to what happened to him. Sociologist Martha Bruere said: " There is a general disregard of the law and scorn for it.... Most men drink something every day"[40]

Chapter 3 Crime:

Crime was becoming a major issue in Prohibition America as bootleggers were making huge amounts of money. As there was no legal source of alcohol, except for medical or religious reasons, the public turned to the gangsters and bootleggers to supply their needs. Bootlegger Joseph Bonanno stated: " I didn't consider it wrong. It seemed fairly safe in that the police didn't bother you. There was plenty of business for everyone. The profits were tremendous.... It was too good to be true."[41]In Detroit the alcohol industry made \$215 million a year and was only second to the auto industry
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in terms of profitability. Charlie Luciano, five years after Prohibition began, was making \$12 million a year. He was responsible for running the largest bootlegging operation in New York. His imported liquor was also known for its fine quality, for instance he imported whisky directly from Scotland by ship. [42]The enormous borders and coastline of the United States meant that importation was difficult to control especially from Canada, Mexico and the Caribbean.

Gang battles between the bootleggers became a regular occurrence. These broke out over speakeasies and nightclubs and gangs battled for control of bootlegging territory. As an American lawyer of the era, Clarence Darrow, explains: " The Business pays very well... but it is outside the law and they can't go to court, like shoe dealers or real estate men or grocers when they think an injustice has been done them, or unfair competition has arisen in their territory...So they naturally shoot." [43]Police did not intervene in the gang warfare as they saw it as a private matter which did not concern them. Gangsters stopped at nothing to kill their adversaries; one gangster and his henchmen fired indiscriminately with a sub machine gun at his rival killing a child and wounding four others who were playing in the street. He was arrested, but released after the case collapsed over the creditability of a witness. [44]However, some gangs would create peace conferences between themselves, as in the 1929 meeting in a hotel in Atlantic City. Mobsters from far and wide in the United States would discuss their differences. They formed lasting partnerships and the gangsters fixed prices for liquor. From here they could also fix distribution deals with suppliers abroad such as Whisky from Canada and Rum from the Caribbean. [45]

Bootleggers often got away for free as they could afford expensive lawyers to protect them. The cyclopaedia of law in 1910 only had 15 pages on search and seizures for alcohol related problems but by 1932 this expanded to 114 pages. Prohibition Agents' training had to cover search warrant requirements and procedures, for fear of evidence being excluded at trial if it was unlawfully obtained.[46]

Gangs regularly collected money from speakeasies for protection and for supplying them with liquor. It was not just through speakeasies that they made their money as gangsters branched out into all kinds of criminal business. Thomas Dewey the attorney for New York said that there " was scarcely a business in New York which did not pay its tribute to the underworld...a tribute levied by force and collected by fear." [47]

Many politicians used the criminal gangs to their advantage, such as in the case of the political bosses of New York and Chicago who used them to intimidate people to vote for a certain candidate. At first political appointees could use their political power to control the criminals within their areas but soon the criminals were making so much money through bootlegging that they could control the political appointees themselves and instruct them to do their bidding, as we have seen was the case with Al Capone and Mayor Thompson.[48]

Crime was widespread within Prohibition America. Many saw the huge amounts of money that bootleggers were making and decided to emulate them. Vincent Piersante remembers how in Detroit, bootlegging was a viable business option. As he explains: " There were bootleggers on almost every

block. They made it in their own homes and garages and even built underground conduits under the street from one garage to another across the street”[49]Many looked upon the bootleggers with sympathy. Sociologist John Landesco said many saw them as hard working and successful in