

**WET-DRY, SILVER-LEAD**

BY

ANDREW C. MCLAUGHLIN III

PRESENTED TO THE CHIT CHAT CLUB

SAN FRANCISCO, CALIFORNIA

JUNE 14, 2010

## WET-DRY, SILVER-LEAD

Andy McLaughlin, June 14, 2010

Tonight I am going to talk about Prohibition. I want to make two points about the movement that may surprise you, and then at the end, I want to talk about it in relation to our drug policy today.

Most people believe that Prohibition sprang from the country's Puritanical origins and from the culture which that Puritanism developed. That combined with the Progressive movement led by Teddy Roosevelt which emphasized purity and the destruction of the corrupt alliance between business, vice, and politics. To have a healthy and corrupt free population was especially important as we entered W.W.I. However, I don't think that either our Puritanical roots or the Progressive movement was the key to the success of the Prohibition movement.

In our history, there have been two periods when the temperance forces were significant political forces: in the 1850's and in the twenty or so years leading up to the passage of the 18th Amendment in 1919. In the 1840's the potato famine hit Ireland, and in that decade, 25% of Ireland's population migrated to the U.S. and brought with them the Roman Catholic religion. That religion, of course, uses wine in every mass

and transforms wine into the blood of Christ. Those who felt threatened by Catholicism, in part because it recognizes a different authority centered in Rome, could use temperance to attack the Catholic immigrants. In fact, the arrival of the Irish led to significant social dislocations including urban rioting, the most significant of which were the Philadelphia Riots of 1844.

In 1850, Maine passed the first prohibition law and by 1860, twelve other states had passed prohibition laws. In other words, by 1860 approximately half of the states in the union had prohibition laws.

It is interesting to note that the Civil War served to integrate the Irish quickly and quite completely because they fought in large numbers in the Union forces, and they were among the best soldiers in the Union armies. By 1865, nearly all these prohibition laws were repealed.

It took some time after the Civil War before immigration began to pick up again, but by 1890, it was in full swing. Between 1890 and 1914, fifteen million immigrants landed in the U.S. Most settled in the big cities on the East coast. Of equal importance, most came from south and eastern Europe: Austro-Hungarians, Romanians, Lithuanians, Greeks, Italians, Jews, and even Turks. Many saw them not only as culturally different, but also as racially different. The earlier immigrants had come

largely from north and western Europe (even the Irish), and they were Celtic, Anglo-Saxon, Germanic. The new immigrants were Slavic and Mediterranean, and they were drinkers.

But so was everyone else, including most of the members of Congress and the state legislatures. So why the 18th Amendment? As I mentioned, part of the impetus for Prohibition came from the Progressive movement. Progressives believed that Prohibition would break up an unsavory business combination and, at the same time, benefit the poor and the working classes. They saw it, in other words, as part of a larger social program. However, I believe the more important impetus came from elsewhere.

In 1917, the Prohibition Resolution passed the House 282-128, yet the representatives from Chicago voted six to two against the measure and those from New York twenty to two against it. The two negative votes of the Michigan delegation came from Detroit, the 3 negative votes of the Missouri delegation from St. Louis. Four of the six representatives from Philadelphia voted against Prohibition. In all, representatives from the nation's thirty largest cities (using the 1920 census figures) voted sixty-two to eighteen against the Eighteenth Amendment while the House as a

whole voted for it by greater than two-thirds majority. If the Progressive movement was basically an urban phenomenon as Richard Hoftstadter has asserted then it becomes very hard to call Prohibition, which was, at least politically, so obviously a rural program, a progressive reform.

In fact, I think that the Prohibition movement can be seen more clearly as a symbol, a striking symbol, of the bitter struggle between older, rural America and new urban, immigrant America. As one writer said, "For the old America of the villages and the farms distrusted the new America of the urban immigrant masses. Prohibition was the final victory of the defenders of the American past. On the rock of the 18th Amendment the village made its last stand."

What was there in the culture of rural America which attracted it to prohibition? There was both a system of values and an institution which reflected and reinforced those values. These values had been carried over from the nineteenth century and expressed the requirements of a society emphasizing production and stressing the need for delayed gratification. Self-control, reserve, industriousness, and abstinence were paramount virtues. Abstinence from alcoholic beverages was a necessary part of this scheme of values. These values were embodied in the code of

ethics preached by the Protestant churches, especially the evangelical sects which dominated rural America. "The main supporters of prohibition were the Methodist, the Baptist, the Presbyterian, and the Congregational churches, aided by the smaller Disciples of Christ, Christian Science, and Mormon religious groups. Four out of five of the members of these churches lived in small towns or in the countryside...." Anti-liquor agitation had been a stock-in-trade for these churches for more than a century. Evangelists, such as Billy Sunday, delivered sermons against "booze" regularly as they had done for generations. James B. Finley, a Methodist preacher working in the Ohio valley in the first half of the 19th century, "regarded alcohol as the most powerful enemy he had to encounter....Cartwright (a fellow evangelist) and Finley were representative of scores of clergymen, in the East as well as West, who were associating temperance work with pastoral ministrations." The long tradition of preaching the values of temperance hardened into an irrevocable commitment.

The values championed by the evangelical sects were challenged, after 1900, by three developments. First, a maturing economy created large organizations which threw large numbers of men into close contact

and put increased emphasis on such virtues as affability, sociability, and tolerance of others in direct contrast to the virtues of individual reserve and drive accented earlier. A maturing economy also produced an abundance of goods which had to be consumed and hence it put a greater premium on consumption than on production. Indulgence, rather than abstinence, became a virtue in this consumption-oriented society. Second, the growth of secularism and cosmopolitanism, especially in the expanding urban areas, weakened the moral leadership of the Protestant churches. Third, the rapid growth of the Roman Catholic and Jewish congregations, fed by the immense immigration from southern and eastern Europe in the last decades of the 19th century and the first decade of the 20th century, presented alternative moral authorities to Americans. As the major cities of the country became increasingly influenced by secularism, Roman Catholicism and Judaism, Protestant Christianity sought to assert its values against the spokesmen of secularism and to distinguish its values from Catholic and Jewish values. Temperance was not very useful in this respect because society, in general, acknowledged its desirability. Prohibition, however, was very useful. Neither the Catholic Church nor the various wings of Judaism would officially sanction prohibition. Neither

agreed that drinking, per se, was sinful. The secularists, of course, agreed the drinking was not a sin. Prohibition, therefore, could serve as a symbol of the difference between Protestantism, on the one hand, and Catholicism, Judaism, and secularism, on the other hand. It was a particularly good symbol for the Protestants because of the long tradition behind it. It certainly could not come as a surprise to any Protestant when his church began to stress prohibition and to join in a national campaign to rid the country of Demon Rum.

As one author put it, Prohibition was an important symbol, not an important social program. "The 18th Amendment was one of the last victories of the village pulpit against the factory proletariat, of the Corn Belt against the conveyor belt." Prohibition was a moral law, and it was intended to symbolize the dominance of a particular set of values. Specifically, it was intended to symbolize rural, native, Protestant values as against urban, immigrant, non-Protestant values. It was the symbol that the village pulpit, the farm, and the virtues of the yeoman were still triumphant in the New World.

"The 18th Amendment was the high point of the struggle to assert the public dominance of old middle-class values. It established the



victory of Protestant over Catholic, rural over urban, tradition over modernity, the middle class over both the lower and upper strata....The establishment of Prohibition laws [can be seen] as a battle in the struggle for status between two divergent styles of life. It marked the public affirmation of the abstemious, ascetic qualities of American Protestantism."

In the context of the first three decades of the 20th century, it provided a declining social class with evidence that it was still influential. The values of the old middle class were losing their relevance during these decades, writes Gusfield, The old middle class dominated a culture "in which self-control, industriousness, and impulse renunciation were both praised and made necessary." A sober and abstemious life was part of this value system. After the turn of the century, steadily less value was placed on these demands. In their place came a demand for "teamwork where tolerance, good interpersonal relations, and the ability to relax oneself and others are greatly prized. Abstinence has lost much of its utility to confer prestige and esteem."

Prohibition derived its importance from its role as the symbol of a conflict between two cultures. The issue of Prohibition was certain to be prominent in the twenties since clashes between cultural groups were

especially conspicuous in that decade. The struggle that went on in the Democratic party, especially in 1924, was one example of these clashes. The rapid growth of the Ku Klux Klan to positions of considerable power in a number of states and the acrimonious battles between the Fundamentalists and the Modernists, between the evolutionists and the antievolutionists were other indications that the ethnic and cultural divisions were deep during this period. One phase of this war ended with the passage of the Immigration Act of 1924, but the war flared again in 1925 in Dayton, Tennessee and in the presidential campaign of 1928.

Satire was one of the more potent weapons used against Prohibition in this cultural battle in the 1920's. Well known figures such as Sinclair Lewis, Fiorello La Guardia, and especially, H.L. Mencken used it extensively, relentlessly, and often unfairly to turn groups like the WCTU which had been seen as symbols of middle class rectitude into bigoted, ignorant yokels who represented a lower form of life. Mencken was particularly adept at this. As one writer put it: By prodigious skill he managed to insult everyone but his readers. He flattered them by kindling a sense of disgust; his ferocious attacks on Babbitry implied that his readers were all Superior Citizens...." Mencken's technique was

simple: he inverted conventional prejudices. To a Protestant America, he proclaimed himself a Nietzschean; to a moral America, an atheist; to the Anti-Saloon League mind, a devotee of the fine art of drinking; to a provincial America, a citizen of the world....Mencken was Civilization Incarnate. Every Babbitt read him gleefully and pronounced his neighbor a Babbitt. " In the twenties, Mencken became the leader of a group of Americans who regarded themselves as educated, sophisticated, and cosmopolitan. Mencken and his followers characterized the enemy as boobus Americanus - Methodist, Ku Kluxers, prohibitionists, yokels.

Mencken saw himself and his cohorts as beleaguered in a few cities gamely holding out against the massive forces of the American hinterland.

Mencken wanted to believe that he was engaged in a great cultural war and the reaction of the Methodists, Fundamentalists, and others whom he attacked gave him every reason to believe that he was.

I would argue that it is wrong to see Prohibition as a do-good movement, as a drive to rid America of Demon Rum. It was rather evidence that one culture, which was dominated by the evangelical, especially Methodist, churches and centered in rural America, especially the Bible Belt, and supported by members of both parties, had won a

significant, if temporary, victory. It is interesting to note that Baptists, Methodists, and other fundamentalist sects were dry by percentages of sixty percent or more as late as 1957.

Was Prohibition a success? Obviously it failed in its effort to rid the country of alcoholic beverages. By the middle of the 20's, alcohol consumption had returned to what it was prior to the adoption of the 18th Amendment. Furthermore, the 18th Amendment was repealed in 1933. How can one argue that Prohibition was a success?

The reason that many believe that Prohibition was a success is that it destroyed an institution which never reappeared on the American scene. The principal dry organization was the Anti-Saloon League, not the Anti-Liquor League. The Anti-Saloon League was founded in 1893. Not until 1913 did it adopt national Prohibition as a goal. Initially, the League insisted that it was against the saloon and not for prohibition. The saloon had become an important institution, particularly in the big cities of the East in that critical quarter century between 1890 and 1914. By 1900, there were more than 100,000 legal saloons, nearly all in the Eastern cities. Temperance was an issue in which the two great cities of California stood at odds. As San Franciscans, you can point with pride to the over 400

saloons which San Francisco had in a forty-block section, whereas Los Angeles prided itself in having more churches than saloons. California did not become a dry state until the 18th Amendment passed in 1919. Over half of the population of Boston and Chicago paid a daily visit to the saloon. For the small-town native American Protestant, the saloon epitomized the social habits of the newly-arrived immigrant population.

In the course of the twenties, the speakeasy replaced the saloon, but it was a different institution. The saloon had been a drinking establishment largely reserved for men. The speakeasy generally had nearly as many women as men in it. The saloon had catered to the working classes in the urban areas. It was especially important to the immigrant poor, and each ethnic group tended to have its own saloons. These saloons provided the poor with recreational facilities, free lunches, and a warm, conformable place to relax and socialize. They also acted as employment agencies, labor organizing halls, and a point of contact with the political machine. The post-1920 drinking establishment was a marked contrast. The speakeasy was frequented by the well-to-do for a number of reasons. Liquor became expensive, membership fees were often charged at the door, suits and evening clothes were expected, and

speakeasies were often located in the more affluent sections of the city. Furthermore, the speakeasy did not provide the incidental, but vital services provided by the saloon. The speakeasy often supplied food and entertainment, but such things were never free, and it never performed the social and economic services which the saloon did. The abolition of the saloon, therefore, wrought considerable social change. It eliminated an institution which had provided economic and social services to the immigrant. The saloon also often included the local headquarters of the Democratic party and was the local arm of powerful political machines like Tammany Hall, the Pendergast machine, and many others, always located in major cities. Nothing comparable to the saloon ever appeared on the American landscape again.

I want to close by talking , for a few minutes, about the relation between Prohibition and our present drug laws. It seems to me that a general consensus exists that our drug laws should remain in place, with the possible exception of the ban on marijuana. This consensus rests on the premise that drugs, again with the possible exception of marijuana, are bad for you, and therefore, ought to be banned. I remind you that lots of things are bad for you. Smoking is bad for you, and it is legal. Overeating

is bad for you, and it is legal. Eating lots of fatty foods is bad for you, and it is legal. The question is not whether taking drugs is bad for you; it is whether the use of drugs will increase if the use is legalized. Here is where our experience with Prohibition is useful.

Alcohol consumption did go down in 1921, but that may have had more to do with the depression of that year than it did with the passage of the 18th Amendment. By the end of the twenties, alcohol consumption had risen to a point well above what it was immediately prior to the beginning of Prohibition and about what consumption was in 1915. What is more important and more revealing is that alcohol consumption hardly increased at all with the repeal of Prohibition. It is clear that by the end of the twenties, anyone who wanted to drink could drink. I would argue that anyone who wants to use drugs today can get drugs. The question that has to be answered by anyone who supported Prohibition or by anyone who supports the present ban on drugs is what is the cost to society. Again our experience with Prohibition is helpful.

One author has coined what he calls the "Iron Law of Prohibition" which states that the more intense the law enforcement, the more potent the prohibited substance becomes. This law encompasses a

couple of ideas. First, the tighter the enforcement of the law the more attractive it becomes to those who find it exciting to engage in illegal activity. Second, the tighter the enforcement the more expensive it becomes to evade capture, and therefore, the more incentive producers and sellers have to produce and to sell higher priced products. "Most estimates place the potency of prohibition-era products at 150+ percent of the potency of products produced before or after Prohibition."

Two things happen when society tries to ban something that many in that society want. First, a very profitable industry is created. Second, everyone in the industry is defined as a criminal. Suddenly, you have a bunch of criminals making a lot of money. Supply is constricted and distribution becomes much more expensive, and the cost of the banned product increases, probably steeply. This leads to ancillary crimes, such as robberies and burglaries, to finance the purchase of this now expensive product. The homicide rate increased from 5.6 per 100,000 during the first decade of the twentieth century to 10 per 100,000 in the twenties, an almost twofold increase. Furthermore, the homicide rate declined steadily throughout the thirties, after the repeal of Prohibition. Other crimes, such as thefts, burglaries, DUI's, all increased significantly throughout the



twenties.

Of equal significance is the fact that crime became more highly organized in the twenties. Distribution channels stretched from Detroit in the north to New Orleans in the south, from coastal cities inland, and from city centers to outlying areas. For example, Hugo Black, then a prosecutor in Alabama, established that Mobile's bootleggers had business relationships with mobsters in Detroit and Chicago. Conferences were held where mobsters would work out territorial exclusivity. Some "hardened into formal relationships, such as the cartel established by Lansky and his fellow New Yorker, Lucky Luciano, Abner "Longy" Zwillman of Newark, Charles "King" Solomon of Boston, Daniel Walsh of Providence, and a few others who together would control the entire bootleg business from Boston to Philadelphia." This cartel, and others like it, fixed prices; they did not have to worry about the Sherman Anti-Trust Act, and the fixed prices were high. It is noteworthy that these mobsters were young. All, including Al Capone, were in their twenties. My guess is that the men who run the Mexican cartels are also very young.

The cost of banning drugs is high. It produces ancillary crime because the price of drugs is artificially high; it allows criminal elements to

become very rich, very powerful, and well organized. Perhaps the highest cost is the threat of public corruption. Certainly Prohibition increased public corruption in the United States. It is ironic that the Progressives believed that Prohibition would reduce corruption by breaking up the unsavory connection between the beer and spirits business and the political world. In fact, corruption increased markedly. Commissioner of Prohibition Henry Anderson concluded that "the fruitless efforts at enforcement are creating public disregard not only for this law but for all laws . Public corruption through the purchase of official protection for this illegal traffic is widespread and notorious. The courts are cluttered with prohibition cases to an extent which seriously affects the entire administration of justice." A Philadelphia grand jury uncovered vast corruption in the Philadelphia police force. Investigations showed that captains and inspectors who were making \$2500 to \$ 4000 per year in salary had bank accounts of \$200,000 and more. One mob didn't even feel the need to disguise its books. It had an item "cops: \$29,400."

The extent to which the ban on drugs has corrupted American public life is unclear. At this time, the damage is probably not too great. That cannot be said of the country to the south of us. There is an

interesting, but depressing, article in the May 31st New Yorker on the situation in Mexico. More than twenty-three thousand people have died in Mexico's drug war in the last three years. Large areas of Mexico are under the control of the drug gangs (or cartels, as they are often mistakenly called). Truckloads of gang members will drive up to local police stations and offer the police a choice: cooperate and you will be paid or refuse to cooperate and you, and what is particularly threatening, your wife and your kids and, maybe your mother and father, will be killed. Dismembered bodies with messages attached are often found in city centers or along country roads. The messages say "talked too much" or "learn to respect" or something similar which suggests that anything less than full cooperation is fatal. In certain areas, the corruption is so complete that the populace simply assumes that the police are just an extension of the local drug gang. Unfortunately, the corruption reaches into the higher levels of the Mexican government. In addition, there is some evidence that the Mexican gangs have moved north onto Indian reservations in the U.S. Despite the efforts of Felipe Calderon and his government and despite substantially greater U.S. military and intelligence aid, the situation in Mexico has not improved, and the longer Mexico goes without resolving

the problem, the more serious the issue becomes for us.

I would argue that until you take the money out of the drug business, the problem will remain unsolved. There is simply too much money to be made in the business today. Tighter enforcement only increases the price of the goods which produces higher profits which buys more influence which leads to greater corruption. Tighter enforcement can also produce bad results. Mexico was not a major route drug route for South American drugs until the drug route through Florida was effectively sealed. Faced with severe difficulties in getting their drugs to market through Florida the drug gangs turned to Mexico. We are now faced with a more serious problem. The stability of the Mexican nation is of much greater concern to us than the stability of some Caribbean island nation.

If you believe, as I do, that Prohibition had two targets: the consumption of alcohol and the saloon, then you can say that Prohibition was a partial success. However, it certainly did not stop the flow of liquor, and our present drug laws are certainly not stopping the flow of drugs. What is equally clear is that the cost of the drug laws is very high. The cost of enforcement, which involves the DEA, local narcotic units, as well as the Coast Guard and some military units, is very expensive. In addition,

and of greater importance, is the ancillary crime, the strengthening of criminal elements, the threat of rising public corruption all of which are associated with these laws. Finally, we must take some, if not all, the responsibility for destabilizing the nation immediately to the south of us and for causing problems in a number of the nations in South America. We must take the money out of the drug business. I remind you again that the question is not whether drugs are harmful and not whether this society condones the use of drugs, but what is the cost of banning drugs and will there be any significant increase in the use of drugs if the ban is lifted. Prohibition tells us that the cost is too high and that consumption will be little changed if the ban is lifted.