Lincoln C. Andrews and the Enforcement of National Prohibition, 1925 to 1927

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THESIS APPROVAL

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ABSTRACT


Title: Lincoln C. Andrews and the Enforcement of National Prohibition, 1925 to 1927.

Using newspaper accounts, congressional testimony, and recently declassified personnel files, this thesis traces the institutional history of the Treasury Department's Prohibition Unit in the years 1925 to 1927. From its inception in 1920, the Prohibition Unit functioned as a constitutional morals police, signally extending federal authority into the area of states' rights, with consequent scandal and public criticism. In an attempt at reform, the Treasury Department in 1925 placed Customs, the Coast Guard, and Prohibition enforcement under a single commander: Brigadier-General Lincoln C. Andrews, an efficiency expert and West Point graduate. Andrews' plan was to wage a two-front war against smuggling by sea and diversion of industrial alcohol on land. He sought to modernize enforcement by divorcing it from politics and by applying progressive reforms such as specialization, decentralized command, and undercover surveillance. In the field Andrews commanded a force of nearly 3,000 federal agents assigned to 24 districts, including Puerto Rico, the Hawaiian Islands, and the territory of Alaska. Hundreds of additional agents in Customs, the Border Patrol, and the Immigration Service patrolled the major port cities and the borders with Canada and Mexico. Offshore some 5,500 Coast Guardsmen on 300 vessels, armed with machine guns and small cannon, harried seaborne smugglers. The result was escalating enforcement violence,
an official policy of misinformation that sought to stigmatize bootleggers as enemy aliens, and, most importantly, a shift from commercial alcohol as the national drink to illicitly distilled alcohol distributed by ruthless gangs. Despite Andrews' best intentions, his efforts continued the wave of national hypocrisy that characterized Prohibition in the 1920s, lowered public respect for law and order, and irredeemably tarnished progressive faith in the ethical nature of man. In its day, the Prohibition Unit received more press coverage than any other branch of government, with the exception of Congress, yet little has been written about its structure, operations, or philosophy which so closely resemble the later War on Drugs.
LINCOLN C. ANDREWS
AND THE ENFORCEMENT OF NATIONAL PROHIBITION,
1925 TO 1927

by

PHILIP EARLE METCALFE

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CHAPTER I
INTRODUCTION

A student of Prohibition in America often feels like Lemuel Gulliver visiting the mythical kingdom of Lilliput where society was divided into two warring factions, one wearing shoes with low heels, the other shoes with high heels. "Wets" and "Drys" in the United States during the Prohibition era (1920 to 1933) seem to be engaged in a debate just as distant and equally absurd. From the first minutes of January 17, 1920 when the Eighteenth Amendment banning the manufacture, transportation, and sale of beverage alcohol went into effect, the national government was officially dry, the federal judiciary was dry, as were the state legislatures that had voted the amendment in by overwhelming majorities.¹ The Departments of Treasury and Justice were dry. The evangelical churches were dry (including some Catholic organizations) as well as tens of thousands of men and women who belonged to the Anti-Saloon League and the Women's Christian Temperance Union.

Arrayed against them were prominent Wets in the U.S. Senate and House of Representatives. Public figures such as Nicholas Murray Butler, President of Columbia University, and the celebrated attorney Clarence Darrow were defiantly wet. More Wets were added to their ranks by Drys who controlled the definition of what constituted "wetness." Gone was the old scale of drinking that ran from "occasional" to "regular drinker" to "old sot." In the moralist view of the Anti-Saloon League all liquor, even in the smallest quantity, was sinful and destructive to the body politic. Moderate drinkers considered temperate by an earlier age were especially anathema to the Anti-Saloon League. To qualify as a Dry in the eyes of the Anti-Saloon League, one had to be bone-

¹Technically the government had been dry since war-time prohibition went into effect on July 1, 1919.
dry, dry-as-dust dry, a teetotaler whose lips had not touched liquor even in the years before Prohibition. Everyone else was moist. And among the most moist were America's underclass, the Irish, Jewish, Italian, and Eastern European immigrants who crowded the ethnic districts of the nation's largest cities.

In the great debate over National Prohibition nobody remained neutral; not the newspapers, not the politicians, not physicians, lawyers, or educators; not professional statisticians, and certainly not the United States government which was allied by constitutional amendment to the Drys. From 1920 to 1933 no utterance captured and recorded in print escaped the taint of the debate that divided the nation. Even statistics presented to Congress on the decline in public intoxication or the rise in arrests for drunken driving varied according to whether the figures were collected by statisticians paid by the Wets or paid by the Drys.\(^2\) Nobody walked barefoot, nobody stood in shoes with standard-sized heels.

It should come as no surprise, therefore, that this bipolar view of drinking and its associated harm survived Repeal and continues to dominate the historical discussion of Prohibition to this day. The earliest commentators were Wets, journalists such as H.L. Mencken and Andrew Sinclair who had lived through the difficult years of the noble experiment and derided its alleged victories.\(^3\) Even professional historians who grew to maturity during the 1930s and 1940s remained convinced skeptics of Prohibition's success. In 1955 the historian Richard Hofstadter branded Prohibition a failure, describing it as "pinched," "parochial," a "rural-evangelical virus."\(^4\)

Stung by Hofstadter's dismissal of Prohibition as a "pseudoreform," a younger generation of historians, trained during the Cold War and led by John C. Burnham and Norman H. Clark, forged a "new" consensus between 1968 and 1976 that echoed the arguments of the Anti-Saloon League and reintroduced evidence first employed by Drys in the 1920s. Recapitulating the long history of temperance agitation and emphasizing its progressive impetus, Burnham and Clark portrayed National Prohibition as the final chapter in a series of reforms that had been building for some one-hundred years. According to their version, if temperance was noble, Prohibition was divine. The loss of perfect temperance with the Repeal of the Eighteenth Amendment in 1933 was viewed as a national tragedy, a public health defeat engineered by venal captains of industry who sought to avoid payment of personal income taxes by returning alcohol to its former taxable and legal status. In essence the new consensus made two claims: that liquor consumption fell during the 1920s and that this reduction was the result of the enforcement of Prohibition. Prohibition was portrayed as kindly motivated, beneficial, and partially successful.

Criminal justice historians recognize this interpretation as the "march of progress" model which views progressive reformers as "humanitarians" who selflessly worked to rehabilitate a deviant underclass. The march of progress perspective outlined by Burnham and Clark posits a normative order (sobriety) against which maladjusted, pathological personalities (bootleggers) rose in defiant rebellion. By extension, federal justice in the courts and through executive authority is portrayed as benevolent, humanely driven, and ideologically neutral. Means and ends are linked in a tautological unity; good intentions produce good results. Failure to carry out the reforms necessary

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for progress is attributed not to contradictions in progressivism or to the imponderables of human nature but to organizational inefficiency, poor professional training, and lack of adequate funds for enforcement. Larger appropriations for a bigger army of dry agents would have produced a Prohibition victory.6

This neo-progressive march of progress model is accepted by most history textbooks and can be scrutinized by examining a hypothetical drink curve for the 1920s (see Figure 1). Per capita consumption of alcohol started to fall sharply in 1917 when Congress passed a number of wartime prohibition measures designed to conserve precious grain supplies. Drinking continued to decline and reached a nadir in 1920, the lowest level of per capita consumption of alcohol in American history. Thereafter, it promptly reversed its course, rising steadily, although never to pre-Prohibition heights.7 The most precipitous decline occurred in 1917, 1918, and 1919, the years leading up to wartime Prohibition, when total temperance took on a patriotic color and the brewing industry was tarred with German affiliation. Once the mood of wartime sacrifice ended, drinking rebounded. At no time after 1920 until the first economic tremors presaging the Great Depression did National Prohibition prevent the consumption of alcohol from rising year by year.8

This interpretation of the drink curve would seem to refute claims that Prohibition reduced the consumption of beverage liquor in the 1920s but march of progress historians base their reading of the curve on a different logic. If, they argue, per capita consumption of alcohol in 1926 was 1.1 gallons, compared to 1.7 gallons in

7Clark Warburton, The Economic Results of Prohibition (New York: Columbia University Press, 1932), Table 38; and New York Times, 14 October 1923.
Fig. 1 Estimated Per Capita Consumption of Alcohol, 1913 - 1929
(Warburton, Economic Results of Prohibition, Tables 36 and 37)

Fig. 2 Alcoholism Death Rates, 1913 - 1929
(Lindner, Vital Statistics Rates, Table 15)
1906, then National Prohibition suppressed drinking by a third, perhaps more.\(^9\)

According to this logic, drinking after the Great War would have returned to its former high levels but for the weight of National Prohibition. Consensus historians thus base their interpretation of the drink curve on a hypothetical event that never occurred.

Consensus historians may be correct in arguing that the huge increase in the retail cost of beverage liquor after January 1920, coupled with the inconvenience of finding reputable sources, retarded consumption generally in the United States. But this generalization ignores the fact that in some states in the Northeast liquor consumption rebounded quickly to prewar levels. Most importantly, consensus scholars seem unwilling to contemplate the possibility that the drink curve may measure variables other than drinking. The curve after 1920, everyone admits, is an abstraction based on the number of deaths due to alcoholism and alcoholic cirrhosis of the liver reported to the Bureau of Census. But cirrhosis of the liver frequently shows no symptoms and even today is underreported by as much as 37 percent.\(^10\) Its incidence in the 1920s when autopsies were rare is even more open to question.\(^11\) As for census figures on deaths due to alcoholism (see Figure 2), there exists only one study of the accuracy of death certificates during the Prohibition era. When officials of the Westchester County Health Association outside New York City reviewed the pool of death certificates filled out by physicians in their area in 1931 and 1932, they discovered that only 6 percent of the


deaths due to alcoholism had been reported. When figures from hospitals and coroners' offices were included, the accuracy rate rose to 33 percent. In other words, nearly 70 percent of the deaths due to alcoholism in Westchester County in the final years of Prohibition went unreported. Death certificates as public documents were shaped by social circumstances and physicians out of loyalty to the deceased's family avoided listing "alcoholism" where possible. As a consequence, the apparent decline in deaths due to alcoholism may measure nothing more than the reluctance of American physicians to tell the truth about their patients who drank to excess. The drink curve may be a better measure of medical hypocrisy than per capita consumption.

March of progress historians also view the problems of enforcement as extraneous to Prohibition. In part this is due to the imprecision surrounding the term "Prohibition." In its broadest sense Prohibition was a visionary policy, a legal and constitutional mandate. Narrowly conceived, it was a legal restriction imposed on personal behavior. Only the context determined whether "Prohibition" referred to the national ideal or the daily failure; the public law or the private misdeed. Means and ends are still divorced in the minds of march of progress historians with the result that they are particularly vague about just when enforcement broke down, despite the clear indication that the reversal in drinking was underway by 1920. "In other words," wrote the historian John Burnham, "after World War I and until sometime in the early 1920s, say, 1922 and 1923, when enforcement was clearly breaking down, prohibition was generally a success." Norman H. Clark was careful to distinguish between

14 Burnham, 60.
appearances and reality: "For several years after 1920, the illicit manufacture and sale of alcohol, if not entirely eliminated, was at least inconspicuous." Both historians imply that the collapse of Prohibition was caused by foreign smugglers who overwhelmed American virtue by landing illicit liquor on American shores. More recently, Clark has placed the breakdown in enforcement as occurring "at some time near the middle of the 1920s." Consensus historians refuse to admit that the period of effective Prohibition might actually have ended in 1920 at the moment when National Prohibition began. And they conveniently ignore the fact that even in 1920, according to the drink curve, the country was never more than a third dry. Perhaps no other national policy bears such a reputation for success based on the years before it began.

One might argue that this early period was not a true test of whether public policy could control private behavior because these years were distorted by the mood of national obedience and personal sacrifice engendered by the World War. Even 1921, 1922 and 1923 do not offer a suitable test period because these years were distorted by the heightened emotions of the Red Scare and the terror of the Ku Klux Klan's vigilante efforts against bootleggers. Similarly, the years following the transfer of the Bureau of Prohibition to the Justice Department in 1930 are also untypical due to the profound social and economic dislocations wrought by the Great Depression. There remains, then, only the comparatively brief and tranquil period from 1925 to 1928 under the Coolidge administration as a test of normalcy. Not coincidentally perhaps, these years also mark the first determined effort by the executive branch to reform enforcement along Progressive lines.

16 Ibid., 873.
March of progress historians admit that enforcement was a shambles and a charade but argue that the failure was due to bureaucratic shortfalls: poorly trained, often corrupt Prohibition agents; a timid Congress; and foreign subversion by Jewish and Italian bootleggers.\textsuperscript{18} The ideal of national abstinence, it is alleged, could have been attained had the enforcement bureaucracy only been competently managed. But there were dramatic attempts to enforce Prohibition during the 1920s which nevertheless failed. Congress may have been circumspect but it was also staunchly dry, at least publicly, and lavish in its funding of enforcement. The federal budget for enforcement rose from $3.5 million in 1920 to $44 million by 1930, an increase of 1,134 percent in a single decade.\textsuperscript{19} The Prohibition Unit had an annual budget in 1926 of $11,993,005 and another $15,519,427 were spent on the Coast Guard's 300-vessel anti-smuggling fleet for a total (in 1992 dollars) of $220,099,456 or $3,387 per arrest.\textsuperscript{20} In the first ten years of Prohibition some 52,000 automobiles and 1,400 ships and boats were forfeited to the government.\textsuperscript{21} Radical attempts at liquor control were undertaken at nearly every level of government. In Philadelphia, police under the leadership of Marine Corps General Smedley D. Butler arrested some 16,000 people for bootlegging in 1924 and 1925. In Washington, D.C. between 1920 and 1929, metropolitan police made 143,166 liquor arrests, a figure representing nearly 1 out of every 4 residents in the District of Columbia.\textsuperscript{22} At the federal level, Prohibition agents arrested some 58,000 bootleggers

in 1926. But General Butler would resign in disillusionment, the nation's capital would remain one of the wettest cities in the country, and federal arrests would climb to almost 66,000 people in 1927 with no discernible effect on either the availability or price of bootleg alcohol. The notion that enforcement alone could have won the battle for Prohibition is historically untenable, yet this faith still underlies much of the historical analysis of Prohibition in the 1920s and the justification for its later variant, the War on Drugs.

More alarming even than the rising cost of enforcement during a decade of fiscal austerity were signs of increasing brutality among enforcement agents. In the first decade of Prohibition 1,360 people died in raids undertaken by state and federal agents. Officers of the U.S. Coast Guard patrolling American rivers and harbors were given orders to shoot to kill; a U.S. Senator was hit by ricocheting bullets near the Capitol Building; another suffered the indignity of being impersonated by undercover agents during a government sting; all to enforce a federal statute that made selling alcohol a misdemeanor. During its fourteen-year history the Prohibition Unit received more press coverage than any other branch of government, with the exception of Congress, but little has been written about its structure, operations, or philosophy. Lost amid the welter of state studies describing local skirmishes is the fact that Prohibition had a national army with commanding generals, a grand strategy, and significant campaigns of battle. To write about Prohibition without describing the activities of the federal Prohibition Unit is analogous to writing about the history of civil

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23 *Congressional Record*, 71st Cong., 2nd sess., 1859.
liberties in America without mentioning the existence of the Federal Bureau of Investigation or the personality of J. Edgar Hoover.

Yet research on Prohibition enforcement is virtually nonexistent with the notable exception of Dorothy M. Brown's path-breaking biography of Mabel Walker Willebrandt, Assistant Attorney General for Prohibition and Prisons.25 The careers of key enforcement officials such as Roy Asa Haynes, Lincoln C. Andrews, Seymore Lowman, Dr. James Doran, G. Aaron Youngquist and Amos A. Woodcock await scholarly treatment. The American Dictionary of Biography carries only a single profile of a mid-level Prohibition official: Edward Clement Yellowley, federal Prohibition Administrator in Chicago. Most state histories of Prohibition omit the names of federal officials altogether or get their titles wrong. No historical study has been made of the federal Bureau of Prohibition since Laurence F. Schmeckebier's Brookings Institution study which ended in 1928 before the bureau was split and enforcement divided between the Treasury and Justice Departments.26 In fact, viewed from a national level, from the top down, much of the most significant history of Prohibition remains to be written. Ironically, the most frequently cited general histories of Prohibition were produced by journalists writing during the earlier wet consensus.27 There is no "classic" history of Prohibition written by a professional American historian, let alone several histories from which to choose. The story of Prohibition remains, largely, a consensus without a history.

This may seem surprising in a nation as obsessed with law and order as the United States, but there are several pertinent reasons for the oversight. The numerous state histories of Prohibition - which make up the bulk of scholarly research on the subject - have for the most part been written at universities in formerly dry states and evince a determinedly dry bias. To date there are no Prohibition histories for the wet states of New York, Delaware, Maryland, Massachusetts, New Jersey, Illinois, or Louisiana. Nor is there a history of Prohibition for Pennsylvania, one of the wettest states in the union and the site today of two notable research centers on criminal justice history. Pennsylvania was not only the battleground between a wet political machine and a dry governor, it was also the territory of the Overholt distilleries, owned and operated by the family of Treasury Secretary Andrew Mellon, the executive official most responsible for enforcing Prohibition. Within the Keystone State in the 1920s can be found all the contradictions of the Prohibition experiment.

Official records at the national level have played almost no part in the writing about Prohibition. In 1955, Congress by official act ordered the "disposal" of most of the remaining files of the Prohibition Unit (Bureau); with the result that only a remnant was turned over to the National Archives for preservation. The records on enforcement and bootlegging that presumably still remain within the jurisdiction of the Treasury Department are exempt from the powers of the Freedom of Information Act on the grounds that they contain confidential tax information on American citizens. The history of Prohibition at the federal level is still an official secret.

Fortunately for historians, enforcement of Prohibition was divided between the Treasury and the Justice Departments. The Justice Department's records on major liquor

28 Division of Treasury Department Archives, Descriptive Outline (Accession #127), compiled by Lyle J. Holverstott and John W. Bornman, Civil Branch, National Archives.
prosecutions for the 1920s and 1930s, housed in the National Archives and only lightly classified, present a problem of a different order. They are so voluminous that to date no historian has dared to devote the time and energy to conduct even a preliminary survey of nearly 780 linear feet of records. Indexed by name of bootlegger, they offer the possibility of writing a criminal history of Prohibition based on the case files of thousands of bootleggers who stood trial and were convicted. Even more tantalizing are records that should exist but have not yet been located: in particular, the background investigations into the careers of hundreds of leading enforcement officials conducted by the United States Civil Service Commission in 1927 and 1928. These records should contain synopses of the information destroyed by Congress in 1955.

Useful foreign records also have been ignored. In Canada, the testimony of scores of American bootleggers before a Royal Commission on Customs and Excise in 1926 and 1927 remain virtually unknown to scholars living below the 49th parallel, despite the fact that these records are carefully indexed, in English, and available in a national repository that is open twenty-four hours a day. The picture of Prohibition at a national level that is assumed to be true is still largely an official history formulated by the United States government and based on records that have either not been examined or will never be examined by historians, given current legal restrictions.

Scholars of criminal justice have also slighted Prohibition as an area of study, preferring to view the rehabilitation of the FBI under the New Deal as the moment of federal intrusion into states' rights. In fact, federal expansion began in earnest more than a decade earlier with the creation of the Prohibition Unit in 1920 whose agents by

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30Royal Commission on Customs and Excise, Interim Reports, Numbers 1 to 10 (Ottawa: Printer to the King's Most Excellent Majesty, 1928).
1925 outnumbered J. Edgar Hoover's force 5 to 1. Unlike Hoover's men, federal Prohibition agents had full authority to carry weapons and make arrests. By 1926, the Assistant Secretary of the Treasury commanded a force of nearly 3,000 agents assigned to 24 districts, including Puerto Rico, the Hawaiian Islands, and the territory of Alaska. Hundreds of additional agents in Customs, the Border Patrol, and the Immigration Service enforced the laws against liquor along the Canadian and Mexican borders and in the major port cities. Offshore some 5,500 Coast Guardsmen on 300 vessels, armed with machine guns and small cannons, searched for seaborne smugglers. In the State Department, the Office of Foreign Control sifted confidential reports from American embassies around the world for information on the movements of foreign liquor ships. Prohibition enforcement was the largest peacetime war in the nation's history, yet garners only a few paragraphs in most surveys of the 1920s.

The ban on liquor may have been repealed in 1933 but the legacy of federal intervention remains in force to this day. Prohibition marks the transformation of the United States Coast Guard from a search and rescue unit to a fully militarized arm of law enforcement. The present day office of Alcohol, Tobacco and Firearms had its beginnings in the Bureau of Industrial Alcohol of the early 1930s, as did the Drug Enforcement Agency in the Bureau of Narcotics under Commissioner Harry Anslinger, who served as Assistant Commissioner of Prohibition from 1929 to 1930. Still in force are numerous Supreme Court decisions from the Prohibition era underwriting search and seizure law, forfeiture of property belonging to innocent owners, and the relaxation of the ban on double jeopardy. The first significant constitutional decision supporting federal wiretapping which stood until 1964 was made against a bootlegger.32

32 Murchison, Federal Criminal Law Doctrines, 177.
Using congressional testimony, Canadian records and files from the National Personnel Records Center in St. Louis, Missouri, this thesis traces an episode in federal policing. The federal Prohibition Unit was a constitutional morals police which underwent an experiment in military enforcement in 1925 when the Treasury Department placed Customs, the Coast Guard, and Prohibition enforcement under the command of a single executive, Brigadier-General Lincoln C. Andrews, an efficiency expert and West Point graduate. Andrews' plan was to wage a two-front war against smuggling by sea and the diversion of industrial alcohol on land. His plan was to put enforcement in the hands of specialists, former professional soldiers, veterans of West Point's honor code. Andrews sought to modernize enforcement, to divorce it from politics, to give it a formal command structure, and to utilize new enforcement techniques such as wiretapping and undercover surveillance. Andrews' administration from 1925 to 1927 was accompanied by an unparalleled openness in the discussion of enforcement and methods of bootlegging. Paradoxically, it was Andrews' candor, so shocking to the nation and its leaders, that led to his eventual downfall.

This study offers a chronological account of Prohibition enforcement at the federal level from 1925 to 1927. Chapter 2 traces the evolution of the federal Prohibition Unit from its founding in 1920 to the installation in 1925 of Lincoln C. Andrews as Assistant Secretary of the Treasury in charge of Prohibition, Customs, and the Coast Guard. Chapter 3 describes the methods bootleggers employed to obtain industrial alcohol, the leading source of illicit liquor in 1924 and 1925. Chapter 4 chronicles General Andrews' administrative efforts to strengthen and streamline enforcement. Chapter 5 describes enforcement on the west coast. Chapter 6 evokes the clash of competing interests seeking to define the public image of the "bootlegger." Chapter 7 deconstructs the hysteria behind the poison liquor scare of Christmas 1926. Chapter 8
describes the elevation in 1927 of the Prohibition Unit to bureau status, and the appointment of Dr. James Doran as Commissioner of Prohibition.
CHAPTER II
EXPERIMENTATION AND REORGANIZATION

The history of Prohibition can be read in the careers of its commissioners. The first federal Commissioner of Prohibition was John F. Kramer, a Democratic attorney from Mansfield, Ohio who knew little about national politics and was a stranger to Washington, D.C. when he arrived in December 1920. For enforcement purposes, Kramer divided the country into twelve departments composed of one to five states. Each department was administered by a Supervising Federal Prohibition Agent responsible for pursuing the largest bootlegging organizations. The Boston district, for instance, consisted of a Supervising Federal Prohibition Agent, an attorney, and a field force of 90 agents covering Massachusetts, Rhode Island and Connecticut. At the state level, a federal Prohibition Director in each of the 48 states monitored the legal use of commercial alcohol in manufacturing. Kramer did his best with a small force of some 1,500 agents but with enforcement and regulation compartmentalized between regional and state forces there was wholesale looting of alcohol from bonded warehouses in the final days of the Wilson administration. The worst abuses occurred in New York, Chicago and San Francisco and eventually led to the indictment of eight people in Kramer’s office.\footnote{Merz, \textit{Dry Decade}, 125-128; Internal Revenue Service, "Criminal Investigation: History 1919-1987," Document 7233, Department of Treasury, Washington, D.C.; and U.S. Wickersham Commission, \textit{Enforcement of the Prohibition Laws: Official Records of the National Commission on Law Observance and Enforcement}, (Washington, D.C.: Government Printing Office, 1931), 2:198.} On his departure in June 1921, Kramer observed that it seemed as if Prohibition had been forced upon the country and that people in the larger cities seemed not to be aware of its existence as a federal law.

The Republicans under Warren G. Harding vowed to do better. Their choice for Commissioner of Prohibition was Roy Asa Haynes, an Ohio Methodist and editor of the
Hillsboro Dispatch who was a close personal friend of President Harding.2 Chubby, bald, matter-of-fact, Haynes was the choice of the powerful Anti-Saloon League and its affiliated churches.3

From the moment Congress gave a reluctant Treasury Department responsibility for enforcing Prohibition, the lowly Prohibition Unit within the Bureau of Internal Revenue was an oddity. Never established by law, its design was left to the Commissioner of Internal Revenue and his advisors. The Unit had a hierarchical structure, but only the lowest clerical positions were filled by civil service examination. From its inception the Prohibition Unit was the darling of the federal spoils system. Everyone, from the highest ranking attorney down to the most junior agent, owed his job to political influence. Under the Harding administration, successful applicants had to be loyal Republicans nominated by state Republican organizations with the backing of the Anti-Saloon League. The ranking U.S. Senator in each state made the final recommendation to Haynes and to Commissioner of Internal Revenue David Blair. State patronage systems were so strong that the Prohibition Director of one state could not cross into the territory of a neighboring state without first receiving permission from headquarters in Washington, D.C..4

Haynes' first order of business when he assumed his duties as federal Commissioner of Prohibition on June 21, 1921 was to abolish the regional system of Supervising Agents and to replace nearly all of the state Directors with loyal

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3 John F. Kramer Personnel File, National Personnel Records Center, St. Louis, Missouri (hereafter NPRC); New York Sun, 4 January 1920; Merz, 56-57, 125-128; and New York Times, 27 April 1921.
4 Joseph Linville to Haynes, 10 March 1922, Joseph Linville Personnel File, NPRC.
Republicans. While the appointment of nearly 48 new state Directors and 48 new Assistant Directors satisfied the congressional appetite for patronage, Haynes felt compelled to re-impose the regional system of enforcement in April 1922 in the form of General Prohibition Agents responsible to him alone. These men were older than the agents assigned to the state Directors and better educated. Andrew B. Stroup of New Mexico was a former superintendent of public schools. Frederick Hazeltine, a newspaper publisher in western Washington State, was a graduate of Oberlin College and a former Methodist missionary. Emerson E. Hunt was a deacon in the Methodist church and a former superintendent of the Anti-Saloon League in South Dakota. All were faithful Republicans with long-standing ties to temperance organizations.

General Agents were a mobile force that concentrated on big cases involving international smuggling and interstate transportation of diverted commercial alcohol. They operated independently of the state Directors and were often the first to investigate complaints of corruption leveled against the state Prohibition offices. Responsible to Divisional Chiefs assigned to eighteen regions of the country, Haynes' force of General Agents expanded to nearly one thousand men by 1925, outnumbering the forces working under the state Directors. Divisional Chiefs reported directly to Haynes or to Haynes' assistant, Edward Clement Yellowley, in Washington, D.C.

In March, 1923, Haynes began rotating General Agents and Divisional Chiefs between districts to disrupt entangling political alliances and to enhance their experience as undercover operatives.

6Head of Appointment Division to Yellowley, 8 July 1921, in Andrew McCampbell Personnel File, NPRC.
7New York Times, 5 June 1921.
Every General Agent took an oath that he would accept reassignment without complaint and keep $90 in readiness to pay for emergency traveling expenses.9

Despite Haynes' efforts to satisfy the state political machines with patronage appointments while building up an independent force of General Agents, his first four years as Commissioner were marred by scandal. Twice his assistant, E.C. Yellowley, had to travel to the west coast to clean up the San Francisco office.10 In late 1922 Yellowley was forced to assume command of the New York office and to dismiss 27 agents, greatly to Haynes' embarrassment since the Commissioner had recently assured reporters that the Manhattan office was one of the best in the country.11 In Rhode Island conditions got so bad that Haynes and Yellowley had to discharge or transfer the entire field force in the summer of 1922. The Directors of Nevada, Montana, Illinois and Pennsylvania, as well as the Divisional Chief for New Jersey, were indicted for various violations of the National Prohibition Act.12 Other problems received less publicity. Between 1921 and 1923 Haynes' office permitted hundreds of thousands of gallons of Pebbleford bourbon to be shipped from Clear Springs, Kentucky to British Columbia for "medicinal purposes." Never worldly men, the officials around Haynes did not realize that this unique brand of American whiskey distilled from corn mash had few devotees in Canada and would later enter the states of Washington, Oregon, and California via the Pacific smuggling trade.13

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9Office order from Haynes to Division Heads and Others, 28 April 1925, Folder: Miscellaneous Office Orders, Box 19, Record Group 58: General Records of the Department of Treasury, National Archives.

10Haynes to E.C. Yellowley, 14 February 1922, in E.C. Yellowley Personnel File, NPRC; and San Francisco Chronicle, 14 January 1925.


12Ibid., 27 October 1922, 27 April 1923.

13Evidence File: Vancouver XVI, 7726, Record Group 33/88: Royal Commission on Customs and Excise, Canadian National Archives.
But Haynes' worst enemy was his personality. He worked hard and delegated power to efficient assistants, but in his annual appearances before Congress he seemed not to notice the discrepancy between his rosy predictions and the multiplying signs that Prohibition was failing. Arrests for bootlegging were increasing at an alarming rate, severely straining the Unit's modest budget, while the price of liquor steadily declined. Nevertheless, Haynes' office continued to issue a steady stream of mimeographed reports on the thousands of stills seized, the scores of automobiles confiscated, and the tens of thousands of people arrested each year for violating the dry law. Haynes' publicity bureau divulged facts and figures available to no other agency: that 20,000,000 Americans had gone on the water wagon, that most convicted criminals were alcoholics, that the millionaire bootlegger, like the American bison, was on the verge of extinction. Haynes, like the Anti-Saloon League, attributed every improvement in American health and prosperity to the effects of Prohibition: a steep decline in drunkenness, insanity, and crime; a rise in employment, home construction, and milk consumption.  

Finally, even his most ardent supporters lost patience with Haynes' gospel of optimism. In an article "Who is Roy Haynes - and Why," The Ladies Home Journal dubbed Haynes a "mawkish sentimentalist."

Then Haynes did something no public official should ever do while still in office: he penned a confessional memoir that shocked the nation. Installments appeared regularly throughout the summer of 1923 in the pages of the New York Times, the Washington Post and other national papers. In a matter of weeks "Prohibition Inside Out" shattered years of soothing propaganda. At the urging of his editors, Haynes told a lurid tale of gigantic metropolitan stills that produced thousands of gallons of moonshine.

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14 Oregonian, 5 January 1926.
a week, of rivers of whiskey spilling across the Canadian border, of ingenious ploys by
bootleggers to put their friends on the prohibition payroll, of bribes amounting to
hundreds of thousands of dollars, of outlaw organizations that functioned like giant
corporations with wholesalers, retailers, and fleets of trucks protected by friendly
sheriffs, mayors, and prosecuting attorneys. The stories came from every part of the
country: New York, New Jersey, Pennsylvania, South Carolina, Florida, Michigan,
and California.16

Many readers assumed that Haynes had sensationalized his account to magnify
the glory of his enforcement machine. Few believed that conditions could be so bad in a
country as civilized as America.17 But when Wets and Drys rushed to confirm or deny
Haynes' figures, no independent data on the effects of Prohibition could be found.
Remarkably, so huge a social undertaking had occasioned no objective, scientific
study.18

Haynes' prohibition confession produced a wave of public consternation that led
to a crisis of faith within Dry ranks. At the Anti-Saloon League's jubilee convention to
commemorate the fourth anniversary of the Volstead Act, one of the nation's leading
Drys, Governor Gifford Pinchot of Pennsylvania, launched a stinging attack on
Treasury Secretary Andrew Mellon. A committee of Congress launched an investigation
of the Bureau of Internal Revenue while the Temperance Board of the Methodist
Episcopal Church demanded that President Coolidge upgrade the Prohibition Unit to the

84-102.
18Seattle Post-Intelligencer, 19 October 1923; and U.S. Wickersham Commission, Report, 40.
status of a full-fledged bureau and appoint a fighting prohibitionist to its head. \(^{19}\) The Humpty-Dumpty of enforcement had gone to pieces.

Treasury Secretary Mellon's preference was to transfer the Unit to the Justice Department but the Anti-Saloon League was opposed to any move that would diminish its influence. The idea of upgrading the Unit to bureau status and placing it under an Assistant Secretary of the Treasury was appealing but legislation backing such a change had failed to pass in the Senate. Mellon's remaining option was to force reorganization by executive order. \(^{20}\) Quietly the Treasury and the White House began a search for a suitable candidate to place over Haynes. From the Justice Department came the recommendation of a retired Army officer and former commander of military police in France: Brigadier-General Lincoln C. Andrews. Announcement of General Andrews' acceptance, commentators would later recall, was made on April Fools' Day, 1925.

At age 57, General Lincoln C. Andrews was a trim, erect man whose red hair had faded to a light brown after years of service in the tropics. Never a militarist, Andrews' long career in the army had alternated between physical action and intellectual study. Most recently he had worked as a civilian efficiency expert, quietly untangling the affairs of several streetcar companies including New York City's Rapid Transit Commission.

The son of a newspaperman from upstate New York, Andrews had completed high school in just two years but graduated with weakened eyesight. Assured that the course of instruction at the U.S. Military Academy at West Point required little reading, he joined the class of 1893 as its oldest member with the nickname "Daddy." He

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graduated thirteenth; he could have done better but a higher ranking would have placed him in the engineers and Andrews yearned for the freer life of the cavalry. Typically, he no sooner graduated than he took a leave of absence to tour Europe. From the start Lincoln C. Andrews was a self-made cosmopolitan.

As a second lieutenant he led troops in the Chicago labor riots of 1894, saw action in Cuba in the Battle of Santiago during the Spanish-American War, and later helped suppress the aborigine insurrections in the Philippines. Andrews' talents extended well beyond physics and cavalry tactics which he taught intermittently at West Point. He visited Japan, spent a summer as superintendent of Sequoia National Park, was the first governor of the Island of Leyte, and during a two-year leave of absence represented the interests of the Continental Rubber Company in Mexico.

When war broke out in Europe in 1914, Andrews, the recent author of a highly regarded training manual, was serving as the first federal instructor of cavalry with the New York National Guard. Never a hard-boiled disciplinarian, he rejected the notion that "bayonets" (foot soldiers) should not be taught to think. Officers, he believed, could summon more from their men by example than through coercion. At heart he retained little reverence for military tradition.

In the autumn of 1918, he escorted the 172nd Infantry Brigade, 86th Division of Illinois to France. As Deputy Provost Marshal after the Armistice he was credited with raising the bearing and tone of the much-despised military police in Europe. For his services he was awarded the French Legion of Honor and the Distinguished Service Medal. Returning home, he retired with the rank of Lieutenant Colonel and wrote a book entitled Manpower urging political and business leaders to increase the efficiency of their "human tools" by fostering self-respect and personal initiative.21 Andrews combined the

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qualities of business executive and disciplinarian that Treasury Secretary Mellon was looking for. Offered the vacant post of Assistant Secretary in charge of Prohibition, Andrews accepted. Under him for the first time would be assembled an army of some 8,000 men and a budget of close to $30 million. Neither Congress nor the leaders of the Anti-Saloon League had been consulted about the appointment.

Federal enforcement was divided between the Treasury and Justice departments. Prohibition agents working for the Treasury conducted investigations, made arrests, and then turned the evidence over to U.S. Attorneys working for the Justice Department for prosecution. Thus, the department which prepared the cases did not prosecute, while the prosecuting branch had no authority to investigate. Reports on the largest cases wound their way up through the bifurcated machinery of Treasury and Justice to the desk of Mrs. Mabel Walker Willebrandt, Assistant Attorney General for Prohibition and Prisons in the Justice Department.

At age 36, Mrs. Willebrandt was the most powerful woman attorney in the nation and one of the last of a generation to be born in a sod hut on the American plains. Her parents, itinerant printers, had tutored her at home. At sixteen she entered college. At twenty-two she had married and was working as a high school principal in Los Angeles while attending law school at night. Admitted to the bar she gave legal advice to an estimated 2,000 women and helped push a strong women's property bill through the California legislature. As a voice in California Republican politics, her appointment to the federal post of Assistant Attorney General in 1921 was endorsed by every member of the southern California bar. When President Harding met her at the White House he

*Times*, 19 April 1925; "Personal History," 1 May 1946, Lincoln C. Andrews File, United States Military Academy Library, West Point, New York; and Lincoln C. Andrews personal sketch, 13 May 1926, Trinity College Library, Hartford, CT.
expressed surprise at her youthfulness, a condition she pointed out coolly that would correct itself in time.\textsuperscript{22}

One of six assistants serving the Attorney General, Mrs. Willebrandt was easily the hardest working. She conferred with dozens of officials daily and dictated a constant flow of letters and legal opinions offering advice and commiseration to local district attorneys. Every major case dealing with Prohibition reached her desk: liquor conspiracies, vessel seizures, brewery closures, corruption of public officials. Some of the largest went all the way to the Supreme Court and these Mrs. Willebrandt preferred to argue in person, often working through the night and returning home at sunrise to take a refreshing ice water bath.\textsuperscript{23} Photographers of the period took pains to lessen the boldness of her stare by posing her in three-quarter view.

A divorced woman with an adopted daughter, Mrs. Willebrandt felt comfortable in the house of law. Democracy she believed was the soil of progress; America the greenhouse of civilization. She had tasted liquor before Prohibition but as the nation's chief enforcer since 1921 she publicly forswore drinking for as long as the Eighteenth Amendment remained in force. She viewed the war against liquor as a war against disorder and anarchy. Bootleggers she once described as "rodents scuttling the ship of state."\textsuperscript{24}

In testimony before the Senate committee investigating Prohibition and the Internal Revenue Service, Mrs. Willebrandt complained that her department was flooded with poorly prepared cases against petty violators. The Eighteenth Amendment had doubled the work of the federal courts since 1920 and reports from U.S. Attorneys on

\textsuperscript{23}Seattle Times, 22 March 1925.
\textsuperscript{24}Mabel Walker Willebrandt, "Will You Help Keep the Law?" Good Housekeeping 78 (April 1924): 73.
local conditions left Mrs. Willebrandt with little doubt about the extent of the amendment's violation. In 1924, at the height of the Haynes controversy, her office had released a chart depicting the country's "wetness" (see Figure 3). Extensive smuggling by land and sea was evident along the length of the Canadian border and the Pacific Coast. Little liquor apparently crossed the Mexican border. Most alarming were the wet urban centers of the northeast. Here the demand for foreign liquor was so great that practically all of the liquor that Canadian distilleries produced was drawn to the maritime provinces and was loaded on ships for destinations off the coastlines of Massachusetts, Rhode Island, New York, and New Jersey. A similar illicit trade had developed along the coasts of Georgia and Florida where liquor ships from the Bahamas and the British West Indies offered the finest in British whiskies to American speedboat captains willing to make the short run out to sea and back.25

Initially the Treasury Department denied the existence of "Rum Row," as the newspapers dubbed the offshore fleet, but surveys by airplane convinced officials that local reports were indeed true. News of the appointment of General Andrews as supreme commander of land and sea operations pleased Mrs. Willebrandt and she offered to share her private intelligence on local conditions with Andrews as a guide to future appointments in his reorganized enforcement machine.26

To many, including the press which described him as another Marshall Foch, General Andrews appeared to possess the necessary qualifications; he belonged to the right clubs, voted Republican, considered himself a Methodist. But to evangelical Drys around Haynes, General Andrews was no prohibitionist. Like Mrs. Willebrandt, he was a new recruit to the cause of Prohibition, not a true believer. Andrews had violated the law against drinking in the recent past, as he frankly admitted in a magazine interview.

25"Why We Are 38 1/3 Per Cent Wet," The Literary Digest 80 (23 February 1924): 16-17.
26San Francisco Chronicle, 1 April 1925; and Washington Post, 19 July 1925.
Fig. 3 Relative "Wetness" As Estimated by Department of Justice, 1923

(Why We Are 38 1/3 Per Cent Wet, The Literary Digest, 23 February 1924)
As a soldier he had no horror of alcohol and viewed the challenge before him as technical rather than ideological; a simple matter of putting enforcement on a rational, business basis. Officers of the Great War still commanded tremendous respect and editorial around the country praised the appointment expressing confidence that Andrews would do his duty. As for Haynes and his fellow prohibitionists, they adopted a policy of watchful waiting.

General Andrews could not have assumed command at a more auspicious moment. A federal armada had been assembled in ports along the eastern seaboard in preparation for a campaign against maritime rum smuggling. Preparations had begun in the previous year when Congress passed a supplemental appropriation doubling the Coast Guard’s budget. An additional $12 million went immediately to the construction of 214 patrol craft and 113 picket boats. Twenty World War destroyers were donated by the Navy and overhauled at the Philadelphia Naval Yards. Thousands of young men were recruited for temporary duty; in six months the Coast Guard doubled in size to 8,600 men. A destroyer base was established at New London, Connecticut with machine shops, armory, sick bay, and an intelligence service. 27

On a languorous day in May, one month after General Andrews’ appointment, the fleet of nearly 300 vessels sallied forth from bases in Boston, New London, and New York in what would be the largest American naval engagement in peacetime. Leading the armada were the gray “broken-decker” destroyers streaming clouds of black smoke. Following close behind came the white cutters surrounded by swarms of 75-foot and 36-foot patrol craft which took up positions close to shore. Day after day the white cutters and wallowing “tin cans” searched out some 70 “rummies” scattered over 100,000 square miles of open ocean stretching from Massachusetts to the Virginia

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capes. Even in the worst weather, the destroyers continued their patrols, plotting the position of ancient banana boats, the home ports of private yachts, the tonnage of rusting freighters from Europe. No sooner was a rummy spotted than it was surrounded by picket craft and cut off from contact with speedboats waiting to ferry liquid contraband to shore. Under the light of bursting star shells, the blockade continued night after night, day after day, an expensive war of attrition designed to starve Rum Row out of existence.

To the newsreel cameras the speeding formations of swift patrol craft created a stirring image but arduous sea duty in the north Atlantic taught harsher lessons. Many of the crews were green; mechanical breakdowns were common. The destroyers required leagues of sea room to complete a turn and were utterly worthless for boarding. The new 75- and 36-foot patrol boats proved to be too small for the open Atlantic and were often awash in even moderate seas. In a matter of weeks, two-thirds of the force had returned to port for repairs and relief. As for the Coast Guard's top secret intelligence service, it frittered away its energies in fruitless escapades.

The sea campaign caused much public resentment. Patrol and picket craft were outfitted with 50-caliber machine guns and one pound deck cannons. In a sixteen page confidential memorandum outlining a "Doctrine for Prevention of Smuggling," the Commandant of the Coast Guard had directed boat crews to fire at will on suspected rum smugglers who refused to stop after a single warning shot. Senators from New Jersey and Michigan complained publicly about the Coast Guard's war on innocent pleasure boaters. In San Francisco Bay the Coast Guard fired on a launch operated by

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28San Francisco Chronicle, 7 May 1925.
the Army Corps of Engineers; on Puget Sound in Washington State a fisherman was killed outright by Coast Guard machine gun fire.

The campaign on the Atlantic lasted barely three weeks and did little more than drive Rum Row further to sea, thereby increasing the area for the Coast Guard to patrol. Many of the larger liquor ships retreated to ports in French Canada or the Bahamas while others transited the Panama Canal to the Santa Barbara islands causing the price of whiskey in Los Angeles to plummet briefly to $4 a quart. According to experts, to eradicate maritime smuggling once and for all on both coasts and in the Gulf of Mexico would require 100 new cutters, thousands of additional seamen, and an estimated $150,000,000 in increased appropriations. Even then, less than 10 percent of the country's illicit liquor would be eliminated since 90 percent, according to Treasury experts, came from domestic sources that had nothing to do with smuggling. Wets decried the Coast Guard's anti-smuggling campaign as a fraud and a waste but nobody dared call it off. In the war against evil, morality ruled official policy.

As for General Andrews, the Treasury's newest Assistant Secretary, he rode a cutter from New York Harbor to New London, Connecticut to inspect the Coast Guard's new training academy and spotted not a single rummy ship. The remainder of May he spent in the arid southwest attending a conference between the United States and Mexico in El Paso, Texas where he familiarized himself with conditions along the border.

Enforcement on land was the General's primary concern. In his opinion, Haynes' organization suffered from over-centralization and poorly coordinated efforts in the field. Nowhere was it possible to affix responsibility while cooperation with local

31 San Francisco Chronicle, 14 May 1924; and Seattle Star, 18 May 1925.
32 San Francisco Chronicle, 15 May 1925.
34 Ibid., 3, 14 May 1925.
U.S. Attorneys was frequently nonexistent.\textsuperscript{35} Utilizing a progressive model of enforcement that sought to divorce politics from policing, Andrews decided to recruit a force of trained professionals with no personal ties to the regions under their command. As a first step, Andrews decided to abolish Haynes' system of General Agents, thereby ending Haynes' influence and undercutting interference from the Anti-Saloon League. His next step was to break the hold of powerful Senators and state Republican machines on appointments. To accomplish this he created larger enforcement districts, embracing several states or parts of states, thereby forcing powerful Senators to fight over appointments. The territory of the new districts would conform to federal judicial boundaries as an aid to closer cooperation between Prohibition officials and local U.S. attorneys. Each district would be under the command of an Administrator chosen for integrity, intelligence, and executive fitness. To attract the best executive types Andrews announced that he was prepared to pay salaries as high as $10,000 a year. He wanted fresh faces, men of character who would lend a federal feel to his new organization.\textsuperscript{36}

Each Administrator would hire two assistants, one to take charge of the police features of enforcement, the other to issue permits to local businesses requiring commercial alcohol. They in turn would hire a trained criminal attorney and a qualified chemist. Agents would be drawn from applicants with backgrounds in criminal investigation and pharmacy. From the top down the new organization would be composed of professionals working as teams.\textsuperscript{37} To ensure that team members felt loyalty to their new leaders, Andrews issued orders suspending every agent from duty as of October 15, unless re-appointed by an Administrator.

\textsuperscript{36}New York Times, 14 June 1925.
\textsuperscript{37}Treasury and Post Office Departments Appropriation Bill Fiscal Year 1927, 313.
In a series of press releases, Andrews outlined his grand strategy. The number of commanders in the field would be reduced from 52 to 24. The Coast Guard had already taken up positions along both coasts and in the Gulf. Customs officials in the seaports and along the Canadian and Mexican borders would form a second line of defense. Inside this double perimeter, Prohibition officials would attack domestic sources of supply, distilleries, wildcat breweries, and businesses that diverted industrial alcohol into bootleg channels. Federal officials would concentrate their attack on the enemy's strongholds in the large metropolitan centers. The enemy would be dragged into court, tried and imprisoned. Powerful accomplices such as bankers, chemists, and politicians would be prosecuted in large conspiracy trials. The plan was to make the war so costly that the enemy suffered economic as well as tactical defeat.

The staff at headquarters in Washington, D.C. would be cut to the bone. Commissioner Haynes would retain his title but be stripped of supervisory power and demoted to the role of traveling auditor. Haynes' controversial "Information Bureau" would be replaced by a statistical department and the $50,000 set aside for posters of whiskey bottles containing coiled rattlesnakes spent on more worthwhile efforts. If, after one year, his new organization had failed to achieve results, he vowed to resign.

Wayne Wheeler, the tireless general counsel of the Anti-Saloon League, condemned Andrews' division of enforcement tasks into "wholesale" and "retail." Such a division, Wheeler argued, was an abdication of federal responsibility in the states since in many areas of the country local enforcement authorities were less than competent or

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38 New York Times, 9 July 1925; and Seattle Star, 15 October 1925.
39 Ibid., 11 July 1925.
ignored liquor infractions. On an ideological level, the League refused to acknowledge any difference between a bottle of poison or a truckload. Bowing to League pressure, United States Attorney General William Sergeant, Secretary Mellon and President Coolidge issued soothing assurances that General Andrews' distinction between "wholesale" and "retail" enforcement did not mean that the law would not be enforced by the federal government against all violators. On other fronts Wheeler was not so successful. He called personally on President Coolidge and Secretary Mellon to ask that Haynes' mobile force of General Agents be retained, arguing that Andrews was moving too fast and was jeopardizing enforcement through too hasty decentralization. But Wheeler's plea that Haynes' private army of dry agents be protected was ignored.40

No sooner had the new plan been formally announced by Treasury Secretary Mellon on June 23, than Andrews felt a hobble around his ankles. From the Comptroller-General came word that as "field service men" the new Administrators could receive no more than $7,500 per annum, Assistant Administrators less, the trained attorneys and chemists hardly enough to make the job financially rewarding.41 Andrews next sought to attract the services of business executives similar to the "dollar-a-year men" who had served so ably during the World War.42 Over a breakfast of buckwheat cakes and sausages at the White House, he listened to pledges of good faith from business leaders such as Judge Elbert H. Gary of United States Steel and dime store magnate S.S. Kreske, but in the end only one applicant from big business offered his services.43 Andrews then tried to hire retired military officers, reasoning that their service pensions would more than compensate for the meager salaries. Again the

41New York Times, 8 July 1925.
42Ibid., 11 July 1925.
43Ibid., 5 August 1925.
Comptroller-General intervened, pointing out that only officers retired for physical disability could legally draw two government paychecks.

Congressional resistance also rose. An editorial in the New York Times reported that the Republican whip in the Senate had threatened to block Andrews' confirmation unless he bowed to political pressure. At the end of July, in a directive to all officials of the Prohibition Unit, Andrews announced a tactical withdrawal. The new Administrators, he said, would be chosen from the men now in service after careful consultation with Commissioner Haynes, IRS Commissioner Blair, and Treasury Secretary Mellon. Recommendations from interested Senators would receive every consideration. The General's dream of a purified Prohibition service divorced from politics had lasted barely thirty days.

An avalanche of recommendations swept the Treasury Department as friends and patrons of state Directors and Divisional Chiefs across the country launched letter-writing campaigns. Letters poured in from mayors, sheriffs, police chiefs, prosecuting attorneys, justices of the peace, businessmen, bankers, high school principals, presidents of drug companies, newspaper publishers, officials of the Anti-Saloon League, Baptist and Methodist ministers, chairmen of state Republican committees, and members of the U.S. Senate and the House of Representatives. Even the White House was not spared. So great was the task of sifting through the mountain of paper, that the deadline of the planned reorganization had to be postponed from August 1 to September 1. Nevertheless, the General's face, looking sober and somewhat downcast, appeared on the August 3 cover of Time Magazine.

In mid-August, Andrews summoned Divisional Chiefs and Directors from all over the country to Washington, D.C. for a week of conferences and private meetings in

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44Ibid., 13 July 1925.
what was called the largest convocation of enforcement officials since the start of Prohibition. Group pictures appeared in local newspapers and for three hours on August 18 Directors and Divisional Chiefs met behind closed doors in the auditorium of the Interior Department to listen to General Andrews outline his new program. When he finished, the dry commanders returned to their hotels none the wiser as to their fates. Much of what they had heard had been said before. A few believed Andrews had spoken as if he were already addressing his new army. Others were not so certain.45

The list of appointments remained a secret until the weekend when officials from the western states, returning home by train, read of their dismissal or reappointment in the newspapers.

Out of 24 Administrators, 18 were holdovers from Haynes' regime. Seven carried designations of "Acting." Of the six personally chosen by Andrews, five were army officers, retired for disability. These were former cavalrmen and West Pointers who had served in the Cuban and Philippine campaigns. Herbert A. White, a cavalryman and lawyer, was given responsibility for the Mexican border with headquarters in Fort Worth, Texas.46 Benjamin Simmons, an ex-brigadier general, took charge of Florida with headquarters in Tampa.47 Colonel Ned M. Green, a retired regular army officer and an internationally acclaimed marksman, received the district of northern California and Nevada with headquarters in San Francisco.48 Colonel Robert E. Frith took over as administrator for Southern California and Arizona. Colonel Arthur J. Hanlon of Connecticut, an army aviator and signal corps officer, was sent to Puerto Rico.49 Andrews' sixth appointee was a civilian, Frederick C. Baird, vice president and

45Ibid., 19 August 1925.
46Herbert A. White File in the United States Military Academy Library, West Point.
48San Francisco Chronicle, 5 September 1925.
general traffic manager of the Bessemer & Lake Erie Railroad. Baird was given the troublesome Pittsburgh district in western Pennsylvania. Of the 24 Administrators, 11 were college graduates; 9 had studied or practiced law.\textsuperscript{50}

The most troublesome spots, according to information supplied by Mrs. Willebrandt at the Justice Department were New York City, Boston, Buffalo, Philadelphia, Chicago, and New Orleans.\textsuperscript{51} General Andrews gave Boston to George A. Parker, Harvard Law School graduate and head of the Massachusetts State Police.\textsuperscript{52} Edward Clements Yellowley, Haynes' former chief of General Agents, got Chicago.\textsuperscript{53} No changes could be made in the Pacific Northwest where Prohibition officials in Seattle were in the midst of one of the most important prosecutions in Prohibition history involving wiretap evidence against the bootlegger Roy Olmstead.\textsuperscript{54} The same was true for the New Orleans office where officials had just concluded a major undercover operation. O.D. Jackson, former head of the Pelican Detective Agency in New Orleans and a Haynes' appointee with close ties to the Ku Klux Klan continued as Administrator, overseeing the new district that comprised Louisiana, Arkansas, Alabama, and Mississippi.

Controversy erupted in Indiana over the continued employment of state Director Bert C. Morgan who had opposed Ohio Senator James Watson's bid as Vice-Presidential candidate the previous year. Senator Watson wasted no time in taking revenge, ranging behind him numerous church and temperance groups that bombarded Prohibition headquarters in Washington, D.C. with telegrams denouncing Morgan who

\begin{itemize}
\item \textsuperscript{50}Treasury and Post Office Departments Appropriation Bill Fiscal Year 1927, 27; and Richmond Register, 2 November 1929.
\item \textsuperscript{51}New York Times, 11 July 1925.
\item \textsuperscript{52}Ibid., 5 September 1925.
\item \textsuperscript{54}Norman H. Clark, The Dry Years: Prohibition & Social Change in Washington (Seattle: University of Washington Press, 1988), 169-172.
\end{itemize}
was finally forced to step aside.\textsuperscript{55} The most skillful influence was brought to bear by Republican National Committeeman C. Bascom Slemp on behalf of Robert A. Fulwiler, a lawyer and Haynes appointee from Staunton, Virginia. Slemp, who had stepped in as personal secretary to President Coolidge in the critical weeks following Harding's death, was well versed in the art of insider politics. Slemp forced Andrews to remove Virginia from the district embracing Delaware and Maryland and to align it with West Virginia, thereby assuring state Director Fulwiler's continued service. Similar pressure to redistrict came from the senators of Iowa, Missouri, and Kansas. Senator Edge of New Jersey, a virulent Wet, refused to submit the name of a single candidate for his district.\textsuperscript{56}

As for the wet northeast, Andrews could only shift appointees to regions beyond their political patronage. John A. Foster, a Haynes appointee, had started in Boston, moved to Pennsylvania, then undertaken sensitive investigations in Ohio and Washington, D.C.. Andrews made Foster head of the Manhattan office overseeing enforcement in southern New York and Connecticut. Eugene C. Roberts, Jr., a special agent from the Justice Department's Bureau of Investigation and a graduate of the New York City School for Detectives, was given Buffalo and ordered to plug the leaks along the Canadian border.\textsuperscript{57}

Pennsylvania, a Republican stronghold, presented a special problem. Power in that state was divided between the interior and the coastal regions. Treasury Secretary Mellon's family controlled Pittsburgh's steel and banking interests in the west while boss William Vare oversaw Philadelphia's lucrative construction contracts in the east. A third force was allied with Gifford Pinchot, the state's vigilantly dry governor. Andrews

\textsuperscript{55} Indianapolis Star, 31 August 1925, 19, 22 September 1925.

\textsuperscript{56} New York Times, 3 August 1925; Roanoke World News, 21 August 1925; and Baltimore Sun, 9 October 1925.

\textsuperscript{57} Treasury and Post Office Departments Appropriation Bill Fiscal Year 1927, 324.
had already appeased the Mellon interests by appointing traffic-manager Baird to Pittsburgh. In the eastern part of the state, Andrews sought to placate not only Mellon and Boss Vare but also Governor Pinchot with the reappointment of William Murdock, the former state Director under Haynes.58

None of the Administrators would receive annual salaries above $6,000.59 In the pages of the Anti-Saloon Year Book the new commanders, who were mostly the old commanders, dusted off their service records from the World War and inserted "Capt" or "Col" before their names. The chubby Commissioner of Prohibition was listed as "Major Roy Asa Haynes" in the pages of the Anti-Saloon League Year Book. Deep cuts eliminated 300 positions in Washington, D.C. where the sections for permits, litigation, and legal interpretation were abolished. On October 15, Haynes' force of 980 General Agents and 18 Divisional Chiefs was formally dropped from the federal rolls. Some returned to private life. Others applied for openings as regular agents. A few moved over to the newly created Border Patrol or volunteered for the Coast Guard's intelligence service. In November, Haynes suffered a further demotion when the position of Director of Prohibition was created to carry out the day-to-day operations at headquarters, rendering decisions on complicated cases and supervising personnel, appropriations and equipment in the various districts. General Andrews filled the post of Director of Prohibition with Jimmy Jones, a long-time assistant commissioner of Prohibition with close ties to the Bureau of Internal Revenue and its chief, David

With some embarrassment it was discovered that Haynes' name was not listed in the latest edition of the Federal Register.

The enforcement machine went into operation without many of its essential parts. Administrators lacked precise office plans or proper liaison with Customs and Coast Guard. Only a few of the changes had been put in writing since General Andrews preferred to issue commands in face to face meetings or over the telephone. Some of the most fundamental changes would never be codified in writing and Prohibition Administrators across the country would have little idea of the shape of the new organization beyond what they read in the newspapers.61

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60 Andrews to Secretary Mellon, 29 October 1925, in James Emlyn Jones Personnel File, NPRC; and Albert Langeluttig, The Department of Justice of the United States (Baltimore: The Johns Hopkins Press, 1927), 210-11.

CHAPTER III
THE REPUBLIC OF ALCOHOL

Despite General Andrews’ strategy of tailoring Prohibition districts to conform to federal judicial boundaries, the geographical area covered by bootleggers was far more extensive and flexible. As America’s highway system grew, bootleggers were able to cover ever greater distances by automobile. A bootlegger in Texas, for example, might send shipments all over the southwest, to Fort Worth, San Antonio, Oklahoma City, even Kansas City. According to one source, much of the genuine liquor reaching New England was trucked east 800 miles from Detroit. Chicago boasted some of the finest roads in the country, four lanes wide with smooth, well-graded curves. One historian of American trucking has even suggested that it was the Capone organization in Chicago that developed the concept of fleet trucking, since a single entrepreneur with a truck if hired to transport liquor would have been drawn unwittingly into a criminal conspiracy. Airplane smuggling was popular in the winter in the states of Michigan, Indiana, and Illinois where farmers used automobile headlights to illuminate landing fields.

Most of the liquor brought in by sea was consumed within one hundred miles of the coastline. In the interior, residents of Kansas, Colorado, and Missouri had to satisfy themselves with the products of local distillers, although bonded goods could be smuggled for considerable distances up the Mississippi from the Gulf of Mexico. Abandoned silver mines in Colorado produced a high grade distilled sugar whiskey.

3 Sidney B. Whipple, _Noble Experiment: A Portrait of America under Prohibition_ (London: Methuen & Co. Ltd., 1934), 86-89; and Mr. X, _Memoirs of Mr. X_ (Glen Rock, NJ: Microfilming Corporation of America, 1975), 1-17.
4 Whipple, 86.
5 Ibid., 88-89.
called "Mine Shaft." Citizens in Texas, New Mexico, and Arizona cultivated a taste for tequila although the amount of liquor brought across the Mexican border was never large. According to one informant, most of the liquor crossing from Mexico into southern California was brought in at night by young women driving Dodge and Peerless roadsters carrying loads so heavy that the chassis had to be lowered to sit directly on the car frames. The movie colony in Hollywood enjoyed the finest Canadian brands brought ashore from liquor ships sailing out of ports in British Columbia. By 1925 the California grape industry had recovered from its initial Volstead panic and was shipping thousands of grape cubes to urban buyers with precise instructions on how not to initiate fermentation.

In the deep south, gilded speakeasies were practically nonexistent and cultured whites drank discretely in private clubs. In the back country moonshiners sold 190 proof "mule" and "shine" for 15 cents a half pint. Florida from Palm Beach to the Keys was wringing wet. The winter colony in Miami had no trouble obtaining liquor from Cuba and the lush islands of the Bahamas. So plentiful was the supply of liquor smuggled in from offshore bases in the Caribbean that the surplus was shipped north by truck and rail disguised as lumber, crated fruit, and powdered milk. In Georgia sacks of bonded liquor were buried under wood chips soaked in turpentine for the journey north. A great crescent of applejack brandy extended from West Virginia to New Jersey. Pennsylvania with its numerous licensed distilleries was flooded with industrial alcohol. Newark remained the beer capital of the northeast while Maine, close

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6Ibid., 92.
7Sam Terry Statement, 17 November 1925, Box 74, George Hatfield Papers, Bancroft Library, University of California, Berkeley.
8Whipple, 92.
9Paul Sargis George, "Criminal Justice in Miami: 1896-1930" (Ph.D. diss., Florida State University, 1975), 286.
10Grassberger, 177.
11Whipple, 92-94.
to the Canadian border, was sucked dry by the insatiable thirst of the Big Apple to the south.

That the northeast was Wet came as no surprise. Most large cities were hostile to Prohibition and ignored its enforcement. Maryland never adopted a state dry law. New York had repealed its. Nevada's state law was declared unconstitutional. Prohibition went all but unenforced in Pennsylvania, while restaurants in Baltimore signaled the sale of liquor by displaying a sign advertising "Seafood."

According to the official history of Prohibition, as revealed in Congressional appropriation hearings, the first major violations in 1921 and 1922 consisted of illegal withdrawals of pre-Prohibition whiskey from bonded warehouses. By 1923 maritime smuggling monopolized public attention, but there were signs that a shift was underway from smuggled liquor to diverted industrial alcohol. In New York City at the start of Prohibition, 50 percent of the liquor seized by federal agents proved on chemical analysis to be smuggled goods; by 1925 the amount had fallen to less than 2 percent. Even cities close to sources of maritime smuggling showed a dramatic decline in imported goods by 1925. In Buffalo, on the shores of Lake Erie, only 12 percent of the samples proved to be Canadian; in San Francisco the figure was 8 percent. By late 1925 smuggled liquor from Europe, Canada, the Bahamas, Cuba, and Belize accounted for less than 5 percent of the nation's drink.

Ethyl, or pure grain alcohol, was produced in abundance during Prohibition by licensed distilleries in the northeast, the midwest and the south, some of them located near the great population centers of Philadelphia, Baltimore, Boston, and New Orleans. After the rapid industrial expansion of the Great War, a growing number of consumer

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articles required alcohol as either a solvent or an essential ingredient. In 1925, tens of millions of gallons of alcohol were consumed in the manufacture of scores of products including ammunition, antiseptics, billiard balls, camphor, chloroform, confectioner's colors, cocoa butter, cyanide, digitalis, disinfectant, dyes, embalming fluid, enamel, ether, fertilizer, formaldehyde, gelatin, ink, insulin, isinglass, imitation ivory, lacquer, lubricants, mineral oil, mothballs, mucilage, motor oils, paint and paint thinner, paraffin, print paper, postcard colors, polish, pepsin, powdered extracts, salicylic acid, saccharine, soap, shampoo, shellac, shoe polish, smokeless powder, soldering flux, stains, stencil paper, terpin hydrate, transparent paper, varnish and varnish remover. The list was virtually endless. The Ford Motor Works in Dearborn, Michigan consumed a million gallons of alcohol annually in the production of artificial leather for car seats and car tops. Factories extruding rayon fiber in the Allegheny Mountain region required huge quantities of alcohol as a solvent in the production of artificial silk used in dresses, lingerie, and the many varieties of pastel hose that adorned the legs of the New Woman of the 1920s. In just two years the rayon industry's annual consumption of alcohol jumped from one million to nearly eight million gallons.

No one knew how many millions of gallons of industrial alcohol were diverted each year into bootleg channels. Of the 87,000,000 gallons of grain alcohol released for domestic use in 1925, 6,000,000 gallons went directly to doctors, dentists, and veterinarians for use in clinics, hospitals, and private practice. The remaining

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17Formula No. 39-B was the most popular SDA denaturant among bootleggers. See Statistics Concerning Intoxicating Liquor 1926, Table 16.
81,000,000 gallons were rendered undrinkable by the addition of poisonous
denaturants. Denatured alcohol came in two forms: completely denatured and specially
denatured. Completely denatured alcohol was plentiful, cheap, and, because it was too
deadly to drink, easily obtainable from hardware and drug stores without a permit. In
1925, approximately 46,000,000 gallons of alcohol were completely denatured, out of
which 16,000,000 gallons disappeared down radiators of automobiles as anti-freeze.

The remaining 35,000,000 gallons of the initial 81,000,000 were specially or
lightly denatured for use in the manufacture of luxury items such as perfumes, barber
supplies, toilet waters, and flavoring extracts. Because specially denatured alcohol could
be cleaned by redistillation, it rapidly became the aqua vite of bootleggers. Before the
World War there had been only six formulas for producing specially denatured alcohol,
by 1925 there were 68, each offering tempting possibilities for redistillation.\textsuperscript{18}

Gimmicks for obtaining industrial alcohol were endless. Every time alcohol was
moved it was open to diversion. It could be diverted from the source with the
connivance of the distiller, or misdirected during shipment from distillery to denaturing
plant, or between the denaturing plant and the wholesaler. At each step of the way the
government required special documents covering withdrawal, transportation, and
reception but the documents could be stolen, forged, or reused. According to one
bootlegger: "Every time the Government tried a new thing, the boys would get up a new
way to get around it."\textsuperscript{19} Federal storekeeper-gaugers monitored the output of distilleries
but modern alcohol plants operated at such a scale and speed that gaugers were left with
little time to perform adequate cross checks, even when they possessed a knowledge of

\textsuperscript{18}New York Times, 21 September 1925.
\textsuperscript{19}Reginald Wright Kaufman, The Real Story of A Bootlegger (New York: Boni and Liveright
Publishers, 1923), 221.
advanced chemistry. Among the lowest paid employees of the Treasury Department, storekeeper-gaugers frequently succumbed to bribery.\textsuperscript{20}

Barrels of pure alcohol on the way to denaturing plants could be scraped free of their proper labels, and new labels affixed that indicated they had been denatured. Or pure grain alcohol could be exported to Canada by railway tank car and then redirected into the United States as different merchandise. Railway smuggling was difficult to monitor without causing intolerable delays in the delivery of legitimate freight.\textsuperscript{21} Ships departing New Orleans with cargoes of distilled alcohol bound for Europe could be met by speedboats outside the twelve-mile limit and the alcohol brought back to shore.

Before Prohibition, denaturing had occurred at the distillery but the Volstead Act created a wholly new business enterprise, the independent denaturing plant. Every distillery had a denaturing plant but not every denaturing plant had a distillery. Out of 91 denaturing plants in the country, 27 operated independently, often many miles from the nearest distillery and without government supervision. New York State's 15 denaturing plants, for example, imported pure grain alcohol from as far away as Louisiana. Each year the country's 27 independent denaturing plants processed more than 2,000,000 gallons of pure grain alcohol and General Andrews suspected every one of them of being a front for bootleggers.\textsuperscript{22}

Beneath the distiller and the denaturer came the wholesaler. In the business ballyhoo of the Coolidge years, bootleggers found it easy to set themselves up as legitimate businessmen. A bootlegger could open a dummy mouthwash company by simply submitting a description to Treasury officials of his product, an estimate of the


\textsuperscript{22}Statistics Concerning Intoxicating Liquor 1933, Table 10, Table 15; Walton Green, "Denatured Alcohol - Our National Drink," \textit{Saturday Evening Post} 198 (23 January 1926): 6-7, 129-30, 133; and \textit{New York Times}, 7 April 1926.
amount of alcohol he required, and the precise formula he needed as a denaturant. Eager to encourage American business, the Treasury would grant the bootlegger-businessman a permit to receive specially denatured alcohol up to a maximum of 21,000 gallons per month if business increased, which it usually did. Some of the alcohol the bootlegger bottled as mouthwash to decorate his shop; the remainder he sold to other bootleggers for redistillation. On his books, he recorded the sales as shipments of mouthwash to retail outlets that did not exist.23

Initially the flow of alcohol to industry had been monitored by Collectors of Customs and it was one of General Andrews innovations, with Secretary Mellon's approval, to transfer oversight of commercial alcohol to district Prohibition Administrators in the belief that local officials could best judge of the needs of local businesses for commercial alcohol. The theory had merit, but Assistant Prohibition Administrators in charge of industrial alcohol permits had no way of identifying a dummy company from the paperwork alone, and they lacked the men to check every wholesaler. Worst of all they possessed absolutely no legal authority to examine the tens of thousands of retail outlets that allegedly received shipments of mouthwash, soap, perfume, skin lotion, rouge, liniment, and hair tonics from wholesalers.24

The illicit trade in diverted industrial alcohol was organized hierarchically. Beneath the distillers, the denaturers, and the dummy wholesalers, came the "chefs" who tended the rectifiers that vaporized and collected the valuable alcohol, leaving the harmful denaturants behind. Some of the most toxic denaturants such as nitrotoluol were the easiest to clean since ethyl alcohol boiled at 78 degrees and nitrotoluol at 233 degrees centigrade. With suspicious regularity, new formulas were added to the government's

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24 Statistics Concerning Intoxicating Liquor 1933, Table 26.
arsenal of denaturants containing boiling points much higher than ethyl alcohol. The
denaturant zinc phenolsulphonate had no known boiling point.25 Bootleggers first
preferred formula 2-B, then shifted to the toilet water formulas, 39-A, 39-B, 39-C, and
40.26 Former Senator Andrew J. Volstead, who served as legal counsel to District 14 in
Minnesota reported in 1925 that carloads of "Bodi-Rub" were flooding St. Paul where
druggists sold it to the bootleg trade for redistillation.27

Rectifying plants were discovered in barns, cellars, warehouses, apartment flats
and in hundreds of nondescript metropolitan garages. Some of the copper boilers
reached capacities of 500 gallons with condenser coils that rose a full two stories in
height. The largest runs took twelve to fourteen hours to complete and the reclaimed
alcohol was sold for $5 to $6 a gallon to the next level of bootleggers, the mixers, who
added the colorings and flavorings to produce synthetic whiskey or gin.28

By 1925 most of the smuggled whiskey that made it through the Coast Guard
blockade was deemed so precious that it was used only as talismanic flavoring for
synthetic whiskey. The standard formula was a "two-four-six" mixture: two parts
smuggled whiskey, four parts recovered alcohol, six parts distilled water.29 The
concoction was then agitated for four hours and allowed to "age" for two days. A bottler
could mix up a case of synthetic whiskey for between $20 and $25 wholesale, a price
that soon undercut the price of bonded goods from the Bahamas costing $40 to $50 a
case. All of the reputable pre-Prohibition brands were faked: King George, Black &
White, Peter Dawson, John Dewar, Haig & Haig, Johnny Walker Black Label,

332.
27Andrew J. Volstead to General W.F. Rhinow, 19 November 1925, in Andrew J. Volstead and
Family Papers, Correspondence, Box 3, Minnesota Historical Society's Manuscript Collection.
29John, "Bootician," 395; Green, "Name Your Poison," 122; and Philadelphia Bulletin, 23
September 1925.
Watson's, Old Parr, Usher's Green Stripe, Granny Taylor, Old Crow Best Bourbon, Gordon's Sloe Gin. Gin was the easiest to produce, requiring only recovered alcohol, distilled water, and juniper berries for flavoring. Before Prohibition, gin had been the drink of women and poor blacks; under Prohibition it became the main ingredient of the ubiquitous cocktail.30

The universe of diverted industrial alcohol supported a number of niche industries. Hundreds of small operators mixed and bottled synthetic whiskey and gin.31 Glassworks reproduced all the traditional glass containers: square bottles for gin, round for whiskey. Printers cut plates to produce dummy labels and fraudulent revenue strips. Coppersmiths fashioned the boilers used in rectifying; chemists, druggists, and pharmacy graduates checked the purity of distillates and devised new ways to remove the government's latest denaturants.32 Criminal conspiracies of the kind that General Andrews contemplated might include not only bootleggers and rumrunners but a cross-section of the more licit trades such as warehousemen, drivers, packers, salesmen, book-keepers, boilermakers, pipe fitters, chemists, printers, carpenters, town constables, patrolmen, precinct sergeants, attorneys, Customs inspectors and, of course, Prohibition agents who were specialists in the intricacies of federal record keeping. Not usually listed on the indictments were more powerful figures such as mayors, bankers, state politicians and U.S. Senators.33 The term bootlegger as applied to the manufacture, transportation and sale of beverage liquor covered a universe of occupations.

31 Green, "Name Your Poison," 22-23; and Green, "Denatured Alcohol," 6-7.
32 John, "Bootician," 397; Reeves, Ol' Rum River, 167.
33 Ferrucci, Bootlegger, 150-154.
No one knew how many millions of gallons of industrial alcohol were diverted each year but in August 1925, a tip from a disgruntled bootlegger in Providence, Rhode Island led Treasury agents to one of the largest diversion schemes in the history of Prohibition. When special agents of the Treasury raided the Superior Industrial Alcohol Company in Cleveland, they seized $7,000,000 worth of commercial alcohol along with books and records that described a national syndicate extending from Rhode Island to California. Starting with five distilleries in 1923, and eventually expanding operations to 15 distilleries, the syndicate released 4,800,000 gallons annually through a network of warehouses and transfer companies in Boston, Philadelphia, Baltimore, Atlantic City, Minneapolis-St. Paul, Detroit, St. Louis, Cleveland and Chicago.34 According to Treasury spokesmen, the operation controlled an estimated 75 percent of the nation's illicit alcohol valued at $500 million a year, or 18 times the federal budget for Prohibition enforcement.35

Following the raids on Superior the government was forced to raise its annual estimate of the amount of diverted industrial alcohol to 10,000,000 gallons. That was enough alcohol to make 20,000,000 gallons of 95 proof whiskey. Bottled in quart containers at five quarts to a gallon, officials calculated that roughly 100,000,000 bottles of synthetic whiskey could be produced from industrial sources, or nearly one bottle for every man, woman, and child in the county. But as federal spokesmen hastened to add, that amount was negligible when compared to the 650,000,000 quarts of alcohol consumed each year before Prohibition.36 No one possessed better statistics than the government on illicit liquor seizures but the government was by no means a neutral

34Washington Post, 18 February 1926.
36Green, "Denatured Alcohol," 7.
informant. In fact, the government as both enforcer and propagandist for the dry cause had no incentive to offer anything but the leanest picture of bootlegging.

If, as the government claimed, the amount of diverted industrial alcohol dwarfed all other sources combined, and current diversions were only 1/6 of pre-Prohibition consumption, then the Treasury's reorganization of enforcement under General Andrews had been utterly unnecessary.

But the claimed ratio of 20 to 1 between diversions and "all other sources" was highly suspect. No one knew how much moonshine was produced by wildcat distillers or how much wine and beer was fermented in attics and basements each year by ordinary citizens. The manufacture of corn sugar, or solid glucose, had jumped in 1923 and again in 1925 to become a staple of illicit distilling. While corn syrup went into a variety of soft drinks, nearly a billion pounds of crystalline sugar was believed by some observers to feed the mash pots of professional and amateur distillers.37

The language of the National Prohibition (Volstead) Act permitted the making of "nonintoxicating" wine and cider at home without any reference to the 0.5 percent standard. In 1924 Congressman John Philip Hill of Maryland extended this loophole to city dwellers by posting a sign, "Franklin Farms," at the rear of his Baltimore home and allowing 25 gallons of cider to "harden." Lest his violation go unnoticed, he informed Prohibition officials weekly of his cider's progress and held tastings attended by members of the press. Indicted and tried, Representative Hill won a decision in the courts which held that citizens in the city had the same rights as rural folk to ferment wine and cider for personal use.38

There was also ample evidence that high-powered commercial beer was flooding parts of the country. One of the wettest areas was in the region around Newark, the territory of New Jersey Administrator Ira Reeves, a former professor of military science, who vowed to dam the flood of beer. Of the roughly one-thousand breweries in operation before Prohibition, only a few had gone out of business with the passage of the Eighteenth Amendment. A third claimed to be producing alcohol-free or "near beer," made by brewing real beer and boiling off the alcohol. Brewers of near beer easily evaded the law by simply putting a hose in a tank and filling cereal beverage kegs with real beer or by diverting it through hidden pipes into subcellars or adjacent garages.39

The remaining two thirds of the nation's breweries - most of them in Pennsylvania, New York, and Ohio - claimed to have converted to ice-cream plants, yeast factories, or cold storage warehouses and therefore fell outside the provisions of the Volstead Act. Surrounded by heavy gates and high fences strung with barbed wire these ancient brick structures with their tall chimneys resembled medieval fortresses barricaded against the eyes of federal snoopers. Brewers were respected community figures and were rarely denounced to Prohibition officials. When agents did succeed in obtaining enough evidence to warrant a raid, spotters along the routes to the breweries usually sent word ahead. To gain entry, agents had to first scale the walls and then breech the main buildings by lowering themselves through openings in the roofs. By the time they reached the plant floor, the workers were long gone, leaving behind great vats of chilled beer and the remains of half-eaten sandwiches. Ruefully, Administrator Reeves noted that there was never so much as a hint of support from the crowds of onlookers who gathered to watch government raiders force the citadels of the common man's drink.40

40Reeves, Ol' Rum River, 35.
The seizure of the Superior Alcohol Company of Cleveland, which led to the revision of diverted alcohol upwards to an estimated 10,000,000 gallons a year, missed at least one of the syndicate's mightiest branches managed by Max "Boo Boo" Hoff of Philadelphia. Hoff owned the Quaker Industrial Alcohol and the Glenwood Industrial Distilling Companies. Quaker alone held contracts for delivery of 1.2 million gallons of industrial alcohol annually. Another person, reputedly even higher up, also remained at large, as Philadelphia Administrator William Murdock confessed to reporters: "I have heard of such a central control over an interlocking system of city alcohol rings and have been told that the controlling figure is a New York man whose identity does not appear to be known."

Administrator Murdock's own efforts to stop diversions in Philadelphia had proved disappointing. In the summer of 1925, as General Andrews perfected his enforcement machine, some 100 Treasury agents had amassed sufficient evidence to charge 32 Philadelphia firms with diversion of industrial alcohol, conspiracy to defraud, and bribery of federal officials. Murdock swiftly revoked the firms' permits to receive alcohol only to be overruled by Commissioner of Internal Revenue David Blair on the grounds that the evidence had been obtained before Andrews had transferred authority to Administrators to revoke permits. Under Blair's ruling the Philadelphia firms continued to receive a total monthly allotment of 77,050 gallons of alcohol (compared to Superior's 36,000 gallons) until their cases wound their way through the courts.

Administrator John A. Foster in New York had better success in limiting diversions by simply stationing agents in thirteen of the state's fifteen denaturing plants, with the result that output fell by 300,000 gallons a month. Impressed by Foster's

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42 New York Times, 19, 21 September 1925, 21 February 1926, 7 April 1926.
43 Ibid., 21 August 1925, 30 January 1926, 28 February 1926.
success, Andrews decided to create a special "shock" squad of trained specialists who would work exclusively on uncovering diversion schemes. The squad consisted of 75 men drawn from the rolls of retired Army and Navy officers whose investigations concentrated on the huge area east of the Mississippi and north of the Potomac River. When Foster was called to Washington, D.C. to take charge of the alcohol control squad, Andrews chose as his replacement Major Chester P. Mills, a West Point graduate and the son of a former superintendent of the United States Military Academy.

Major Mills had seen service in Cuba, the Philippines, and Mexico. In the World War he had handled troop and freight movements for General Pershing and been awarded the French Legion of Honor. Retired for poor eyesight in 1922, Mills was working as an assistant manager for Montgomery Ward when Andrews appointed him Administrator of Manhattan, the Hudson Valley, Long Island, and Connecticut. Emboldened by his predecessor’s success against denaturing plants, Mills decided to attack the growing problem of fraudulent prescriptions for medicinal liquor.

Medicinal liquor was another category all but ignored by the government in its estimates of annual consumption. Under the language of the Volstead Act and the mini-Volstead acts of thirty-six states, physicians were permitted to prescribe a pint of medicinal whiskey every ten days to patients suffering from weakened constitutions, frayed nerves, influenza and other maladies. The Prohibition Unit distributed blank prescription books to physicians four times a year, one hundred prescriptions to a book. At $3 a prescription, the books represented an additional income of $1,200 to American physicians who earned on average only $5,000 a year. Nationally, warehouse stocks of medicinal whiskey were falling at the rate of approximately 1,750,000 gallons a year. Soon blank prescription books and medicinal whiskey were flooding the bootleg

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44Ibid., 7 November 1926.
market. Some druggists sold their entire yearly allotment directly to bootleggers who in turn resupplied them with cut or recovered alcohol. In Pittsburgh, Administrator Baird pioneered the practice of visiting drug stores and revoking druggists' permits if their medicinal whiskey stocks showed traces of federal denaturants.

When Major Mills began investigating medicinal whiskey prescriptions in New York City he found that many of the signatures were fictitious or belonged to physicians long since deceased. In a single month Mills brought indictments against twenty-seven doctors and six druggists, and Mills' office began a survey of the 14,000 physicians licensed to practice in New York, asking detailed questions about legal residence, medical education, and hospital affiliation. Many physicians, it turned out, held only mail-order diplomas. Others were not even legal residents of the state. In eighteen months, the licenses of some 1,500 physicians were revoked but doctor-druggist rings proved impossible to eradicate. Meanwhile, the flow of medicinal spirits, legal and illegal, showed up nowhere in federal estimates of consumption.

In part, the officially estimated ratio of diversions to "other sources" was based on analyses of samples of seized liquor performed by the Treasury's laboratory in Washington, D.C. and nine field laboratories across the country. Chemical analysis turned up traces of particular denaturants and led to the realization that bootleg chemists had finally succeeded in finding a method of recovering alcohol from anti-freeze. The weakness of such a system was that, while government chemists were able to track

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46Ibid., 19 January 1926.
48James Jones to David Blair, 27 December 1923, in William V. Linder Personnel File, NPRC.
changes in the sources of illicit alcohol, no notation was kept of the quantities seized.\textsuperscript{50} A pint of moonshine tested in a laboratory carried the same statistical weight in the government's accounts as a barrel of beer. Estimates as to trends in consumption were based on kinds, not quantities.

An alternative method of inferring how much specially denatured alcohol (SDA) flooded the bootleg market each year called for subtracting the requirements of industry from the gross amounts of SDA released. In 1914, when beverage liquor was still legal, 5.2 million gallons of alcohol were specially denatured, in 1915 the figure was 8.6 million gallons, and in 1921 nearly 10 million gallons. If the annual increase was arithmetic, then 1922 should have seen a consumption by industry of 12.1 million gallons of SDA. Instead, some 17.2 million gallons were released in 1922 and nearly double that amount, 30.4 million gallons, in 1923. Between 1921 and 1923 there had been an astonishing threefold increase in the need among Americans for perfumes, alcohol rubs, and barber's supplies. The actual requirements in 1923 should have been closer to 14 or 15 million gallons, not 30 million gallons, of specially denatured alcohol. The difference of 15 million gallons, according to some observers, was the amount of alcohol diverted into bootleg channels. No calculations were made for completely denatured alcohol since it was widely believed - except by bootleggers - that CDA could not be cleaned.

As an efficiency expert, General Andrews understood the importance of statistics for measuring the Prohibition Unit's success in enforcement efforts. The Audit Division kept records on the millions of gallons of alcohol manufactured and withdrawn each year but did not track alcohol through the stages of production, storage, withdrawal, to wholesale use. The division issued statistics periodically for public consumption but not

for investigatory analysis. Andrews suggested that Congress establish a statistical bureau to study the results of enforcement but quickly abandoned the idea when he realized he was requesting a favor from the most contentious branch of government. He next proposed that President Coolidge appoint a panel of experts to conduct an objective study of the social and economic benefits of Prohibition. Coolidge barely responded, preferring to speak through Secretary Mellon who expressed doubt that a panel of experts would do more than stir the flames of controversy while wasting taxpayers' money. Neither Wets nor Drys wanted a scientific study of Prohibition and none was ever carried out. Statistics on the effects of Prohibition remained a fun house of distorting mirrors. Statisticians would manipulate sets of data to reach contrasting conclusions depending upon the ideology of those who paid their salaries. In the meantime, the most authoritative voice remained the federal government whose estimates of output from "all other sources," like its figures on diversion, were nothing more than guesses by experts paid to gild the lily of enforcement.

51 U.S. Bureau of Efficiency, "Report on Prohibition Unit."
53 Ibid., 2 March 1926.
CHAPTER IV

PROHIBITION HIDDEN AND REVEALED

Under the "concurrent power" language of the Eighteenth Amendment - "The Congress and the several States shall have concurrent power to enforce this article" - the states and the federal government shared responsibility for enforcing the national ban on beverage liquor. Prior to the Eighteenth Amendment crime fighting had been solely a state responsibility, but with the passage of Prohibition the federal courts were engulfed by petty prosecutions against liquor dealers. In some of the larger cities the wave of liquor cases, growing every year, threatened to swamp the ordinary business of the federal bench. Juries wasted valuable time listening to the details of liquor raids, perjury was frequent, postponements common. Indictments in the most crowded districts were routinely plea-bargained down to lesser offenses, and bootleggers walked out of court after paying a light fine.

Wielding the authority given him by Secretary Mellon, General Andrews sought to ease the crowding of federal dockets by reinterpreting the concurrent powers concept. Under Andrews' reorganization the federal government would concentrate on the largest networks of smugglers, diverters and wholesalers; thereby leaving the speakeasies, beer flats and county roadhouses to state and municipal authorities. By dividing enforcement responsibility along wholesale and retail lines, Andrews hoped to relieve the congestion of the federal courts; but the move created practical problems. How was one to reach the big operators if federal agents ignored the lowly swampers and deliverymen who were the most visible ranks of the largest liquor rings? Andrews' solution was to employ informers, spies, and undercover agents. Roy Asa Haynes in his final year as chief enforcer had spent $50,000 on informants; Andrews intended to spend in the neighborhood of $250,000. Most difficult to ferret out were those shadowy figures in
the legitimate world such as local politicians and police chiefs who protected bootlegging operations, as Agent Leighton Blood discovered when he stepped off the train in Norfolk, Virginia in February 1926. Blood's first order of business was to climb the three flights of stairs to the third floor of the Arcade Building to confer with Norfolk's city manager who had appealed to Andrews for help cleaning up Norfolk's corrupt police department. Blood had attended Tufts College briefly before serving with the Tank Corps in the World War. Later he enlisted in the French Foreign Legion. Not yet 30 when he arrived in Norfolk, he was youthful and slight, with a pencil-thin mustache that made him look more like a Greenwich Village intellectual than a federal agent.

Despite his youth, Blood was a seasoned investigator. He had worked first in narcotics before moving over to liquor investigations in Seattle and Montreal. His most recent assignment had been in Highland Falls, New York, raiding resorts selling liquor to cadets of the United States Military Academy. Leighton Blood was a patriot, active in veterans' affairs, and an unpaid publicist for the annual Army-Navy football game.

At the Arcade Building Blood learned that he and a former city detective would open a speakeasy on Chapel Street in the heart of the colored district. The speakeasy would be a crude affair, a long galvanized bar in the corner of a livery stable. Blood would pose as "Mr. Hatton" from Tarboro, North Carolina; his partner as a renegade cop turned bootlegger. For safekeeping, Blood left his pocket commission, service revolver, and blackjack in the city manager's safe.

With a population of 175,000 and a large naval base, Norfolk was running wide open in 1926. The state liquor law was enforced primarily against poor whites and

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2 Norfolk Ledger-Dispatch, 4 May 1926.
sailors; upper class drinkers and bootleggers were left undisturbed by the police. One of the largest liquor dealers, Alonzo "Speed" Fentress, ran a garage on the Virginia Beach Road and imported between 1,000 and 3,000 gallons of re-distilled alcohol each week from sources in Baltimore. Doctored to taste like gin, rye, or scotch, the liquor arrived in five-gallon cans aboard vessels operated by the Chesapeake Steamship Company.\(^5\) In his reports to headquarters, Blood rated Norfolk the wettest spot he had visited outside of Manhattan although he was told that Richmond was worse. Blood had literary leanings and his dispatches, composed at night on a rented typewriter, read like passages lifted from pages of the *Black Mask*:

> Before this is over I will need help. Probably not here, but in Baltimore, and in tracing the Saturday shipments of liquor from Baltimore by boat to Norfolk.... My idea is to get the cops first. Then spend a few days making pint and half pint buys, come to Washington, and get my warrants made out and then come back and kick the town wide open.  
> (Signed) Blood.\(^6\)

Soon, senior attorneys in the office of the Prohibition Unit's criminal division were drafting memoranda sprinkled with words like "flops," "kick-ins," and "getting jammed." Without even reading a page of the pulps, the government had turned "hard-boiled."

Pretending interest in an old flame, Blood slipped back to Washington, D.C. in late March to brief his superiors and was told to concentrate on obtaining evidence against crooked police officers. Conspiracy cases against local distillers and importers involved in the Baltimore-Norfolk connection would be handled by another agent. But Blood's undercover activities ended abruptly when word that he was a secret agent

\(^5\)Ibid., 67-69.  
\(^6\)Ibid., 62.
leaked across the fragile interface separating city officials from the underworld. In the shake-up that ensued, four policemen were dismissed, three placed on probation, and one forced to resign; meager results for two months of full-time undercover work. The ringleaders and their bootlegging friends suffered no ill effects while Blood's own nerves were so frayed from eight weeks of living undercover and imbibing raw alcohol that he had to go on temporary furlough.

Behind him he left David Mayne, an agent who had worked closely with the Ku Klux Klan in its dry crusade in upstate New York. Mayne spent several months building a conspiracy case against distillers and county officials only to have his own cache of confiscated liquor seized in a police raid. Accused of bootlegging, Mayne lost valuable time fighting to clear his name. Eventually his operation was closed down and he was reassigned. Undercover work, General Andrews discovered, proved to be costly in both time and resources and often produced negligible results with methods that were ethically dubious and sometimes embarrassing to the government. The undercover operations of Blood and Mayne angered Prohibition Administrators in Virginia and Maryland, who had not been told in advance of their presence.

Cities and towns that attracted federal attention often received more than they bargained for as the federalization of enforcement brought government agents into sharp conflict with municipal authorities. In Quincy, Massachusetts, federal agents arrested the mayor and the town dry squad. In Leavenworth, Kansas the site of the nation's largest federal penitentiary, the mayor and chief of police were forced to resign for allowing the town to run "wide open." In Seattle, Washington the trial of west coast bootlegger Roy Olmstead on the eve of a hotly contested mayoral election led to the victory of Mrs.

Ibid., 54-55.

Virginia Pilot and Norfolk Landmark, 4 May 1926.

Internal Revenue Service, Prohibition Enforcement, 56-59.

Henry Landes, the first woman mayor to be elected head of a major American city.\textsuperscript{11} The most famous case occurred in Gary, Indiana against Mayor Rosco O. Johnson who was charged, along with a city judge, several policemen, and a number of county officials, with failure to enforce the city's dry laws.\textsuperscript{12} Mayor Johnson's criminal culpability lay in not having stopped the organized flouting of the laws against liquor. "His own testimony," wrote the \textit{Gary Post-Tribune}, "proved that he knew certain places charged with bootlegging were being openly conducted and that he made no effort to close them."\textsuperscript{13} Few mayors in the country could escape such a sweeping definition of criminal conspiracy if the government chose to hold their feet to the fire as Agent John B. Madden well knew when he was assigned to Milwaukee, Wisconsin, a city with an extensive network of saloons operated under the cover of licensed soft-drink parlors. Madden paid a visit to the mayor's office and, citing the conviction in Gary as a precedent, threatened to send the mayor and every member of the city licensing committee to prison if the soft-drink parlors were not closed. The mayor complied.\textsuperscript{14} Few cities in the 1920s escaped the impress of liquor scandals on local politics.

In General Andrews' view undercover operations were as essential to Prohibition enforcement as spying in wartime. Large numbers of informers were put on monthly contracts that paid $5 a day plus expenses. At one point the Pittsburgh office had 200 informers on its payroll. Many were recruited from the criminal classes and did not hesitate to extend their talent for deception to government assignments, furnishing spurious leads just to collect federal money. Some of the highest paid agents in the Unit working out of the newly established Chief Prohibition Investigator's office were paid

\textsuperscript{13} \textit{Gary Post-Tribune}, 28 March 1925.
\textsuperscript{14} Speech by Mayor Daniel Hoan, 30 January 1925, in John B. Madden Personnel File, NPRC.
annual salaries ranging from $2,400 to $12,000 out of the so-called "informer" budget.\textsuperscript{15} The office of the Chief Prohibition Investigator in Washington, D.C. was given a staff of seventeen attorneys and a mobile force of 70 agents to conduct undercover investigations in Boston, New York City, Philadelphia, New Orleans, and San Francisco. For the post of Chief Prohibition Investigator, General Andrews chose Walton Atwater Green, Harvard class of 1904, attorney and failed newspaper publisher. The two men had met during the War at Fort Dix where Green was a senior instructor. Later, Green served as Andrews' assistant in the Provost Marshal's office in France. "No actions, no wounds, no citations - no regrets" was how Green described his military service. Returning home stylishly broke, Green traded bonds briefly on Wall Street until Andrews interceded and designated him the nation's top Prohibition investigator at a salary of $6,000 a year.\textsuperscript{16}

General Andrews' viewed the Coast Guard's assault on Rum Row in the spring and summer of 1925 as "bare hand" combat and vowed to provide his seaborne forces with advance, up-to-date intelligence. By early 1926, the vessels of Rum Row had retreated north to the French islands of St. Pierre and Miquelon off the coast of Newfoundland or south to the British West Indies.\textsuperscript{17} Illicit revenue completely transformed these provincial outposts. Huge liquor warehouses were constructed on St. Pierre, and so much money entered British coffers in the West Indies that Bimini was able to dredge its harbor and extend its piers. Nassau, on the island of New Providence, was the center of smuggling in the West Indies, followed by Bimini, Grand Bahamas, and Cat Cay. Before Prohibition, Nassau was a shanty town; by 1926 it had paved

\textsuperscript{15}U.S. Bureau of Efficiency, "Report on Prohibition Unit."
streets, electric lighting, refrigeration plants, hotels, a golf course, and liquor stacked to the height of several stories along the waterfront. Walton Green's task was to infiltrate the stateside smuggling rings importing liquor from these outposts and to pass intelligence along to the Coast Guard.

Reasoning that the most likely rendezvous for bootleggers in New York City would be a posh nightclub, Walton Green opened the Bridge Whist Club on East 44th Street, in the heart of New York's theater district. Furnishings cost taxpayers $44,866 and agents disguised as waiters wore expensive alpaca jackets. The club's undercover manager was A. Bruce Bielaski, a successful New York attorney who had worked during the World War for the Justice Department harassing foreign radicals. Andrews agreed to pay Bielaski $1000, not to exceed $10,000 annually, for every bootlegger he indicted. Using a Dictaphone concealed in a table lamp, Bielaski's agents listened from a back room to discussions that revealed the collusion of Coast Guard crews and bases along the New England coast in rumrunning. In six months Bielaski and his operatives collected bounties on a number of prosperous New York rumrunners including William V. Dwyer, one of the northeast's most successful liquor importers. Dwyer's reach was so long that he was able to commission his own men as Coast Guard ensigns. According to legend, Dwyer once offered as a single bribe a home on Long Island, an automobile, a diamond ring, and a job paying $150 a week.

General Andrews was exceedingly busy in the first four months of 1926. The State Department had drafted anti-smuggling treaties with eleven nations, nine were already in effect, and treaties with Mexico and France were pending. Andrews traveled

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19angeluttig, The Department of Justice, 210-11.
to Havana to conclude an anti-smuggling treaty with Cuba and to confer with the American Ambassador on means of preventing the importation of rum into the Florida Keys. With the backing of Treasury Secretary Mellon, Andrews submitted legislation to both the House and Senate creating a Bureau of Prohibition, independent of the Bureau of Internal Revenue, under the control of an Assistant Secretary who would report directly to Mellon. The bill also outlined the creation of a Bureau of Customs, equal in rank to the Bureau of Internal Revenue. Andrews urged immediate passage of his reorganization bill, arguing that he had gone as far as he could in centralizing the activities of enforcement and that the work of Prohibition and Customs had grown too large for a single man to oversee. As a means of divorcing enforcement even further from politics, Andrews recommended that all Prohibition employees, except for a few high officials, be appointed by civil service examination.

In addition to the special shock squad working on alcohol diversions, Andrews planned to establish special squads for the control of beer and sacramental wine, to be staffed by former military men. It was Andrews' hope that the military honor code would protect these squads from corruption but as an additional precaution he intended to shift their areas of duty frequently. He also asked Congress for an additional 235 border inspectors to augment the 110 men currently patrolling the Canadian and Mexico borders, and 318 pharmacy graduates to check druggists' permits. In all he requested an additional 906 men and a supplemental appropriation of $2,931,010, which Congress granted, to bring his force up to 3,900 men.

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22 Oregonian, 7 February 1926, 6 March 1926.
24 Congress, House, Committee on Appropriations, First Deficiency Appropriations Bill 1926, 68th Cong., 2nd sess., 505-518, 530.
One of his most intractable problems was the lack of official transportation. With only 80 automobiles, the Prohibition Unit was largely a foot patrol in pursuit of motorized criminals. In the largest cities agents walked or rode streetcars to the site of raids; one reason why so many small violators were arrested. In an incident in Puerto Rico, agents hired a taxi to take them to a lonely beach only to discover after the driver had departed that the landing site was seven miles away; like Keystone Cops they were forced to hoof the remaining distance on foot.

The lack of federal vehicles was especially dire in the far west where there were few railway lines running north-south and where autostage service between towns was unreliable. In Seattle the Assistant Administrator used his mother-in-law’s car for trips out of town but poor roads and hard use could wear out a vehicle in two or three years with little recompense from the government beyond gas and oil. "U-Drive" autos were expensive to rent; garages charged $3 an hour or $20 a day, and the federal paymaster, Comptroller-General McCarl, was not eager to honor rental vouchers. "U-Drive" companies were popular with bootleggers seeking not only transportation but also information on the destinations of federal raiding parties. Without an adequate pool of automobiles, enforcement in areas outside the largest cities was hampered and Andrews

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was forced to give preference to new agents who could supply their own transportation. 30

In the Senate and House he also introduced legislation stiffening the penalty for diverting alcohol to a mandatory prison sentence of not less that two years and a fine of up to $25,000. The Volstead Act exempted homes and apartments from federal searches unless there were clear evidence of sale; Andrews requested the right to raid on mere suspicion. Under current language, a bootlegger could distill liquor in a private dwelling in full view of Prohibition Agents, and as long as he made no move to sell his liquor, the government could not cross his threshold. As a result, bootleggers were quick to take advantage of the loophole. "They rent these dwellings," General Andrews told a Senate subcommittee, "and establish a family therein whose occupation it is to distill alcohol for the bootleg trade. We can break up this source of supply only by having the law provide that search warrants may be issued on evidence of manufacturing for commercial purposes." 31 He also asked permission to place "near-beer" plants under federal supervision, to board and search American ships beyond the twelve-mile limit, and to impose jail sentences for simple possession of liquor. In testimony before committees on alcohol, judiciary, and ways and means, Andrews emphasized that without the passage of stricter enforcement legislation he would be unable to discharge his duties. So many bills had been introduced by Wets and Drys modifying Prohibition enforcement that the Senate decided to hold special hearings before a subcommittee of the judiciary in April.

Interest in the upcoming hearings was increased by a national newspaper poll conducted by the Newspaper Enterprise Association, the Hearst trust, and the newspapers associated with the Chicago Tribune and New York Daily News. Readers

were asked to choose between Prohibition, repeal, or the return of light wines and beers. More than three million ballots were clipped and returned to local newspaper offices. When the results were tabulated only Kansas and South Carolina came out strongly for Prohibition. Response from the other states were nearly 5 to 1 for either repeal or the return of light wines and beers. In New York City the opposition to Prohibition was 50 to 1, in Chicago 9 to 1, in smaller towns 2.5 to 1. Mrs. Willebrandt in the Justice Department denounced the straw poll as representing the views of malcontents. Wayne Wheeler of the Anti-Saloon League commented tersely that "the supporters of Prohibition are too busy in constructively supporting the enforcement of Prohibition to engage in futile balloting on this subject." But the tabulations filled the columns of local newspapers for weeks, serving as a sort of public prologue to the sensational testimony that was to come.

On the morning of April 6, the small committee room in Washington, D.C. was packed with newsreel cameramen and reporters when General Andrews drew his chair up to the witness table. Flanking him were his executive assistant Jimmy Jones and the Prohibition Unit's chief chemist and authority on denatured alcohol, Dr. James Doran. General Andrews' organization, born in the glare of so much publicity, was now a year old and as its commander he was prepared to offer an estimate of the enemy's strength and his own forces' weaknesses. He began by stating that the Unit now had 3,800 men in the field: New England had 91 agents; New York City and Connecticut, 170; the District of Columbia and environs 200 agents. Eventually, he hoped to see a combined force of 1,600 men under Customs and Immigration patrolling the Canadian and Mexican borders. Asked if this blockade would make the nation dry, he admitted forthrightly that no more than 5 to 10 percent of the nation's liquor came from abroad.

far greater amount was diverted from distilleries operating under government license, a crime wholly unknown before the Eighteenth Amendment. He readily conceded the extent of past corruption in enforcement. In what would become one of the most widely quoted statistics on Prohibition, he acknowledged that out of some 10,000 men who had passed through the Prohibition Unit since 1920, 875 had been dismissed because of bribery, extortion, drunkenness, or falsification of expense accounts.

General Andrews’ chief examiner on the five-man committee was Senator James Reed of Missouri, one of only twenty senators who had voted against the Eighteenth Amendment. In 1917 Reed had attempted to derail the approach of national Prohibition by introducing special legislation banning the interstate shipment of beverage alcohol for personal use. Reed hoped to alarm dry Senators, many of whom Reed knew were secret drinkers dependent on mail-order alcohol. To Reed’s horror his legislation passed and the Reed Bone-Dry Amendment of March 3, 1917 became one of the milestones along the road to national Prohibition. Erect of bearing, with florid face, white hair, and down-turned mouth, Senator Reed was a speaker of acknowledged power. A former public prosecutor, he skillfully interrogated witnesses with a mellifluous voice that could shift in an instant to a menacing rasp. His goal, beyond embarrassing General Andrews, was to deliver a public lecture on the art of home distilling. The Volstead Act made it illegal to disseminate information about distilling but, as a senator, Reed had immunity and intended to teach the nation how simple it was to violate the Eighteenth Amendment. To that end, he had assembled charts and borrowed a still from the Treasury Department.

33 New York Times, 6, 7 April 1926.
34 Ibid., 7 April 1926.
35 Alcohol, Science and Society: Twenty-Nine Lectures with Discussions as Given at the Yale Summer School of Alcohol Studies (New Haven: Yale University, 1957), 336.
Senator Reed began his lesson on home distilling with a diagram of a simple tea kettle that was filled with mash and spewed an alcoholic steam into a moistened towel draped over its spout. The tenement drinker need only wring the towel out over a bowl to collect enough alcohol for an intoxicating drink. Reed next unveiled a larger diagram and, using his cigar as pointer, solicited General Andrews' help. Did General Andrews know how United States marines made whiskey in an Oregon still? Andrews replied that he did not. Whereupon, Senator Reed demonstrated graphically to every reporter in the room and to the multitudes of readers across the country how an ordinary camp pail containing mash could be heated to 180 degrees over a fire and the vapors collected in a cup set under the pail's inverted lid.

"And with two or three drinks of that kind aboard," Reed remarked "an ordinary marine can go out and lick a regiment of anything else!"

"Make it two," the General added as if on cue.36

Senator Reed's most devious manipulation of Andrews came at the end of a series of questions pondering the legalization of high powered 3.75 percent beer. If beer - healthy, non intoxicating beer - were produced and sold under government supervision, Reed asked, would it not make Andrews' job of suppressing the trade in illicit spirits easier?

"And I am asked to give my opinion on that proposition?" Andrews queried.

"Yes, as a man."

"My opinion," General Andrews replied with slow deliberation, "is that it would probably aid law enforcement."37

With that reply General Andrews might as well have shot himself in the foot. In front of the entire country he had admitted that he was a "modificationist," someone who

36New York Times. 15 April 1926.
37Ibid.
would allow the Eighteenth Amendment to be rewritten to permit the return of beer. In the eyes of the parishioners and churchmen of the Anti-Saloon League, who saw no difference between the poison in beer and the poison in whiskey, General Andrews revealed himself to be a secret Wet. From that moment on the Anti-Saloon League plotted Andrews' overthrow and the restoration of their favored son, Roy Asa Haynes, to full authority.

At Senator Reed's urging, Andrews admitted that in the past year federal agents had seized 172,537 stills or parts of stills. Most of these he believed were big stills; small, home stills were the responsibility of local authorities. When pressed, Andrews estimated that his agents probably uncovered only about one in ten stills, leaving his listeners to contemplate the picture of a nation of 120 million people tending 1,720,000 stills.38

Andrews showed no signs of being embarrassed by his testimony. As an efficiency expert, he thought it made no difference whether he was a Prohibitionist or a modificationist, and as a military man he was candid in his appraisal of what might lie ahead. He speculated aloud that if his enforcement efforts succeeded, diversions would fall and wildcat distilling increase. In fact, the shift to large scale distilling in homes and apartment flats had already begun, Andrews claimed. He had learned recently that bootleg chemists had finally found ways of recovering alcohol from anti-freeze and embalming fluid.

The public hearings continued for five weeks with Drys summoning a series of witnesses from citizen enforcement groups, temperance organizations, and the pulpits of evangelical churches to refute the weeks of Wet testimony. Drys denied that any great amount of industrial alcohol was entering bootleg channels or that only a small

percentage of the total number of illicit stills was being captured. On the whole their testimony was composed of generalities, exhortations, and conflicting data. A priest from the Pennsylvania coal fields reported that miners under Prohibition were temperate and law-abiding; another priest from the region claimed that they were sopping wet. Yale University was dry according to a professor; wet according to an undergraduate. Little of the testimony produced by Drys for the committee would have stood up in a court of law.

Of the Drys, Mayor William Dever of Chicago left the most lasting impression. A reform mayor, Dever had padlocked 15 breweries and driven the Irish and Italian hoodlums out of Chicago to the suburbs of Oak Park and Cicero. Dever told the committee that he doubted he would ever see a day when there was close cooperation between city, county, and federal authorities in enforcing Prohibition. "Certainly that has not occurred in Chicago," he admitted, "and in my humble opinion it will not occur, and in the nature of things cannot occur." Elected officials were only human, Dever explained. To remain in office they had to obey community standards, standards that were often hostile to Prohibition. Dever told the committee:

You cannot have successful government in Chicago if you impose laws, however sound we think they are - if you impose laws upon those people that the people themselves do not want. If you attempt to do it you will bring about pandemonium, and we have pretty much nearly reached that state in our municipal progress at this time.

As mayor of Chicago, Dever had hoped to devote his energies to problems other than Prohibition, but had failed. "It is a grave matter for this committee to ponder over," he

said, "whether it is wise to continue a system that imposes such depressing results upon our great municipalities." 40

Dever's testimony went directly to the heart of Progressive theory embodied in the Eighteenth Amendment: that city life could be reformed to resemble the moral values of small-town America. The evolution of Prohibition seemed to be headed in the opposite direction, toward increasing corruption and degradation of municipal ethics. This view was shared by another city dweller, Walter Lippmann, editorialist for the New York World. Three months after the hearings, Lippmann wrote Senator William E. Borah of Idaho a letter confessing his own anxiety about Prohibition's influence on the city:

We know that the Volstead Act cannot be honestly enforced in a city like New York. We can honestly claim to know that better than citizens of small rural states. We pay, in the disorder of our own political and social life, the price of criminal activities which are nourished by an ineffective, corrupt and necessarily futile attempt to enforce this law. 41

In all the hours of testimony no member of the illicit liquor fraternity was called to speak. No enforcer below the rank of administrator was asked to describe the practical problems of enforcement. No coal miner, no slum dweller was called to testify about conditions in the impoverished areas of the country. The hearings produced no new legislation, not even a slight modification of existing legislation. Realistically none was expected. For the senators the hearings were a chance to pose and posture. For the rest of the nation the hearings resembled a ritual outpouring, an emotional display not unlike a camp meeting after which the celebrants straggled home exhausted but uplifted. After weeks of commentary in the press and in the leading journals of opinion, the hearings

40 Ibid.
served as the greatest educational spectacle on the subject of Prohibition since the publication of Haynes' memoirs in 1923. Readers received such a surfeit of facts and figures on the horrors of enforcement that for a brief period even the daily comics turned to other topics to satirize.42

In the end there was not even agreement on the amount of alcohol spilling from the nation's distilleries into the hands of bootleggers. Some of the sharpest testimony came from Emory R. Buckner, the hard-pressed U.S. attorney for Manhattan and southern New York, who estimated on the basis of how much industrial alcohol was entering the illicit market in his district that the amount nationally must be close 60,000,000 gallons. Senior Treasury officials disputed this figure, arguing that not more than 13,000,000 gallons of commercial alcohol were diverted each year. Of this, according to chief chemist Dr. James Doran, 8,000,000 gallons were specially denatured alcohol and 5,000,000 gallons completely denatured alcohol. In less than a year, official estimates of the amount of diverted alcohol had risen from 10,000,000 gallons to 13,000,000 gallons, an increase of 30 percent.43

In July, Congress adjourned for the summer without passing the legislation Andrews had requested. The "Mellon-Andrews Bill," raising the Prohibition Unit to bureau status, passed the House but stalled in the Senate. The stumbling block was the civil service clause that threatened to remove the army of Prohibition agents from congressional patronage.44 Disappointed by Congress's refusal to act and by the passivity of the White House, Andrews let it be known that he was contemplating resigning. Friends reported that he was exhausted and disillusioned by the lack of support from the Coolidge administration. He had promised soon after his appointment

43Doran reply to Buckner, New York Times, 9 May 1926.
44New York Times, 26 September 1926.
that he would resign within a year if he failed to put enforcement on a rational, business-like basis. His rumored departure came only months before the general elections in November and would give Wets the opportunity to claim that even a military general with a formidable dry army could not make a success of Prohibition.

Secretary Mellon and Commissioner of Internal Revenue David Blair, both Republican stalwarts, anxiously conferred with Andrews in private. At the White House, President Coolidge, speaking in the guise of "White House spokesman," denied that there was any truth to rumors of an impending resignation. Andrews' version of the controversy was somewhat different. "I am considering resigning," he told reporters. "But I have not reached a final decision to resign. I shall not make a decision before fall. There is a large appropriation available now for building up a larger prohibition force, which will mean recruiting about 900 more men, and this must be done before I could think of retiring." At least three reporters claimed to have seen his letter of resignation, dated September 15, now presumably pigeonholed in the White House. In the interim, Andrews announced that he would sail for London to confer with British officials on certain outstanding details of the Anglo-American Liquor Treaty of 1924. He would return in mid-August. In the intervening weeks Congress and the White House would have ample time to contemplate the consequences of his threat to relinquish the post of Prohibition czar just weeks before the midterm elections.

46 Seattle Post-Intelligencer, 4, 7 July 1926; and New York Times, 7 July 1926.
CHAPTER V

OFFENSIVE IN THE WEST

From time to time when Colonel Ned Green, Prohibition Administrator for Northern California and Nevada, returned to his rooms at the Hotel Whitmore in San Francisco, he would find on his dresser bureau a shoe box containing tiny bottles of liquor accompanied by a humorous note. Occasionally when he returned to his rooms, he would find a glass flower vase filled to the brim with fine brandy. Administrator Green considered drinking a private matter and when he served liquor it was at small parties he gave at the Whitmore for his closest friends. He was no prude; he enjoyed drinking as much as the next man and he never thought to ask what mysterious hands brought him the gifts in shoe boxes and flower vases. He suspected they came from the secretaries in his office but he never inquired.¹

Appointed after some deliberation in late 1925, Colonel Ned Green seemed to represent precisely the type of executive officer General Andrews wanted in enforcement. Retired for disability after twenty-eight years in the regular military, Green had served in the Philippines and Mexico and won national distinction as a champion marksman. In the World War he had served as provost marshal in charge of training for the military police stationed in Brest, France.² Tall, broad-shouldered, with a jaw as square as a rifle stock, Col. Green was San Francisco's ninth enforcement chief in half as many years. His district comprised 41 counties in northern California, the entire state of Nevada, and some 1,000 miles of Pacific coastline.³

²San Francisco Chronicle, 5 September 1925.
By 1926, alcohol had become one of California's chief commodities. Three-fifths of the nation's sacramental wine was produced in the valleys north of San Francisco. Roughly a million prescriptions for whiskey and brandy were written each year by California physicians while industries in the state absorbed 2,467,000 gallons of specially denatured alcohol annually. Green's district contained a dozen breweries, 30 vinegar plants, and 100 transport companies shipping liquor along the state's highways. Smugglers brought an estimated $5,000 to $20,000 worth of Canadian liquor through the Golden Gate each night on swift "daughter boats" that communicated with the offshore "mother ships" from British Columbia.

As his Assistant Administrator in charge of enforcement, Col. Green hired Samuel I. Johnson; swimmer, marksman, and military freebooter. The son of a Russian baron, Johnson had landed in Honolulu at age eighteen just in time to help crush the revolt of Queen Liliuokalani. His last assignment before his Prohibition appointment was as provost marshal of the Russian city of Vladivostock where Johnson filled an entire graveyard with the bodies of executed spies, murderers, and bandits. But in San Francisco, Assistant Administrator Johnson rarely drew his gun. Neither he nor Col. Green considered liquor harmful, only illegal. "The other day we destroyed 8000 gallons of wine," Johnson told reporters in heavily accented English. "A shame. Think of the good the wine might have done." As for vodka: "Well, vodka is strong but never killed anyone. Look at the Russians. They're husky enough."

Upon taking up his duties in San Francisco, Col. Green told his agents that his administration would be in keeping with military dignity and common sense. They were

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4Brown, 43.
5Treasury Department, Bureau of Internal Revenue, Prohibition Unit, Statistics Concerning Intoxicating Liquor 1925. Table 11; Treasury Department, Bureau of Internal Revenue, Prohibition Unit, Statistics Concerning Intoxicating Liquor 1927, Table 22; and Brown, 12.
6Brown, 22-23.
7Port Angeles Evening News, 16 December 1925.
not to break into homes and hotels and embarrass innocent people to catch a few petty offenders. Green wanted to attack the sources of the liquor trade and he made a number of dramatic changes in enforcement. One of the most unorthodox was to shift the scene of his campaign from small bottlemen operating in San Francisco to the large retailers operating from the surrounding countryside. This move was in strict compliance with General Andrews' orders to concentrate on the big suppliers and to leave the cafe and cabaret peddlers to local police. But Green went further. In a truly novel approach he hired a private detective agency to catch bootleggers in surrounding counties and paid for their services out of fines levied by the courts.

Bedeviled by the lack of cooperation between Customs, Prohibition, and the Coast Guard, whose commanders shared information only with their respective offices in Washington, D.C., Green called a conference of west coast officials to discuss a unified plan for information exchange. However, the service rivalries ran so deep that the conference adjourned after public assurances of good faith but with few practical steps toward closer cooperation.8

Green and Johnson enforced Prohibition with a vengeance, "knocking over" three stills a day in their first three months in office.9 They concentrated on the Italian district in south San Francisco and on moonshiners outside the city. To save money, Col. Green hired county officers to do federal work north of the city but discovered that their jurisdiction stopped at the county line. As a solution he asked General Andrews for authority to endow county officers with federal police power. Andrews drafted the necessary order and President Coolidge signed it with hardly a glance. So routine did the executive order seem that the complete text was not made public until May 22, 1926, to a storm of protest. The executive order permitting city, county, and state officers to be

8San Francisco Chronicle, 5, 7 March 1927.
9Ibid., 11 March 1926.
sworn in as federal Prohibition agents, was decried as a federal intrusion into states' rights. Law enforcement officials across the country denounced the move. Protests came from the wet governors of New York, Maryland, and Rhode Island, and from the dry governor of Ohio. Nationally, it was estimated that some 10,000 officials would be conscripted into the federal Prohibition service. The superintendent of the Anti-Saloon League in California claimed that in his state alone the executive order would draft some 20,000 city, county, and state officials to the dry cause.\textsuperscript{10}

The public furor caught General Andrews by surprise. "The Executive order was asked for merely to meet a situation in California where some deputy sheriffs have volunteered to police rural precincts in cooperation with Federal forces," Andrews told reporters. "I have no intention, and had none, of extending this plan through the country."\textsuperscript{11} Treasury officials insisted that the order had no national significance. The Justice Department refused to see any constitutional conflict while President Coolidge could hardly recall having signed the order. After nearly a week of Congressional denunciation, the order, too controversial to be enacted, faded into obscurity.\textsuperscript{12}

Liquor smuggling on the west coast with its rugged headlands and scattered population centers never reached the dimensions of Rum Row on the north Atlantic. In London a case of whiskey cost $15. Six dollars brought it insured to British Columbia where the Dominion government collected a duty of $20 bringing the case price to $41. If the case were sold to Canadian drinkers in British Columbia, an additional duty of $20 was levied but if the case were destined for export, the provincial duty was waived. The difference between $41 and $80 which a case of illegal liquor fetched on the American market accounted for the tremendous profits to be made in the west coast

\textsuperscript{10}Seattle Post-Intelligencer, 24 May 1926.
\textsuperscript{11}New York Times, 25 May 1926.
\textsuperscript{12}Time Magazine, 31 May 1926, 7 June 1926.
"Mexican trade." The largest export house in British Columbia was Consolidated Exporters Limited of Vancouver, formed in 1921 out of sixteen smaller companies that agreed to merge their fortunes and bonded warehouses at the request of the Canadian government. With an operating capital of $1.2 million, Consolidated claimed to gross $6.4 million a year but earned far more in hidden profits. The company's directors, wealthy Vancouver hotel men, voted at their first meeting to burn the company's books at the end of each fiscal year to protect the identity of favored customers and to shield themselves from embarrassing tax questions.

Canadian liquor dealers and American bootleggers were bound together by more than money. Bootleggers in San Francisco and Seattle owned and operated some of the largest "mother ships" carrying liquor for Consolidated: the Malahat, Federalship, Chief Shurgate, Ironbark, Odeon, Principio, Chassina, Coal Harbor, Quadra, Kiltish, Jessie, Erskine, Prince Albert, Peschawha, Quiaitchouan and Borealis. These ships, purchased with American money, sailed under Canadian or British registry for exotic ports in Mexico or Colombia but lost their valuable cargoes of whiskey, champagne, and pure grain alcohol somewhere off the coasts of Washington, Oregon, and California. Returning from voyages lasting six to eight weeks, their captains presented fraudulent landing certificates as proof that their cargoes of fine liquor had been unloaded in such impoverished ports as Topolopa, Mexico and San Blas, Colombia.

13 Oregonian, 24 April 1923.
14 Evidence File: Vancouver III, 1272, Record Group 33/88: Royal Commission on Customs and Excise, Canadian National Archives.
15 Oregonian, 24 April 1924; Evidence File: Vancouver IV, 5033-5060, Record Group 33/88: Royal Commission on Customs and Excise, Canadian National Archives; and San Francisco Chronicle, 14 November 1924.
16 Oregonian, 24 April 1923; and San Francisco Chronicle, 18 November 1926.
17 Evidence File: Victoria VI, 1754, Record Group 33/88: Royal Commission on Customs and Excise, Canadian National Archives.
San Francisco and Monterey were the primary destinations for liquor ships leaving British Columbia. In February 1926, the five-masted schooner Malahat stationed one hundred miles at sea employed contact vessels of intermediate tonnage to land 4,000 cases of whiskey at Half Moon Bay, causing the U.S. Attorney in San Francisco to complain to Mrs. Willebrandt about the lack of investigators assigned to smuggling cases. Col. Green was far too busy chasing bootleggers on land while the Collector of Customs in San Francisco had only one man working the waterfront. Mrs. Willebrandt passed the letter on to J. Edgar Hoover, director of the Justice Department’s bureau of investigation, but Hoover wanted nothing to do with the horrors of Prohibition enforcement.

Hoover had worked diligently since his appointment as director in May 1924 to rehabilitate the bureau's tarnished image. The bureau's reputation had suffered badly from the Teapot Dome scandal and from the activities of Gaston B. Means, a confidence trickster who had used the bureau's offices to hawk fraudulent liquor permits to figures close to President Harding. In the intervening years, Hoover diligently portrayed his agents as a new breed of professional detective, part scientist, part lawyer. In 1921 he had helped Mrs. Willebrandt in a lengthy investigation of rumrunning operations off the coast of Georgia. In 1924 when Harlan Fiske Stone was appointed United States Attorney General (and made Hoover head of the bureau of investigation at Mrs. Willebrandt's suggestion), Hoover had reluctantly allowed his agents to be used in an investigation of charges of bootlegging in the Cincinnati police department. But the publicity generated by the subsequent trial threatened Hoover's cordial relations with metropolitan police chiefs across the country whose cooperation Hoover needed if his

18Hatfield to Willebrandt, 17 March 1926, Quadra, 23-11-69, Liquor Case Files, Record Group: 60, Records of the Department of Justice, Classified Subject Files, National Archives.
bureau was to succeed in its primary mission: the recovery of stolen motor vehicles under the Dyer Act.¹⁹

Following Stone's appointment to the U.S. Supreme Court, Hoover responded to appeals from Mrs. Willebrandt with the observation that his bureau received absolutely no money for Prohibition enforcement. Hoover had studied General Andrews' Senate testimony in the press. In Hoover's view, Prohibition enforcement had been poorly organized from the start, with too many agencies in the Treasury "crossing each other's tracks." As for the problem of smuggling on the Pacific coast, he surmised somewhat archly in his reply to Mrs. Willebrandt "that in the tremendous organization controlled by General Andrews, which has been in process of construction for some time, there must be at least one individual capable of making an investigation of this type; possibly there may be two or three."²⁰

None of General Andrews' special squads for alcohol, wine, and beer operated west of the Mississippi and the Coast Guard's intelligence service had all it could do to manage its affairs on the east coast. Geographical remoteness alone required exceptional measures and the General appealed to Commissioner David Blair of the Bureau of Internal Revenue to lend him the services of the Treasury's elite Intelligence Unit. Under Andrews' plan, Special Agent Alf Oftedal of the San Francisco Intelligence office would act as coordinator of Prohibition intelligence on the Pacific coast. The liaison between Intelligence and Prohibition offered distinct economic advantages since Oftedal already had a staff of some 60 agents in Los Angeles, San Francisco, Portland, and Seattle.

²⁰J. Edgar Hoover to Mabel Walker Willebrandt, 17 March and 30 April 1926, Box 74, Hatfield Papers, Bancroft Library, University of California, Berkeley.
Under the new arrangement, Oftedal's agents would carry pocket commissions signed by both Commissioner Blair and General Andrews.21

The Intelligence Unit of the Bureau of Internal Revenue had been created in 1919 from seven agents drawn from the Post Office Inspection Service whose assignment was to uncover tax fraud in the country generally and corruption within the Treasury specifically.22 By 1926, Intelligence agents in seven cities worked to ferret out the undeclared income of professional gamblers, Hollywood film stars, and successful bootleggers. From its inception, the Intelligence Unit had also functioned as an internal inspectorate responsible for ensuring the honesty of Treasury officials. Roy Asa Haynes had frequently called upon Intelligence agents to resolve troublesome personnel problems in the Prohibition service, usually with good results. Under Andrews these internal investigations of Prohibition officials practically ceased, partly because so many new appointees were reputedly honest, and partly because Andrews felt free to fire whomever he chose. Thus, while the Intelligence and Prohibition Units were engaged in parallel enforcement efforts against wealthy purveyors of illicit liquor, their operations were kept separate under Andrews' regime everywhere except in the West.

Special Agent Alf Oftedal was California's resident expert on rumrunning.23 A short, stocky man with close-cropped hair, Oftedal had served in the Navy for eight years before enlisting as a Special Agent in the Indian Service, suppressing illicit liquor on government reservations in Washington, Oregon, Idaho, and Montana. With the start of war-time Prohibition in 1919, Oftedal at age 33 moved over to the Bureau of Internal Revenue, serving first as a narcotics agent in Oregon and then as Chief Prohibition

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21Doran to Willebrandt, 12 October 1927, in Alf Oftedal Personnel File, NPRC.
22Daniel Roper, Commissioner of Internal Revenue, to Heads of Divisions, 1 July 1919, in Elmer Irey Personnel File, NPRC.
Agent in Helena, Montana. In 1921 he resigned over a salary dispute but was immediately rehired by the Intelligence Unit which was expanding rapidly and needed experienced investigators.

Transferred to San Francisco, Oftedal uncovered the Eddie Marron graft ring led by a former state assemblyman who used members of the San Francisco police force to protect his deliveries of illicit liquor. Oftedal's largest investigation was the Moss Landing Case where bootleggers armed with a machine gun had fired at raiders they mistakenly took to be hijackers, killing a deputy sheriff and wounding a policeman. The Moss Landing episode had all the elements of a penny thriller: an exploding liquor ship, a badly burned victim nursed at a local hospital, and finally the arrest of the mayor of Sausalito on charges of rumrunning.24

In a directive dated May 7, 1926, Andrews informed west coast officials of the Coast Guard, Customs, and the Prohibition service that Special Agent Oftedal would assume responsibility for all large conspiracy cases and would be granted full access to all intelligence information. "To sum up," Andrews wrote, "let it be clearly understood that where Mr. Oftedal has taken charge of the investigation of any given case he is solely responsible for the conduct of this investigation and any work done by you will be in the way of assisting him under his leadership and direction."25 Immediate objections came from the Seattle prohibition office which was conducting a sensitive undercover investigation that had grown out of the celebrated Olmstead Case. In the view of Seattle Prohibition officials, Oftedal had been given authority to grab the most prestigious cases for himself, leaving them with the "little things."26

25Andrews to Hartson, Seattle Collector of Customs, 7 May 1926, in Alf Oftedal Personnel File, NPRC.
26Hartson to Senator Jones, 8 June 1926, Folder 6, Box 116; and Jones to Secretary Andrews, 17 July 1926, Folder 24, Box 271, Wesley L. Jones Papers, University of Washington Library, Seattle.
Prohibition office had twice been the targets of Intelligence Unit investigations looking into allegations of corruption and reckless use of firearms. In a letter to Andrews, the ranking Republican Senator from Washington State, Wesley L. Jones, predicted that the new arrangement would lead to disaster. Oftedal, according to Senator Jones, was not the man for such a powerful post and would attempt to embarrass and discredit Prohibition officials in Seattle by reducing them to mere game beaters for his super organization.

Senator Jones, a leading Dry and a paid speaker for the Anti-Saloon League, prevailed upon Andrews to exempt District 20, comprising Oregon, Washington, and Alaska from Oftedal’s oversight. With the stroke of a pen, the decision cut Oftedal’s territory by half. Oftedal naturally was offended. Andrews’ new arrangement on the west coast revealed yet another layer of disagreement and friction among agencies responsible for enforcing Prohibition.

But J. Edgar Hoover had been closer to the truth than he realized; Intelligence Agent Michael Malone of the Treasury Department was one of the best undercover investigators in the country. An Irish-American from Jersey City, Malone had experience in army intelligence before entering the Intelligence Unit. Swarthy and dark, he easily passed as Italian or Greek. Tightlipped, tough, with a mind that never forgot a face, Malone kept rooms at the St. Paul Athletic Club but roamed all over the country on assignment for the Intelligence Unit.

Assigned to stop rumrunning in San Francisco, Malone’s first stop was McNeil Island Federal Penitentiary at the southern tip of Puget Sound in Washington State where he negotiated the release of Raleigh Faulkner, a west coast millionaire bootlegger.

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27 William Whitney to Senator Jones, 17 March 1928, Folder 12, Box 272, Wesley L. Jones Papers, University of Washington Library, Seattle.
serving a two-year sentence. What followed was nearly a textbook operation right down to Malone's arrest for bootlegging in California by a county sheriff. While other agents went to Los Angeles and obtained jobs driving trucks for Consolidated Exporters, Malone and Faulkner wormed their way into the San Francisco bootlegging fraternity posing as wealthy realtors from Chicago with money to invest in liquor smuggling.

By November the operation had progressed to the point where Malone was able to pass $4,200 in marked bills to R.D. Tait, a land agent for Consolidated Exporters. Undercover agents struck simultaneously in half a dozen cities in California arresting prominent businessmen, ship captains, federal and county employees, even bank officials. A ranch near Pescadero on the coast was raided. Two fast launches were captured and a quantity of documents that described in detail how Consolidated had landed in the past year nearly $1 million worth of liquor every month on California beaches. In San Francisco, Malone arrested George Baker, another land agent working for Consolidated, and Joseph Parente, a former tailor and, according to the press, the reputed "king of bootleggers." By the end of the year, a federal grand jury returned indictments against 42 men and 2 women, and observers predicted that the death knell had sounded for Consolidated. In fact the west coast, like the east coast, had found cheaper sources of liquor in the domestic market.

That summer, while Malone's operations were still a closely guarded secret and General Andrews was in London, rumors of Administrator Col. Ned Green's drinking reached Mrs. Willebrandt who traveled to San Francisco to investigate the matter personally. To avoid interference from the Treasury she requested that Justice

29 Seattle Post-Intelligencer, 14 February 1927.
30 Frey, Tax Dodgers, 18.
31 San Francisco Chronicle, 17, 18 November 1926.
Department agents investigate rumors of "irregularities" in Col. Green's office. Director J. Edgar Hoover instructed his agents in San Francisco to show Mrs. Willebrandt every courtesy for as long as she remained in the city and not one moment longer. Evidence assembled by Mrs. Willebrandt and agents of the FBI was eventually turned over to the U.S. Attorney in San Francisco. The charges, as announced by the press, were that Col. Green had participated in "drinking orgies," associated with women of questionable character, and engaged in drunken brawls in his hotel. Col. Green dismissed the charges as politically motivated. "I haven't any idea who started this trouble, but I don't give a damn," he said:

Somebody took advantage of the absence in Europe of General Andrews to persuade the Washington authorities to begin an investigation of my office and to send Mrs. Willebrandt out here. The only way I can explain the situation is that it appears to be a political frame-up. I have been mentioned as a successor to General Andrews, whose term ends September 1, and this move has been made with deliberate intent to discredit me.33

When intelligence chief Alf Oftedal interrogated Col. Green in the latter's office in the Customs Building, Green admitted that he had taken seized liquor to his hotel for his personal use. His view was that he had every right to have whiskey in his room. He was not a drinking man, never had been, and he estimated that a pint bottle might last him six months. Nobody, not even General Andrews, had asked him to sign a pledge of total abstinence.34

After his meeting with Oftedal, Col. Green rashly summoned reporters to his rooms at the Hotel Whitmore and, amid popping flashbulbs, opened two dresser

32J. Edgar Hoover to Agent Montgomery, 21 July 1926, FOIPA, Ned Green, Federal Bureau of Investigation.
33San Francisco Chronicle, 22 July 1926.
drawers filled with more than twenty bottles of bourbon, Scotch, champagne, wine, and sherry. "There's my answer," Green asserted. "There's the liquor they say I keep in my room. I drink it. I've served it at parties here - parties that men and women attended. Those charges are true. ... I'm no prude. I don't want people to think I am. I'm just a good sport." 35

Within twenty-four hours Col. Green was officially suspended on orders of the Treasury Department. In early August Mrs. Willebrandt traveled for a second time to San Francisco to present the evidence against Green to a grand jury which returned a true bill charging Green with eleven counts of embezzlement for illegally removing for his own use liquor that belonged to the government. "This case has nothing whatever to do with the defendant's personal affairs or habits," Mrs. Willebrandt told reporters. "And it is not concerned with whether he drank intoxicating liquor or not. This case involves violation of the oath of office and the betrayal of a public trust by a Government official charged with the responsibility of law enforcement." 36 Thus, a disciplinary matter was destined to become an embarrassing show trial. But the turn of events was unknown to General Andrews' as he made his way toward London.

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35 Seattle Post-Intelligencer, 24 July 1926.
36 San Francisco Chronicle, 27 July 1926.
CHAPTER VI
PROHIBITION HALF ENFORCED

General Andrews was warmly received in London in July and August 1926, in sharp contrast to his chilly treatment at home. The idea of talks on the subject of rum smuggling in the Caribbean had originated with the British Ambassador in Washington, D.C. who suggested General Andrews as the most logical negotiator. When the press upgraded the meetings to a "London Conference on Smuggling Enforcement," the White House asked Secretary Mellon's help in derailing the talks but the momentum only increased. Nervous officials at Justice and State prevailed upon General Andrews to allow their attorneys to accompany his small group sailing for London. With them went the Commandant of the Coast Guard, the American consul on Nassau, and a huge volume of documents on international smuggling compiled by Walton Green in the Chief Investigator's Office of the Prohibition Unit.¹

In London, Andrews' candor set Foreign Office officials at ease and new agreements were quickly outlined that gave Andrews all he could have asked. Officials in London offered to stop the practice of granting British registry to American rumrunners, to share information on known smugglers in the islands, to ban "high seas" clearances from Bahamian ports, and to supply information on all ships departing British ports with cargoes of more than 500 cases of liquor. In the future, American Coast Guard vessels would be permitted to enter Bahamian waters at will.² Most far-reaching was the creation of an "Office of Foreign Control" under Consul Harry Anslinger. Anslinger was an accomplished linguist with a background in railroad investigation who had served as American Vice-Consul in Hamburg after the World War

²Spinelli, 114.
and later as consul in La Guaira, Venezuela. In 1926 he had requested transfer to the Bahamas but as consul on Nassau found his career becalmed until General Andrews rescued him and brought him to London. Anslinger's first-hand experience with Caribbean smugglers lent the London talks a much needed air of pragmatic detail, and as a reward he was transferred to the Treasury to take charge of the new office overseeing intelligence on liquor ship movements. Anslinger and his assistants at the "Office of Foreign Control" would sift embassy reports from Antwerp, Le Havre, Glasgow, Havana, Montreal, and Vancouver, B.C. on the departures of foreign liquor ships headed for American waters. In time Anslinger would station his own agents in foreign ports to monitor the movements of liquor ships and to disrupt, by extralegal means if necessary, the international traffic in liquor and narcotics. While the name of the new office was made public, details of its operation were kept intentionally vague to shield against possible countermeasures by international smuggling rings.\(^3\)

Graciously, General Andrews gave most of the credit for the work accomplished in London to his British hosts. He then crossed the channel to discuss with French officials the problem of French crews selling liquor from French ships docked in American ports.\(^4\) Finally, he stopped off in Ireland to visit friends. He was less circumspect on the voyage home. Dining at the captain's table on the French liner France, he was observed to help himself twice to crepe suzettes bathed in rich rum sauce. When the contradiction between his appetite and his foreign mission was pointed out to him, he excused the lapse by remarking that alcohol eaten with a fork did not


\(^{4}\) New York Times, 2 August 1926.
count. The comment appeared in the New York papers and was clipped and filed by clergs in the Washington, D.C. office of the Anti-Saloon League.

Major Mills, the Administrator in New York City sent a Coast Guard cutter to meet the France and Andrews was deposited at the Barge Office where he spoke briefly to reporters, describing the recent conference in London as a 125 percent success. Did he intend to resign as chief of prohibition enforcement? "I am not giving any thought whatever to my resignation," he replied. "On the contrary, I am going to jump into this new situation with greater avidity."

To promote greater efficiency and coordination between headquarters and regional administrators, General Andrews had decided to divide the nation into five zones, each with a supervisor. Zone supervisors were to make frequent tours of inspection to assure standardization of policy and close cooperation between administrators, customs collectors, and Coast Guard units. The first candidates began arriving in Washington D.C. in August for training. In charge of the North Atlantic Zone was George P. Busch of Garden City, New York. The Great Lakes Zone was given to Maurice Campbell of Pelham, New York, a former motion picture producer and director for the Famous Players-Lasky Corporation. The huge Pacific Zone, comprising the states of New Mexico, Utah, Nevada, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, and Alaska was assigned to John E. Cooper, a rancher and retired Army Engineer from Healdsburg, California, whom Andrews had met while attempting to untangle the affairs of the New York Transit Commission. (Cooper was given careful instructions not to interfere in any way with the activities of intelligence

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5Oregonian, 12 August 1926.
7New York Times, 16 October 1926; and Seattle Post-Intelligencer, 16 October 1926.
agents working under Alf Oftedal.)

8 O.D. Jackson, the federal Prohibition Administrator in New Orleans, was made supervisor of the Gulf Zone; Marlon O. Dunning, Collector of Customs in Savannah, Georgia was given the South Atlantic Zone. Jackson in New Orleans and Dunning in Savannah had close ties with the Ku Klux Klan, and Dunning would prove his worth in September when he led an amphibious raid backed by the Coast Guard Cutter Yamacraw against a gigantic whiskey ring in Charleston, South Carolina.9 Closer to home, Andrews created a special New York harbor patrol to search suspicious vessels on tips from informers.10 Andrews had no choice but to accede to the fait accompli of Colonel Ned Green's suspension in San Francisco. Green's friends in the Army were rallying to his defense; the War Department believed that Green had been framed. Andrews sent orders to Oftedal in San Francisco to undertake no further investigations of prohibition personnel without his express approval. A rift had opened between Andrews and the Intelligence Unit.

Wayne Wheeler of the Anti-Saloon League had widened the rift in a fiery Chautauqua speech that took careful aim at both General Andrews and Col. Green. "The Prohibition Department should be purged of officials who are not in sympathy with the law without waiting until they resign with statements that the law cannot be enforced," Wheeler declared. "The only truth in the utterances made by these men on resigning is that the law cannot be enforced by men who are without faith in their own jobs."11 The war against Andrews after his statement in the Senate that he believed beer should be legalized, now broke out into the open. The Anti-Saloon League wanted the White

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8 Andrews to John Cooper, 15 October 1926, Box 1970, Record Group 64: Internal Revenue-Justice, National Archives.
9 William F. Mugleston, "Julian Harris, the Georgia Press, and the Ku Klux Klan," The Georgia Historical Quarterly 59 (Fall 1975): 289; and New York Times, 6 September 1926.
11 Ibid., 9 August 1926.
House to understand that if Andrews were to go, he must be dismissed as an apostate. Under no circumstances was he to be given an opportunity to express his opinion that the war against liquor was doomed to failure. But pressure from Wheeler and the Anti-Saloon League forced the Coolidge administration to embrace Andrews even more tightly. Quietly the press was informed by the "spokesman" in the White House that in a meeting with the President, General Andrews had received every assurance of support. 12

Worrisome also was the defection of Walton Atwater Green, the Prohibition Unit's "Chief Prohibition Investigator" and highest ranking detective. Walton Green had dreamt up the Bridge Whist Club and sent Leighton Blood to Norfolk but as Andrews boarded ship for London, Green unexpectedly resigned after penning a series of six articles on Prohibition for the Saturday Evening Post. With the exception of Collier's Weekly, which from the start had denounced Prohibition, no mass magazine followed trends in bootlegging as closely as the Saturday Evening Post and no writer was more familiar with the record of national enforcement than Chief Investigator Walton Green. The Post had a long history of racial hostility reaching back to the World War and Green continued the tradition in his portrait of the Prohibition Unit as a thin blond line battling a flood of swarthy immigrant hoodlums. After examining the files of 875 agents, the Chief Prohibition Investigator concluded that 93 percent were native-born Americans. In contrast, the "bootie" side of the picture revealed that 62 percent of the dry law violators were immigrant "aliens." Uncle Sam's lily-white legion of Prohibition sleuths was locked in deadly combat with the racial scrapings of Italy, Poland, Romania, and Russia. In Walton Green's eyes the leaders of the big liquor rings were jailbirds, thieves and narcotics peddlers. The land agents who

12San Francisco Chronicle, 8 August 1926.
arranged the shiploads of liquor destined for American ports were white slavers and coke fiends; the captains of the motherships were sea-faring renegades with a talent for bribery. The ships' crews were half-breeds and mulattos from the Caribbean. The chemists who checked the vast output of cooking and cutting plants were Germans; the swampers and deliverymen gangsters, gunmen, and "snowbirds" (cocaine addicts). Upon Prohibition and its enforcement, according to Green writing in the pages of the Saturday Evening Post, hung the progress of civilization and the fate of the white race.

The problem, as Green saw it, was that Uncle Sam's army of white Protestants was too thinly spread. In a country the size of the United States there were less than 3,000 agents to watch a nation of 115 million people, or one dry sleuth in an area measuring forty by thirty miles and containing eight towns of 5,000 souls each. Walton Green pushed his analysis further by conjuring up the image of a Prohibition Administrator issuing daily marching orders:

Good morning, army. You will now fall out and scatter to the four corners of America and proceed to enforce the Volstead Act. You will watch a hundred distilleries and denaturing plants, a few hundred breweries and a hundred thousand permittees and manufacturers. You will discover and destroy several more thousand cooking plants and moonshine outfits, and you will get evidence against, and put in jail, a hundred thousand bootleggers and politicians and grafting cops and crooked agents. They'll be out and at it again next week, but never mind. And while you're about it, army, don't forget to padlock all the speakeasies and law-breaking hotels and clubs in America. That's all for today, army. Report back when you've finished.

Initially, General Andrews approved of the Post series, feeling that the articles could only promote the cause of enforcement but they had quite the opposite effect on their author. After composing some 90,000 words on smuggling, distilling, and illicit diverting that surpassed in explicitness even Andrews' testimony before Congress, the

14Ibid., 22.
nation's foremost Prohibition sleuth "unconvinced" himself and resigned. Later, Walton Green would publish Corsair, a novel about a college football star who becomes a successful Long Island rumrunner. United Artists turned the book into a film but reviewers, while marveling at the stunning sea scenes, found the dialogue inane.\textsuperscript{15}

Notably absent from Chief Investigator Green's catalog of Prohibition violators were Yankee lobster men whose dories delivered liquor to the shores of Massachusetts and Connecticut, or Scotch-Irish moonshiners in Tennessee and Kentucky, or the one-hundred percent American police chiefs, lawyers, and politicians who lent their legal and financial protection to bootlegging operations. The WASP ascendancy, albeit well-established in banking and politics, did not miss out on the fabulous profits to be made in illegal liquor. Few bankers were ever indicted for bootlegging, yet bootleggers could not have operated for a day without credit or the ability to pay suppliers by bank draft.\textsuperscript{16} Prohibition brought bootleggers into contact with politicians, judges, U.S. attorneys and other members of the social elite who were drinking men and frequently investors in bootlegging schemes.\textsuperscript{17} They, along with other white-collar professionals, were just as much bootleggers under the language of the Volstead Act as the Italian-American driver of a liquor truck. The WASP ascendancy was simply better able to avoid prosecution because so many of them were in the business of enforcement. Walton Green's ethnic boast that the 3,000-man Prohibition Unit was staffed almost entirely by honest Anglo-Saxon Protestants was contradicted by New Jersey Administrator Ira Reeves' comment

\textsuperscript{15}The plot of Corsair bore an uncanny resemblance to the career of Edgar "Blondy" Wallace an All-American Tackle at the University of Pennsylvania who became a partner in a string of Camden, New Jersey breweries. See William R. Meltzer, "Urban Archives Holdings on Prominent People, Places, and Companies Associated with Prohibition in the Delaware Valley," Urban Archives, Paley Library, Temple University.

\textsuperscript{16}William Caine Davidson, Bankers and Bootleggers (El Centro, CA: By the author, 1930); and Seattle Star, 16, 17 June 1926.

\textsuperscript{17}Ferrucci, Bootlegger, 150-155, 169, 191.
that in his experience perhaps two-thirds of the field force spent their time advising bootleggers on how to violate the law with impunity.\textsuperscript{18}

In contrast to Green's figures, federal statistics on commitments to prison revealed that native-born bootleggers outnumbered "aliens" by more than 2 to 1. Out of every 10 bootleggers sentenced to federal prison in 1923, 5 were native-born whites, 2 were foreign born, 3 were African-American. In fact, it seemed that the New World corrupted the Old when it came to liquor. Of the immigrants sentenced to prison for bootlegging, most had resided in the United States for ten years or longer and the majority were either naturalized citizens or had obtained their first papers.\textsuperscript{19} In New York City, the number of Jews arraigned for violating the Volstead Act fell below their percentage in the general population.\textsuperscript{20} On the West Coast figures for Portland, Oregon indicated that almost 90 percent of the serious liquor violators (in 1927 and 1928) were United States citizens and white.\textsuperscript{21} Brains, ambition, and greed were just as plentiful among white native-born stock as among disenfranchised urban immigrants.

According to the Census Bureau, bootleggers were among the oldest inmates in penal institutions, with a median age of 36, well above the youthful profile for violent offenders (see Figure 4). Most were married (64 percent) and employed (81.7 percent).\textsuperscript{22} They came in nearly equal numbers from urban and rural areas, in sharp contrast to other classes of criminals, such as drug addicts. Bootleggers ran the greatest chance of arrest in towns under 10,000 population; the least in large cities over

\textsuperscript{18} Reeves, \textit{Ol' Rum River}, 33.
\textsuperscript{22} Best, 250.
**Fig. 4** Percent Distribution Of Imprisoned Bootleggers By Age, 1923

(Best, Crime and Criminal Law in the United States, 185)
100,000. Few had seen service in the World War. For the most part, they were local men and women who broke the laws against liquor in the counties where they lived.

Green's atavistic imagery recalled a bygone era. By 1926 modernist spokesmen such as H.L. Mencken, E.B. White, and Clarence Darrow had begun to shape an alternative view of Prohibition that was at once cosmopolitan and satirical. According to the columns and cartoons published in *Vanity Fair* and *The New Yorker* the best people drank regularly at exclusive dinner clubs and posh cabarets. *The New Yorker* in its maiden issue in February 1925 spoofed Prohibition with the announcement: "It is understood that patriotic New Yorkers have uncovered the existence of a prohibition enforcement ring. Prompt action is promised." In a later item a customer was overheard asking for a creamy Alexander which the bartender claimed he was unable to make because "cream is expensive and hard to get." E. B. White later made the celebrated suggestion that the government take over the speakeasies to control the quality of liquor and to use the profits to pay for enforcement. With growing frequency, "Talk of the Town" concluded with a brief item entitled "The Liquor Market," listing the street prices of domestic and imported brands of gin, rye, and cognac.

By 1926 the target of sophisticated Wets had shifted from the blue-nose snoopers of the Anti-Saloon League to the cadre of military bumblers commanded by General Andrews. Senator Reed, the previous April, had led Andrews over a series of embarrassing jumps and demonstrated that in the hierarchy of power a Senator was mightier than an Assistant Secretary. Congressman Fiorello La Guardia, representing the Jewish and Italian population of East Harlem, meant to demonstrate the same

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23 Ibid., 220.
principle in the House. La Guardia, at age 43, was a virtual harlequin of ethnic background. Born to a Jewish mother and an Italian father in Greenwich Village, La Guardia attended public schools in Arizona where his father was bandmaster at a succession of military posts. Accompanying his family to Europe, La Guardia at age seventeen entered the American consular service, serving first in Budapest, then Fiume, Italy. Returning to New York in 1906, he attended law school while working as an interpreter in Italian, German, Yiddish, and Hungarian at Ellis Island. Boisterously self-confident, progressive in his ideals, La Guardia fought Tammany Hall, became deputy state attorney general, then the first Republican Congressman since the Civil War to be elected from the Lower East Side. From the floor of the House, La Guardia denounced immigration restriction and ridiculed Mellon’s tax measures. As a final outlet for his abundant energy he adopted the pastime of lampooning the follies of Prohibition. 26

When General Andrews asserted that he could stop the sale of beer and whisky by Christmas if given an additional 235 men to seal the borders, La Guardia was incredulous. The Assistant Secretary of the Treasury had made some extraordinary statements, La Guardia told the House, statements that suggested that General Andrews harbored two distinct personalities. Not even a boy scout could conceivably believe that the country’s borders could be effectively sealed with so few men. With the aid of a large map, La Guardia patiently punctured General Andrews’ defense perimeter district by district. No one, certainly not a former instructor of cavalry tactics at West Point, said La Guardia, could seriously believe that 31 patrolman working eight-hour shifts could keep liquor out of the State of Maine along an ocean and land border extending some 666 miles. Andrews planned to send 15 patrolmen to defend 555 miles of border between Montana and Canada. In Washington State the border force was to be increased

to 32, or roughly 11 men working eight-hour shifts to stop liquor from being landed along Puget Sound's thousand-mile shore line dotted with villages, towns, and deserted coves. "If I were a prohibition enforcement agent," La Guardia exclaimed, "I would come before this committee and say, 'Gentlemen, if you expect me to keep booze out of this country, and if I am going to keep prohibition enforcement in this country, you have got to give me a force of 250,000 men.'" La Guardia's barbs were distributed to editors across the country compliments of the Congressional Record.

La Guardia burlesqued the ban on high powered beer by announcing a public demonstration of urban beer making in an open letter to Administrator Chester Mills of New York City. At 9 A.M. on Saturday, July 17, in front of the Kaufman Pharmacy on the corner of 115th Street and Lenox Avenue, Congressman La Guardia would show how to make real beer by mixing a bottle of "malt tonic" containing 3.75 per cent alcohol with a bottle of near-beer containing one-half of one percent alcohol. The Treasury Department, after special pleading from Pabst, Anheuser Busch, and Schlitz breweries had consented to the manufacture and sale of malt extract for medicinal purposes. La Guardia correctly interpreted the legalization of malt liquor as capitalist hypocrisy.

Reporters, newsreel cameramen, and a crowd of spectators attended the demonstration. With the help of a soda jerk, Congressman La Guardia combined the contents of two bottles and handed a glass of the resultant mixture to a driver for the Morton Ice Cream Company who smacked his lips for the cameras and made a face "registering delight." A nearby policeman, concluding that the proceedings were a federal matter, turned and walked away. The stunt was reported by papers across the country. In Sioux City, Iowa a photo of the La Guardia appeared under the legend: "Take a bottle of near beer and a bottle of the 3.75 per cent malt tonic authorized for

27 Congressional Record, 69th Cong., 1st sess., 12057-59.
general sale, mix them together, and you get - this! Delicious!" The national coverage expanded La Guardia's network of informants; letters and newspaper clippings poured in from across the country describing local Prohibition scandals. In the future when prominent Drys rose in the House to extol the success of Prohibition in their districts, La Guardia was able to insert damning evidence to the contrary in the Congressional Record.30

Even more delicate for General Andrews was the diplomacy of sacramental wine control. Article 7 of the National Prohibition Act allowed every American family 10 gallons of wine per year for religious purposes. Ministers, priests, and rabbis received permits from local Prohibition offices to purchase the wine from "wine stores" or registered wine dealers. From the start the system was riddled with fraud. In the first year of Prohibition Izzy Einstein and Moe Smith, enforcement's twin vaudevillians, arrested some 200 bootleggers of sacramental wine. Some of the worst infractions occurred among New York's Jewish community which, unlike the Christian denominations, was only loosely organized and difficult to oversee. While reform Jews seemed willing to make the switch to grape juice, Orthodox Jews insisted on celebrating the Sabbath with wine.31

Soon after his appointment, General Andrews had met with leaders of the major reform and orthodox Jewish groups to compile a list of "certified rabbis." Andrews wanted to limit the amount of sacramental wines to half the amount allowed by the Volstead Act, or five gallons per family.32 In New York City, Administrator Mills heard

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30See Fiorello H. La Guardia Papers, Prohibition Files, Rare Books and Manuscripts Division, New York Public Library.
32Joselit, 100-102.
that rabbis received 25 cents from bootleggers for every gallon of wine they passed on. A gallon of sacramental wine cost $1.20 in a wine store, but sold for $4.50 on the street. After a close study of the Volstead Act, Mills decided that there was no legal provision for "wine shops," three of which were operated by former Prohibition agents in his district and earned huge profits. When Mills confronted Andrews with evidence of the millions of gallons of wine diverted each year in Manhattan, a weary Andrews was reluctant to take a stand. "Let them have their wine," he recommended. "What difference does it make?" But Mills was determined to stop the abuse. On August 27, 1926 he issued orders closing 210 wine stores and temporarily suspending all wine permits only weeks before the September holidays of Rosh Hashanah and Yom Kippur. New York's Jewish community reacted with alarm. Many rabbis turned instead to alternate sources such as grape wine from California rather than re-apply for wine permits. On paper, at least, wine withdrawals appeared to drop sharply in Mills' district in the last quarter of 1926.33

The annual conference of Administrators from Prohibition districts as far away as Hawaii and Alaska began in Washington, D.C. on Monday, September 20. In the twelve months since the last conference, a number of enforcement officials had fallen victim to politics or personal temptation. Transfers or resignations had occurred in the districts embracing New York, Maryland, Ohio, Nebraska, Missouri, Florida, and Puerto Rico.34 In all, 14 out of 24 administrators originally appointed by Andrews were no longer at their posts, a turnover of almost 60 percent in twelve months. The rate of attrition encouraged La Guardia to deliver one of his star turns. "How he (Andrews) praised them a year ago," La Guardia told his colleagues in the House, "but now he has

to admit that all but nine of them were either crooked or incompetent, and have been permitted to resign. Some of them ought to be jailed... What a lot of crooks and incompetents did these pets turn out to be."

In his opening address Andrews admonished his Administrators to avoid roughhouse tactics. He had seen enough of life to know that keeping one's temper usually got a man further than bluster. He wanted only total abstainers on his force and asked each Administrator to sign a pledge not to drink. There was a drive underway in the Justice Department, he said, to collect taxes from bootleggers on all illegal liquor seized. The tax of $2.20 per gallon, if assessed on the roughly 15 million gallons diverted annually, would theoretically pay for the coming year's enforcement budget of $30 million. He restated his willingness to allow Administrators wide latitude in fixing salaries so long as they stayed within their budgets. Of the $9.5 million still remaining from the current year, he intended to give $1,226,000 to the New York district and to divide the remainder between the 23 other districts, Customs, the Coast Guard, and the Intelligence Unit. Before the six-day conference adjourned on Saturday he talked with each Administrator privately about local conditions and learned that enforcement was improving but that there was sentiment in some areas for the return of light wines and beer. Mindful of the furor he had caused in Congress, Andrews advised his Administrators to enforce the law and avoid questions of social policy.

The only area of controversy that arose during the week of conferences was Andrews' plan to place the entire field force under civil service. Administrators split along east-west lines. Commander Pennington, a former naval officer and the new Administrator for the district of western Pennsylvania, staunchly defended the proposal.

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35 *Congressional Record*, 69th Cong., 2nd sess., 269.
36 Circular No. 82, 17 August 1926 in United States, Internal Revenue Service, *Prohibition Enforcement*.
as a means of cleansing the frequently corrupt field forces in the northeast. Administrators in the south and far west, where the Anti-Saloon League controlled appointments, saw any move to place enforcement under civil service as a betrayal. In their view the merit system had not kept corruption out of the Coast Guard, the Intelligence Unit, or the anti-narcotics unit. How, they asked, could a written examination measure honesty and commitment to temperance? The power to make appointments on personal knowledge had the additional advantage that untrustworthy agents could be fired at will. In the end, for the sake of unity, the western and southern Administrators abandoned their opposition.38 After six days of meetings the Administrators assembled for a group photograph. Administrator Ira Reeves of New Jersey, as he surveyed the heads of graying hair, thought that if Prohibition could not be achieved by this group of officials drawn from the worlds of business, law, and the military, then Prohibition might as well be given up as hopeless.39 He noted that Roy Haynes, the bearer of a meaningless title, cut a sad figure as the symbol of the Anti-Saloon League’s fading influence.40

Voter turnout for the November midterm elections was small. The Republicans lost control of the Senate but there was little shift on the issue of Prohibition. Dry representatives from both parties were returned to Congress by a margin of 70 percent or better. Eight states conducted purely symbolic referendums on Prohibition, voters declaring their hostility to Prohibition in five.41 Emboldened by the strong dry majority in both houses, General Andrews submitted a plan for the formation of a private corporation, under government supervision, that would purchase all remaining supplies

38 Reeves, Ol’ Rum River, 28.
40 Reeves, Ol’ Rum River, 236.
41 “How the Nation Views the Wet and Dry Vote,” The Literary Digest 91 (13 November 1926): 7-9; and New York Times, 6 November 1926.
of medicinal whiskey from existing warehouses and distilleries, and exert monopoly
control over distribution to physicians and druggists. The government would audit the
corporation's accounts, name the initial board of directors, as well as arrange for the
distilling of additional whiskey to replenish existing stocks that were running low.\textsuperscript{42}
Secretary Mellon, who had joined President Coolidge in vetoing a previous proposal,
endorsed the new semi-privatized plan. Estimates were that the plan would save the
Prohibition Unit a million dollars annually in enforcement costs. Drys, however,
attacked the plan claiming that it smacked of the Canadian system of liquor regulation
rather than prohibition. They interpreted the plan as a step towards official tolerance of
liquor. "There should be no liquor business," Wayne Wheeler announced. "There
should be no liquor." Angered, Wheeler hinted that the Anti-Saloon League might take
steps to "discipline" Secretary of Treasury Mellon.\textsuperscript{43} In the end the proposal was tabled.

When Congress reconvened in December, 1926, Andrews and Treasury
Secretary Mellon resubmitted legislation establishing a Bureau of Prohibition whose
4,527 employees would be placed under civil service. The Treasury requested $13
million for enforcement; and $15 million for the Coast Guard's anti-smuggling
activities. Andrews again asked for greater freedom to search private residences and a
staggering $500,000 in funds to hire undercover informants.\textsuperscript{44}

On the opposite coast in December Mrs. Mabel Walker Willebrandt made
preparations in San Francisco to personally open the prosecution of Colonel Ned Green,
former Prohibition Administrator for northern California and Nevada. The Justice
Department was waging a war that autumn not only against agents and sailors of
Consolidated Exporters of British Columbia but against errant Prohibition officials. But

\textsuperscript{42}\textit{New York Times}, 21 November 1926.
\textsuperscript{43}\textit{Ibid.}, 24 November 1926.
\textsuperscript{44}\textit{New York Times}, 2 September 1926, 11 December 1926; and \textit{Seattle Star}, 9 December 1926.
under intense cross examination during the trial the trunk full of liquor seized in Col. Green's hotel room shrank from forty bottles to eleven as did the number of indictments against him. Only three bottles, finally, could be traced back to the seizure vaults in the Customs House and these had never been opened.\textsuperscript{45} According to defense testimony, agents lived in a flood of confiscated liquor and several admitted under oath that they regularly quenched their thirst on captured stimulants or passed samples along to friends.

On the witness stand Col. Green told of sending a bottle of particularly good stuff out to the Presidio where a much decorated fellow officer lay dying of cancer. Green admitted to dining at Dan's, an Italian restaurant that served an indifferent claret with its spaghetti meals. His office was flooded with tips on hundreds of such places but General Andrews' orders were to go after the big suppliers and to ignore the small, inoffensive outlets. Col. Green denied all knowledge of Treasury regulations pertaining to seized liquor; the mimeographed instructions emanating from headquarters in Washington D.C., he said, were too copious and too confusing to comprehend.\textsuperscript{46} Throughout his career in the military he had concentrated on the big things and ignored petty details such as lax record keeping, conflicting regulations, or disgruntled agents who preferred to drink and wage vendettas against their superiors.

Evidently, the jury of San Francisco businessmen found his testimony to be both believable and human. After deliberating a scant sixteen minutes, they voted unanimously for acquittal. Outside the courtroom, Mrs. Willebrandt described the verdict as "one of the greatest blows ever suffered by the cause of prohibition."\textsuperscript{47} General Andrews cabled Col. Green his heartiest congratulations and ordered the

\textsuperscript{45}San Francisco Chronicle, 10, 11, 12 December 1926.
\textsuperscript{46}Ibid., 15, 16, 17, 18, 19 December 1926.
\textsuperscript{47}Ibid., 22, 23 December 1926.
Administrator to return to duty.\textsuperscript{48} In protest, Mrs. Willebrandt sent over a sheaf of newspaper clippings describing Green's damning confessions of the previous July when Andrews was crossing the Atlantic. "He is an old soldier," Andrews scribbled across the folder. "Nuff said." Patriotism in the General's mind remained the highest test of personal worth. Mrs. Willebrandt had heard enough "Nuff says." The reign of old soldiers, she decided, was worse than the deacons that had once surrounded Commissioner Roy Haynes.\textsuperscript{49}

But Col. Green was loath to return to his duties in the Customs Building; he needed time to communicate with his chief in Washington, D.C.. Then, suddenly, Green resigned, the ninth Prohibition official to quit the San Francisco post. "A man in such a place is assailed from every angle," he observed in a public statement. "The radical drys cannot be satisfied; the violators of the law attempt bribery; employees in the service in many cases are not to be trusted, and summed up, one encounters antagonism from every side."\textsuperscript{50} Once again General Andrews had failed to find a man big enough for the job.

In Chicago as Christmas approached, Administrator Yellowley notified the owners of hotels, restaurants and cafes that dry sleuths attired in evening dress would mix with holiday throngs to watch for surreptitious drinking.\textsuperscript{51} Administrator Mills in New York City launched a series of early raids, visiting 58 Broadway nightclubs and cabarets on December 23, handing out injunction notices. The raids had been predicted by the press which estimated correctly that most of the targeted resorts would be in the West Fifties.\textsuperscript{52} Patrons were good-natured about the interruption. Then Mills and his

\textsuperscript{48}\textit{Seattle Star}, 22 December 1926.  
\textsuperscript{49}Mabel Walker Willebrandt, \textit{The Inside of Prohibition} (Indianapolis: Bobbs-Merrill, 1929), 53-54.  
\textsuperscript{50}\textit{San Francisco Chronicle}, 27 December 1926.  
\textsuperscript{52}Ibid., 23 December 1926.
men went home to their families for the remainder of the holidays. Others in the Prohibition Unit would have a more anxious Christmas as a poison liquor hysteria fostered by the press gripped the northeast.
CHAPTER VII

POISON LIQUOR SCARE

The seeds of hysteria had been sown six months earlier, in July, when James Voelker, a successful Buffalo bootlegger received twenty 60-gallon drums of what he took to be denatured alcohol from suppliers in New York City. Voelker sent samples to a chemist for analysis but simultaneously shipped two drums to Canada. Fatally, the contents of the entire shipment turned out to be 93 percent pure methanol, an odorless, high quality wood alcohol produced in Germany.¹ Almost immediately people began dying in towns along the Provincial Highway connecting Buffalo and Toronto; three bachelors in Allanburg, and a retired farmer, his wife and three adult children in Oakville. The deaths were typical of wood alcohol poisoning: severe headache, blurred vision, cramping, and coma.² By the end of July, 41 people had died in Buffalo and another 20 in Canada. Many died from a single drink.³ In New York City, Administrator Mills exploited the grotesque reports of people dying in great agony to predict a wave of "poison liquor" deaths in his district. "The stuff sold in Buffalo may have been put through a renaturing process here," Mills told reporters, "for we are finding stills every day, and it probably was shipped into New York for that purpose."⁴ The association between denaturing, renaturing, and wood alcohol poisoning was formed in the daily press, despite the fact that the bootlegger Voelker's stock was nearly 100 percent wood alcohol (methanol) compared to the 2 to 4 percent wood alcohol found in most denaturant formulas.

³London Times, 27 July 1926.
The practice of denaturing started in 1906 when American industry began to require huge amounts of tax-free alcohol. During Prohibition pint bottles of 2 percent denatured alcohol could be bought at any drug store for 20 or 25 cents. It was illegal for druggists to sell poison if they suspected that the buyer would take it internally, but druggists, grocers and hardware store owners commonly sold pint bottles, quarts, and gallon jugs of denatured alcohol to customers they knew were confirmed drinkers. Lawmakers were aware of the practice, as were local health officials, yet state legislatures made no effort to stop the lucrative trade that was perfectly legal under the language of the Volstead Act. Disreputable bootleggers frequently combined denatured alcohol with grape juice or soda pop and sold the mixture for 75 cents a bottle.\(^5\)

Only a few people claimed that drinking "poison liquor" killed immediately. Instead, the poisoning was believed to be cumulative. According to experts in the Treasury Department, incompletely cleaned industrial alcohol containing traces of wood alcohol caused "serious physiological disturbances" over time.\(^6\) Medical opinion held that denatured alcohol lowered the drinker's vitality until pneumonia, cardiac problems, or other maladies set in. The Anti-Saloon League in its handouts alluded to "blindness, wrecked nervous systems, rotted minds, weakened bodies and diseased organs." In common parlance it was thought that denatured alcohol "ate away one's vitals."\(^7\)

Accurate statistics on the number of deaths due to denatured alcohol were practically impossible to obtain. As the coroner in Seattle, Washington explained: "When a physician has had a patient under his observation for some time who dies a lingering death from bad liquor, the doctor generally gives as the cause of death the

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\(^5\)Seattle Star, 16 November 1922; and Seattle Post-Intelligencer, 26 October 1925.


\(^7\)Washington Post, 1 November 1923; Seattle Post-Intelligencer, 10 October 1926; and Seattle Star, 16 November 1922.
condition caused by the poison." In deference to next of kin the death certificate often read "gastritis," "heart failure," "Bright's disease," or "inflammation of the kidneys." Nobody knew how many more people were sick for a day or two but never sought a doctor's care. General Andrews' testimony before Congress on the prevalence of diverted industrial alcohol had sensitized newspaper editors to the chemistry of bootleg liquor. Without exaggeration it could be claimed that the synthetic gin and whiskey that Zelda and F. Scott Fitzgerald imbibed in Broadway nightclubs came from the same sources as Zelda's artificial silk chemise and Scott's after-shave. The reports of methanol deaths in upstate New York only added to the confusion and Wets and Drys sought to exploit the renewed anxiety for their own ends. Drys believed that grain alcohol even in small amounts was poisonous ("The Fatal Glass of Beer") and must lead inevitably to social and physical ruin. Wets decried the practice of denaturing grain alcohol with substances such as quinine, creosote, nicotine, and wood alcohol; in their eyes the practice turned government chemists into common poisoners. The debate was bitter and unending.

After returning from London in August 1926, General Andrews denied that the government resorted to ruthless tactics when it poisoned industrial alcohol. "Our constant aim," he assured reporters, "is to get some ingredients to put in this alcohol which by their odor and taste will warn drinkers that the alcohol is not genuine, but which at the same time will not prove poisonous to drinkers." Referring to the exceedingly low dose of wood alcohol in denatured formulas - 2 to 4 parts per 100 parts of grain alcohol - he dismissed as absurd the idea that people were being killed by federal denaturants. But few newspapers followed his logic in the wake of the sensational stories of the single-tumbler deaths in Buffalo and Toronto. Indeed, his own

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8Seattle Post-Intelligencer, 2 July 1925.
9New York Times, 15 August 1926.
enforcers actively spread the opposite message when they emphasized the risk of blindness and death in every bottle of bootleg whiskey. Since Roy Haynes' time, federal authorities had reiterated constantly that 98 to 99 percent of all liquor analyzed in federal laboratories showed traces of "poison." The figure 99 neatly disguised the opposite reality that denatured alcohol was 96 to 98 percent pure.

Chemists working for the Connecticut Agricultural Experiment Station observed in 1926 that when it came to denatured alcohol "we have identified no foreign substance in bootleg liquor of the types ordinarily used as beverages, which in kind or amount could be regarded as a probable cause of death." In addition, once 98 percent pure denatured alcohol was diluted by half and mixed further with fruit juice, the percentage of wood alcohol in the average cocktail would be on the order of 1/3 of one percent. To die from wood alcohol in such low doses, the Connecticut chemists argued, a drinker would have to consume his weight in liquor, thereby poisoning himself first from ethyl alcohol. Under such circumstances the diagnosis of "death due to poison rum," the Connecticut chemists concluded, was almost always incorrect.

As the end of 1926 approached, holiday drinkers in New York City paid little heed to the recent methanol deaths upstate as they made plans to celebrate Christmas and the New Year. There was a rush of reservations at the leading hotels and Mayor Jimmy Walker arranged for nightclubs on New Year's Eve to stay open until 8:00 A.M. The revelry in the week between Christmas and New Year's sent 219 people to Bellevue Hospital for acute intoxication; 30 died from poison liquor, or so the newspapers claimed. Authorities in Baltimore, when contacted, reported that several people in their

\[\text{References:}\]

city might have died from poison alcohol but admitted that they did not keep separate statistics on poisonings. Atlanta, where the local drink was moonshine, reported no fatalities. On the west coast, San Francisco listed 28 deaths for the year from poison liquor but the coroner estimated that the actual figure might be ten times that number.\textsuperscript{13}

The poison liquor furor peaked on the last day of 1926 when the press announced that within twenty-four hours the government would increase the amount of wood alcohol in anti-freeze from 2 to 4 parts per 100 and add an altogether new substance called "aldehol", an oily residue of oxidized kerosene.\textsuperscript{14} In New York the newspapers claimed that Manhattan had set a record for alcoholic deaths in 1926: 750 fatalities, 68 more than in 1925.\textsuperscript{15} "The Eighteenth is the only amendment which carries with it the death penalty," wrote Heywood Broun in the \textit{New York World}. In the opinion of Senator James Reed: "Only one possessing the instincts of a wild beast would desire to kill or make blind the man who takes a drink of liquor." The \textit{Chicago Tribune} compared denaturing liquor to the practice of poisoning postage stamps to catch people misusing the mails. Senator Edge of New Jersey called it "legalized murder."\textsuperscript{16} Walton Green, former Chief Prohibition Investigator under General Andrews, lent his name to the controversy, writing an article for the Hearst press entitled "Treasury, Poisoning Alcohol, Puts Death Sentence on Misdemeanor."\textsuperscript{17} Even specialists in medicine and toxicology forgot their training. "The four per cent of wood alcohol reported to be favored by Secretary of the Treasury Mellon is a high proportion of a deadly poison," said the Health Commissioner of New York City. "Such a proportion

\begin{footnotes}
\textsuperscript{14}\textit{Seattle Post-Intelligencer}, 10 October 1926; and \textit{Washington Herald}, 9 January 1927.
\textsuperscript{15}\textit{New York Times}, 1 January 1927.
\textsuperscript{16}Ibid., 30 December 1926.
\end{footnotes}
of poison might well cause serious damage to the eyesight and other nervous lesions and in some cases might cause death." 18 The director of Bellevue's medical laboratory stated without equivocation that three drinks of 4 percent wood alcohol would produce permanent blindness. 19

Drys defended the practice. "You can't poison poison" was Senator Morris Sheppard's opinion. 20 The Anti-Saloon League, tracking the flurry of denunciations in the press, offered a spectrum of responses. Hundreds might die each year of poison liquor, the League reminded readers, but thousands had been slain annually under the former system of licensed saloons. Wayne Wheeler denounced bootleggers as murderers and described the drinkers who patronized them as willing suicides. The new, stronger formula would save lives, Wheeler argued, by warning drinkers away from cocktails containing aldehol. Wheeler even adapted dry arguments to his litany, claiming like the chemists in Connecticut that when the new toxins were diluted by half and then mixed further with fruit juices they would have little physical effect. A lone voice in the Treasury Department belonging to Dr. James M. Doran, an authority on denaturants and the Prohibition Unit's chief chemist, speculated that the rash of holiday deaths were due to binge drinking or overindulgence in ethyl alcohol, not to the minute presence of poisons. 21

Secretary Mellon, whose name was most closely associated with the new formula for anti-freeze, announced that the Treasury would stop the practice of denaturing, then reversed himself when industry leaders complained that they could not possibly pay the high taxes assessed on pure alcohol. Denaturing, it appeared, was not a

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19 New York Times, 1 January 1927. No figures have ever been presented showing that blindness increased during Prohibition.
Treasury decision but a Congressional mandate, well out of Mellon's hands. A conference was called between Secretary Mellon, General Andrews, and Dr. Doran leading to assurances from Andrews that every effort was being made to find a harmless substitute for wood alcohol and that three chemists had been assigned to the task. In the interim the Treasury sought to shift the scare from wood alcohol to impurities found in moonshine.22

In New York City, Mayor Jimmy Walker asked for a complete report on the holiday liquor deaths. Four days later, on January 6, it was submitted by Dr. Charles Norris, the city's chief medical examiner and published in the New York Times. Dr. Norris, an imposing figure with degrees from Yale and the Columbia College of Physicians and Surgeons, was no friend of Prohibition. He made two observations: "The citizens of our city have not given up drinking alcohol. The alcohol which they take is mainly poisonous." From this he concluded that Prohibition was virtually nonexistent on the island of Manhattan. Even the city's supply of medicinal whisky was poisonous, he asserted, since surveys of druggist supplies had turned up quantities of cut, or bootleg, alcohol. In Dr. Norris' opinion, the number of deaths due to drinking were much higher than the 750 reported because the Department of Health routinely rejected death certificates from private physicians that listed "alcoholism" as a primary or contributory cause of death, unless the physicians permitted autopsies of their patients, which most would not. "Morally, if not legally," Dr. Norris announced, "the United States Government stands charged with responsibility for the deaths of scores who died from drinking government-poisoned liquor during the holidays." But his report contained more equivocal evidence: only 17 documented cases of wood alcohol

22Ibid., 4 January 1927.
poisoning in 1926, against 9 in 1925, in a metropolitan population of nearly six million.\textsuperscript{23}

Emergency room physicians knew that intoxication from denatured alcohol presented a clinical picture no different from ordinary intoxication and required the same therapy, stomach pumping followed by a bromide lavage. In fact, the treatment for severe wood alcohol poisoning was often to administer ethyl alcohol by mouth or intravenously since the liver preferentially metabolized ethyl over methyl alcohol.\textsuperscript{24} Physicians at Lakeside Hospital in Cleveland, Ohio, treated 154 people for alcoholic disorders between 1921 and 1926. Of the 24 chronic alcoholics treated, all but one admitted to drinking anything they could get their hands on. Except for rare instances, when the concentration of wood alcohol was so high that it could be smelled on the patient's breath or determined from the stomach contents, the clinical picture was the same for denatured alcohol as for Canadian bonded whisky. "The patients otherwise did not differ from any other ordinary case of alcohol intoxication," the doctors concluded. Of the 154 alcoholics treated at Lakeside over six years, 8 died; 4 from acute alcoholism (overindulgence); 3 from cirrhosis of the liver, and 1 from wood-alcohol poisoning.\textsuperscript{25}

The data that emerged from the cloud of acrimony and conjecture over poison liquor suggested that nationally the annual figure for deaths due to wood alcohol poisoning was only 2 per 1,000,000 population in 1926, half the rate of 1920. Those who cared to delve further into the statistics found that wood alcohol deaths peaked in


\textsuperscript{24}In other words, a quart of liquor containing 2 percent wood alcohol is safer to drink than a quart of distilled water with 2 percent wood alcohol. See Jay M. Arena, Poisoning: Toxicology, Symptoms, Treatments, 3rd ed., (Springfield, IL: Charles C. Thomas Publisher, 1974), 192.

New York City in 1920, then fell off as beverage alcohol became more available. The astonishing fact about Prohibition was that there were so few poisonings in a completely unregulated industry with tens of thousands of dealers and millions of consumers.

By the time the controversy subsided, the furor over "bad liquor" was revealed to be so much newspaper ballyhoo. Little attempt had been made to distinguish between deaths due to chronic drinking, deaths due to binge drinking, and deaths due to consumption of lethal concentrations of poisonous substances such as methyl alcohol. The concept "poison alcohol" turned out to be an elaborate fable that both Wets and Drys promoted because it served their respective rhetorical goals. Whenever there was a poison liquor scare, Wets cried murder, whereupon the government confessed at a level close to a whisper that denaturants did not truly denature. This confession would then be followed by a second announcement of the discovery of a new denaturant to be employed immediately to scare away new drinkers. Thus was the cycle of scandal, outrage, and disinformation continued. Few authorities were willing to admit that deaths from alcoholism were due to drinking grain alcohol either over a long period of time or too quickly over a short period of time, just as in the days before Prohibition. The drinking public, of course, had known that all along as they had shown in their holiday revelry. Only the ideologues and the legions of nondrinkers were taken in by the media agitation.

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27 Reeves, Ol' Rum River, 73. For recent evidence that the myth of poison liquor remains a staple of Prohibition folklore, see Edward Behr, Prohibition: Thirteen years That Changed America (New York: Arcade Publishing, 1996), 222.
CHAPTER VIII
UNDERCOVER JITTERS

As the "poison liquor" controversy raged between medical specialists, politicians, and newspaper editors, General Andrews sought to defend himself from further attacks by Fiorello La Guardia. Details of the Bridge Whist Club in New York City surfaced early in January 1927 at the trial of Frank and Ernest Costello, associates of William "Big Bill" Dwyer, the northeast's premier rumrunner. Dwyer, a big, jovial man who was part owner of a race track on Long Island, had been tried and convicted in July. Five months later when Frank and Ernest Costello were taken to court, their attorneys had learned from Dwyer's defeat and chose to attack and humiliate the government. Fatefully, the story of General Andrews' ace investigator, A. Bruce Bielaski, and the Bridge Whist Club with its hidden Dictaphones and waiters in posh alpaca jackets surfaced at the trial just as Andrews went before Congress to request additional funds for undercover work. In trial testimony Bielaski was described as a "mysterious and invisible power who employs as agents hijackers, pirates, crooks, and bribe takers." 1

Congressman La Guardia went further. He secured evidence of operative Leighton Blood's pool room joint in Norfolk and of a distillery operated by federal agents in Elizabeth City, North Carolina. If the Government continued in this manner, La Guardia warned, the Treasury would find itself at the mercy of undercover men. "The Wets are being fleeced and poisoned and the Drys are being deceived and misled," La Guardia cried. "When Mr. Andrews sneers and says that the law is being enforced,

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he is the only man in the country who believes it is being enforced - if he believes it himself."²

La Guardia called upon Treasury Secretary Mellon to state whether he had known and approved of the Bridge Whist Club and its owner Bruce Bielaski.³ The Treasury's initial response was to offer a blanket denial, but on January 7 Secretary Mellon admitted that the government had advanced the money to finance the club and that the Comptroller General had received a full accounting.⁴ But in reply to a query from La Guardia, the Comptroller General stated that he had only partial records of the club's transactions and no knowledge of its eventual sale for $5,000 to a representative of the New York bootlegging fraternity. La Guardia thereupon sought indictments of both Bielaski and New York Administrator Chester Mills for wasting public funds, hiring known felons, and conspiring to purchase and sell illegal liquor in violation of the National Prohibition Act. La Guardia went further, claiming that the government was being held hostage by its own system of surreptitious surveillance. "Wires have been tapped not only of bootleggers," La Guardia charged, "but of Government officials and prominent citizens on the pretext of obtaining information on liquor."⁵ General Andrews could not dismiss Administrator Mills, La Guardia asserted, because Mills might bring certain cases to trial that Andrews did not want to see prosecuted while Administrator Mills was likewise stalemated in his actions by evidence that Bielaski held against him.⁶ In response, Andrews' office retreated to the cant of the Haynes' regime, citing the dreadfulness of bootlegging and predicting the collapse of civilization. The more enforcement was charged with the entrapment of innocent citizens, the more officialdom

⁵New York Times, 6 January 1927.
whipped up the menace of the "illicit liquor trade." Thus did the notoriety of bootleggers rise as enforcement went on the defensive.

In the U.S. Senate, James Reed of Missouri asked the Treasury for copies of every document in its possession on the employment of undercover agents in the enforcement of prohibition. The result was a book of 149 pages describing the Bridge Whist Club, Agent Blood's pool hall speakeasy in Norfolk and the distillery in Elizabeth City.\(^7\) The Treasury emphasized that Chief Prohibition Investigator Walton Green, who had approved the Bridge Whist Club, was no longer with the government while Agent Blood had been suspended. "I have always been against enticement," General Andrews told reporters. "I have sent out written orders against this practice, and particularly in verbal instructions, when I have had enforcement officers here, have I cautioned against it."\(^8\) In a radio address, Mrs. Willebrandt decried the practice of government-run speakeasies.\(^9\)

In General Andrews' mind undercover operations were as essential to Prohibition enforcement as spying in wartime. He had spent $250,000 in 1926 on undercover informants, five times the amount granted him by Congress. In February 1927, at the height of the public outcry over federal spying, he went before the House Ways and Means Subcommittee to ask for $500,000 for undercover work but critics led by La Guardia blocked approval.\(^10\)

The next to feel the heat of La Guardia's scrutiny was Administrator Chester P. Mills. Liquor was not only plentiful and profitable in Mills' district, it was also the lifeblood of Republican politics. Night club owners and wealthy brewers consorted openly with politicians soliciting campaign contributions. Any Administrator who

\(^7\) U.S. Internal Revenue Service, Prohibition Enforcement.
\(^8\) New York Times, 29 January 1927.
\(^9\) Ibid., 21 January, 11 February 1927.
\(^10\) Mann, La Guardia, 205; and New York Times, 30 January, 25 February 1927.
stepped in to reduce the flow of liquor by firing corrupt agents, as Mills had done, soon felt the weight of political pressure. In February 1927, Mills was called to a conference with Secretary Mellon, General Andrews, and former Congressman Ogden Mills, soon to appointed Undersecretary of the Treasury. Andrews introduced Administrator Mills to Congressman Mills as one of his best officers, whereupon Congressman Mills commented: "No one questions his efficiency, but let's talk patronage." But Administrator Mills refused to abandon his plan to suspend nine agents he knew to be corrupt. One had been caught managing a beer dump on the West Side; another owned a share in a sacramental wine shop; a third was a hoodlum who boasted that his appointment was worth $50,000 a year in graft.\(^{11}\)

Privately, Andrews urged Mills to make peace with the politicians, even if it meant reinstating agents who were crooks and bunglers. Pressure, said Andrews, was being brought to bear at the highest level: Charles D. Hilles, the Vice-Chairman of the Republican National Committee, had complained personally to President Coolidge. Agents from the Prohibition Unit's special investigation office had turned up records of three checks totaling $300 which Administrator Mills had bounced on a Chicago bank in 1923. In the House of Representatives, Congressman La Guardia charged that Mills was "either busily engaged in operating, with Government funds, unlawful dives and joints or in giving vent to personal feelings in harassing and persecuting Jewish holders of permits to withdraw wine for sacramental purposes." But Mills persevered, defending himself with statistics. Withdrawals in his district of specially denatured alcohol had dropped from 12 million gallons to 4 millions gallons annually. Consumption of medicinal whiskey had been cut by more than half. The most dramatic

\(^{11}\)Mills, "Dry Rot," 6.
decline had been in the quantity of sacramental wine released: a reduction of 92 percent.¹²

Mills grew embittered at the power of local politicians to interfere with his office and was dismayed by forays into his past by agents of the special investigator’s office. Privately, he came to the conclusion that three-quarters of the government’s force of 2,500 dry agents were nothing more than "ward heelers and sycophants." Some of the worst worked in the special alcohol squads investigating breweries and independent denaturing plants in the New York area. Since little distilling was done during winter, General Andrews had combined the beer and alcohol squads under a single commander, Major James C. Waddell, a West Point graduate and expert in coast artillery.¹³ Administrator Mills believed that Waddell’s youthful assistant, Frank J. Hale, was thoroughly corrupt. Hale was a holdover from the Haynes’ regime, one of three men assigned to a special Customs Patrol that had operated on Long Island in 1923. On three occasions the Justice Department had started investigations of Hale. In 1926, when Hale was appointed assistant chief of alcohol and brewery control, Mills heard that Hale received $5 for every case of beer that crossed Long Island and that Hale used the money to purchase a magnificent racing yacht.¹⁴

The remedy, according to reformers, was to raise the Prohibition Unit to the status of a full-fledged bureau and to place agents and administrators under civil service. Legislation toward that goal had been submitted repeatedly to Congress since 1924. In the spring of 1927, yet another Prohibition Reorganization Bill was presented to Congress and this one passed the House 19 to 4 but encountered opposition in the

¹²New York Times, 4 May 1927; and Statistics Concerning Intoxicating Liquor 1930, Table 42.
¹³James Cooper Waddell File, United States Military Academy Library, West Point; and New York Times, 15 July 1926.
Senate where a filibuster was threatened. Two days before Congress was scheduled to adjourn, Dry senators invoked the cloture rule limiting each senator to one hour of debate, thereby keeping the bill before the upper body to the exclusion of all other business until it was passed by a vote of 71 to 6. On March 3, President Coolidge signed the bill into law to take effect on April 1. Only later was it learned that Congress had adjourned without passing the necessary funds to pay for civil service examinations. For yet another year the Senate would control the spoils of Prohibition.

In essence the bill formalized the chain of command that General Andrews had established administratively. The Bureau of Prohibition and the Bureau of Customs would each have a Commissioner appointed by Secretary Mellon. Mellon would also name an Assistant Commissioner of Prohibition and two Deputy Commissioners, one each for alcohol and narcotics. The Assistant Commissioner of Prohibition, the Deputy Commissioners, the 24 Administrators, the 24 Assistant Administrators, the 50 Deputy Administrators, the 18 senior Prohibition Investigators, the 1,260 Prohibition Agents, and the 102 warehousemen would be required to pass examinations and to submit to background and fingerprint checks. Examinations into the fitness and character of senior officials would be oral; written for agents and investigators. Under the reorganization bill, the Bureau of Prohibition would be divorced from the Bureau of Internal Revenue. No longer could Commissioner David Blair interfere in matters of policy and personnel.

The question immediately arose as to Roy Asa Haynes' continued status. For the past two years Haynes had carried the designation "Commissioner" although he wielded little power. Dry leaders were divided. The leading Dry in the Senate, Frank Willis of

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Ohio, supported Haynes for the new post of Commissioner of Prohibition, but the Methodist Board of Temperance pressed for the appointment of Illinois Administrator Edward C. Yellowley, Haynes' former assistant. Industry spokesmen, fearing a resurgence of ideological enforcement if Haynes were renamed Commissioner, favored a technical expert such as Dr. James Doran or an experienced executive such as Herbert H. White, one of General Andrews' appointees who had proven himself fair-minded and impartial. Wayne Wheeler of the Anti-Saloon League appealed to Secretary Mellon and President Coolidge on Haynes' behalf with the result that Haynes was named "Acting" Commissioner on March 25. The Treasury responded by drafting special orders directing Acting Commissioner Haynes to undertake no personnel or policy changes without first conferring with Secretary Mellon or General Andrews.

Wheeler, in failing health and exhausted by Senate hearings into the Anti-Saloon League's finances, visited the White House on May 11 to ask that Haynes' appointment be made permanent. For ten days Coolidge weighed the importance of the Anti-Saloon League's support in the coming presidential elections while awaiting Secretary Mellon's return from vacation in Europe. The decision when it came late in the afternoon of May 20 was described by the New York Times as "the most drastic overturn in the history of dry enforcement." Simultaneously it was announced that both Roy Haynes and General Andrews would leave government service. After a delay of eight months, General Andrews' resignation had been accepted. With the dual dismissals, the factionalism that

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17 Steuert, Dry Boss, 282; H.S. Chatfield, Chairman Industrial Alcohol Committee, National Paint Oil and Varnish Association, to Secretary Mellon, 18 May 1927, in James M. Doran Personnel File, NPRC; and New York Times, 9 March 1927.
18 Hogan, 489.
20 Steuert, Dry Boss, 283-84.
had rent enforcement since 1925 evaporated and the Coolidge administration neatly sidestepped criticism from Wet and Dry camps.

In his refurbished letter of resignation, dated May 19, 1927, General Andrews described his reorganization of Prohibition as practically complete. As his accomplishments he listed the closer coordination of federal enforcement agencies, the dispersal of Rum Row, and the series of anti-smuggling treaties concluded with foreign countries. The finishing touches would be concluded by August 1, except for a trip to Europe to work on control of international narcotics smuggling, an assignment he could undertake as a special commissioner, if the Treasury wished.\textsuperscript{21}

"I have succeeded in holding the tiger's tail for two years without being bitten," Andrews told reporters in New York.\textsuperscript{22} The suddenness of his resignation startled some observers. In his memoirs, Elmer Irey of the Intelligence Unit, whose agents were involved in so much of the hidden history of Prohibition, offered a different version of Andrews' departure. As Irey recalled, word had reached his office of a conversation on the golf course between General Andrews and a prominent bootlegger who had recently received an appointment as a Prohibition agent:

SECRETARY (Andrews): "You know, all I want to do is get enough money to live well and retire."

BOOTLEGGER: "I'll help. I'll make investments for you and give you the profits."

The bootlegger did make the investments and I (Irey) was forced to report the affair to the Secretary of the Treasury, Ogden Mills. Mills listened to me, then said: "Get Andrews in here and question him. This is a serious charge!"

When Andrews heard the charge, he denied it and said, "Mr. So-and-so is a fine man."

Irey: "Maybe. But he's a bootlegger."

Five minutes later Andrews admitted I was right and Mills said, "Mr. Andrews, please write out your resignation immediately."

\textsuperscript{21}New York Times, 21 May 1927.
\textsuperscript{22}Ibid., 27 May 1927.
When a leader of the Anti-Saloon League suggested that Irey fill the vacancy, Irey turned the offer down cold. 23

As successor to Haynes, Secretary Mellon named Dr. James Doran, a twenty-year veteran of government service. A native of Grand Forks, North Dakota, and the son of a Methodist minister, Doran had received a degree in chemistry from the University of Minnesota before entering the Treasury as a clerk chemist in 1907. In 1920 he became head of the Industrial Alcohol and Chemical Division, later the Technical Division under General Andrews. Although a staunch Dry who believed in strict enforcement, Doran was dispassionate and scientific on the subject of illicit liquor. An authority on denaturants and the chemistry of distilling, his slim figure had appeared at numerous congressional hearings and there was hardly a regulation drafted by the Treasury controlling the movement of industrial alcohol that did not bear the impress of Doran's thinking. 24 Doran's appointment was viewed with special sympathy by leaders of the industrial alcohol industry and was expected to boost morale in the new Bureau of Prohibition. 25

General Andrews' successor as Assistant Secretary was a professional politician: Seymore W. Lowman of Elmira, New York. Lowman was a successful building and roads contractor who had entered Republican politics, served in the state assembly, and spent a term in Albany as Lieutenant Governor. As a crony of Undersecretary of the Treasury Ogden Mills, Lowman's appointment was thought to be purely official. He would serve as the political liaison between the newly established bureau and the

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23Irey, Tax Dodgers, 9-10.
25Charles M. Lewis report to Marvin McIntyre, 7 February 1933, in James M. Doran Personnel File, NPRC.
Treasury. One reporter described Lowman as a "slow spoken, easy going country squire." General Andrews' friend, Major Herbert H. White, a former Administrator for the Texas-Oklahoma district, was named Assistant Commissioner. Jimmy Jones and Levi G. Nutt were appointed Deputy Commissioners for alcohol and narcotics respectively. The system of zone supervisors was abolished, as was Walton Green's old office of Chief Prohibition Investigator, as well as the supervisors of alcohol, wine, and brewery control. When Major White was made general supervisor of field offices, Alf Oftedal was brought in from San Francisco to take his place as Assistant Commissioner in charge of personnel. In Washington, D.C., the chain of command beneath Assistant Secretary Lowman descended from Doran, to Oftedal, to Jimmy Jones.

After his swearing-in on May 21, Doran ordered a thorough housecleaning, the second in two years. In an effort to cut the federal dry force by a third, Administrators were requested to recommend candidates for dismissal as of October 1. Towards that end some 120 special investigators, at Oftedal's request, were transferred from the Intelligence Unit to the Bureau of Prohibition to quietly screen the field force, district by district, and to submit confidential reports on the unfit, the incompetent, and the immoral. Funding for the special investigators was taken from district budgets, thereby doubly antagonizing sitting Administrators who resented not only the loss of funds but the undercover tactics. In two months some 200 officers and agents were dropped from the rolls in Ohio, Michigan, New York, New Jersey, Connecticut, Minnesota, North

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26 "New Generals in the War on Rum," The Literary Digest 93 (4 June 1927): 10-11.
28 Senator Wesley Jones to Secretary Mellon, 1 August 1927, in Alf Oftedal Personnel File, NPRC; and New York Times, 3 August 1927.
29 Seattle Star, 28 July 1927.
Dakota and Wisconsin. Many in General Andrews' enforcement machine fell afoul of the internal investigations. Marlon O. Dunning, chief dry co-ordinator for the southeast, thought it safer to resume his duties as collector of customs in Savannah. Rosco Harper was forced from his position as Administrator in Buffalo and later charged with diverting industrial alcohol.

New York Administrator Chester Mills, amid rumors that his office had used physical duress in the interrogation of a prisoner, was kicked upstairs to a meaningless post but chose to resign instead. The New York Times commented: "we shall miss him, though only for a day or two." Arthur J. Hanlon (West Point, Class of 1908) was given the Newark office after Administrator Ira Reeves resigned in May with the comment that he had "to get into something with a future." Known as "Hard-boiled Hanlon" from his service on the Detroit River patrol, Hanlon immediately cashiered 14 agents and five investigators. Another West Pointer on departing issued an unusually sharp denunciation of enforcement. Major James C. Waddell, former chief of brewery and alcohol control in Washington, D.C., claimed that the public had little idea of what was going on behind the scenes. "Diversion of industrial alcohol, organized bootlegging backed by unlimited capital, and 10-ton trucks loaded with liquor passing over the highways are every day experiences in the life of an enforcement official," he said in an official statement. High government officials knew enforcement was impossible,

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30 New York Times, 24 June 1927; John T. Doyle, Secretary U.S. Civil Service Commission to Secretary of Treasury, 18 August 1927, in Oftedal Personnel File, NPRC; Roy Lyle to Senator Wesley Jones, 27 October 1927, Folder 34, Box 271, Wesley L. Jones Papers, University of Washington Library; and Seattle Star, 3 September 1927.
31 Seattle Star, 2 May 1927.
34 New York Times, 1 July 1927.
35 Ibid., 7 May, 5 June 1927.
36 Ibid., 24 September 1927.
Waddell maintained, but dared not admit it publicly for fear of reprisals from powerful Drys.\(^{37}\)

The voice of the new Bureau of Prohibition when it was formally established on April 1, at least initially, was Seymore Lowman who announced a general campaign against all liquor violators, large and small, with no immunity for the "little fellow."\(^{38}\) Andrews' system of regional administrators would be retained but responsibility for stopping smuggling on the coasts and along the borders would be shifted to the Coast Guard and Bureau of Customs.\(^{39}\) In mid July, Administrators assembled in Washington D.C. for the annual summer conference where they received a new manual drafted by Major White governing personal conduct, the use of firearms, and the limits of political activity.\(^{40}\) Henceforth agents were prohibited from setting up speakeasies to entrap violators, must be total abstainers except when purchasing evidence, and could draw their weapons only in self-defense.\(^{41}\) Arrests in the previous fiscal year, they learned, had set a new record, nearly 80,000 people nationally. Moonshining was on the increase as was home brewing and home winemaking. Astonishingly, diversion of industrial alcohol seemed to be experiencing a slow decline.

The placement of some 2,500 positions under civil service commenced one of the stormiest episodes in Prohibition history. In order to keep their jobs, incumbents were forced to compete with applicants from outside the Prohibition service. The rush of applicants was unprecedented. More than 12,000 men sat for the written tests in June, but due to lack of federal funding background checks could not begin until December, after Congress reconvened. The written examinations sowed chaos in enforcement

\(^{37}\) Seattle Star, 3 September 1927.
\(^{38}\) Seattle Post-Intelligencer, 25 June 1927.
\(^{39}\) Schmeckebier, 25.
\(^{40}\) Seattle Star, 17 June 1927.
\(^{41}\) Ibid., 28 July 1927.
offices around the country as agents of proven ability failed to answer correctly the quirkily worded questions with the result that almost three-quarters of the field force failed to attain passing grades.\textsuperscript{42} In some areas college graduates scored higher than men with years of experience.\textsuperscript{43} Sixty percent of the New Orleans office failed the tests and Doran complained publicly that his agency would be ruined if it were forced to dismiss more than a thousand field agents. With only 1,978 names on the eligible list at the end of 1927, a second, revised examination had to be scheduled for December 1928.\textsuperscript{44}

Administrators and Assistant Administrators fared little better: a third of the 140 senior officials in the Bureau of Prohibition failed to pass oral examinations in judgment, mental ability, and fitness of character. As in 1925, many turned to prominent Senators to pressure the Civil Service Commission and its secretary, John P. Doyle, for rehearings.\textsuperscript{45} Most shared the belief that if they could only make the list of eligibles, then congressional influence would preserve their jobs. When a congressional attempt to place all incumbents automatically under civil service failed, the White House issued an executive order allowing the "temporary appointment" of all personnel who had been employed in the Prohibition service for two years or longer. By 1929 more than a third of the field force would still be temporary appointments. In northern New York, western Pennsylvania, Michigan, Colorado, Wyoming, and New Mexico the number of

\textsuperscript{42}Schmeckebier, 57.
\textsuperscript{44}Schmeckebier, 56-58; and U.S. Wickersham Commission, \textit{Records}, 2:228-230.
\textsuperscript{45}William Whitney to Senator Wesley L. Jones, 29 November 1927, in Box 271, Folder 32, Wesley Jones Papers, University of Washington Library; Senator McNary to James Doran, 5 September 1928, and John P. Doyle to Secretary of the Treasury, 6 February 1929, in Joseph Linville Personnel File, NPRC; and John Madden to James Doran, 28 February 1928, John Madden Personnel File, NPRC.
old line agents serving on temporary appointments outnumbered the staff under civil service.\footnote{Schmeckebier, 60-62.}

In New York City, newly appointed Administrator Maurice Campbell was deluged by voices offering the names of eligibles. Not only were local Republican politicos particularly vocal but even Mrs. Willebrandt and Secretary Mellon suggested candidates for appointment. Commissioner Doran was especially solicitous of names put forth by U.S. Senator Charles Curtis and Charles Hilles of the Republican National Committee.\footnote{Maurice Campbell, The Daily Diary of Maurice Campbell, Federal Prohibition Administrator for the Eastern District of New York from July, 1927 to June, 1930," Typescript, 4 April 1928 entry, vol. 1, New York Public Library Manuscript Collection.} As the presidential race quickened in the summer of 1928, General Andrews' successor, Seymore Lowman, informed Campbell that New York City was too dry, that a little real beer would ease parched political throats. Lowman wanted no trouble from powerful Republican Wets and ordered Campbell to remove the warehouse-gaugers from local breweries. Campbell had no choice but to comply.\footnote{Campbell, Daily Diary, 10 August 1928 and 23 September 1928 entries, vol. 2, New York Public Library.} In November 1928, following Herbert Hoover's presidential victory, Campbell watched as Commissioner Doran unknowingly shared a car with a notorious New York bootlegger.\footnote{Campbell, Daily Diary, 8 November 1928 entry, vol. 2, New York Public Library.} Politics, Campbell observed, remained inextricably entwined with enforcement.

Assistant Secretary Lowman quickly lost his image as country squire when he told the United Press in September 1927 that bribery and corruption were so rampant in his organization that his hand grew numb just signing the orders of dismissal. As if that were not enough, Lowman further antagonized the Treasury in a speech in Buffalo, where he remarked that it would require an army of 30,000 Prohibition agents to clean up.
up New York State. Lowman's freewheeling manner led Secretary Mellon to hastily evoke a Treasury order banning statements to the press without prior approval, and Commissioner Doran was assigned to attend all future press conferences and speak in Lowman's stead. "Whatever the failings of Andrews," commented the Newark News, "he did not play politics and he did not consciously attack the morale of his own organization."\(^5\)

Amid the turmoil of reorganization and reclassification, General Andrews' name faded from public view. After leaving the Treasury Department on August 1, 1927 he involved himself with the rubber trade, first as director-general of the Rubber Institute and later as chairman of the board of the International Development Corporation in New York City. Elmer Irey of the Intelligence Unit heard that Andrews lost most of his savings in the stock market crash of 1929. After Andrews' retirement from active life, he divided his time between Burlington and Grand Isle, Vermont; then moved to a nursing home in Winooski, Vermont. He died in the Veterans Hospital in Northampton, Massachusetts on November 25, 1950 at age 83, leaving a wife, a son, and two brothers.\(^5\) In a personal brief filed with the West Point Alumni Foundation near the end of his life, Andrews listed his distinguishing personal characteristics: "Irreverence for traditions, conventions, formal ceremonies, etc., - with joy in 'The Adventure of Life' and Mankind's spiritual uplift!"\(^5\)

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\(^5\) "Lincoln Clark Andrews," Assembly (April 1952); "Lincoln Clark Andrews, Class 1893," Personal History Brief, Register of Graduates, United States Military Library, West Point.
Six months before Andrews' resignation, the U.S. Bureau of Efficiency issued a stinging indictment of his administrative style, criticizing his failure to put important changes in writing. The names of the newly appointed Administrators in August 1925 had been officially announced through the national press; the creation of the post of Chief Prohibition Investigator had left only an oral legend in its wake. "No departmental order," wrote the Bureau of Efficiency, "carefully thought out, describing precisely the new organization to be created and allocating definitely the functions to be performed was prepared."¹ Andrews' much vaunted reorganization, claimed the Bureau of Efficiency, was little more than administration by press release.

The report found that Andrews, while pursuing a policy of decentralization, had subverted the autonomy of district Administrators by creating six special units under A. Bruce Bielaski; Chief Prohibition Investigator Walton Green; the supervisors of alcohol, wine, and beer control; and Alf Oftedal on the west coast. (At one point Andrews even employed the services of a detective agency in New York City to shadow agents of the New York Prohibition office.)² These special units followed progressive theory by assigning agents of proven ability to specialized tasks, but in practice undercover operations clashed with decentralized enforcement. The special squads not only had overlapping jurisdictions but violated the territory of the district Administrators, sowing discord and suspicion. By the spring of 1926 no one in Washington, D.C. retained overall command of the several competing squads of undercover agents. According to

²Reeves, Ol' Rum River, 218.
the Bureau of Efficiency, "the lack of instruction, coordination and control and the
absence of genuine intelligence as to what these agents are actually accomplishing in the
field are deplorable."³

While the Bureau of Efficiency's conclusions were based on fact, they failed to
take into account the essentially experimental nature of Prohibition enforcement. With no
prior model to serve as guide, the Prohibition Unit resorted to continuous
experimentation in policies, territory, and personnel. So rapid was the evolution in
practices and procedures that Andrews was forced to resort to verbal commands for the
sake of speed and efficiency. In a region extending from Boston to Savannah, from
Washington, D.C. to Chicago, face-to-face meetings took place between Prohibition
officials after a day's train travel. Only with the more distant districts in the far west was
lengthy, written correspondence necessary. Announcements of policy changes by press
release not only allowed information to be distributed to all areas of the country at
telegraphic speed but served to bolster public interest in federal enforcement initiatives.

By 1926 Prohibition was one of the fastest growing areas of American
jurisprudence. Each month, hundreds of decisions were handed down by district courts
in cases dealing with maritime law, search and seizure, property forfeiture, and
entrapment. The evolution of legal precedent was so rapid that even Mrs. Willebrandt's
office in the Justice Department lagged as much as two years behind the latest
innovations in bootlegging. In 1925 and 1926, when diversion of industrial alcohol
constituted the principle source of illicit liquor, her attorneys were still busily
prosecuting maritime smugglers.⁴ The Coast Guard was even more overwhelmed and

³U.S. Bureau of Efficiency, "Report on Prohibition Unit."
adopted the practice of seizing any vessel at any distance from the American coastline on the theory that the courts could rule later on the issue of constitutionality.

One of Andrews' outstanding innovations not mentioned by the Bureau of Efficiency was his stipulation that one Assistant Administrator in each district be a trained attorney. Many of the better districts already retained legal counsel but the universal appointment after 1925 of men with legal experience satisfied Mrs. Willebrandt's request that Prohibition cases be better prepared. Trained attorneys were also better able to fathom the multitude of mimeographed directives issued from headquarters that carried the force of law.5

The Bureau of Efficiency criticized Andrews for not reducing the mysteries of enforcement to a set of static procedures but Prohibition was the largest peace-time effort at social control in American history, the herding of tens of thousands of violators by some 1,600 federal drovers along the trail of temperance. Before Andrews' arrival, political interests had given the highest positions to those with the least experience: a newspaperman (Haynes), a druggist (Levi Nutt in narcotics), a southern "revenooer" (Yellowley), and an agricultural clerk (Jimmy Jones). Many of those overseeing Prohibition policy had not the slightest comprehension of the complexities of enforcement.6

General Andrews' appointment in 1925 added sorely needed experience in military logistics and command. By preference and training he was a hired gun, a soldier of fortune who had taught close order drill to the New York national guard, delicacy to the military police, and regularity to the bankrupt New York transport system. His new assignment with the Prohibition Unit was to instill honesty and efficiency. Andrews'

5William Whitney to Wesley L. Jones, 23 November 1928, Folder 13, Box 272, Wesley L. Jones Papers, University of Washington Library.
6Reeves, Of Rum River, 50.
view of modern efficiency was based on innovation and the belief that new stratagems must be tested pragmatically in the field. Critics chastised him for constantly tinkering with the boundaries of enforcement districts but if enforcement were to succeed, adjustments had to be made as bootleggers opened new territories and formed new alliances.⁷

Turnover, admittedly, was higher than in any other agency of government, but Haynes, not General Andrews, held the record for administrative turmoil. Under Haynes, 184 officials passed through the posts of Director and Assistant Director between December 1920 and September 1925.⁸ In 1921, when the Republicans assumed control of enforcement, 75 percent of the Prohibition service was dismissed, another 47 percent departed in 1922. Thereafter the annual turnover stabilized at 28 percent until Andrews' arrival, when turnover rose to 48 percent in 1926 and thereafter declined.⁹ Arrest rates fell immediately after each reorganization, but, viewed within the 150-year time frame preferred by dry visionaries, these were no more than bouts of colic in the infancy of a great enforcement machine.

Some victories in the control of illicit alcohol were won under Andrews' tenure. According to Treasury Department statistics, the number of prescriptions for medicinal whiskey declined by one and a half million.¹⁰ Exports of industrial alcohol to foreign countries (frequently smuggled back into the United States) all but ceased.¹¹ Nationally, the consumption of wine for sacramental purposes was cut by nearly 75 percent.¹²

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⁸Ibid., 2:197-198.
¹¹Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors December 1933, Table 14.
¹²Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors December 1930, Table 42.
other fronts, Andrews was less successful. The number of suspect denaturing plants increased and 1927 saw the largest theft of liquor from a bonded warehouse in Prohibition history. Industrial use of specially denatured alcohol continued to climb. Consumers, legal and illegal, of specially denatured alcohol showed no notice of Andrews' presence other than to shift to new denaturants, in sharp contrast to withdrawals of completely denatured alcohol which fell after 1926 due to a recession in the chemical industry. Any reduction in legitimate use also undercut illicit use and the downward trend in releases of completely denatured alcohol would continue under Commissioner Doran, who would claim in 1930 that illegally distilled alcohol had finally replaced diverted industrial alcohol as the national drink. Diverted alcohol in 1930, according to Doran, accounted for a mere 7 percent of the nation's drink compared to 40 percent supplied by organized bands of illicit distillers. Bootleggers, as Andrews had predicted, had shifted their operations from diversions to clandestine distilling with a consequent rise in liquor violence.

According to a 1927 survey conducted by the American Bar Association there was little violence in the liquor trade when Andrews left office. In an effort to discover whether criminal gangs active in gambling, commercial prostitution, and organized theft had extended their control to intoxicating liquor, the Bar Association distributed questionnaires to governors, law enforcement officials, and newspaper editors in 68 cities with populations of 100,000 people or more. Usable reports were returned by all but three. The results were surprising. "In a large majority of the cities," the Bar Association reported, "the replies from all correspondents were in agreement on the

13Treasury Department, Bureau of Industrial Alcohol, *Statistics Concerning Intoxicating Liquors* December 1933, Table 41.
14Rayburn D. Tousley, *The Economics of Industrial Alcohol* (Pullman, WA: The State College of Washington, 1945), Table II.
proposition that the liquor business was not organized, was not particularly influential in local politics, and had no effect upon the criminal situation." In most large cities the manufacture and distribution of illicit liquor was in the hands of newcomers, independents without previous criminal records, who had few connections with rings trafficking in women, gambling, and narcotics. There were notable exceptions: New York, Pittsburgh, Washington, D.C., Detroit, Chicago, San Francisco, and Oakland. But these "centers of infection" were balanced by Boston, Hartford, Baltimore, Milwaukee, and St. Louis, where there was little attempt to suppress the liquor traffic and murder and professional crime seemed to be on the decrease. "We state clearly that in a large majority of the cities from which we have received information, prohibition is not responsible for the present serious professional crime problem," the Bar Association concluded. "Most of our replies report that no such alliance exists." To the question whether the forces of organized crime had been strengthened by profits from illicit liquor, 59 respondents replied in the negative; 8 in the affirmative.

According to the American Bar Association, the legalization of malt extract, or "wort," had actually democratized illicit brewing in Buffalo by 1927. In Buffalo the big breweries preferred to produce wort which was legal and required no police payoffs. The wort was then sold to small entrepreneurs who added yeast and water and brewed beer in tanks hidden in garages and commercial buildings. Family breweries produced an estimated 6,000 barrels a week in Buffalo, another 3,000 in the surrounding countryside. With ample supplies of Canadian liquor arriving daily across the International Bridge by 1927, the liquor situation in Buffalo was too fragmented for either the local Prohibition Administrator to curtail or for local gangs to organize.17

17 Ibid., 22-23.
In the nature of the underground economy, if sources remained plentiful neither organized criminals nor Prohibition agents could make inroads. The violence popularly associated with Prohibition, if not an exaggeration of Hollywood gangster films, was probably a late development in the history of Prohibition, the result of a shift to wildcat distilling accompanied by falling prices and a contracting market during the Great Depression. The successful bootlegger of Andrews' day relied upon lawyers and politicians for protection, not youthful hoodlums.  

The claim that enforcement "broke down" in the mid-1920s gives too much credit to coercive police control. Enforcement alone could never have made the nation dry if Americans were determined to drink. Only as long as citizens refused to patronize bootleggers, did the number of violations remain small. When public attitudes changed, arrests rose. But arrests had little effect on consumption. Arrest rates were probably more dependent on the number of agents in the field than the number of active bootleggers. When the field force stabilized at around 1,600 agents in 1923, annual arrests for bootlegging leveled off to an average of 66,000 people per year (see Figure 5). More agents would have led to more arrests but not necessarily to less drinking.

March of progress historians deplore the lost opportunity to make America dry but the nobility of their sentiment obscures the fact that there was never a real possibility that Americans would stop drinking given their long history with alcohol. Mabel Walker Willebrandt understood that Prohibition, like other behavioral legislation, would make little progress if widely violated by a substantial minority. If drinking refused to remain a fringe activity, if it reasserted itself among the wealthy and middle classes, then no amount of enforcement could push it back into the shadows. At first violators felt a modicum of guilt but in time the term "my bootlegger" joined a list that included "my

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18 For an analysis by an European criminologist of organized bootlegging see Grassberger, Gewerbs- Und Berufsverbrechertum in den Vereinigten Staaten von Amerika, 161.
Fig. 5  Number Of Persons Arrested By Federal Agents, 1921 - 1929
(Statistics Concerning Intoxicating Liquor 1930, Table 44)
doctor," "my lawyer," and my "tobacconist." As one drinker confessed to readers of Collier's:

My bootlegger used to be a good citizen. So did I. He respected and obeyed the law. As I did. Before the Volstead enactment he would never have considered taking part in any furtive or forbidden trade; not any more than I would.... We represent, I suppose, an abnormal condition of the body politic. My bootlegger is the symptom of it. I, I suspect, am the disease.19

When a reporter in Seattle in 1926 conducted an informal poll of 100 people on the street, the response reflected a deep contradiction in the American psyche. To the question, "Do you ever take a drink?" 66 people replied yes; a ratio of nearly 2 to 1 against temperance. But in response to the question, "Do you believe in Prohibition?" he received replies 7 to 1 in favor of the Eighteenth Amendment.20 Many of those who supported Prohibition as a social good undermined its success by patronizing bootleggers. The debate between Wets and Drys had become deeply internalized by 1926, as a post-war society in search of consumer pleasures also nurtured a nostalgia for a more ethical past.

If Prohibition could not be repealed and could not be enforced then the clash of conflicting ethical values, frequently within the same person, became part of the human condition in Jazz Age America. Once historians acknowledge that the Eighteenth Amendment was doomed to failure, they might more profitably ask how Americans coped with Prohibition's hypocrisies, hysterias, and assaults on common sense. Prohibition produced a binge of national hypocrisy that lasted for more than a decade, undermined public respect for lawful and order, exacerbated friction between local and national authorities, and destroyed the Progressive belief in the ethical nature of man.

20Seattle Star, 27 December 1926.
Prohibition misused the police to engineer social change and promoted a national program of official mendacity that preached a doctrine of intolerance.

As a source of corruption and graft, Prohibition set police reform back a decade or more by engendering a subterranean economy that one expert in 1927 put at between $1 and $4 billion annually.\textsuperscript{21} Prohibition tarnished the reputation of the federal courts and institutionalized a system of wholesale plea-bargaining. At the same time, a national police force of thousands, including undercover spies and former criminals, drove enforcement violence upward. In 1927 a record 149 citizens were shot to death enforcing a federal statute that was only a misdemeanor.\textsuperscript{22}

Drinkers during Prohibition lived in the worst of all possible worlds. Under the pressure of enforcement there was a shift away from comparatively weak alcoholic beverages such as beer and wine to hard liquor with no corresponding communication between the generations as to how to drink responsibly and no assurance that what one purchased as reputable "booze" was not potentially harmful. In areas where alcohol was not readily available, people often drank to excess. Lakeside Hospital in Cleveland treated 154 people for alcoholic disorders between 1921 and 1926. Of those suffering from acute intoxication, more than half (63 percent) were found lying unconscious on the ground. Spree drinking coupled with hypothermia was a product of Prohibition.\textsuperscript{23}

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\textsuperscript{22}\textit{Congressional Record}, 71st Cong., 2nd sess., 1885.

\textsuperscript{23}Richardson and Blankenhorn, "New Clinical Aspects of Alcoholism," 170.
periphery of towns and cities where roadhouses flourished.\textsuperscript{24} Prohibition spread the deviant lifestyle of the red-light district and the tenderloin into middle-class districts in the form of beer flats, corner groceries, blind pigs, and shady soft drink parlors.\textsuperscript{25} The failure of enforcement remains one of the unwritten chapters in Prohibition history. More thoroughly researched and understood it might help us study and describe its later variant, the War on Drugs.

\textsuperscript{24}Walter C. Reckless, \textit{Vice in Chicago} (Montclair, NJ: Patterson Smith, 1969), 130.
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Washington Post
offices around the country as agents of proven ability failed to answer correctly the quirkily worded questions with the result that almost three-quarters of the field force failed to attain passing grades. In some areas college graduates scored higher than men with years of experience. Sixty percent of the New Orleans office failed the tests and Doran complained publicly that his agency would be ruined if it were forced to dismiss more than a thousand field agents. With only 1,978 names on the eligible list at the end of 1927, a second, revised examination had to be scheduled for December 1928.

Administrators and Assistant Administrators fared little better: a third of the 140 senior officials in the Bureau of Prohibition failed to pass oral examinations in judgment, mental ability, and fitness of character. As in 1925, many turned to prominent Senators to pressure the Civil Service Commission and its secretary, John P. Doyle, for rehearings. Most shared the belief that if they could only make the list of eligibles, then congressional influence would preserve their jobs. When a congressional attempt to place all incumbents automatically under civil service failed, the White House issued an executive order allowing the "temporary appointment" of all personnel who had been employed in the Prohibition service for two years or longer. By 1929 more than a third of the field force would still be temporary appointments. In northern New York, western Pennsylvania, Michigan, Colorado, Wyoming, and New Mexico the number of

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42 Schmeckebier, 57.
45 William Whitney to Senator Wesley L. Jones, 29 November 1927, in Box 271, Folder 32, Wesley Jones Papers, University of Washington Library; Senator McNary to James Doran, 5 September 1928, and John P. Doyle to Secretary of the Treasury, 6 February 1929, in Joseph Linville Personnel File, NPRC; and John Madden to James Doran, 28 February 1928, John Madden Personnel File, NPRC.
old line agents serving on temporary appointments outnumbered the staff under civil service.46

In New York City, newly appointed Administrator Maurice Campbell was deluged by voices offering the names of eligibles. Not only were local Republican politicos particularly vocal but even Mrs. Willebrandt and Secretary Mellon suggested candidates for appointment. Commissioner Doran was especially solicitous of names put forth by U.S. Senator Charles Curtis and Charles Hilles of the Republican National Committee.47 As the presidential race quickened in the summer of 1928, General Andrews' successor, Seymore Lowman, informed Campbell that New York City was too dry, that a little real beer would ease parched political throats. Lowman wanted no trouble from powerful Republican Wets and ordered Campbell to remove the warehouse-gaugers from local breweries. Campbell had no choice but to comply.48 In November 1928, following Herbert Hoover's presidential victory, Campbell watched as Commissioner Doran unknowingly shared a car with a notorious New York bootlegger.49 Politics, Campbell observed, remained inextricably entwined with enforcement.

Assistant Secretary Lowman quickly lost his image as country squire when he told the United Press in September 1927 that bribery and corruption were so rampant in his organization that his hand grew numb just signing the orders of dismissal. As if that were not enough, Lowman further antagonized the Treasury in a speech in Buffalo, where he remarked that it would require an army of 30,000 Prohibition agents to clean

46Schmeckebier, 60-62.  
49Campbell, Daily Diary, 8 November 1928 entry, vol. 2, New York Public Library.
up New York State. Lowman’s freewheeling manner led Secretary Mellon to hastily evoke a Treasury order banning statements to the press without prior approval, and Commissioner Doran was assigned to attend all future press conferences and speak in Lowman’s stead. "Whatever the failings of Andrews," commented the *Newark News*, "he did not play politics and he did not consciously attack the morale of his own organization."50

Amid the turmoil of reorganization and reclassification, General Andrews’ name faded from public view. After leaving the Treasury Department on August 1, 1927 he involved himself with the rubber trade, first as director-general of the Rubber Institute and later as chairman of the board of the International Development Corporation in New York City. Elmer Irey of the Intelligence Unit heard that Andrews lost most of his savings in the stock market crash of 1929. After Andrews’ retirement from active life, he divided his time between Burlington and Grand Isle, Vermont; then moved to a nursing home in Winooski, Vermont. He died in the Veterans Hospital in Northampton, Massachusetts on November 25, 1950 at age 83, leaving a wife, a son, and two brothers.51 In a personal brief filed with the West Point Alumni Foundation near the end of his life, Andrews listed his distinguishing personal characteristics: "Irreverence for traditions, conventions, formal ceremonies, etc., - with joy in 'The Adventure of Life' and Mankind's spiritual uplift!"52

52 "Lincoln Clark Andrews," *Assembly* (April 1952); "Lincoln Clark Andrews, Class 1893," Personal History Brief, Register of Graduates, United States Military Library, West Point.
Six months before Andrews' resignation, the U.S. Bureau of Efficiency issued a stinging indictment of his administrative style, criticizing his failure to put important changes in writing. The names of the newly appointed Administrators in August 1925 had been officially announced through the national press; the creation of the post of Chief Prohibition Investigator had left only an oral legend in its wake. "No departmental order," wrote the Bureau of Efficiency, "carefully thought out, describing precisely the new organization to be created and allocating definitely the functions to be performed was prepared." Andrews' much vaunted reorganization, claimed the Bureau of Efficiency, was little more than administration by press release.

The report found that Andrews, while pursuing a policy of decentralization, had subverted the autonomy of district Administrators by creating six special units under A. Bruce Bielaski; Chief Prohibition Investigator Walton Green; the supervisors of alcohol, wine, and beer control; and Alf Oftedal on the west coast. (At one point Andrews even employed the services of a detective agency in New York City to shadow agents of the New York Prohibition office.) These special units followed progressive theory by assigning agents of proven ability to specialized tasks, but in practice undercover operations clashed with decentralized enforcement. The special squads not only had overlapping jurisdictions but violated the territory of the district Administrators, sowing discord and suspicion. By the spring of 1926 no one in Washington, D.C. retained overall command of the several competing squads of undercover agents. According to

2 Reeves, Ol' Rum River, 218.
the Bureau of Efficiency, "the lack of instruction, coordination and control and the absence of genuine intelligence as to what these agents are actually accomplishing in the field are deplorable."³

While the Bureau of Efficiency's conclusions were based on fact, they failed to take into account the essentially experimental nature of Prohibition enforcement. With no prior model to serve as guide, the Prohibition Unit resorted to continuous experimentation in policies, territory, and personnel. So rapid was the evolution in practices and procedures that Andrews was forced to resort to verbal commands for the sake of speed and efficiency. In a region extending from Boston to Savannah, from Washington, D.C. to Chicago, face-to-face meetings took place between Prohibition officials after a day's train travel. Only with the more distant districts in the far west was lengthy, written correspondence necessary. Announcements of policy changes by press release not only allowed information to be distributed to all areas of the country at telegraphic speed but served to bolster public interest in federal enforcement initiatives.

By 1926 Prohibition was one of the fastest growing areas of American jurisprudence. Each month, hundreds of decisions were handed down by district courts in cases dealing with maritime law, search and seizure, property forfeiture, and entrapment. The evolution of legal precedent was so rapid that even Mrs. Willebrandt's office in the Justice Department lagged as much as two years behind the latest innovations in bootlegging. In 1925 and 1926, when diversion of industrial alcohol constituted the principle source of illicit liquor, her attorneys were still busily prosecuting maritime smugglers.⁴ The Coast Guard was even more overwhelmed and

³U.S. Bureau of Efficiency, "Report on Prohibition Unit."
adopted the practice of seizing any vessel at any distance from the American coastline on the theory that the courts could rule later on the issue of constitutionality.

One of Andrews' outstanding innovations not mentioned by the Bureau of Efficiency was his stipulation that one Assistant Administrator in each district be a trained attorney. Many of the better districts already retained legal counsel but the universal appointment after 1925 of men with legal experience satisfied Mrs. Willebrandt's request that Prohibition cases be better prepared. Trained attorneys were also better able to fathom the multitude of mimeographed directives issued from headquarters that carried the force of law.\(^5\)

The Bureau of Efficiency criticized Andrews for not reducing the mysteries of enforcement to a set of static procedures but Prohibition was the largest peace-time effort at social control in American history, the herding of tens of thousands of violators by some 1,600 federal drovers along the trail of temperance. Before Andrews' arrival, political interests had given the highest positions to those with the least experience: a newspaperman (Haynes), a druggist (Levi Nutt in narcotics), a southern "revenooer" (Yellowley), and an agricultural clerk (Jimmy Jones). Many of those overseeing Prohibition policy had not the slightest comprehension of the complexities of enforcement.\(^6\)

General Andrews' appointment in 1925 added sorely needed experience in military logistics and command. By preference and training he was a hired gun, a soldier of fortune who had taught close order drill to the New York national guard, delicacy to the military police, and regularity to the bankrupt New York transport system. His new assignment with the Prohibition Unit was to instill honesty and efficiency. Andrews'  

\(^5\) William Whitney to Wesley L. Jones, 23 November 1928, Folder 13, Box 272, Wesley L. Jones Papers, University of Washington Library.  
\(^6\) Reeves, \textit{Ol' Rum River}, 50.
view of modern efficiency was based on innovation and the belief that new stratagems must be tested pragmatically in the field. Critics chastised him for constantly tinkering with the boundaries of enforcement districts but if enforcement were to succeed, adjustments had to be made as bootleggers opened new territories and formed new alliances.7

Turnover, admittedly, was higher than in any other agency of government, but Haynes, not General Andrews, held the record for administrative turmoil. Under Haynes, 184 officials passed through the posts of Director and Assistant Director between December 1920 and September 1925.8 In 1921, when the Republicans assumed control of enforcement, 75 percent of the Prohibition service was dismissed, another 47 percent departed in 1922. Thereafter the annual turnover stabilized at 28 percent until Andrews' arrival, when turnover rose to 48 percent in 1926 and thereafter declined.9 Arrest rates fell immediately after each reorganization, but, viewed within the 150-year time frame preferred by dry visionaries, these were no more than bouts of colic in the infancy of a great enforcement machine.

Some victories in the control of illicit alcohol were won under Andrews' tenure. According to Treasury Department statistics, the number of prescriptions for medicinal whiskey declined by one and a half million.10 Exports of industrial alcohol to foreign countries (frequently smuggled back into the United States) all but ceased.11 Nationally, the consumption of wine for sacramental purposes was cut by nearly 75 percent.12

8Ibid., 2:197-198.
11Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors December 1933, Table 14.
12Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors December 1930, Table 42.
other fronts, Andrews was less successful. The number of suspect denaturing plants increased and 1927 saw the largest theft of liquor from a bonded warehouse in Prohibition history. Industrial use of specially denatured alcohol continued to climb. Consumers, legal and illegal, of specially denatured alcohol showed no notice of Andrews' presence other than to shift to new denaturants, in sharp contrast to withdrawals of completely denatured alcohol which fell after 1926 due to a recession in the chemical industry. Any reduction in legitimate use also undercut illicit use and the downward trend in releases of completely denatured alcohol would continue under Commissioner Doran, who would claim in 1930 that illegally distilled alcohol had finally replaced diverted industrial alcohol as the national drink. Diverted alcohol in 1930, according to Doran, accounted for a mere 7 percent of the nation's drink compared to 40 percent supplied by organized bands of illicit distillers. Bootleggers, as Andrews had predicted, had shifted their operations from diversions to clandestine distilling with a consequent rise in liquor violence.

According to a 1927 survey conducted by the American Bar Association there was little violence in the liquor trade when Andrews left office. In an effort to discover whether criminal gangs active in gambling, commercial prostitution, and organized theft had extended their control to intoxicating liquor, the Bar Association distributed questionnaires to governors, law enforcement officials, and newspaper editors in 68 cities with populations of 100,000 people or more. Usable reports were returned by all but three. The results were surprising. "In a large majority of the cities," the Bar Association reported, "the replies from all correspondents were in agreement on the

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13 Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors December 1933, Table 41.
14 Rayburn D. Tousley, The Economics of Industrial Alcohol (Pullman, WA: The State College of Washington, 1945), Table II.
proposition that the liquor business was not organized, was not particularly influential in local politics, and had no effect upon the criminal situation." In most large cities the manufacture and distribution of illicit liquor was in the hands of newcomers, independents without previous criminal records, who had few connections with rings trafficking in women, gambling, and narcotics. There were notable exceptions: New York, Pittsburgh, Washington, D.C., Detroit, Chicago, San Francisco, and Oakland. But these "centers of infection" were balanced by Boston, Hartford, Baltimore, Milwaukee, and St. Louis, where there was little attempt to suppress the liquor traffic and murder and professional crime seemed to be on the decrease. "We state clearly that in a large majority of the cities from which we have received information, prohibition is not responsible for the present serious professional crime problem," the Bar Association concluded. "Most of our replies report that no such alliance exists." To the question whether the forces of organized crime had been strengthened by profits from illicit liquor, 59 respondents replied in the negative; 8 in the affirmative.

According to the American Bar Association, the legalization of malt extract, or "wort," had actually democratized illicit brewing in Buffalo by 1927. In Buffalo the big breweries preferred to produce wort which was legal and required no police payoffs. The wort was then sold to small entrepreneurs who added yeast and water and brewed beer in tanks hidden in garages and commercial buildings. Family breweries produced an estimated 6,000 barrels a week in Buffalo, another 3,000 in the surrounding countryside. With ample supplies of Canadian liquor arriving daily across the International Bridge by 1927, the liquor situation in Buffalo was too fragmented for either the local Prohibition Administrator to curtail or for local gangs to organize.17

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17 Ibid., 22-23.
In the nature of the underground economy, if sources remained plentiful neither organized criminals nor Prohibition agents could make inroads. The violence popularly associated with Prohibition, if not an exaggeration of Hollywood gangster films, was probably a late development in the history of Prohibition, the result of a shift to wildcat distilling accompanied by falling prices and a contracting market during the Great Depression. The successful bootlegger of Andrews' day relied upon lawyers and politicians for protection, not youthful hoodlums.  

The claim that enforcement "broke down" in the mid-1920s gives too much credit to coercive police control. Enforcement alone could never have made the nation dry if Americans were determined to drink. Only as long as citizens refused to patronize bootleggers, did the number of violations remain small. When public attitudes changed, arrests rose. But arrests had little effect on consumption. Arrest rates were probably more dependent on the number of agents in the field than the number of active bootleggers. When the field force stabilized at around 1,600 agents in 1923, annual arrests for bootlegging leveled off to an average of 66,000 people per year (see Figure 5). More agents would have led to more arrests but not necessarily to less drinking.  

March of progress historians deplore the lost opportunity to make America dry but the nobility of their sentiment obscures the fact that there was never a real possibility that Americans would stop drinking given their long history with alcohol. Mabel Walker Willebrandt understood that Prohibition, like other behavioral legislation, would make little progress if widely violated by a substantial minority. If drinking refused to remain a fringe activity, if it reasserted itself among the wealthy and middle classes, then no amount of enforcement could push it back into the shadows. At first violators felt a modicum of guilt but in time the term "my bootlegger" joined a list that included "my

18 For an analysis by an European criminologist of organized bootlegging see Grassberger, Gewerbs- Und Berufsverbrechertum in den Vereinigten Staaten von Amerika, 161.
Fig. 5 Number Of Persons Arrested By Federal Agents, 1921 - 1929
(Statistics Concerning Intoxicating Liquor 1930, Table 44)
doctor," "my lawyer," and my "tobacconist." As one drinker confessed to readers of Collier's:

My bootlegger used to be a good citizen. So did I. He respected and obeyed the law. As I did. Before the Volstead enactment he would never have considered taking part in any furtive or forbidden trade; not any more than I would.... We represent, I suppose, an abnormal condition of the body politic. My bootlegger is the symptom of it. I, I suspect, am the disease.

When a reporter in Seattle in 1926 conducted an informal poll of 100 people on the street, the response reflected a deep contradiction in the American psyche. To the question, "Do you ever take a drink?" 66 people replied yes; a ratio of nearly 2 to 1 against temperance. But in response to the question, "Do you believe in Prohibition?" he received replies 7 to 1 in favor of the Eighteenth Amendment. Many of those who supported Prohibition as a social good undermined its success by patronizing bootleggers. The debate between Wets and Drys had become deeply internalized by 1926, as a post-war society in search of consumer pleasures also nurtured a nostalgia for a more ethical past.

If Prohibition could not be repealed and could not be enforced then the clash of conflicting ethical values, frequently within the same person, became part of the human condition in Jazz Age America. Once historians acknowledge that the Eighteenth Amendment was doomed to failure, they might more profitably ask how Americans coped with Prohibition's hypocrisies, hysterias, and assaults on common sense. Prohibition produced a binge of national hypocrisy that lasted for more than a decade, undermined public respect for lawful and order, exacerbated friction between local and national authorities, and destroyed the Progressive belief in the ethical nature of man.

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20Seattle Star, 27 December 1926.
Prohibition misused the police to engineer social change and promoted a national program of official mendacity that preached a doctrine of intolerance.

As a source of corruption and graft, Prohibition set police reform back a decade or more by engendering a subterranean economy that one expert in 1927 put at between $1 and $4 billion annually.\textsuperscript{21} Prohibition tarnished the reputation of the federal courts and institutionalized a system of wholesale plea-bargaining. At the same time, a national police force of thousands, including undercover spies and former criminals, drove enforcement violence upward. In 1927 a record 149 citizens were shot to death enforcing a federal statute that was only a misdemeanor.\textsuperscript{22}

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\textsuperscript{22}Congressional Record, 71st Cong., 2nd sess., 1885.

\textsuperscript{23}Richardson and Blankenhorn, "New Clinical Aspects of Alcoholism," 170.
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\[24\text{Walter C. Reckless, } \textit{Vice in Chicago} \text{ (Montclair, NJ: Patterson Smith, 1969), 130.}\]
\[25\text{Walter W. Liggett, } "\text{Minneapolis and Vice in Volsteadland,}" \textit{Plain Talk} \text{ (April 1930): 391.}\]
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