

SMUGGLERS, BOOTLEGGERS, AND SCOFFLAWS: PROHIBITION AND NEW YORK CITY

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Excelsior Editions, State University of New York Press, 2013.

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Prohibition in the USA was a nationwide constitutional ban on the sale, production, importation and transportation of alcoholic beverages that remained in place from 1920 to 1933. It was promoted by an interesting coalition of ‘moral entrepreneurs’ (Becker, 1963) who made up the ‘dry’ crusaders movement, which was led by rural Protestants and social Progressives in the Democratic and Republican parties and coordinated by the Anti-Saloon League, and the Woman's Christian Temperance Union. Prohibition was mandated under the Eighteenth Amendment to the US Constitution. Enabling legislation, known as the Volstead Act, established the rules for enforcing the ban and defined the types of alcoholic beverages that were prohibited: for example, religious uses of wine were allowed. Private ownership and consumption of alcohol was not made illegal under federal law, but in many areas, local laws were stricter, with some states banning possession outright. Nationwide Prohibition ended with the ratification of the Twenty-first Amendment, which repealed the Eighteenth Amendment, on December 5, 1933. It ended because of the total inability of the authorities to enforce extremely unpopular legislation widely resisted by the alcohol drinking population of the USA. Moreover, the unintended consequences of the legislation had produced an illicit army of bootleggers, smugglers, scofflaws (people who drank illegally and scoffed at the law) and many others involved in what was simply criminal activity, but in those morally ambiguous times, these participants were heroes to many of the consumers of their product. This moral ambiguity was clearly apparent in old black and white movies watched during my childhood growing up in England, where the gangsters played by the like of George Raft, James Cagney and Humphrey Bogart invariably appeared to be the heroes, while the agents of law enforcement were at best ‘spoil sports’ and at worst the enemy. A clearly problematic situation for the authorities with widespread contempt being shown to the forces of law and order by an extremely large proportion of the population.

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New York City had always been the greatest market for alcohol consumption in the USA and this was to remain the case with Prohibition as this splendid piece of detailed social history demonstrates. *Smugglers, Bootleggers, and Scofflaws* focuses on the smuggling of alcohol to tell the story of Prohibition in New York City. Using previously unstudied Coast Guard records from 1920 to 1933 for New York City and environs, Ellen NicKenzie Lawson examines the development of Rum Row and smuggling via the coasts of Long Island, the Long Island Sound, the New Jersey shore, and along the Hudson and East Rivers. The author shows how smuggling syndicates on the Lower East Side, the West Side, and Little Italy contributed to the emergence of the Broadway Mob. She also explores the widespread and extremely extensive alcohol consumer population of New York City, who seemingly flocked to the thirty thousand speakeasies and five hundred nightclubs; a far from inconsequential number of outlets for the consumption of illicit liquor. Indeed we are given the impression that a great many of the population were drinking almost as a collective ‘cocking of their snooks’ to the authorities and we also get a detailed account of how the politicians of the era - Fiorello La Guardia, James ‘Jimmy’ Walker, Nicholas Murray Butler, Pauline Morton Sabin, and Al Smith - articulated their views on Prohibition to the nation.

Lawson argues that in their assertion of the freedom to drink alcohol for enjoyment, New York’s smugglers, bootleggers, and scofflaws belong in the established tradition of defending liberty. The result was the historically unprecedented step of repeal of a constitutional amendment with passage of the Twenty-first Amendment in 1933 and, in view of the extent of opposition this is hardly surprising, because the legitimacy of authority and the state was being seriously questioned by a wide-ranging coalition, ranging from media commentators, politicians and the general public who were drinking alcohol in very large numbers. This is a wonderfully detailed account which uses a mass of previously academically unused and recently discovered documentary sources to detail the experience of Prohibition for the different related groups of then-criminals in New York City. It makes an excellent and highly entertaining social history which, while intended for social history and criminology students, deserves a much wider readership among the general public.

The book nevertheless has implications well beyond the micro account of Prohibition in both New York and even the wider USA although the wider political implications of the time are made apparent. Alcohol was prohibited in the USA because a crucial coalition of ‘moral entrepreneurs’ recognised the highly dangerous biological and social consequences of liquor and as such this is a significant example of a twentieth century modernist attempt at social engineering and the enforced improvement of the health of the nation for their own good. Clearly a very large section of the population was resistant to this tutelage project although we should perhaps note that post-Prohibition legal alcohol is strictly regulated and much of the wine and beer, for example, is very weak in alcoholic content by European standards; the minimum legal age for alcohol consumption in much of the USA – and certainly in New York City – is 21 years of age. By way of comparison, in England the minimum legal age to consume alcohol is 18 and the current ‘moral panic’ about alcohol consumption in England very much

concerns this younger age group, particularly the very large student population and the 'student experience', a metaphor for excessive drinking, in large numbers on a regular basis. Raising the minimum age of legal consumption to 21 would make considerable sense on the grounds of the general health improvement of the population, but does not appear to be on the agenda with the current 'war on alcohol', seemingly founded on increasing regulation and 'harm minimisation' policies.

The other criminological lessons that might be learned from the prohibition of alcohol in the USA in the early twentieth century could be applied to the far more recent 'war on drugs' both in the USA and in England. It is a war which the authorities and the respective governments are clearly not winning, which has led to the growth of a major illegal industry (which some - including my current MA Criminology Class - argue is the second biggest in the world), which has provided the impetus for the emergence and establishment of many violent gangs and an incredibly large and highly expensive prison population. It is a recognition that this war is being expensively lost or more accurately won by the criminals, with virtually no hope that it will ever be won by the forces of law and order, which has led to various experiments in thirteen states in the USA to decriminalise/legalise marijuana. It nevertheless remains a Federal crime and it has been said that much of the USA is closely watching Colorado where the drug is not only legal but is being taxed. A highly significant social experiment with very major potential implications. Perhaps, the relevant lessons of the previous US 'war against alcohol' are finally being learned in the context of dealing with illicit drugs.

Reference

Becker, H. (1963) *Outsiders: Studies in the Sociology of Deviance*. New York. Free Press.