

The Noble Experiment in New York¹

Andrew F. Smith

It was snowing in New York City on January 16, 1920, but there was a large crowd outside Gold's liquor store, at Broadway and Forty-second Street. Gold's stocked the finest selection of vintage wines, brandies, and spirits in Manhattan—the finest in the world, by some accounts. Gold had removed all his inventory from the shelves and placed the bottles in wicker baskets on the street: Everything was dollar per bottle.¹ All over the city New Yorkers were busy drinking their fill; the city's bars and saloons were full to overflowing. At the stroke of midnight, toasts were raised, and the National Prohibition Act, commonly known as the Volstead Act, went into effect: The manufacture, sale, and importation of alcoholic beverages was now illegal in the United States.

Few New Yorkers ever thought Prohibition would become the law of the land, but the movement to abolish alcohol nationwide had been gaining support since the late nineteenth century. Five states had adopted prohibition legislation before 1900, as had many counties and cities. In 1907 Georgia became the first state to enact total prohibition, and five other states followed during the next two years. Some cities and counties in upstate New York supported prohibition, but the people of New York City were strongly opposed to it. Liquor was an important business in the city: An 1897 survey of the borough of Manhattan found a ratio of one liquor distributor to every 208 residents.² Saloons were also an important base of support for Tammany Hall's political machine, which had controlled the city government since 1854.

The New York State Legislature had tried to restrict drinking previously. In 1896 it passed the Raines Law, which banned the sale of liquor on Sunday. But the law had a good-sized loophole: Alcohol could be sold with meals in hotels with more than ten rooms. Within months hundreds of "Raines hotels" were in operation, and many of these also served as brothels. Other drinking establishments began reopening on Sundays, but the authorities usually ignored them provided they kept a low profile. A survey of Manhattan and Bronx saloons in 1908 found 5,000 of the 5,820 legal saloons serving alcohol on Sunday.³ This should have given prohibition advocates an inkling of problems to come, but little attention was paid to enforcement issues.

The Anti-Saloon League, the main national lobbying organization for prohibition, considered New York City the "liquor center of America," and their literature cited statistics indicating that *every week* in New York City 75,000 quarts of gin, 76,000 quarts of brandy, 100,000 quarts of champagne and wine, 498,000 quarts of whiskey, 33 million quarts of domestic beer and ale, and 300,000 quarts of assorted other alcoholic beverages were consumed.⁴ As the city's population was only 4.7 million, it was clear that New Yorkers—and people visiting the city for the sole purpose of drinking—were downing an awful lot of alcohol.

When Prohibition went into effect, alcohol consumption dropped off immediately. Saloons disappeared, never to reappear except on television. Public drunkenness sharply declined, and hospitals dealt with far fewer of the medical problems associated with drinking and alcoholism.

¹Andrew F. Smith, as in *NY FoodStory; The Journal of the Culinary Historians of New York* 1 (Fall 2012): 1, 12-13.

But in New York City it remained fairly easy to acquire alcohol all the way through Prohibition. The main alcohol distributor became the speakeasy, a shady operation usually located in a dark and poorly ventilated cellar or a hidden back room. Customers achieved admission only after proper scrutiny by guards who checked out all comers by eyeing them through a peephole in the door. The liquor at speakeasies, sold at inflated prices, was of dubious origin and notoriously harsh, foul-tasting, and sickening.⁵

Prior to Prohibition, saloons, bars, and other drinking establishments were stocked with the products of commercial breweries, distilleries, and vintners, whose practices were regulated. much of the alcohol served in speakeasies, however, was made by amateurs; “bathtub gin” was not just a figure of speech. Spirits were sometimes made with poisonous wood alcohol. Imported alcohol was available, but only at extremely high prices, and a lot of what was sold as imports was actually domestic bootleg liquor poured into fancy bottles with fake labels. Customers never knew where their drinks came from or what they were made from. In one year alone, the deaths of 625 New Yorkers were directly attributable to ingesting poisoned alcohol and another 1,200 from alcohol related causes.⁶

The major flaw in Prohibition was the difficulty of enforcing it. Only \$4.75 million was allocated for Prohibition enforcement by the Federal government, and it hired only 1,500 enforcement agents nationally, and of these, 129 were assigned to New York City.⁷ The framers of the Eighteenth Amendment assumed local and state law enforcement agencies would also enforce prohibition. But many state and local agencies lacked the trained manpower to enforce the law, or to deal with the wave of organized crime that it engendered.

New York City police were particularly uninterested in enforcing Prohibition. The New York State Legislature passed the Mullan-Gage Act on April 5, 1921, which made violations of the Volstead Act also violations of state law, requiring state and local police to enforce federal law. According to Samuel Hopkins Adams, a writer for *Collier's*, “Restaurants, private houses, blind tigers, and the hip pocket of the casual wayfarer were raided with a disconcerting impartiality. A baby carriage, even, was held up and found to harbor a bottle which did not contain milk.” During the first two months after the law’s passage, four thousand New Yorkers were arrested for violating it; however, less than five hundred were indicted, only six were convicted, and not one person received a prison term.⁸ When Al Smith, an ardent opponent of Prohibition, became governor of New York in 1923, the bill was repealed.

From that time on, the city’s police generally declined to arrest anyone, provided liquor distributors were not obtrusive and paid the police bribes on time. The lack of effective enforcement gave speakeasies free rein, and by 1922 there were an estimated five thousand illegal booze joints in New York City alone. When organized crime began centralizing the illegal manufacture, distribution, and retail sales of liquor, money and power flowed to the crime syndicates. In addition, as Americans increasingly flouted Prohibition, a generation came of age with little respect for the law.⁹

Wealthier New Yorkers never felt that the Volstead Act was intended for them; people with plenty of cash had no problem securing wines, liquors, brandies, or any other alcoholic beverages they wanted throughout the Prohibition era. The urban middle class had access to

alcohol through speakeasies and through making gin in their own bathtubs. It was the working class and the poor that suffered most during Prohibition. The favored drink of less-privileged Americans— beer—was almost completely unobtainable: The raw ingredients were bulky, brewing required a lot more space than distilling or concocting spirits, and the finished product came in big wooden barrels, much harder to conceal than glass bottles. In rural areas, the time-honored art of moonshining went into high gear, with tens of thousands of illegal stills turning out “white lightning.” Small local distributors frequently expanded their production to supply the needs of nearby cities.¹⁰

In 1929 the New York City police commissioner estimated that the city had 32,000 speakeasies—double the number of all establishments serving alcohol (legally or otherwise) prior to Prohibition.¹¹ Others said that the commissioner’s estimate was actually far too low—that there were at least 100,000 speakeasies in the city. Mabel Willebrandt, the U.S. Assistant Attorney General responsible for prosecuting violations of the Volstead Act, commented on the lawlessness in New York’s speakeasies: “It can not truthfully be said that prohibition enforcement has failed in New York. It has not yet been *attempted*.”¹²

As the violence of organized crime increased, newspapers, magazines, radio programs, and movie-theater newsreels kept Americans, even in rural areas, apprised of the latest murders, shootings, and arrests associated with illegal alcohol. Prohibition agents earned \$1,800 per year, and New York City police officers even less. Both could supplement their income substantially by accepting bribes, and many did. As enforcement efforts faltered, Congress stepped in and passed the Jones Act, which greatly increased the penalties for violating the Volstead Act. The first conviction was a felony, with a maximum penalty of five years imprisonment and a \$10,000 fine. Even with such harsh provisions in place, enforcement couldn’t keep a lid on the liquor trade: It was estimated in 1930 that alcohol consumption in America was about the same as before Prohibition.

The Jones Act alienated many prominent Americans and opposition to Prohibition strengthened. Industrialists who had once supported the national ban on alcohol now opposed it, as did many political leaders. In 1929 Pauline Sabin, a wealthy and politically well-connected New York socialite, formed the Women’s Organization for National Prohibition Reform. In less than a year it counted more than 100,000 members; by 1931, its membership had reached 300,000, and by November 1932 it was more than 1.1 million.¹³ Despite growing opposition to the Volstead Act, widespread disregard for its provisions, and the associated violent crime and corruption, the Eighteenth Amendment might not have been repealed had it not been for the Depression. Republicans had strongly associated themselves with Prohibition, while many Democrats, especially Catholics, Jews, and those of Irish, Italian, and German origin, strongly opposed it. When the stock market crashed in 1929 and the economic system collapsed, the Republicans, who had controlled Congress since 1919 and the presidency since 1921, were blamed.

In 1931 the Wickersham Commission, created in 1929 to review U.S. law enforcement practices, reported to Congress that trafficking in illegal alcohol was out of the control; the Commission was unable to propose any useful changes to current methods. In November 1932 President Herbert Hoover lost his reelection bid and the Democrats swept into power with large majorities

in both houses of Congress. President Franklin Roosevelt, former governor of New York, pledged to get the economy moving again, and the repeal of Prohibition was part of his plan.

At the time, federal coffers were empty. With almost 25 percent of the American workforce unemployed, income tax revenue was down. Roosevelt and his allies presented repeal as a means of generating revenue. Reinstating the excise tax on the sale of liquor was thus one argument for ending Prohibition. Others argued that repeal would relaunch industries that had once employed hundreds of thousands of Americans. Still others believed that repeal would help put an end to the burgeoning crime generated by the illegal production and sale of alcohol. On February 20, 1933, the U.S. Congress proposed and approved the Twenty-First Amendment to the Constitution, which repealed Prohibition. The Amendment was ratified by the last of the required number of states on December 5, 1933. The “noble experiment,” as it was called, was over. Throughout the country, countless toasts were raised to repeal.

[About the author: Andrew F. Smith teaches culinary and beverage history at the New School. He is the author or editor of 23 books, including “Drinking History,” scheduled for publication by Columbia University Press in the fall.]

Endnotes

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 2. Luc Sante, *Low Life: Lures and Snares of Old New York* (New York: Farrar Straus Giroux, 1991), 105.
 3. Michael A. Lerner, *Dry Manhattan; Prohibition in New York City* (Cambridge, Mass.: Harvard University Press, 2007), 25.
 4. Ernest Hurst Cherrington, comp., *The Anti-saloon League Year Book: an Encyclopedia of Facts and Figures Dealing with the Liquor Traffic and the Temperance Reform* (Columbus, Ohio: The League, 1913), 174.
 5. Samuel Hopkins Adams, “On Sale Everywhere,” *Collier’s* (July 16, 1921): 8; Courtenay C. Weeks, “Alcoholism and Prohibition In New York,” *The British Medical Journal* 2(3940) (July 11, 1936): 100.
 6. Michael A Lerner, *Dry Manhattan; Prohibition in New York City* (Cambridge, Mass.: Harvard University Press, 2007), ***
 7. Michael A Lerner, *Dry Manhattan; Prohibition in New York City* (Cambridge, Mass.: Harvard University Press, 2007), ***.
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9. Richard J. Hooker, *A History Food and Drink in America* (Indianapolis & New York: Bobbs-Merrill, 1981), 342; Edward Behr, *Prohibition: Thirteen Years That Changed America* (New York: Arcade Pub., 1996), 87, 147.
 10. David W. Maurer, *Kentucky Moonshine* (Lexington: University Press of Kentucky, 2003), 85.
 11. Andrew Sinclair, *Era of Excess: A Social History of the Prohibition Movement* (New York: Harper & Row, 1964), 230.
 12. John Kobler, *Ardent Spirits: The Rise and Fall of Prohibition* (Boston: Da Capo Press, 1993), 224; Edward Behr, *Prohibition: Thirteen Years That Changed America* (New York: Arcade Pub., 1996), 87; Mabel Walker Willebrandt, *The Inside of Prohibition* (Indianapolis, The Bobbs-Merrill Company, 1929), 170.
 13. David E. Kyvig, "Women Against Prohibition," *American Quarterly* 28(Autumn 1976): 465-482.