

DRY AMERICA: PROHIBITION

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Midnight Facts for Insomniacs

Podcast Transcript

**(Note: transcript consists
of episode outline)**

Stebble the Insomniac from
discord: prohibition

So humans have a long and storied history of prohibiting stuff. Mostly fun stuff, like public nudity and transactional sex and meth. Don't judge me. Bank robbing and flakka. Laws are a real buzzkill. We covered the ancient Babylonian code

of hammurabi in our texts episode, if you remember it was a phallic stone pillar inscribed with over 4000 lines of convoluted legalese. A very large phallic stone. You couldn't fit that many lines of text on most phalluses. I could only fit like 3500 lines of text. A rough estimate. I've been planning to get the first chapter of the Bible on my penis. Honestly I wouldn't want to do that a tattoo artist. Their lives are tough enough. Don't make a tattoo artist tattoo your junk. Don't make them stretch your foreskin like a canvas. But those lines of text in the code of hammurabi covered a lot of legal territory. Everything from property law to prostitution. Remember "Don't disrespect your slutty mom?" That was a good one. Words of wisdom. Callback to episode 31, ancient texts. One aspect of the code that we didn't

discuss was its ancient ties to prohibition: The code of hammurabi banned the sale of alcohol for money. If you wanted beer you couldn't purchase it, you had to barter it for barley. "If a beer seller do not receive barley as the price for beer, but if she receive money or make the beer a measure smaller than the barley measure received, they shall throw her into the water." That doesn't actually sound like a terrible punishment. Unless you're not allowed to get *out* of the water. Or like, come up for air. Otherwise that's just kind of refreshing. The punishment for selling beer is...cannonball! Seems a little incongruent with the other punishments of the hammurabi code. An eye for an eye, a beer for a swim." I guess it sucks if you bellyflop. That's not fun.

So there have been alcohol prohibitions all over the

world throughout history, but we're going to focus on prohibition in the United States, and first, just to make this clear, prohibition has never worked.

Anywhere. Ever. But that hasn't stopped the haters from trying. There was actually an attempt at prohibiting alcohol in America even before America was America. In 1730, The British attempted to prevent alcohol from being imported to the colonies. 13 years of homebrewed whiskey later, the British surrendered—not for the last time; burn!—and repealed prohibition.

Thirteen years, incidentally, the exact length of time prohibition would last in the 1920s. So apparently Twelve years is the longest Americans can tolerate sobriety. Or it was before 2020. now it's like half a day. Covid was rough. Most of my friends are like "I've been

cutting back, I don't drink until my lunch break." But Alcohol is very American. George Washington and Thomas Jefferson were both home brewers. Mostly jager, I believe. Also some White claw. Zima. No, mostly rye whiskey and also brandy. Gross. I'm glad I didn't drink any more.

But it's a weird dichotomy, because even though Americans have traditionally enjoyed drinking, America has always had a puritanical streak, possibly related to the fact that some of the first colonists were puritans. But even the puritans liked to relax with a drink. This is true: the puritans drank. After a long day of churning butter and burning witches, they would sip appletinis and flog themselves. In fact, there was more beer than water on the mayflower—the ship that brought the pilgrims to America—partly

because beer is more inhospitable to microorganisms than water while providing valuable calories, and partly because being drunk on a boat is super fun. True fact: The mayflower was a Party cruise! No, it was a miserable journey and then like half of them died after they arrived in the new world, it was pretty horrific. But at least they died drunk! The truth is that while the puritans enjoyed getting a buzz on, they disapproved of any public drunkenness, and also any other forms of tomfoolery. That was the original prohibition: tomfoolery was banned in America in 1645. Hijinks were targeted a few years later, in 1648. Both mischief and shenanigans, strangely...still legal. But by the late 1800s, alcoholism, also known as dipsomania—I didn't know that, Midnight fact!—was

rampant in America. The average adult male was a dipsomaniac imbibing between 7 and 12 gallons of alcohol a year, which honestly seems low. That was like a solid weekend for me in college. But apparently that's more than today. "That works out to more than a bottle and a half of standard 80-proof liquor per person per week. And it is worth noting that this figure is based on the drinking habits of every person age 15 and older. Essentially everyone in America was drinking — teenagers, ministers, even pregnant women." Which explains a lot of the decisions that were made during that era. I think World war 1 started with a drunken tweet. And this is Another thing I learned that I wasn't aware of is that before prohibition the alcohol industry wasn't regulated, which means that you could

buy a bottle of whiskey one day that was 80 proof, and the next week the same bottle might be 180 proof. So it was like a fun little game of "alcohol or poison?" "Is this night going to consist of lighthearted fun, or slow, agonizing death?" Any well-attended party could spontaneously turn into Jonestown. That was dark. That's why alcohol was even more addictive back then. Alcohol dependency plus intermittent reinforcement. Life is like a box of chocolates...life is like a bottle of 17th century American whiskey, You never know what you're gonna get. Some nights are a blast, some nights are an ordeal. Also, since anyone could brew alcohol, whiskey was more than just prevalent—it was actually cheaper than coffee or tea or milk. So maybe that puts the magnitude of the issue into a little bit of context. Alcohol

was a problem. So the support for prohibition is a little more understandable, but regardless, the so-called temperance movement first took form as the American Temperance Society, and would be spearheaded in large part by Protestants housewives organized as the Women's Christian Temperance Union and fueled by xenophobia (much of the prohibition movement was inspired by the supposed threat represented by immigrants like the Irish and Italians, who were portrayed as heavy drinkers. Unlike today, when we have transcended stereotypes and St. Patrick's Day is totally a celebration of Irish culture and not just an excuse to vomit green beer. By the 1870s the temperance movement began to gain momentum, and much like today, the country was intensely divided, in this case between

the drys—who supported prohibition—and the wets, who were fun. A popular technique for the drys involved arranging groups of singing women known as Visitation Bands that would descend upon liquor stores and saloons, singing hymns at the patrons and praying for the closure of the establishment. It was like aggressive caroling. A fun mixture of entertainment and harassment. Slightly less subtle, activists like Carrie Nation in Kansas would barge into saloons and smash bottles of alcohol with a hatchet. Being arrested more than thirty times did not deter her from her campaign against belligerent drunkenness and bad behavior. You know, behavior like barging into places where you're not welcome and smashing a bunch of bottles. She was a real buzz kill. But these techniques were effective,

and successes for the temperance movement began to rack up; in 1881 Kansas officially went dry. Also giant supporters of the temperance movement: purveyors of tea and soda. Probably for ethical reasons. Post 1800s, the powerful anti-saloon league, led by historic douchebag Wayne Wheeler, developed the innovative technique called wheelerism (or Pressure Politics) to procure congressional support. Wheeler's lobbying organization famously cared more about how a politician voted than how a politician acted, so they were happy to work with notoriously hard-drinking and hypocritical politicians, and the group used mass media campaigns as well as hardball tactics like fake telegrams, in which a few thousand people would each send multiple telegrams to congress signed with different names,

giving the impression of massive support for their cause. The anti saloon league in the south was also closely associated with the Ku Klux Klan. And that makes the ku klux klan even worse than I always thought it was, because that means they were lighting crosses on fire and terrorizing people sober. I at least hoped they were racist and inebriated as opposed to just racist. You have no excuse. The anti saloon league, an almost exclusively Christian group, rationalized their immoral, illegal, and underhanded tactics with an ends-justify-the-means philosophy.

Alcohol makes people do evil things, so we must defeat alcohol by doing evil things. we have to out-evil alcohol. When they go low, we also go low.

In some ways the battle over alcohol mirrors the political divide today, pitting rural communities against urban

ones. Rural communities tended to be more religious and dry, and urban communities knew how to party. Satan, not an upstanding citizens but also not boring, gotta give him that. Many prominent prohibition-supporting economists also made dubious claims regarding the fiscal benefits of prohibition. They pointed to all of the wasted labor hours on "Blue Mondays," when supposedly thousands of Americans were going to work with wicked hangovers after every weekend and dragging down the collective workplace morale. So sure, thousands of saloons and breweries would be driven out of business by prohibition, bartenders and servers and liquor store proprietors would lose their jobs, but a few factory workers would be way more bright eyed and bushy tailed at the beginning of the work

week. It all adds up. Not really though, because those workers now didn't have alcohol to look forward to. Now their weekends are just as miserable as their weekdays.

The biggest boon for the temperance movement, though, was World War 1. With anti German sentiment spiking, German brewers became a focal point for scapegoating. "Former Wisconsin Lieutenant Governor John Strange summarized this fear in a February 1918 speech:

"We have German enemies across the water. We have German enemies in this country, too. And the worst of all our German enemies, the most treacherous, the most menacing, are Pabst, Schlitz, Blatz and Miller.

They are the worst Germans who ever afflicted themselves on a long-suffering people." I love the hyperbole. Just wait thirty

years, bro. A little premature. There are worse Germans. I would agree with his assessment of Schlitz, though. Did you try have Schlitz malt liquor? I Remember you could get a 40 ounce of Schlitz for like two bucks at Safeway. So many hangovers. Many blue Mondays. I'm reassessing German Brewers. We need targeted prohibition. Just Schlitz and Jager and gold schlager. The Germans really are the worst. Actually, I think gold shlager is Scandinavian or something. Maybe Swiss. And has real flakes of gold in it. About \$.75 worth. Gold flakes in liquor, gold is ultimately just a rock. You just have chunks of rock in your alcohol. It's basically just yellow dirt. It could be worse, it could be a worm. Some Mexican tequilas include a marinated worm in the bottom. I'm not a fan of this trend of things floating in my drink. detritus

in my alcohol. It feels like this is just an excuse. That worm? Oh no, that's supposed to be there. It's an indication of quality. But anyway, the popular narrative was that German brewers were sabotaging the war effort with their evil firewater, by breaking up American families, leading American men astray, and corrupting the troops. Maybe even more compelling and useful for the aspiring prohibitioners was war-time rationing. Grain production was viewed as vital to the war effort, and in 1917 Congress passed the Food and Fuel Control Act, outlawing the use of any grains or foodstuffs for producing distilled spirits. In December of the same year, President Wilson signed a proclamation limiting beverages to no more than 2.75 percent alcohol by volume. And the selective services act, aka the draft,

also included a provision forbidding men in uniform to partake of alcohols. You can guess that the troops had mixed feelings about prohibition. I mean If I'm going to go fight for my country in a filthy mud-trench, I definitely want to do it sober. No distractions! I want to really savor every clammy, mildewy, gritty, agonizing sensation as I die of gangrene. A popular song of the day was the *alcoholic blues* "I wouldn't mind to live forever in a trench, if my daily thirst they only let me quench. But not with Bevo or ginger ale, I want the real stuff by the pail." I don't know what Bevo is but it wasn't the real stuff. But the troops were a little too busy dying in heaps to mount an effective anti-prohibition campaign, so the temperance movement had all of the momentum. However, amending the American

constitution, as many listeners know, isn't easy. It requires a two thirds vote of both houses of Congress and 3/4ths of the state legislatures. So while the soldiers were away, our good buddy sleazy Wayne wheeler of the anti saloon league drafted legislation that took the name of house judiciary chairman Andrew Volstead, and the Volstead act prohibiting any beverage with more than .5% alcohol was enshrined as the 18th amendment on January 17, 1919. Btw Andrew Volstead, most epic mustache in mustache history. I challenge you to find a better mustache. Stop the podcast, Google Andrew Volstead, and if you find a better mustache, send it to me on discord. I'm going to start a room in discord for mustache battles. Why does that sound pornographic? Mustache rides. That's why. Only two states ended up

rejecting prohibition:
Connecticut and Rhode Island
opted out of ratification. The
only non-bummer states. I
have a new respect for
Connecticut and Rhode
Island. I'm not gonna visit,
but you have my respect.
Which is worth absolutely
nothing. It's worth less than
the gold in goldSchlager. But
those two states, not the
states I would have guessed.
I would have gone with like
Reno. And Louisiana seems
like a party state. But no,
Connecticut is the state that
went full Beastie Boys, you
know...you gotta fight for
your right to party. Get it?
The Volstead act was
actually vetoed by President
Woodrow Wilson, who
wasn't super on board with
enforced sobriety, but his
veto was overridden the
following day. Interestingly,
according to government
archives from [senate.gov](https://www.senate.gov),
the actual wording of the
18th amendment had only

prohibited "intoxicating liquors" without defining the term, and as a result many of the senators and congresspeople who voted in favor of the act had been under the impression that beer and wine would be exempted, and when the enforcement component was revealed, they were surprised at exactly what they had agreed to support. Doh! We didn't want to actually outlaw drinking, we just wanted to win political points by voting for a completely symbolic bill with no substance.

Enforcement was immediately a giant problem. The law was calling for a massive increase in the federal government's powers just as a wave of politicians who supported limited government was being elected to political office. So there was a mandate to enforce this massive new law, yet

government was suddenly reluctant to provide the resources. In the beginning, a sum total of 1,500 federal agents were tasked with enforcing the nationwide ban.

The actual details of the Volstead Act were more complicated than I'd been aware of. First, consumption of alcohol wasn't illegal. It was the production and sale of alcohol that was forbidden. And even that, only sort of. Section 29 of the Act actually exempted homebrewed fruit ciders. You can't make a lite beer, but you can make strawberry-flavored rubbing alcohol in your kitchen sink. There was a maximum amount allowed, a couple hundred gallons, but clearly The law was kind of a joke. Like, get this: grape juice was legal to sell or purchase, but if you allowed grape juice to ferment for a couple weeks it would turn into

alcohol, so grape juice sales spiked, and a grape drink called Vine-Glo sold their product with a very specific warning label "After dissolving the brick in a gallon of water, do not place the liquid in a jug away in the cupboard for twenty days, because then it would turn into wine." I believe the warning label actually included the first ever winky-face emoji. So ever since it had become clear that prohibition was gaining traction, around late 2019, Americans had been frantically stockpiling alcohol with the deadline approaching, so most middle class and rich people were not deprived of alcoholic beverages. Woodrow Wilson's successor as president, Warren G Harding, brought his entire cache of alcohol to the White House after inauguration. Flouting the law was as American as

apple pie and fermented grape juice. So many Americans still had cellars full of alcohol to sell and trade and give away and steal from each other and shoot each other over—foreshadowing. And of course alcohol was legal in neighboring countries, and Canadian and Mexican breweries were more than happy to supply Americans with booze for their own consumption or—more lucratively—for smuggling and selling. The Detroit river was a notorious conduit for Canadian spirits. That sounds very River Styx. Alcohol was also legal for medicinal purposes. “Physicians wrote an estimated 11 million prescriptions a year throughout the 1920s, and Prohibition Commissioner John F. Kramer even cited one doctor who wrote 475 prescriptions for whiskey in one day.” Very similar to

marijuana over the last decade. "It looks like you've stubbed your toe, here's a prescription for some purple haired Maui Wowie."

Due to all of the myriad ways alcohol could be illegally produced or smuggled or profited from, three separate departments of the government were tasked with enforcement. The Coast Guard, the IRS, and a division of the department of justice. Those poor suckers. Catch these flies with these chopsticks.

The rise in bootlegging crime and the government's complete inability to address the scope of the problem, plus the blatant disregard for the law among a huge proportion of the public, led to a downturn in public support for prohibition. It's tough to take a law seriously when even the government isn't taking it seriously. For instance, Congress itself notoriously flouted the law.

"On Capitol Hill, a rumrunner known as ["The Man in the Green Hat"](#) operated freely out of the Senate office building." George Cassidy, recognizable to capitol police due to his emerald green hat, was regularly making around 25 deliveries a day to the halls of Congress, carrying bottles in a large leather briefcase. Subtle. By 1932, the tide of public sentiment had turned, and a large majority of Americans believed that Prohibition had failed. One aspect of prohibition that often gets ignored is the class element...rich people often had stockpiles of alcohol and were untouchable, while a person living paycheck to paycheck was risking his or her freedom with every new alcohol transaction. Rich people weren't the ones getting arrested, prohibition was a law that truly only applied to the poor.

And of course as we've seen during every type of prohibition, from alcohol to marijuana to meth, the war against drugs is always losing, because every distribution avenue shut down by the police is going to be rerouted and circumvented by the bootleggers and drug dealers. Here's an example of what I mean: so the feds knew that bootleggers and home brewers were using ethyl alcohol to create alcoholic beverages, so they began poisoning industrial alcohols with additives. Often they would dye it with coloring as a warning. The idea was that the alcohol could still be used for camping stoves and burners, but would be dangerous to consume. In response, the bootleggers employed chemists to renature the alcohol, neutralizing the poison. The feds then responded by boosting the

percentage of poison. Some 10,000 people died from ingesting so-called denatured alcohol during prohibition. So, yeah.

Measures and countermeasures. Again, an un winnable war. There were so many ways to procure alcohol. Bathtub gin.

Moonshine. Home distilleries. bootleggers, so named as a result of the flasks and bottles they concealed in their trouser legs, heavily modified their vehicles to outrun the feds, leading directly to modern drag racing and eventually to NASCAR.

Organized crime boomed. Famous bootleggers like Al Capone became household names.

The nail in prohibition's coffin was the stock market crash of 1929, and the onset of the great depression. Not only had the public soured on prohibition, but Local governments desperately

needed the tax revenue from alcohol sales. A major plank of the Franklin Delano Roosevelt platform during his run for president was a promise to repeal prohibition. He made good that his promise on December 5th 1933 with the passage of the 21st amendment, repealing the 18th amendment. The only amendment to be repealed.

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