

## *Prohibition and Its Effects*

by Lisa Andersen

The Eighteenth Amendment to the Constitution, ratified in January 1919 and enacted in January 1920, outlawed the “manufacture, sale, or transportation of intoxicating liquors.” This amendment was the culmination of decades of effort by organizations such as the Woman’s Christian Temperance Union and the Anti-Saloon League, and built upon the dry laws of eighteen states. The Prohibition Amendment had profound consequences: it made brewing and distilling illegal, expanded state and federal government, inspired new forms of sociability between men and women, and suppressed elements of immigrant and working-class culture.

During the Prohibition era’s first years, amendment supporters were gratified by a decline in arrests for drunkenness, hospitalization for alcoholism, and instances of liver-related medical problems. These statistics seemed to validate their campaign and to suggest that America’s future might include happier families, fewer industrial accidents, and a superior moral tone.

The rise of mass disobedience to prohibition laws took the amendment’s advocates by surprise. People who could afford the high price of smuggled liquor flocked to speakeasies and gin joints. These establishments could be quite glamorous. Whereas pre-Prohibition saloons had seldom welcomed women, the new world of nightclubs invited both the bob-haired “flapper” and her “sheik” to drink cocktails, smoke, and dance to jazz.

Working-class consumption largely moved from saloons into the home. “Bathtub gin” and moonshine took the place of mass-produced liquor, and hosts might use additives to turn grape juice into wine for their guests. Americans who sought to remain in the liquor business found ways to redistill the alcohol in perfume, paint, and carpentry supplies. They continued redistilling even after learning that many of these products contained poisons meant to deter such transformations.

Whether smuggled from Canada, homemade, or redistilled from industrial alcohol, liquor commanded high prices on the black market. Gangsters like Al Capone and George Remus provided alcohol to many consumers, and some became folk heroes. But their celebrity images obscured the reality of how liquor profits underwrote organized crime’s development. Criminal organizations profited from Americans’ insatiable desire for liquor, and then defended those profits by murdering hundreds of their competitors and infiltrating legitimate businesses, labor unions, and government.

Why did Prohibition fail, and why was it repealed? The roots of this problem lay in the wording of 1920’s Volstead Act, a piece of federal legislation. Specifically, the Volstead Act mandated “concurrent enforcement” of prohibition—that is, enforcement through federal laws and agencies as well as by state and local laws and agencies. While lawmakers argued that the Volstead Act would translate into extensive enforcement, in practice it meant the opposite. For example, in states where many residents did not desire prohibition, such as New York, New Jersey, and Massachusetts, state “prohibition” laws actually violated the Volstead Act by permitting some wines and beer. There were many strategies for circumventing federal law: some states might refuse to pass prohibition laws, repeal existing laws, or underfund enforcement agencies. Federal law enforcement agencies were stretched too thin—and were too poorly funded by Congress—to make a substantial impact on American drinking habits when local and state agencies were uncooperative. The federal Prohibition Bureau never had more than 3000 agents, and about 10 percent of those agents were fired for corruption. Henry Ford recommended putting enforcement in the hands of the Army and Navy. That suggestion never had much traction, but it suggested the extent of dry frustration.

Without the financial or personnel resources to make a bold and comprehensive assault upon the liquor traffic, law enforcement agencies used “sting” operations. Prohibition agent Elliot Ness famously used wire-tapping to discern the secret locations of breweries. Prohibition agents Izzy Einstein and Moe Smith drew upon less sophisticated tactics. Once inside an illegal barroom, they would place an order, pour the liquor down a funnel and into their pockets, and then arrest the bartender. When word of their tricks spread among bar owners, Einstein and Smith began to wear elaborate disguises. By some estimates the pair made four thousand arrests in five years.

Ultimately, only a small percentage of liquor distributors found themselves arrested. But even this limited number of accused—there were approximately 65,000 federal criminal actions in the first two years of Prohibition—was enough to

cripple the justice system. Prisons grew crowded, and judges tried to incentivize quick “guilty” pleas by promising very small fines. And if a liquor seller did wind up on trial, juries filled with liquor drinkers were often reluctant to find the defendants guilty; only about 60 percent of cases ended with a conviction.

The persistent problems wrought by poor law enforcement inspired Americans not only to ignore the Eighteenth Amendment, but to overturn it. The Association Against the Prohibition Amendment (AAPA) and the National Organization of Women for Prohibition Reform (NOWPR) were single-issue pressure groups that opposed Prohibition upon the grounds that it provoked lawlessness; members of these organizations were business-minded elites suspicious of expanding federal power, and they put a respectable face on repeal. By 1928 the Democratic Party’s presidential candidate, Al Smith, spoke openly of the need to repeal the prohibition amendment. In 1931 the Wickersham Commission reported to President Herbert Hoover that the costs of prohibition were greater than its benefits, giving the amendment’s opponents an additional source of support and authority. Hoover grudgingly announced his support for repeal in 1932.

The Twenty-First Amendment repealing the Eighteenth Amendment was ratified in 1933.

Most Americans greeted the end of the Prohibition era with relief. While the end of the conflict and lawlessness was a relief there was also a clear benefit that Americans could recognize. The legalization of alcohol meant that alcohol could be taxed by government; the United States was in the midst of the Great Depression and state and federal governments needed revenue to create relief programs.

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