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ON PROHIBITION

Robert Slayton

Michael A. Lerner. *Dry Manhattan: Prohibition in New York City.* Cambridge, Mass.: Harvard University Press, 2007. 351 pp. Notes and index. \$22.50.

Lisa McGirr. *The War on Alcohol: Prohibition and the Rise of the American State.* New York: W. W. Norton, 2016. xxii + 330 pp. Illustrations, notes, and index. \$27.95.

Since its inception, Prohibition has been viewed within two distinct contexts. The first, original lens was that the era was a zany, wild time. Take a look at the introduction for the television show *The Roaring 20s*, broadcast from 1960 to 1962. Images show flappers and young men in stylish fur coats dancing the Charleston, speakeasies, a man drinking from a hip flask, and police firing tommy guns during an auto chase with bootleggers. Meanwhile, the theme song extols: “The wild and reckless, never boring, roaring . . . twenties.”¹ Malcom Cowley wrote of the decade: “Everywhere was the atmosphere of a long debauch that had to end,” or, as F. Scott Fitzgerald summed it up in “Echoes of the Jazz Age,” this was simply a decade focused on “what was fashionable and what was fun.”²

With the passage of the Twenty-First Amendment and then its ultimate repeal, the leading conception was equally simplistic: that Prohibition was a disaster, that it just did not work. There was little in the way of analysis of what it meant for U.S. society and history. The latest example of this approach was Daniel Okrent’s popular and widely reviewed (including an increasingly rare piece in the *Sunday New York Times Book Review*), *Last Call* (2010). At the outset, Okrent asks the reader, “How did a freedom-loving people decide to give up a private right that had been freely exercised by millions upon millions. . . . *How the hell did it happen?*” In answering this question, he provides some explanations (“a tax, a social revolution, and a war”) and a great many wonderful stories, such as: “It was absolutely impossible to get a drink in Detroit unless you walked at least ten feet and told the busy bartender what you wanted in a voice loud enough for him to hear you above the uproar.” In the end, however, it comes down to a sense that Prohibition simply collapsed.

Okrent bluntly concludes: "In almost every respect imaginable, Prohibition was a failure."³

Two recent books have remedied this absence of analysis by providing major new interpretations of what Herbert Hoover labeled "The Noble Experiment." Michael Lerner's *Dry Manhattan* takes a look at Prohibition in New York City, using it as a test case to wring out the national implications of the movement to restrict alcohol. Lerner views the struggle to enforce the Volstead Act as one of the United States' greatest examples of cultural/political wars, seeing it as a struggle over major issues. To Lerner, "Prohibition embodied a fourteen-year-long cultural conflict over the nature of American identity . . . and the political future of the country." It became "the defining issue of the 1920s, one that measured the moral and political values of the nation . . . a key to understanding the cultural divides that separated Americans . . . as the United States was transformed by rapid economic growth and demographic changes" (p. 3). When New Yorkers rejected Prohibition, they instead "championed a style of political reform better suited to modern America," leading to the New Deal in the next decade (p. 5). Even more, their opposition announced that city dwellers and immigrants from the recent Southern and Eastern European waves were Americans too, determined to take their place as citizens and as fundamental parts of the American mosaic. Prohibition was no simple story of ineptitude but "a debate about competing visions of American society" (p. 6).

New York was actually seen as the great prize by the dry forces, its eventual vote for reform demonstrating the reform movement's power and the strength of the tactics they had mastered. William Anderson, one of the Anti-Saloon League's leading figures, made it his personal assignment to win over a state that seemed so unlikely a target. Making use of advocacy techniques and a legislature gerrymandered to give disproportionate influence to upstate counties, Anderson managed victory by what he called "outguessing and outgenerating the foe," while Lerner felt "it was a victory based more on . . . skillful lobbying than on . . . a call for moral reform" (p. 13). New York ratified the Eighteenth Amendment on January 29, 1919; in the end, only two states refused to sign on: Connecticut and Rhode Island.

During this campaign, Anderson also displayed some of the beliefs that would turn this into a debate over much larger issues than drinking. Prohibitionists had long presented the temperance crusade as part of "an inevitable conflict between native and immigrant cultures." By the late 1910s, Anderson was railing against the Catholic Church, denouncing Cardinal Gibbons of Baltimore as "an enemy of the American Republic" (pp. 97, 28).

New Yorkers, however, quickly moved to defy the new law. Farm journals told how 17,000 trainloads of grapes arrived early on, with estimates that only 20 percent were consumed as fruit. One Brooklyn candy shop sold chocolate bunnies filled with whisky.

In attempting to slow this tide, the Prohibition movement turned increasingly to nativist appeals, staking "its success on its ability to depict foreigners, Catholics, Jews, and city dwellers as threats to everything genuinely American," dividing the United States into opposing camps of dry Americans and wet foreigners. Anti-Saloon League supporter Reverend Rollin Everhart explained, "We expect New York to be the most difficult of all places . . . because of its foreign population" (p. 98).

Thus, Lerner notes, from the start, Prohibition "was marked by blatant displays of religious intolerance, class bias, and outright bigotry. . . . the main objective . . . was to police the habits of the poor, the foreign-born, and the working class." Anderson charged the Catholic Church with an "assault on law and order," and Archbishop Patrick Hayes responded by denouncing him as a "sinister figure" and said, "Better for America that he had never been born" (pp. 96, 118). Highlighting the nature of the struggle, the Catholic paper *Brooklyn Tablet* felt that the Anti-Saloon League had now replaced the Ku Klux Klan as New York State's leading anti-Catholic force.

New Yorkers' response was not just about finding a drink. Lerner notes, "resistance to the dry laws became a form of protest against the cultural authority of Protestant dries who presented themselves as the defenders of all things genuinely American" (p. 100). Eschewing the simple dichotomy of polarization, New Yorkers created their own identity, simultaneously embracing a status as both Americans and as products of immigrant cultures. When the working class clustered in now-illegal saloons, they developed a new understanding of what was happening, that "the Eighteenth Amendment meant more than just a ban on alcohol. It was an assault on their ethnic traditions, a blatant example of class-based paternalism, and an imposition on the daily rhythms of city life" (p. 106). Thus, opposition to Prohibition fused their emerging identity as Americans who were also ethnic, working class, and urban.

Drawing on that concept, New Yorkers began to fight back against Prohibition, claiming that they were actually the real Americans, the true defenders of the country's traditions of democracy and of personal and religious freedoms. One local parade, which included Irish, Germans, and African-Americans, featured a banner that read, "We're American Citizens, Not Inmates."

Another group in rebellion and seeking development of their own identity was women. Much has been written about young, affluent flappers and the speakeasy, but Lerner moves this discussion to new ground, pointing out that most of the women arrested for violating the Prohibition law were actually working class, from Italian, Irish, or Eastern European backgrounds. Soon they were joined in protest by upper-class women fighting against the law's hypocrisy, but also declaring their right to move into the political realm. "The extreme demands of Prohibition were a kind of last straw for American women, who used the wider cultural rebellion . . . as an opportunity to reject their moral subjugation in all forms" (p. 176).

Lerner argues that historians should view this period as much greater than a quaint episode or the record of a failed reform movement. He concludes, "New Yorkers found themselves at the center of something much larger than a debate over alcohol. Prohibition, and the rebellion against it, had been a struggle over the direction American society would take for the rest of the century" (p. 308).

Lisa McGirr, in *The War on Alcohol*, sets an even more ambitious agenda. She argues three major points: that Prohibition caused political realignment; that it led to the rise of a strong national state before the New Deal; and that it created the federal penal establishment, setting the basis for the current War on Drugs. McGirr notes how historians of the national state have traditionally leapfrogged over the Twenties, jumping from the Progressive movement to the New Deal. She feels this is the missing link—that, in fact, Prohibitionists created a powerful national apparatus before the rise of Roosevelt.

McGirr sees everything in this period as fundamentally shaped by the fight over alcohol. The standard historical accounts assert that the rise of the Democratic coalition stemmed from Al Smith's defense of urban ethnics and FDR's handling of the Great Depression. She contests this, positing that opposition to Prohibition was actually the force that drew voters to the polls and then to switch parties. "When Prohibition was on the ballot, many working-class immigrants took the plunge into the political process. . . . this new ethnic cohort contributed the fledgling growth of the urban ethnic wing of the Democratic Party" (p. 65).

In disagreement with other historians, including this author, she feels that Prohibition was the dominating issue in presidential politics—rather than urban/ethnic affirmation (Al Smith, 1928) or economics of the Great Depression (Franklin Roosevelt, 1932)—and that opposition to this measure "became the cudgel that broke apart earlier loyalties and forged new ones" (p. 160). McGirr points out that, prior to 1928, urban workers had little allegiance to the Democratic Party in national politics; but this shifted powerfully both that year and in 1932. The cause for this, she argues, was Prohibition above all: "Though the 1932 landslide election is often identified as the moment of realignment, the movement of urban working-class voters to the Democrats happened earlier. The war on alcohol cemented a broader sense of shared identity among immigrant ethnic workers . . . forging the basis for new loyalties" (p. 163). One Republican Italian newspaper put this issue bluntly during the 1928 contest: "Prohibition or No Prohibition!" Along these lines, McGirr states that, during that crucial election, African Americans joined the Smith cause, not because of his stance against the Klan or the openhandedness of urban political machines like Tammany Hall, but through shared opposition to alcohol enforcement. In 1920, New York's African American population went dramatically Republican, giving that party 94 percent of its votes and

the Democrats only 3 percent. Al Smith changed this equation, getting 41 percent, while Roosevelt in 1932 went over the top, with 58 percent. McGirr concludes, "By making the Democratic Party the vehicle to rescind it [Prohibition], Al Smith, John Raskob, and others were giving urban voters . . . one of their signal goals" (p. 187).

McGirr then argues that four years after Smith's unsuccessful candidacy, repeal of Prohibition, not a Great Depression, was the decisive issue. At the 1932 Democratic convention, when Nebraska Senator Gilbert Hitchcock read the repeal plank, the crowd in the hall exploded, as delegates marched, cheered, and paraded for a half-hour rally. Roosevelt had been wavering on this issue, hesitant to revive fights that had confronted his predecessor, and not until he publicly declared support did he clinch the nomination.

According to McGirr, at the same time as it reshaped politics, Prohibition also influenced formation of the national state. The 1920s was a time of shrinking federal budgets, yet the Volstead Act "dramatically expanded the scope of federal authority, opening the door for the revolutionizing of citizen-state relations that the New Deal institutionalized. . . . The radical federal endeavor to abolish the liquor traffic is the missing link between Progressive Era and World War I state building and the New Deal" (pp. 191, 192).

The vehicle for this was enforcement of the alcohol laws, as Prohibition created the first federal police presence on a major scale. In its initial recruitment, the Prohibition Bureau hired 1,500 agents; several years later, in 1924, the Federal Bureau of Investigation still had only 650. With the end of the decade, Prohibition enforcement commanded a federal budget of \$13 million; Hoover's FBI made do with a fraction of this, \$2 million. These establishments then forged a new arsenal of weapons to aid their task. In 1924 the FBI began the centralized collection of criminal fingerprints, representing the first national law enforcement database. Wiretapping was vastly expanded. McGirr states, "the war on alcohol radically expanded the surveillance arm of the police at the federal, state, and local level" (p. 69). This also led to increased sentencing measures. In 1929, Congress passed the Jones Act, which made initial violations of the Volstead Act a felony and increased maximum penalties for first offenses from six months of jail time and \$1,000 to five years and \$10,000. In fact, Prohibition created the nation's first national police force, affecting everyday Americans in their home lives—and this was the Prohibition Bureau, not the FBI.

Above all, Prohibition created the modern federal penal system. In 1890, there were 2,000 nonmilitary prisoners under federal custody. Growth of this population was slow; by 1915 the figure was up to 3,000. Yet by 1930 it was over 12,000, with one-third of these convicted for violating the Volstead Act. This in turn led to physical construction. Herbert Hoover sought new funds for federal prisons in 1930, and his administration created a new entity, the

Federal Bureau of Prisons, making prison management a formal responsibility of the federal government and of primary importance.

McGirr takes this an important step further, arguing that the expansion of police power had a disparate racial impact, introducing an important new argument to historians' understanding of Prohibition and linking the decade to current debates over policing and sentencing. Focusing on the rural South instead of the urban North, she shows how enforcement came down overwhelmingly along racial lines; one Virginia lawman acted on the basis of suspects' race, class, or "moral standing." As she notes: "Tellingly, Mississippi, with its large population of disenfranchised African-Americans, was the first state to ratify the Eighteenth Amendment and, in 1966, one of the last to rescind its state dry law" (p. 75). Mexican Americans were also targeted, with the poor in places like East Los Angeles receiving undue attention, while large-scale local operations went unimpeded. During Prohibition, the Federal District Court for Southern California heard 449 cases involving Mexican Americans for liquor violations; the great majority involved less than four pints of booze.

Even more, McGirr links the war on alcohol to the start of a war on narcotics that is such a feature of modern-day America. As the nation became involved in banning substances, it expanded its gaze from the products of stills to other intoxicating or mind-altering substances. Drawing on arguments and beliefs that had led to the Eighteenth Amendment, in 1922 Congress passed the Jones-Miller Act, which created the Federal Narcotics Control Board and outlawed the import or export of narcotic drugs such as opium and heroin. "Prohibition had forged the bureaucratic structures, assumptions, and logics that paved a firm foundation for the second and vastly more ambitious drug-prohibition effort launched in the 1970s . . . [a] logic still driving this nation's domestic and global war on drugs" (pp. 219, 221). She concludes: "The parallels between these two wars—one in the early twentieth century, the second launched in the latter half and still raging in the new millennium—are unmistakable" (p. 251).

With vastly different interpretations, Michael Lerner and Lisa McGirr have shattered the easy, simple assumptions about Prohibition and the 1920s and have given historians important arguments for further research and discussion.

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1. *The Roaring Twenties* episodes can be found at <https://www.youtube.com/watch?v=DjBoBtVivmI>.

2. Malcolm Cowley, *Exile's Return: A Literary Odyssey of the 1920s*, ed. Donald Faulkner (1934), 279; F. Scott Fitzgerald, "Echoes of the Jazz Age," *Scribner's Magazine* (November 1931), 460.

3. Daniel Okrent, *Last Call* (2010), 3–4, 52, 129, 373.