

➡ The Crusade Starts ⬅

By CHARLES MERZ

"IT IS here at last—dry America's first birthday," said a statement given to the press by the Anti-Saloon League of New York on January 16, 1920. "At one minute past twelve tomorrow morning a new nation will be born. . . . Tonight John Barleycorn makes his last will and testament. Now for an era of clear thinking and clean living! The Anti-Saloon League wishes every man, woman and child a happy Dry Year¹."

It is difficult now to re-create the mood in which this adventure started, but there can be no doubt of the faith of the prohibition leaders that liquor was effectively banished from the United States by the Eighteenth Amendment. There were no reservations in the assurance with which these leaders faced the future. It did not seem to them then, in the hour of their triumph, that this law might be difficult to enforce and that the results of its first year or even its first decade must be viewed with leniency.

On the contrary, the dry leaders were plainly ready to date the dawn of prohibition in the United States from the day when the law became effective, and it is not difficult to understand their confidence. Having championed prohibition for thirty years as a solution of the liquor problem, their faith was too deeply founded to harbor skepticism. They believed that the law could be enforced and would be enforced, promptly, effectively and to the immediate advantage of the country. Even so experienced a campaigner as Mr. Wayne B. Wheeler saw no reason why the government should encounter any real difficulty in the business of enforcement. "I think five millions a year appropriated to enforce this law would be ample," said Mr. Wheeler in a letter read on the floor of the Senate at this time, "and if the liquor dealers suddenly become law-abiding it can be reduced when the need disappears²."

It was at midnight on January 16 that the law took effect and twenty-four hours later that the public received its first enforcement news. "Four stills, two in Detroit and two in Hammond, Indiana, were raided yesterday in the government's crusade against violators of the Volstead Act," said an Associated Press dispatch from Chicago on January 17. "The raided stills, according to

In the third instalment of "The Dry Decade" Mr. Merz takes up the record of the first six months of prohibition and the four major sources of liquor against which the government had to contend. It is significant that within so brief a time as half a year every major problem of enforcement had arisen.

A. V. Dalrymple, head of the Central West prohibition forces, were operating on a major scale."

The country was dry. Prohibition had come. The Constitution itself forbade the manufacture of intoxicating liquor. It seems clear, however, that there was no sharp break between the old and new, in the sense that manufacture ceased abruptly for a time and only at a later date did illicit stills begin to flourish. The stills were present from the start, not only in the hill country of the border states, where they had always flourished, but in the Middle West, the East and South: obviously prepared to carry on the business of manufacture without interruption.

On January 26, the tenth day of national prohibition, a moonshine plant with a daily capacity of 500 gallons was raided by prohibition agents near the town of Pelham, twenty miles from Birmingham, Alabama³. Here was one extreme, a suggestion of the possibilities latent in large-scale manufacture with a nearby city as the convenient market for a product which could be sold at an attractive profit. At the opposite extreme from large commercial operations was the one-gallon still, designed to cheat the law through a process of home manufacture.

On January 28, the twelfth day of national prohibition, a force of federal agents set out from the Customs House in New York City in what was described as "the greatest campaign ever conducted against violators of the prohibition law," a phrase which was destined to become familiar. The goal of this drive was a round-up of one-gallon stills which, even as early as the second week of national prohibition,

were thought to be in wide use throughout the city.

"Any person caught with one of these stills in his possession will be proceeded against at once," said the Federal Prohibition Administrator in New York⁴. "I advise everybody who has one to bring it to my office immediately." On the following day, no stills having been surrendered, the Federal Administrator announced that his men would promptly begin to search the city for them⁵. For this purpose he had at his disposal a staff of 178 agents to distribute among 1,278,431 homes.

Both the commercial still and its small compatriot for kitchen use thus made their appearance promptly, in the first two weeks of prohibition. From the point of view of effective enforcement of the law, the obvious problem which they presented was the difficulty of detecting and destroying an illicit source of liquor when it was hidden away in miniature form in a city home or in its commercial form concealed in some thicket or some hollow so inaccessibly placed that even the owner of the land on which it stood might be unaware of its existence. A case in point occurred during these early months when a still with a capacity of 130 gallons was found operating at full blast five miles north of Austin, Texas, on the farm of Senator Morris Sheppard, author of the Eighteenth Amendment⁶.

IF THE question of illicit stills raised a problem for the government, there is nothing in the record to suggest that the prompt appearance of this problem tempered the optimism shown by enforcement officials in their early statements to the press.

The Treasury Department had brought to Washington, as the first Prohibition Commissioner in the history of the United States, an Ohio lawyer and a former member of the Ohio Legislature—John F. Kramer, a devoted dry.

This man was not a party boss. He controlled no votes. He had no experience in the business of party plunder. He was an unknown in Washington, a disinterested outsider, a life-long friend of prohibition and a champion whose first announcement to the press breathed confidence and fire: "This law will be obeyed in cities, large

1. *New York Herald*, January 16, 1920.

2. *Congressional Record*, 66th Congress, 2nd Session, p. 5655.

3. *Associated Press dispatch*, Birmingham, January 26, 1920.

4. *New York Times*, January 29, 1920.

5. *New York Times*, January 30, 1920.

6. *New York Times*, September 7, 1920.

and small, and in villages, and where it is not obeyed it will be enforced. . . . The law says that liquor to be used as a beverage must not be manufactured. We shall see that it is not manufactured. Nor sold, nor given away, nor hauled in anything on the surface of the earth or under the earth or in the air⁷."

Nevertheless, despite the finality of this statement and the confidence with which it bristled, it rapidly became apparent that the law would encounter a variety of problems which had not been anticipated by its authors. Illicit distilling was one of these problems. Others cropped up with a disconcerting promptness which is evident in the calendar of the first official efforts at enforcement.

January 16: The law took effect.

January 30: Three members of the Internal Revenue Department engaged in prohibition work were indicted at Chicago on charges of corruption⁸.

January 31: Congress was informed that wholesale smuggling of liquor was in progress on the borders. In a letter to the Appropriations Committee of the House of Representatives, George W. Ashworth, Director of the Customs Service, reported that only "an infinitesimal quantity" of this liquor was being seized, advised Congress that it had not adequately prepared to meet the problem and asked for the immediate appropriation of an additional \$2,000,000⁹.

February 19: Two agents of the Internal Revenue Department engaged in prohibition work were arrested at Baltimore on charges of corruption¹⁰.

February 28: Two carloads of patent medicine containing fifty-five per cent of alcohol were seized in Chicago by government officials¹¹.

March 11: Federal agents in Brook-



International

EARLY CHAPTER IN PROHIBITION HISTORY One hundred barrels of wine were seized in a raid in New York

lyn began a round-up of druggists accused of selling whisky without a prescription from a doctor¹².

March 19: The lower House of the Mississippi legislature voted down a bill proposing to appropriate state funds to aid the federal government in suppressing stills. Major W. Calvin Wells, Federal Prohibition Commissioner for the state, urged the members of the legislature to reveal the sources of liquor which he said was being sold to state officials "openly and brazenly"¹³.

May 8: The federal prohibition office in New York City complained that it was not receiving the support of the New York police. "We are making a great many arrests, but the co-operation of the local authorities is absolutely necessary. We don't get that co-operation"¹⁴.

May 24: Dr. Charles W. Eliot of Harvard University declared in an address at Boston that people with money and social position were helping to defeat the law. "These so-called 'best people,' who are doing so much to interfere with prohibition enforcement, are causing a great deal of trouble in nearly all parts of the country and they are teaching lawlessness, especially to the young men of the country"¹⁵.

June 2: Captain Hubert Howard,

Federal Prohibition Administrator for Illinois, estimated that 300,000 spurious prescriptions had been issued by Chicago physicians since the law became effective¹⁶.

June 6: The special train of the Massachusetts delegation to the Republican National Convention was raided by prohibition agents who seized half its stock of liquor¹⁷.

June 17: District Attorney Clyne reported that the dockets of the federal courts in Chicago were congested with prohibition cases. "Between five hundred and six hundred cases are now awaiting trial"¹⁸.

June 18: The Department of Justice announced that it would be unable to employ special attorneys to handle prohibition cases because of the failure of Congress to provide the necessary funds¹⁹.

June 30: San Francisco was reported to be wide open in honor of the Democratic National Convention. Acting Mayor McLernan later said: "Everybody knew it. The roof of the house was off and San Francisco was entertaining"²⁰.

July 2: Jail sentences aggregating fifty-nine months and fines totaling \$85,000 were imposed on officials of

7. *New York Sun*, January 4, 1920.

8. *Associated Press dispatch*, Chicago, January 30, 1920.

9. *House Document No. 641*, 66th Congress, 2nd Session.

10. *Associated Press dispatch*, Baltimore, February 19, 1920.

11. *Associated Press dispatch*, Chicago, February 28, 1920.

12. *New York Times*, March 11, 1920.

13. *Associated Press dispatch*, Jackson, Miss., March 19, 1920.

14. *New York Times*, May 9, 1920.

15. *New York Times*, May 25, 1920.

16. *New York Times*, June 3, 1920.

17. *New York Times*, June 7, 1920.

18. *New York Times*, June 18, 1920.

19. *Associated Press dispatch*, Washington, June 8, 1920.

20. *New York Times*, October 7, 1920.

two companies in New York City manufacturing flavoring extracts and hair tonics. Officials of the two companies were found guilty of withdrawing from bond 25,000 gallons of alcohol which were diverted to beverage purposes²¹.

July 25: A Washington dispatch to the New York Times reported: "Federal authorities are greatly concerned over the failure of state and city law officers to co-operate with prohibition agents. The fact that the anti-liquor laws are being flouted in many of the greatest cities of the country causes chagrin and disappointment to the government²²."

Here is a page from the record of the first six months of prohibition. One point it shows clearly. Even within so brief a time as half a year every major question which is now prominent in the problem of enforcement had already raised its head.

The first important case involving the diversion of industrial alcohol had come to trial. The first warning of congestion in the courts had appeared in the form of a federal docket five hundred cases behind schedule in Chicago. The first evidence of lack of co-operation on the part of local authorities had reached the public in the lassitude of the New York police, the unwillingness of the Mississippi legislature to contribute money for enforcement and the complaint of federal authorities in Washington that they were being asked to shoulder the whole burden.

Meanwhile, stills were flourishing in both the cities and the rural districts. Patent medicine was under suspicion. Druggists were being raided. Smuggling on the borders was already a serious enough problem for the Customs Service to report that only a fraction of the liquor run across the border had been seized. The first cases involving a new type of corruption in the service of the government had reached the courts. The problem of insufficient funds had already compelled the Department of Justice to abandon plans to add special prosecutors to its staff. Dr. Eliot of Harvard was rebuking the best people for their complaisant revolt against the law; and both the Republican and Democratic conventions had furnished evidence that certain men

in public life and public office were content to break the law while they were writing solemn planks on law enforcement.

All this had happened in six months, before the law had been in operation long enough for its enforcement officers to be handicapped by a defeatist propaganda launched by the wet press. Within a half year's time a miniature "enforcement problem" had shaped itself precisely in the form in which the country was destined to debate it ten years later.

THERE were various ways in which these early symptoms of trouble might be viewed. One realistic and hard-



Underwood

DESTROYING A MOONSHINE STILL
The possibilities of large-scale manufacture soon became apparent

headed way was to recognize that difficulties which had appeared so promptly were likely to be inherent in the law itself; to concede that these difficulties probably could not be wished away merely by insisting that they were inconvenient; and to prepare a program bold enough and sufficiently far-reaching to permit a real attack on the problems of enforcement before they became too formidable to handle. Another way was to ignore all this and to assume that these early difficulties were the work of a few malcontents who would soon retire from the field.

There were several reasons why this second theory was more attractive to the friends of prohibition than the first. Not only did they honestly believe that any early trouble was the result of

sabotage rather than a warning of difficulties inherent in the law: it was obviously good tactics for them to say so. For to face the question of inherent difficulties was to raise the question of the wisdom of the law. To denounce the malcontents was merely to insist on public order.

At no stage of these early proceedings did the friends of prohibition raise before Congress or the country the question of what should be done about such matters as congestion in the courts, corruption in the government or the lack of co-operation shown by local authorities. Whatever difficulties had appeared

they attributed to a conspiracy against the law and not to the law itself: "a vicious conspiracy," as the Anti-Saloon League put it, at the end of these six months, "to discredit and ultimately overthrow prohibition by violation and non-enforcement²³."

Whether or not such a conspiracy existed, an illicit trade had plainly begun to flourish in violation of the law. The central problem in destroying this illicit trade was the problem of shutting off its sources of supply. There were four chief sources of supply. It was easy to identify these sources and possible from the very start to understand precisely what efforts would be required to suppress them. The problems which they presented could be measured as accurately in 1920 as in 1930.

The first source was medicinal liquor. It was the least important source but the most obvious. The Eighteenth Amendment had forbidden the manufacture, sale or

transportation of intoxicating liquor for beverage purposes, but left the legality of liquor for medicinal purposes intact. In these circumstances there was certain to be a very considerable distribution of such liquor. This was not a matter of guesswork but of plainly demonstrated fact. By July 3, 1920, before prohibition was six months old, more than fifteen thousand physicians and more than fifty-seven thousand druggists and manufacturers of proprietary medicines and extracts had applied for license to prescribe and to dispense intoxicating liquor²⁴.

How was the government to make certain that none of this liquor was so dispensed as to defeat the law?

21. New York Times, July 3, 1920.
22. New York Times, July 25, 1920.

23. New York Times, September 19, 1920.
24. New York Times, July 4, 1920.

The government's first task was to check the prescriptions written by the doctors. Its second task was to watch the druggists. It was not enough, for the effective enforcement of the law, to inspect the records from time to time. For the system by which the druggist obtained liquor made it easy for him to cheat the law, if he so desired, and still keep perfect records. On presentation of his permit the druggist withdrew a certain quantity of whisky. By diluting this whisky he could double its quantity and dispose of half of it illegally. The only way to stop him was to catch him in the act. To catch him was the problem of enforcement.

THE second source of supply was smuggled liquor. This was a more important source because its contributions came in larger units. In place of pint flasks across a druggist's counter the government dealt here with truckloads and shiploads of liquor on the border.

The problem may be simply stated. The length of the Atlantic, Pacific and Gulf Coasts of the United States is 7,314 miles. The length of the Canadian border is 3,986 miles. The length of the Mexican border is 1,744 miles. The total distance vulnerable to smuggling by land and sea, given enough incentive to make smuggling profitable, is 13,044 miles.

To prevent such smuggling, the government had in 1920 a force of 1,538 prohibition agents²⁵, whose duties included not only the prevention of smuggling but all other matters pertaining to the law. There were also some 3,000 active customs agents in the field²⁶. A limited amount of assistance could be expected from the Immigration Service, the Public Health Service and even the Federal Horticultural Board, which had agents on the borders for other purposes. Along the seacoast substantial help could be expected from the Coast Guard.

The problem of the government was complicated by three factors. First, these various services were wholly uncoordinated; second, their personnel was so meagre that if the entire staff of 1,538 prohibition agents had been relieved of all other duties and placed along the Canadian and Mexican frontiers, each agent would have had three miles of territory to cover, twenty-four

hours of the day; third, the shore-line of the United States is richly indented with deep coves, convenient creeks and long stretches of deserted beach in close proximity to the largest cities; for example, on Long Island.

The important question was whether Congress and an administration now faced with the duty of enforcing a national prohibition law would create and maintain a border and coast patrol adequate to prevent the easy importation of illicit liquor. The first six months of experiment in this direction had brought from the Director of the Customs Service a sharp warning that only a fraction of the smuggled liquor had been seized.

The third source of supply was industrial alcohol. It was a munificent source of supply for the reason that the experiment with federal prohibition happened to coincide precisely with the development of a large and varied chemical industry in the United States. Ten years earlier, prohibition would have found this industry comparatively quiescent. By 1920 it was in the full swing of its post-war expansion, developing substitutes for German dyes, discovering new processes like the manufacture of rayon silk and rapidly increasing the long list of industries which required alcohol for a wide variety of products ranging all the way from photographic films to anti-freezing mixture and shaving cream to smokeless powder.

In 1910 the entire production of denatured alcohol in this country had been less than seven million gallons. By 1920 it had jumped spectacularly to twenty-eight million gallons²⁷. The problem of preventing any part of this twenty-eight million gallons from being diverted to illicit purposes was a problem not only in devising formulas which would make this alcohol undrinkable, but also in tracing the whole output through the hands of its successive owners from the time it left the special denaturing plants which manufactured it until it reached the ultimate consumer.

UNHAPPILY, the government had no power under the law to go beyond the original purchaser of any products manufactured²⁸. Effective enforcement of the law required that the government be given this power, plus enough agents to make certain that at no point in the labyrinth of shippers and jobbers and manufacturers and wholesalers and re-

tailers was alcohol sold to dummy companies which would in turn dispose of it to bootleggers.

FINALLY, it was clear from the first day of national prohibition that illicit stills could be relied upon to furnish a large quantity of liquor and that the business of ridding the country of stills required an effective army of federal or state police.

A commercial still representing an investment of \$500 could produce from 50 to 100 gallons of liquor daily. This liquor could be made at a cost of less than fifty cents a gallon and sold for three or four dollars a gallon at or near the place of manufacture. At minimum profit, a still operating at full capacity would pay for itself in four days' time. There was little to lose in having it seized. Another could be purchased with the profits of the next four days. Meantime the basis of operations could be shifted constantly in an effort to escape detection.

As for the small still in a private home: the problem here was Herculean. Not only could a portable one-gallon still be purchased on the open market for as low a price as six or seven dollars, and hidden away to good advantage, as the federal prohibition agent in New York discovered early in his administration; in addition, the public libraries of the country carried on their shelves many books and magazines which discussed the art of distilling liquor with such commonplace utensils as wash-boilers, steam cookers and even coffee percolators.

The government itself had contributed to the existing literature on this subject a number of such pamphlets as *Farmer's Bulletin No. 269* (1906), *Farmer's Bulletin No. 410* (1910), *Bureau of Chemistry Bulletin No. 130* (1910) and *Department of Agriculture Bulletin No. 182* (1915), describing in detail and with complete simplicity the manufacture of alcohol from such familiar ingredients as apples, oats, bananas, barley, sorghum, sugar beets, watermelon and potato culls. In the simplest form of manufacture, all the equipment needed to make an evil-tasting alcohol was a tea-kettle, a quart of corn meal and an ordinary bath towel.

If the business of ridding the country of commercial stills was a battle with an unseen enemy over a wide front which was constantly shifting, the business of putting a stop to distilling in private

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25. *Report of the Commissioner of Internal Revenue*, fiscal year ended June 30, 1920, p. 33.

26. *House Report No. 1581*, 65th Congress, 3rd Session.

27. *Industrial Alcohol*, U. S. Treasury Department, 1930, p. 48.

28. *Ibid.*, pp. 24-5.

➤ Exploration Pays—Cash ◀◀

By EARL HANSON

ONE of my explorer friends, who has the business end of his game down to a fine art, recently went into raptures over our present age of exploration. "Never before," he said, "has there been any real money in the game. Think what we have now—the newspapers, the magazines, the movies, endorsements in the ads—all the publicity agencies we know, hell bent not only to make explorers famous but to pay them real money as well."

Quite right. In a day when our jaded nerves must be fed ever increasing doses of the thrilling and the unusual, when radio makes spot news possible from the most remote corners of the earth, when publicity and advertising are supposed to be on a level with the best of the high and noble arts, exploration has, to a certain extent at least, become a paying profession to him who knows the ropes. Advertisers, editors, movie producers, radio magnates, and all the other professional dealers in information, have banded together to help the epic hero carry on his work—with a result that is no less fearful than startling.

To a greater extent than ever before have the business-people taken hold of exploration, has business begun to exploit the world's heroes for its own ends. Some explorers are still financed purely and simply by private means or scientific organizations. Their expeditions are generally as small and unnoticed as their work is excellent and valuable. The rest, especially those who need large amounts of money, nearly always follow the same procedure:—get the endorsement of the scientific program on hand from some scientific body, some geographical society or museum. Then go to the press, the movies, the advertisers for at least partial financial backing in return for sensational news—the stock in trade of these commercial organizations.

The result is seen in bigger and better expeditions, greater and nobler deeds; stronger, if less silent, men. It is laudable to the extent that the general public knows more today about the doings of explorers than ever before. And yet, since the publicity people as a rule know little and care less for concrete scientific values, there is a growing murmur throughout the world, a vague and increasingly articulate wonder as to what it's all about.

Your explorer, at his best, if not a

scientist, is at least a collector for science, going to relatively inaccessible regions to gather all the information he can, either in the form of specimens or abstract facts. His chief value, which distinguishes him from the adventurer, is determined by his success as a collector, by the amount of new knowledge of the world that he brings back with him. Where he goes, or how many men have been there before him, are of less importance than what he sees that is new.

FURTHER we need not go. When we remember that the very foundation of our much-vaunted "progress" lies in science's avaricious appetite for seemingly irrelevant and unrelated facts, to be used as raw material in the hocus pocus of evolving useful and orderly knowledge, we can hardly fail to grant the explorer, as one of the collectors of these facts, his great share of utility to the world.

But when we turn to the papers and the movies, so busily talking about these "heroes in the interests of science," we can hardly recognize in their presentations men who do any real and valuable work whatever. The probable reason for this is that the demands of the press differ so vitally from the demands of science. The result is that the press, ever anxious to play up the unusual, plays it up in its old established manner, so stereotyped as to preclude all semblance of novelty.

To my idea of science's attitude toward exploration, let me add what the publicity people seem to think of it. Again and again they have shown that in spite of their protestations they are far less interested in the advancement of knowledge and the progress of exploration than in the activities, whatever they may be, of a few picked heroes.

Personalities are of prime importance. The general method is to build up a name, make it world famous, and then give column after ecstatic column to anything its bearer may do. As far as possible, these men should be built on a sugar-sweet pattern. They should be modest, intrepid and clean, with the idea implied that nobody who does not fit the pattern can collect specimens or facts.

The real standard of achievement al-

most invariably lies in the matter of priority, not at all in a man's success in keeping his eyes open and bringing back information. Being the first to go any place, or go anywhere in a new way, is of utmost importance if a man wants newspaper fame.

The goal of a newspaper explorer must almost invariably be the reaching of some definite geographical point: one of the poles, the top of a mountain. His observations on the way are apparently of no importance whatever.

In other words, the men who deal out publicity and information to the public don't really want explorers. They want showmen. I can see no objection to that. Vicariously living an epic in the fearful frozen polar regions is often just as much fun for the public, and good clean fun at that, as going to a vaudeville show or a circus.

My one objection lies in the fact that the press and the movies continually come with their pious mumblings about the interests of science, when they show such an utter unconcern for the demands and the aims of science and such an absolute ignorance of real scientific standards of achievement. Even efficiency and skill in travel are relegated to second place by the demands for the spectacular.

AT PRESENT we have the nucleus of a world-wide excitement over Wilkins' plans to use a submarine for arctic exploration. Here we have an excellent illustration of how the press, in general, does explorers a grave injustice.

Wilkins' great purpose, the *leitmotif* that binds all his explorations together into one beautiful whole, is the establishment of a number of weather observatories in the arctic and the antarctic, that will be of inestimable value to farmers, mariners, wheat and wool speculators, and aviators the world over. For that he has to locate possible sites in the antarctic, and wants to discover, if possible, unknown islands in the north.

Now he has simply chosen the best tool for his job. Sledge travel over the ice is too slow and hampered. Ships cannot penetrate the ice, and if they are frozen in and allowed to drift as Nansen's Fram was, they are no longer subject to guidance by the commander. Aircraft are too fast, too dependent on visibility, and too limited in range by supplies at shore-bases to be ex-